



HIDEOUT, UTAH TOWN COUNCIL REGULAR MEETING AND CONTINUED PUBLIC HEARINGS

April 14, 2022

AMENDED AGENDA

PUBLIC NOTICE IS HEREBY GIVEN that the Town Council of Hideout, Utah will hold its Regular Meeting and Continued Public Hearings electronically for the purposes and at the times as described below on Thursday, April 14, 2022.

This meeting will be an electronic meeting without an anchor location pursuant to Mayor Rubin's April 11, 2022 No Anchor Site Determination Letter.

All public meetings are available via ZOOM conference call and YouTube Live.

Interested parties may join by dialing in as follows:

Zoom Meeting URL: <https://zoom.us/j/4356594739> To join by telephone dial: US: +1 408 638 0986

Meeting ID: 435 659 4739

YouTube Live Channel: <https://www.youtube.com/channel/UCKdWnJad-WwvcAK75QjRb1w/>

Regular Meeting and Continued Public Hearings
6:00 PM

I. Call to Order

1. No Anchor Site Determination Letter

II. Roll Call

III. Approval of Council Minutes

1. January 13, 2022 Town Council Meeting Minutes DRAFT

IV. Discussion of Meeting Follow Up Items

V. Public Hearing Items

1. Discussion and possible approval of subdivision/lot amendment to Hideout Canyon lot 37 (parcel 00-0020-7851)
2. Continued discussion and possible approval regarding an amendment of the official Town of Hideout Zoning Map to rezone parcels 00-0020-8181, 00-0020-8182, 00-0020-8184, and 00-0020-8185 (the "Boulders at Hideout Development") from Mountain (M) zone to Neighborhood Mixed Use (NMU), R20 (Residential 20), R6 (Residential 6), and R3 (Residential 3)
**Note: This item will be continued to May 4, 2022 at 6:30 p.m.*
3. Continued discussion and possible approval of a Master Development Agreement (MDA) regarding the Boulders at Hideout Development
**Note: This item will be continued to May 4, 2022 at 6:30 p.m.*

VI. Public Input - Floor open for any attendee to speak on items not listed on the agenda

VII. Agenda Items

1. Presentation by Wasatch County School District regarding the Future Schools Project planning process
2. Presentation and discussion of the fiscal third quarter financials
3. Review of annual municipal audit performed by Child Richards
4. Discussion and possible adoption of an Ordinance which will adopt the 2006 Wildland/Urban Interface Code and its Appendix C
5. Discussion and possible adoption of an agreement related to the settlement of impact fees due to JSSD
6. Discussion and possible adoption of a Public Infrastructure District (PID) policy
7. Discussion regarding the Conflict of Interest Policy and Disclosure Form
8. Discussion and consideration of adopting an Ethics Policy
9. Discussion and possible adoption of Resolution 2022-R-XX regarding restricting fireworks
10. Discussion and possible approval of Ordinance 2022-O-XX amending chapter 6.08 Fireworks and Ignition Sources to restrict ignition sources from May to November

VIII. Closed Executive Session - Discussion of pending or reasonably imminent litigation, personnel matters, and/or sale or acquisition of real property as needed

IX. Meeting Adjournment

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Mayor or Town Clerk at 435-659-4739 at least 24 hours prior to the meeting.



April 11, 2022

DETERMINATION REGARDING CONDUCTING TOWN OF HIDEOUT PUBLIC MEETINGS
WITHOUT AN ANCHOR LOCATION

The Mayor of the Town of Hideout hereby determines that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location pursuant to Utah Code section 52-4-207(5) and Hideout Town Ordinance 2020-03. The facts upon which this determination is based include: The seven-day rolling percent and number of positive COVID-19 cases in Utah has been over 3.8% of those tested since March 31, 2022. The seven-day average number of positive cases has been, on average, 101 per day since April 6, 2022.

This meeting will not have a physical anchor location. All participants will connect remotely. All public meetings are available via YouTube Live Stream on the Hideout, Utah YouTube channel at: <https://www.youtube.com/channel/UCKdWnJad-WwvcAK75QjRb1w/>

Interested parties may join by dialing in as follows:

Meeting URL: <https://zoom.us/j/4356594739>

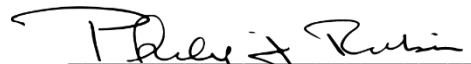
To join by telephone dial: US: +1 408-638-0986

Meeting ID: 4356594739

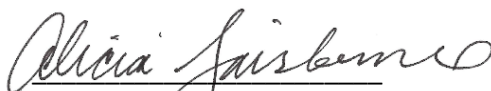
Additionally, comments may be emailed to hideoututah@hideoututah.gov. Emailed comments received prior to the scheduled meeting will be considered by Council and entered into public record.

This determination will expire in 30 days on May 11, 2022.

BY:


Phil Rubin, Mayor

ATTEST:


Alicia Fairbourne, Town Clerk



Minutes
Town of Hideout
Town Council Regular Meeting and Public Hearing
January 13, 2022

The Town Council of Hideout, Wasatch County, Utah met in Regular Meeting and Public Hearing on January 13, 2022 at 6:00 p.m. electronically via Zoom due to the ongoing COVID-19 pandemic.

Regular Meeting

I. Call to Order

1. January 8, 2022 No Anchor Site Determination Letter

Mayor Rubin called the meeting to order at 6:03 p.m. and reminded participants there was no anchor site due to the ongoing COVID-19 pandemic.

II. Roll Call

Present:

Mayor Phil Rubin
 Council Member Chris Baier
 Council Member Carol Haselton
 Council Member Sheri Jacobs
 Council Member Bob Nadelberg (*excused at 8:00 p.m.*)
 Council Member Ralph Severini

Staff Present:

Town Attorney Polly McLean
 Town Administrator Jan McCosh
 Town Planner Thomas Eddington
 Director of Engineering and Public Works Timm Dixon
 Public Works Director Daniel Allen
 Town Clerk Alicia Fairbourne

Others Present: Troy Morgan, Eric Hales, Jason Provost, Kamel Green, Mark Garza, Nate Brockbank, and others who may have logged in using a partial name or using only a phone number.

III. Swearing in of Mayor and Council Members

Town Clerk Alicia Fairbourne read the Oath of Office to Rubin Philips and officiated him as Mayor of the Town of Hideout.

Ms. Fairbourne read the Oath of Office to Chris Baier, Carol Haselton, Bob Nadelberg, and Ralph Severini and officiated them as Council Members of the Town of Hideout.

Mayor Rubin moved the approval of meeting minutes to the end of the meeting.

Agenda Items

Discussion and possible adoption of an Ordinance which will adopt the 2016 Wildland/Urban Interface Code and its Appendix C

Town Attorney Polly McLean introduced Wasatch County Fire District Warden, Troy Morgan, and noted the 2006 version of the Wildland/Urban Interface Code (WUI) was the version adopted by the State of Utah.

Mr. Morgan noted his Deputy Chief, Eric Hales, and Assistant Deputy Chief, Jason Provost, were on the call. Mr. Morgan provided background information regarding the WUI, noting it assisted homeowners and the community protect against wildfires and aided the Fire District by safely allowing firefighters to access areas needed in the event of a fire. Mayor Rubin inquired if the Code was retroactive and noted a lot of structures in Hideout would not meet the WUI Code. He also stated some of the lots may not have the space between the building envelope and the lot line required. Mr. Morgan stated only building permits issued after date of adoption would be required to comply with the WUI Code.

Council Member Jacobs expressed concern of the Homeowners Association (HOA)'s design guidelines contradicting the WUI Code, to which Mr. Morgan replied the WUI Code was a State adopted Code, and therefore, it would trump the HOA's design guidelines.

Mr. Morgan discussed the specifics of the landscaping, noting the defensible space requirements stated within thirty (30) feet of a structure, all deadened vegetation would be required to be cleared and trees limbed up between four (4) and six (6) feet. The requirements stated there were to be no tree crowns or vegetation within ten (10) feet toward a structure. He mentioned other communities which had similar issues regarding the closeness of the buildings simply did not plant trees between the structures.

Discussion regarding the separation of structures commenced. Mr. Morgan suggested a separation of twenty (20) feet at minimum. Council Member Nadelberg inquired if the Council passed legislation to require a minimum of twenty (20) feet of space between structures, how it would impact the existing Master Development Agreement (MDA), and if homes which were already approved could be amended. Ms. McLean commented this was a health and safety issue, and those approvals could be addressed. She suggested changing the requirements of the type of building materials used to a more fire-resistant material, and/or requiring sprinklers between buildings. She noted the Appendix C worksheet took the building material and separation of structures into account.

Mayor Rubin suggested holding a public information meeting with the Fire District and sharing the information with the HOA Boards. Council Member Baier was in favor of adopting the WUI and Appendix C, however communication with the residents and HOA Boards should be made prior to passage. Mayor Rubin suggested holding the meeting prior to the February meeting in order to hold a vote in the February Regular Council meeting. Mayor Rubin noted the WUI Code would need to be provided to individuals who were building on land not associated with a particular development.

1 Surveying the Town for prevalent problems was discussed. It was determined Town Engineer
2 Ryan Taylor, Director of Public Works and Engineering Timm Dixon, Mayor Rubin, and Mr.
3 Morgan would perform an assessment of the Town's subdivisions using Appendix C.

4 Council Member Baier inquired how Section 602 Automatic Sprinkler Systems of the WUI Code
5 would apply, noting the Town was required to repeal the requirement of sprinkler systems within
6 homes. Mr. Morgan believed the legislature had removed that section and only required it of
7 structures which exceeded a certain square footage. He stated he would have to confirm his
8 statement with Fire Marshall Clint Neerings.

9 There being no further questions from Council, Mayor Rubin thanked the Fire District Staff for
10 discussing the item and excused them from the meeting. Mayor Rubin then moved to the Public
11 Hearing Item on the agenda.

12 **IV. Public Hearing Item**

13 **1. Review and possible approval regarding an amendment to the Master Development** 14 **Agreement for the Deer Springs Community**

15 Ms. McLean explained the initial MDA approved for Deer Springs needed to be updated. A large
16 part of the update was the phasing plan, which Mr. Taylor had subsequently reviewed and
17 approved. There was an outstanding amount of five hundred forty thousand dollars (\$540,000)
18 owed by the developer to the Town. The Planning Commission and developer agreed to a payment
19 due date of February 15, 2022.

20 Council member Baier inquired if the Amendment specified the timing of the park and the
21 payment due date. Ms. McLean stated the First Amendment noted the parks were to be completed
22 prior to plat recordation of Phase 3. Developer Mark Garza stated he was comfortable with the
23 agreement and payment date.

24 There were no further questions from Council. Mayor Rubin opened the floor for public comment
25 at 7:09 p.m. There were no comments from the public, and therefore, Mayor Rubin closed public
26 comment at 7:10 p.m.

27 ***Motion: Council Member Baier made a motion to authorize the Mayor to execute and***
28 ***implement the Second Amendment to the MDA for the Deer Springs Community. Council***
29 ***Member Nadelberg made the second. Voting Yea: Council Members Baier, Haselton, Jacobs,***
30 ***Nadelberg, and Severini. None opposed. Motion carried.***

31 Mayor Rubin moved to agenda item #6 due to a guest presenter and time constraints.

32 **Agenda Items:**

33 **Discussion and input to the Mayor regarding an Agreement with Poly Platform for an** 34 **informational application for the Town of Hideout**

35 Mayor Rubin provided information regarding an application presented to the Town for
36 community engagement and explained the functions of the application.

37 Developer and CEO of the Poly Platform, Kamel Green, introduced himself and provided
38 background of his experience with local government and education in Public Administration.

Mayor Rubin added the Poly Platform was not social media and would need a strong marketing push for residents to be aware of and feel comfortable in downloading the application.

Council Member Haselton stated she was impressed with the application, noting how useful it could be for notifications for the Town. Mr. Greene stated the Town would have complete autonomy regarding posting notifications and gave several examples of what could be posted to the application.

Council asked several questions to Mr. Green concerning customer service, information technology (IT) support, marketing, design, and data protection. Council Member Baier and Severini stated they would like to follow up with Mr. Greene to schedule a demo prior to approval. Council Member Jacobs liked the platform, stating it might be easier for residents to engage with the Town.

There being no further questions from Council, Mayor Rubin thanked Mr. Greene for his time and presentation of the application.

Mayor Rubin then moved to agenda item #4.

Adopt the Official Zoning Map by Ordinance

Mayor Rubin explained the Zoning Map which was presented and approved in a prior meeting needed to be adopted by Ordinance. The Zoning Map and Ordinance was presented.

Motion: Council Member Baier moved to approve Ordinance 2022-O-01, approving the adoption of the Official Zoning Map for the Town of Hideout. Council Member Haselton made the second. Voting Yea: Council Members Baier, Haselton, Jacobs, Nadelberg, and Severini. None opposed. Motion carried.

Mayor Rubin then moved to the Public Input portion of the agenda.

V. Public Input - Floor open for any attendee to speak on items not listed on the agenda

At 7:47 p.m., Mayor Rubin opened the floor for public input. There were no comments from the public. Mayor Rubin closed public input at 7:48 p.m. and moved to the regularly scheduled agenda items.

VI. Agenda Items

1. Discussion and possible adoption of an Ordinance which will adopt the 2016 Wildland/Urban Interface Code and its Appendix C

This item was discussed earlier in the meeting.

2. Discussion regarding noxious weed report process

Mayor Rubin explained during the October Council Meeting, the Town's noxious weed abatement program was discussed. He assigned Town Administrator Jan McCosh and Building Administrator Carol Kusterle to create a process for Council review in February. Reminders would be sent by March, 2022.

3. Re-appointment of Planning Commissioners whose terms expire January, 2022

Mayor Rubin asked for advice and consent of Council to reappoint Bruce Woelfle, Glynnis Tihansky and first alternate Rachel Cooper to Planning Commission for four-year terms. He noted the Planning Commission had a second alternate position open, to which town resident Jonathan Gunn had offered to serve.

All Council supported re-appointing the commissioners and appointing Jonathan Gunn as the second alternate. Their terms will expire in January 2026. The remaining Planning Commissioners' terms would expire in 2024 and would need to be re-appointed at that time.

4. Adopt the Official Zoning Map by Ordinance

This item was discussed earlier in the meeting.

5. Discussion regarding Council pay

Council Member Nadelberg was excused from the meeting at 8:00 p.m.

Mayor Rubin presented a spreadsheet of other municipalities' General Fund Budgets and the annual Council pay of each. He explained Ms. McCosh discovered data which identified Council pay as a General Fund, which was different from Enterprise Funds as presented in previous meetings. Council Member Severini stated the compensation per month as shown in the previous spreadsheet was approximately two percent (2%) of the budget for the municipality.

Mayor Rubin suggested presenting the Council pay spreadsheets to the Budget Committee and assess the budget with and without the increase in Council pay in order to calculate what the implications of an additional tax increment would be. Council Member Severini mentioned it would be a slight crossover between the Economic Development Committee and the Budget Committee. Council Member Baier stated a decision should be made prior to the truth in taxation deadline.

6. Discussion and input to the Mayor regarding an Agreement with Poly Platform for an informational application for the Town of Hideout

This item was discussed earlier in the meeting.

VII. Approval of Council Minutes

1. June 10, 2021 Town Council Meeting Minutes DRAFT

There was a correction on Pg. 6, line 12 to add Richardson Flat Rd on the intersection of SR-248.

2. June 24, 2021 Town Council Meeting Minutes DRAFT

John Leone was talking - pg. 9, line 35. Add the word "if".

3. July 8, 2021 Town Council Meeting Minutes DRAFT

There were no corrections.

1 **4. August 12, 2021 Town Council Meeting Minutes DRAFT**

2 There were no corrections.

3 **5. September 9, 2021 Town Council Meeting Minutes DRAFT**

4 There were no corrections.

5 **6. October 14, 2021 Town Council Meeting Minutes DRAFT**

6 There were no corrections.

7 ***Motion: Council Member Severini moved to approve the minutes of June 10, 2021, June 24,***
8 ***2021, July 8, 2021, August 12, 2021, September 9, 2021, and October 14, 2021 with the***
9 ***corrections mentioned above. Council Member Haselton made the second. Voting Yea:***
0 ***Council Members Baier, Haselton, Severini. Voting Abstaining: Council Member Jacobs.***
1 ***Motion carried.***

2 **VIII. Closed Executive Session - Discussion of pending or reasonably imminent litigation,**
3 **personnel matters, and/or sale or acquisition of real property as needed**

4 There were no updates for an Executive Session.

5 **IX. Meeting Adjournment**

6 There being no further business, Mayor Rubin asked for a motion to adjourn.

7 *Council Member Severini moved to adjourn the meeting. Council Member Jacobs made the*
8 *second. Voting Yea: Council Members Baier, Haselton, Jacobs, and Severini. None opposed.*

9 The meeting adjourned at 8:44 p.m.

Alicia Fairbourne, Town Clerk



Staff Review of Proposed Subdivision Amendment for Town Council

To: Mayor Philip Rubin
Hideout Town Council

From: Thomas Eddington Jr., AICP, ASLA
Town Planner

Re: Hideout Canyon Phase 1 – Lot 37 Amendment to Residential Subdivision

Date: April 10, 2022

Submittals: The Applicant submitted the following plans:

- Subdivision Amendment Application dated 12 October 2021
 - Undated and Unsigned Subdivision Plat (submitted 26 January 2022)
-

Overview of Current Site Conditions

Site Area: Lot Size is 4,225 SF (plus common space surrounding)

Zoning: Residential Specially Planned Area (RSPA) and within a Residential Medium Density (RMD) Density Pod

Required Setbacks: Front: 20'
Rear: 20'
Side (distance between buildings): 10' minimum

Max Height: 42' maximum (3 ½ stories)

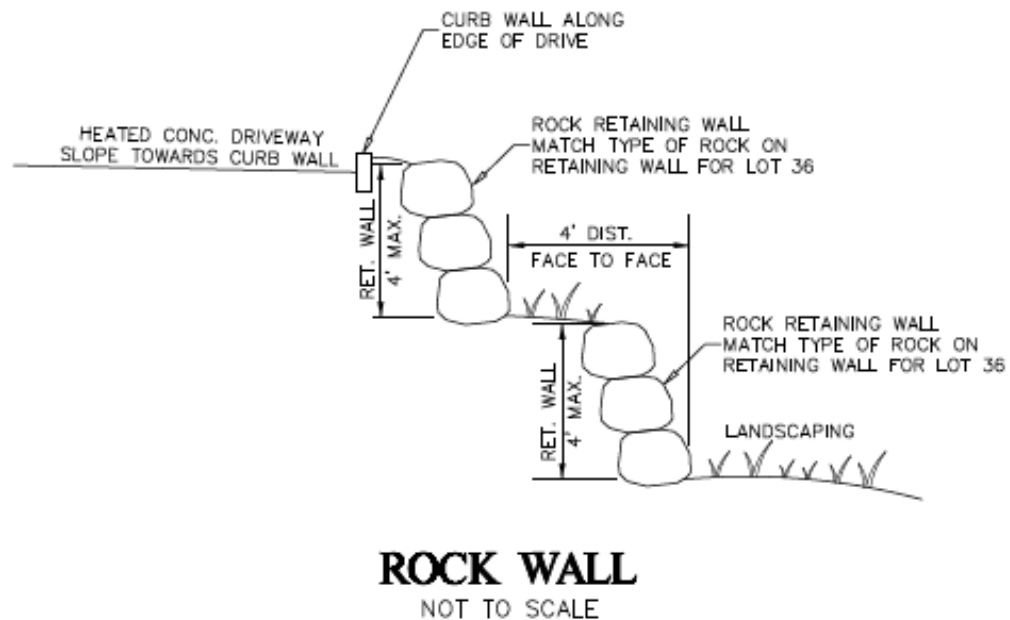
Planning Overview

The Applicant is proposing to change a driveway location for Lot 37 in the Hideout Canyon Subdivision (901 East Longview Drive). The existing driveway location (limited common designation) is a single driveway layout for two houses; this house and the one next door to the north. The owner desires to have a driveway that is not shared and is recommending the proposed driveway configuration illustrated by hatching on the attached plat. The Planning



Commission reviewed the issues associated with this application and recommended the following conditions attached to an approval for the proposed Subdivision Amendment:

1. If the proposed driveway amendment is approved, the two driveways shall be completely independent - the two driveways should be completely separated (no physical connections). The plat shall be revised to show space between the two driveway easements (a strip of 'common' land, not 'limited common' with cross hatching).
2. The Applicant provided a topo map (attached) with existing grading. The Applicant noted that final grading would likely result in retaining walls approximately 4'-0" high for the back-out area. Town Code does not allow for a single retaining wall higher than 6'-0" or a terraced retaining wall greater than 10'-0". The sample 8'-0" terraced retaining wall is below (Applicant to confirm maximum height at the meeting):



3. The back-out area originally proposed for Lot 37 was quite close to Longview Drive and has been removed.



4. The Applicant indicated the driveway to the north (north end of the existing shared driveway) is approximately 79'-0" from this proposed driveway connection to Longview Road. This should be confirmed at the meeting.
5. Any approval by the Town must be reviewed and approved by the HOA Design Review Committee.

Neighbor's Input

At the November Planning Commission meeting, the Commissioners requested confirmation from the adjacent neighbor (to the north) that he/she was aware of what was being proposed and had no objections. The following email was submitted by the Applicant:

From: Edwin Jordan <egj9343@gmail.com>
Sent: Wednesday, January 12, 2022 7:11 AM
To: Nate Thompson <nate@cypressconsulting.net>
Subject: Re: Lot 37 Driveway plan

Hi Nate,

Thanks for sharing your plans for creating an individual driveway to your home. I am in agreement with your plans.

Thanks, Ed

On Jan 11, 2022, at 2:14 PM, Nate Thompson <nate@cypressconsulting.net> wrote:

Hi Ed,
 Thanks for the time on the phone and taking a look at the plans we've developed for the driveway of our property at Lot 37. As you know we're working with the City of Hideout to get a plat amendment to do an individual driveway to our home, similar to how you did yours, instead of a shared driveway. As discussed our plan is to have our retaining wall look like a natural extension of what's already there. If you can please respond to this email that you're in agreement with our plan that'd be great, and will allow us to share this with the City and move the plat amendment forward.
 Thanks very much,
 Nate Thompson
 <HIDEOUT-37-GRADING-111621.pdf>

Staff confirmed on the Wasatch County parcels map that Mr. Edwin Jordan is the owner of the lot north of the subject site (Lot 36).



Recommendation

The Planning Commission reviewed the proposed Subdivision Amendment to accommodate two driveways and favorably recommended the proposal to the Town Council with the conditions outlined in this report and those included in T-O's report (see attached).

Staff recommends the Town Council approve the Subdivision Amendment based on the Planning Commission's recommendation that all conditions in this Staff Report and those included in T-O's report are incorporated into the approval.



February 15, 2022

Mayor Philip Rubin
Town of Hideout
10860 No. Hideout Trail
Hideout, UT 84036

RE: Hideout Canyon Phase 1 - Lot 37 Plat Amendment Application Comments

Mayor Rubin,

The applicant is proposing to change a driveway location for Lot 37 in the Hideout Canyon Subdivision (910 East Longview Drive) from a driveway shared with Lot 36 to the north to its own stand-alone access to Longview Drive.

We wrote a letter dated November 17th 2021 with comments we had regarding the first set of plans they submitted. The applicant has since responded to and largely addressed those comments. We recommend approval with the following conditions:

Plat

- The new driveway easement should be labeled on the plat as limited common area.
- There should be a minimum of 3 ft of common area between the proposed driveway for Lot 37 and the existing driveway for Lot 36.

Grading Plan

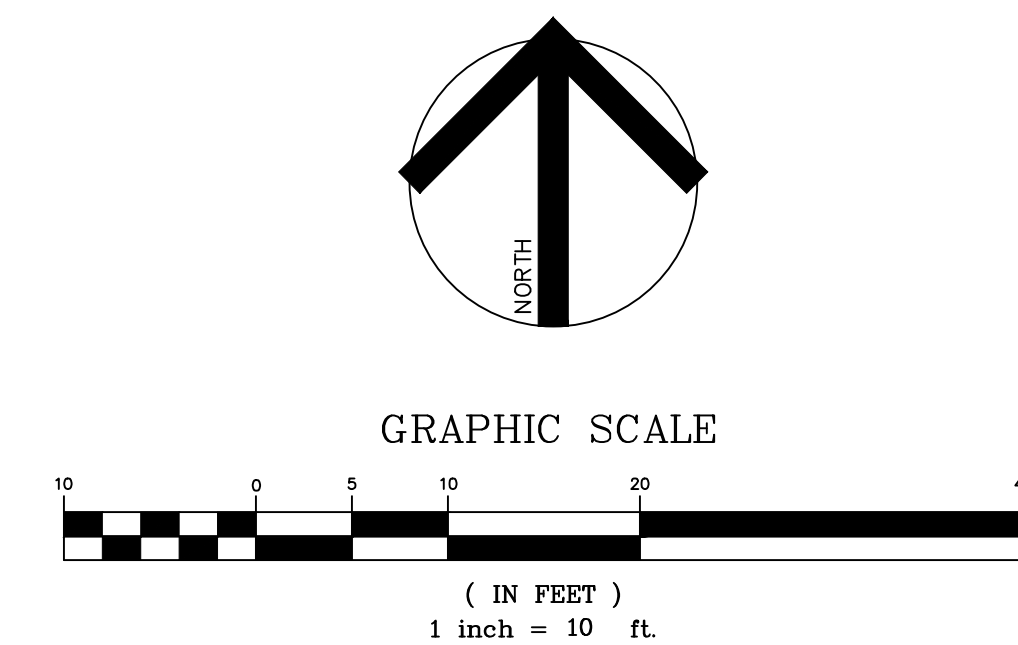
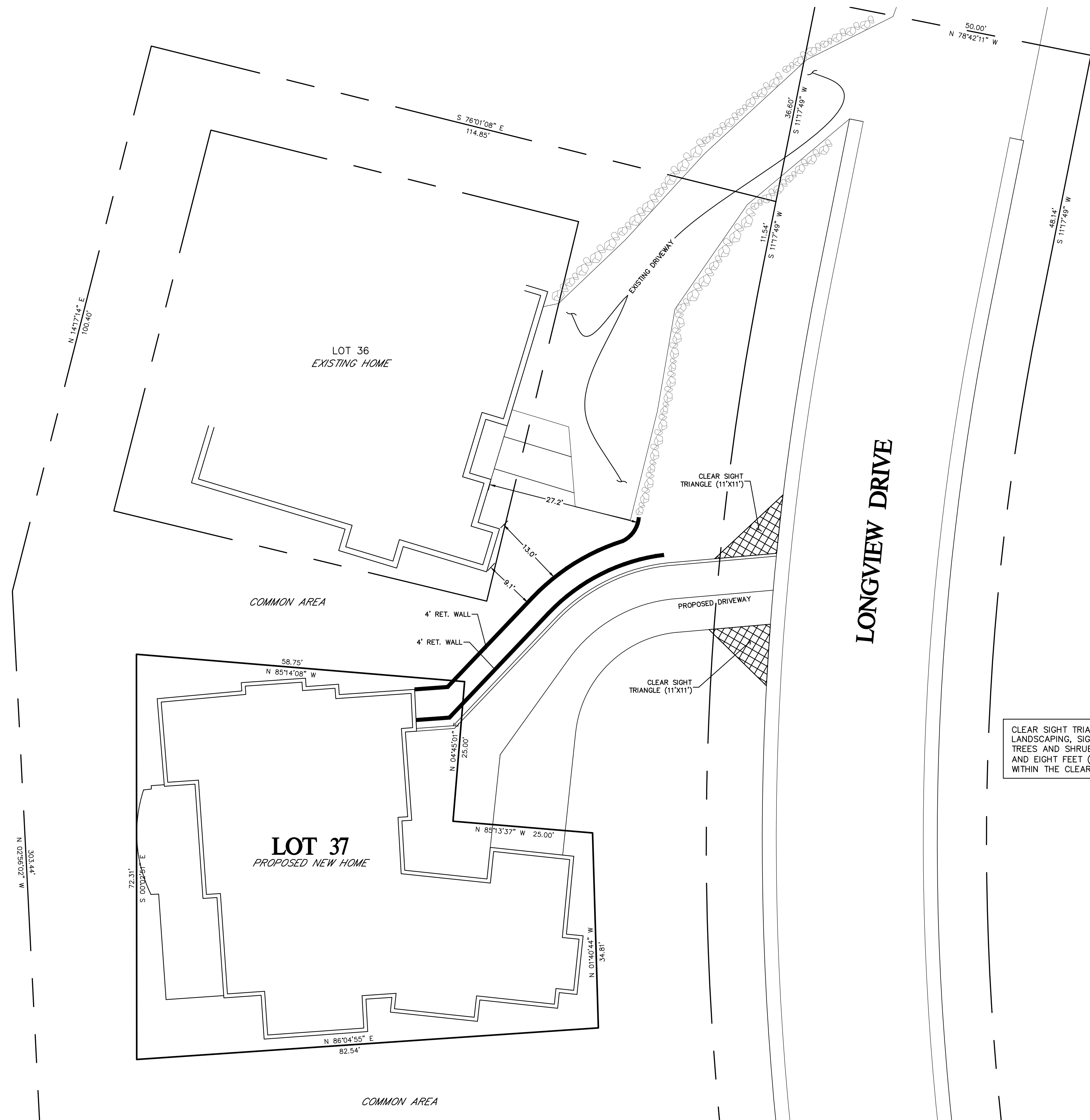
- The grading plan should label the retaining walls as having a *maximum* height of 4 ft.
- Please confirm and explain the choice of 11 ft x 11 ft for the clear sight triangle at the connection to Longview Drive.

Please let us know if you have any questions regarding our comments or assessment of this application.

Sincerely,
T-O Engineers

A handwritten signature in blue ink that reads 'G Ryan Taylor'.

Ryan Taylor, P.E.
Project Manager



**SIGHT DISTANCE EXHIBIT, LOT 37
HIDEOUT CANYON PHASE 1 AMENDED
AMENDING POD 9 RESIDENTIAL PLAT**

FOR: **GRAVITY CONSTRUCTION**

DWG: HIDEOUT-37-BOS

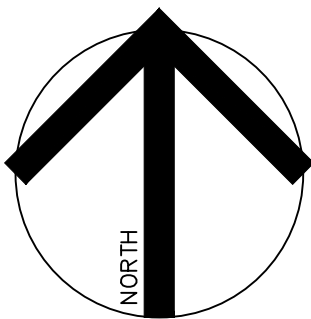
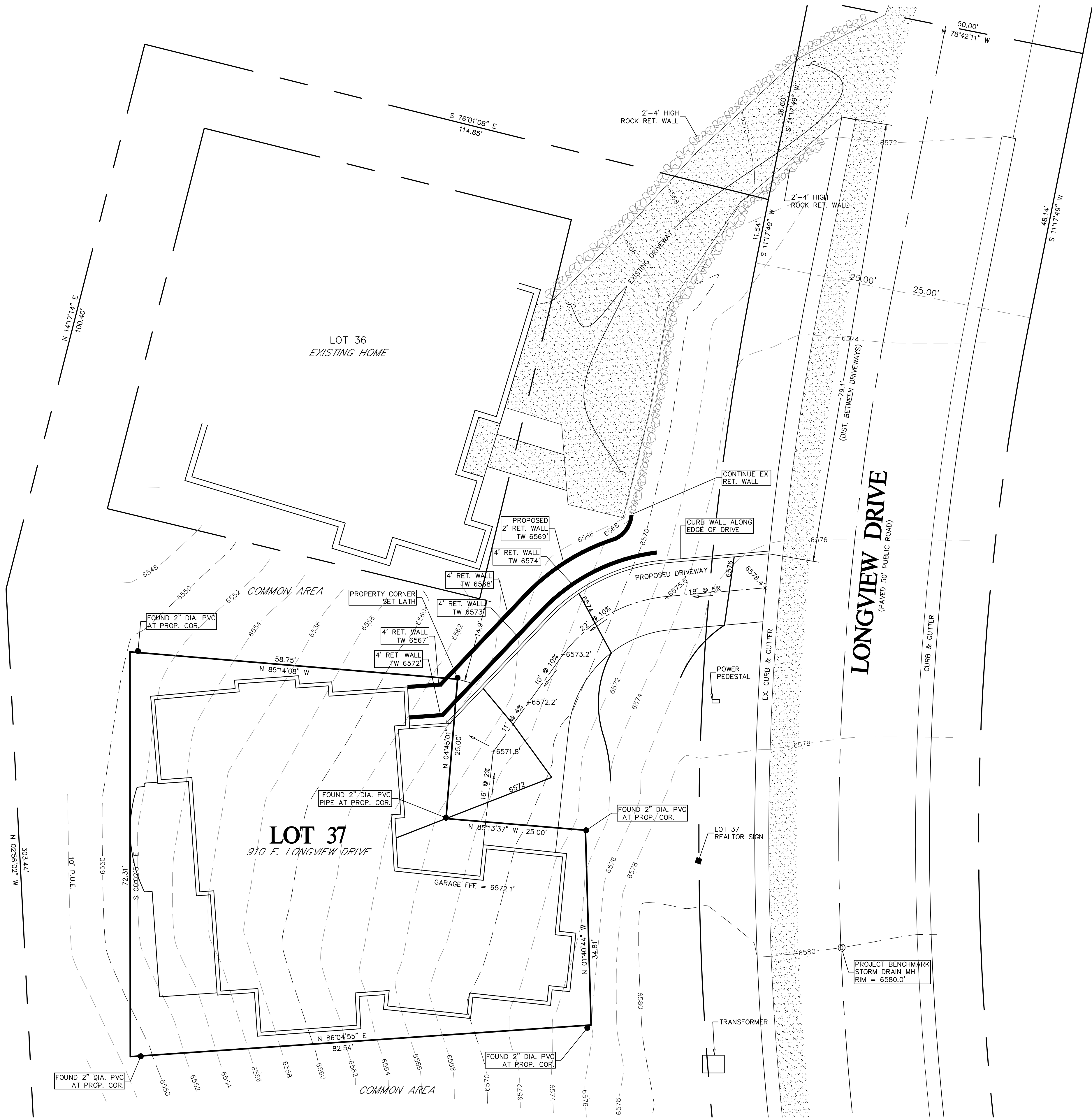
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MD/ADM
DRAWN BY:
ADM
CHECKED BY:
ADM

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**Evergreen
Engineering, Inc.**

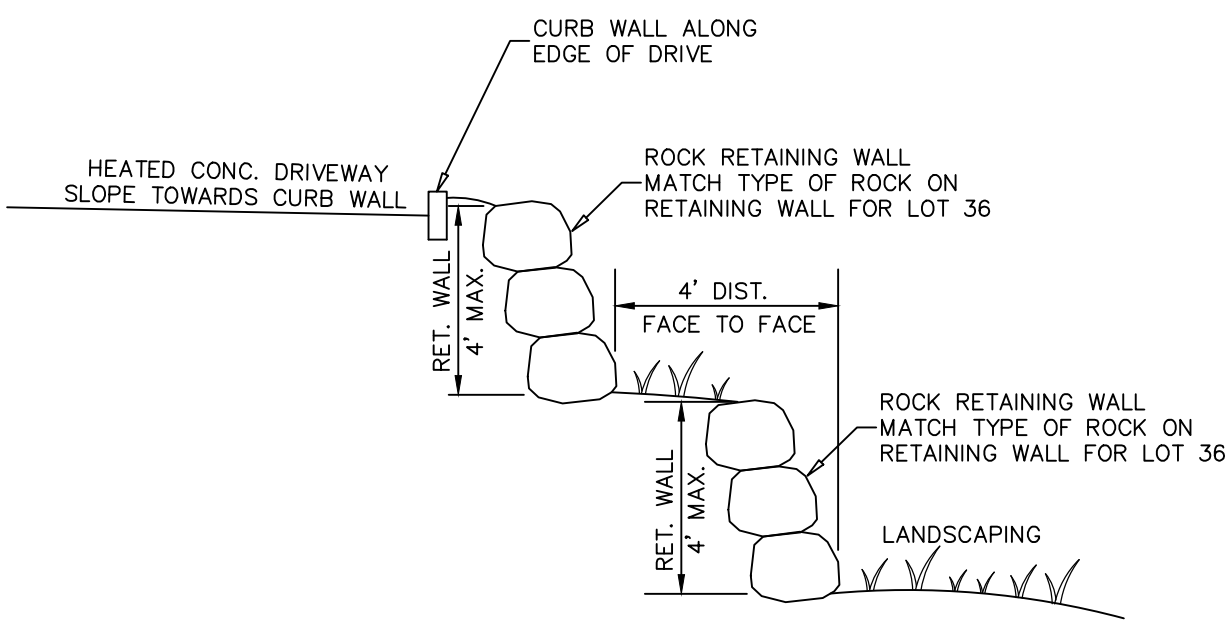
Civil Engineering * Land Surveying * Land Planning
1678 Sidwinder Dr., Suite C
P.O. Box 2861 * Park City * Utah * 84060
Phone: (801) 557-5482
E-mail: amoran@evergreen-eng.com



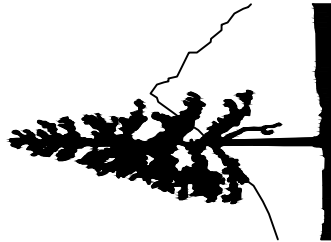
GRAPHIC SCALE



(IN FEET)
1 inch = 10 ft.



ROCK WALL
NOT TO SCALE



Evergreen Engineering, Inc.

Civil Engineering • Land Surveying • Land Planning
1678 S. Westwood Dr., Suite C • Utah • 84060
P.O. Box 288 • Park City • Utah • 84060
E-mail: info@evergreen-eng.com

REVISIONS		COMMENTS	
DATE	BY	DATE	BY

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SURVEYED BY:
MD/ADM
DRAWN BY:
ADM
CHECKED BY:
ADM

GRADING EXHIBIT, LOT 37
HIDEOUT CANYON PHASE 1 AMENDED
AMENDING POD 9 RESIDENTIAL PLAT

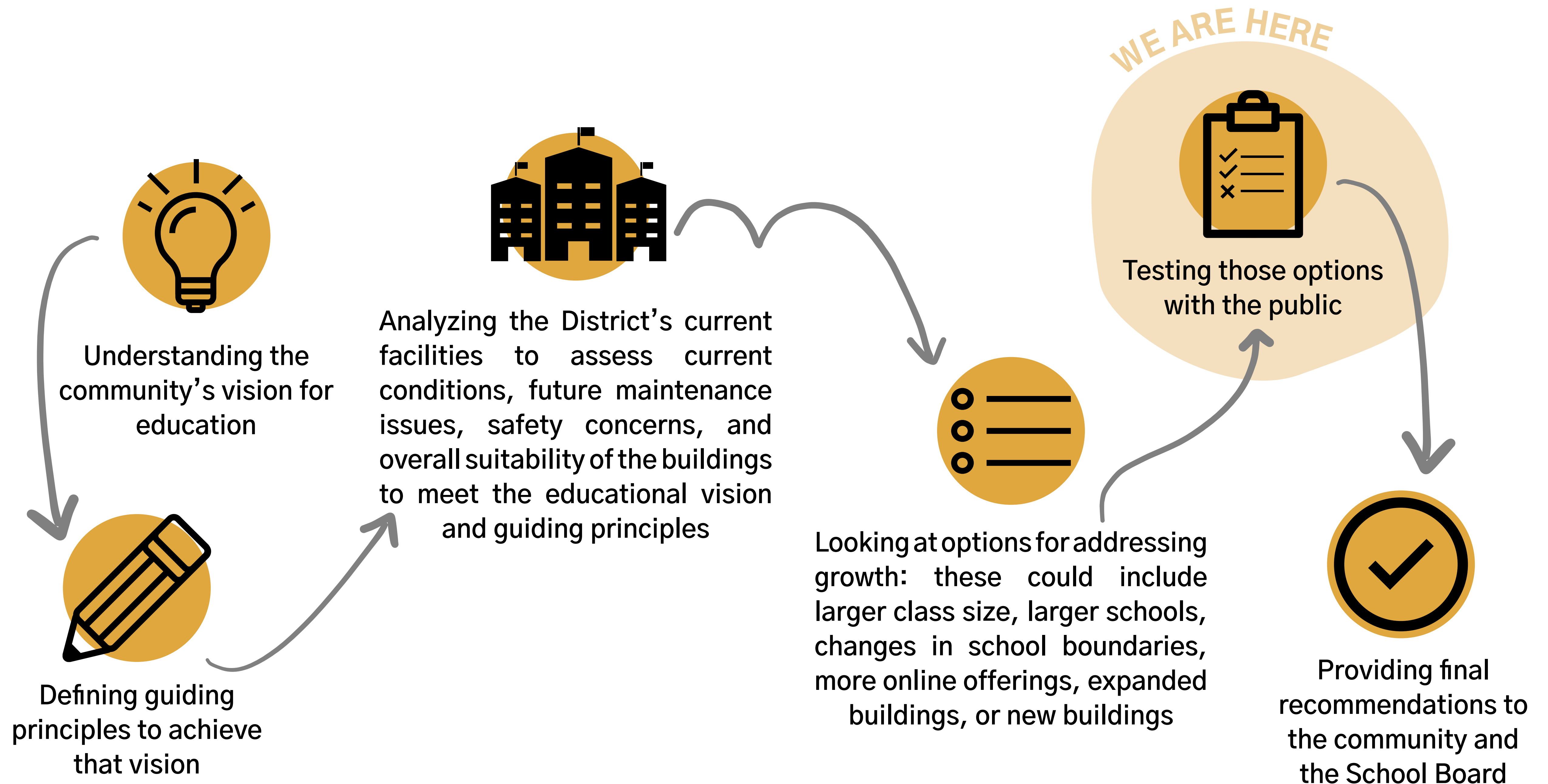
FOR: GRAVITY CONSTRUCTION

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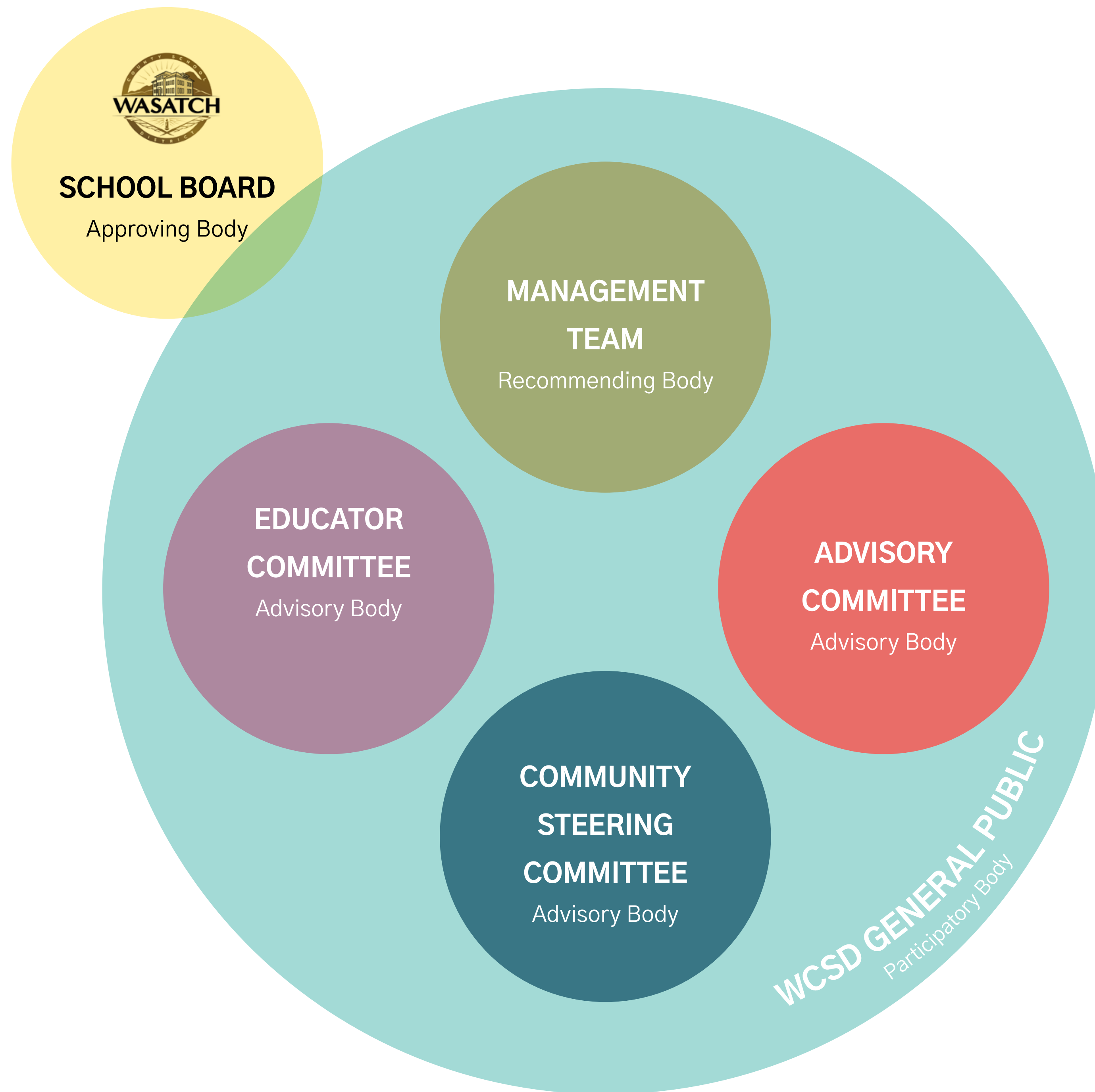
JOB NO. 2108

How will a Master Plan guide education in the future?

A master plan follows a “tried and true” process of:



Community Engagement Structure



SCHOOL BOARD

- + Reviews and adopts responses to demographic and growth changes
- + Reviews and adopts facility changes and replacements
- + Reviews and adopts Master Facility Plan

MANAGEMENT TEAM:

District Leadership, Board Members, & Consultants

- + Guides process
- + Selects or organizes selection of Community Steering Committee members
- + Selects or organizes selection of educator and student participants
- + Reviews content for community meetings and events
- + Reviews content for educator meetings
- + Provides feedback on community meetings and events
- + Reviews and recommends Master Facility Plan

EDUCATOR COMMITTEE:

Educators & Administrators

- + Provides feedback on alignment of current learning environments to educational mission and delivery methods.
- + Informs tools to evaluate facility suitability
- + Provides input from teachers within their network
- + Provides information from planning process back to teachers, parents and community members

COMMUNITY STEERING COMMITTEE:

Cross-section of community members

- + Reviews demographic/growth information
- + Reviews facility suitability information
- + Encourages participation in process from their representative groups
- + Provides input from their individual representative groups
- + Provides information back to their individual representative groups from planning process

ADVISORY COMMITTEE:

Representatives of local organizations & jurisdictions

- + Reviews demographic/growth information
- + Provides input from their organization
- + Provides information back to their organization

WCSD GENERAL PUBLIC

- + Provides input
- + Provides feedback
- + Online surveys
- + Community Meetings
- + Public Open House



Our Guiding Principles

1



Learning environments are inspiring, safe, and welcoming

- Buildings are free of learning barriers; physical, mental, emotional, cultural, and social.
- Environments feel welcoming to students, teachers, and families.
- Schools are safe and secure.

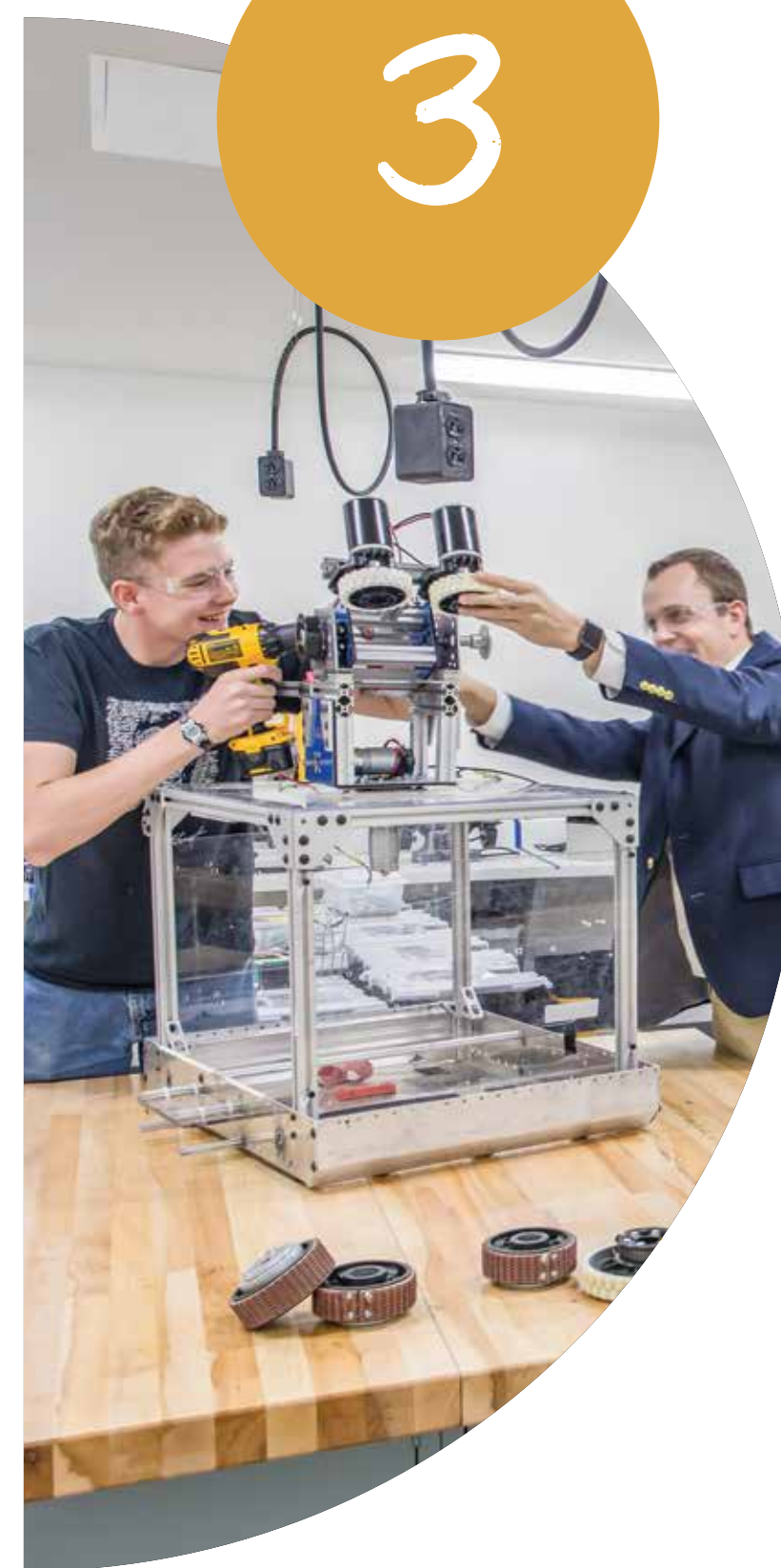
2



Schools support multiple learning styles and life-long learning

- Learning opportunities meet the personal needs of individual students.
- Learning is goal-oriented and prepares students for achievement after graduation.
- Diverse offerings and programs support teachers and students in addressing education gaps.

3



Schools support teachers in delivering high quality education.

- Class sizes allow effective teacher- student relationships
- Education is relevant to students and innovative to best serve their needs.
- Professional learning communities for teachers are cultivated and supported.



4

Schools are integrated into the community to serve multiple purposes.

- School facilities are available for other community needs.
- The presence of schools enhances and contributes to surrounding neighborhoods.



5

Schools support students in their overall wellness.

- Education and school buildings support physical, emotional and intellectual wellness.
- School buildings and grounds support positive social interaction.
- Schools are designed to incorporate natural light into the learning environments.



School Capacity

School Name	Capacity	90% Capacity	Year 90% Capacity is Reached	Year Full Capacity is Reached
Heber Valley Elementary School	812	731	*	*
Midway Elementary School	586	527	2017	2018
JR Smith Elementary School	744	670	2023	2024
Old Mill Elementary School	868	781	2021	2023
Daniels Canyon Elementary School	868	781	*	*
Total Elementary Capacity	3,878	3,490	2022	2029
Rocky Mountain Middle School	1,040	936	2028	2028
Timpanogos Middle School	1,300	1,170	2025	*
Total Middle School Capacity	2,340	2,106	2025	2030
Wasatch High School	2,010	1,809	2015	2017

*Enrollment projections not predicted to reach 90% capacity



School Capacity & Enrollment, 2022 & 2027

School	2022 Capacity	2022 Actual Enrollment	2022 Remaining Capacity	2027 Projected Enrollment	2027 Remaining Capacity
Daniel's Canyon	868	565	303	551	317
Heber Valley	812	578	234	665	147
J.R. Smith	744	661	83	876	-132
Midway	586	664	-78	688	-102
Old Mill	868	806	62	1,099	-231
Elementary School Total	3,878	3,274	604	3,879	-1
Rocky Mountain	1,040	756	284	987	53
Timpanogos	1,300	1,002	298	1,210	90
Middle School Total	2,340	1,758	582	2,197	143
Wasatch High School	2,010	2,509	-499	3,175	-1,165

Source: Wasatch County School District, Davis Demographics



Educational Suitability Assessments

TABLE 3-3: EDUCATIONAL SUITABILITY SCORING SUMMARY

Suitability Criteria		SCHOOLS									
		Guiding Principles (Summarized Concepts)	Midway	JR Smith	Heber Valley	Old Mill	Daniels Canyon	Rocky Mountain	Timpanogos	Wasatch High	Wasatch West
<div><div>School Size/ Capacity</div><div>Classroom Size</div><div>Use of Technology</div><div>Technology infrastructure</div><div>Welcoming and safe</div><div>Engaging and Inspirational</div><div>Visible learning</div><div>Parent volunteers</div><div>Student access/ Learning for all</div><div>Classroom grouping</div><div>Environmental wellness</div><div>Flexible learning</div><div>Expression/ Identity</div><div>Learning styles</div><div>Real-world skills</div><div>Furniture</div><div>Community use and connections</div><div>Student collaboration</div><div>Social setting</div><div>Teacher planning and collaboration</div><div>Counseling</div><div>Wellness rooms</div><div>Small-group learning</div><div>Special Education</div><div>Media center</div><div>Arts</div><div>PE/Athletics</div><div>Assembly</div><div>Science classroom/STEM labs</div><div>Cabinetry</div><div>Security</div></div>	Learning environments are inspiring, safe and welcoming.	1.74	2.74	3.23	3.49	3.51	2.21	3.74	3.33	2	
	Schools support multiple learning styles and life-long learning.	2.56	2.64	3.64	3.72	3.42	2.7	2.9	3.18	2.24	
	Schools support teachers in delivering high quality education.	2.95	3.21	3.37	3.37	3.68	3.08	3.6	2.77	2.49	
	Schools are integrated into the community to serve multiple purposes.	5.00	5.00	4.00	5.00	5.00	5.0	4.00	4.00	2	
	Schools support students in their overall wellness.	3.00	1.60	3.60	4.40	3.59	3.4	4.07	3.65	1.65	
	Average Score for Guiding Principle Alignment	3.05	3.04	3.57	4.00	3.84	3.28	3.66	3.39	2.08	
	Space Types/Functions (Summarized Concepts)										
	Teacher Planning and Collaboration	0.82	2.46	3.28	2.46	2.46	0.5	0.5	1.4	1.4	
	Counseling Conference Space	1	3	3	4	3	3	3	3	2	
	Wellness Rooms	0.94	0.94	3.76	2.82	2.82	2	2	3	5	
	Small Group Rooms	2	3	3	3	3	1	1	1.5	1	
	Special Education Space	3	3	3	4	4	3	4	2	2	
	Media Center	3	3	4	4	5	3	4	3	4	
	Arts	2	2	5	4	5	2	2	5		
	Physical Education	4	3	3	4	5	5	5	5	3	
	Assembly	3.84	3.84	3.84	4.8	4.8	3.8	3.8	3.2	0.8	
	Science/STEM/Labs	0.88	0.88	3.52	1.76	1.76	4	4	4	2	
	Cabinetry/Storage	2.4	3.2	3.2	4	4	2.5	2.5	1.5	1	
	CTE						3	3	5	4	
	Security	3	4	2	3	5	3	5	4	2	
Average Score for Space Needs Alignment	2.36	2.84	3.56	3.67	4.02	3.00	3.33	3.48	2.36		

Facility Conditions Assessments

Evaluation Criteria

- Driveways, parking lots, pedestrian paving, landscaping
- Exterior siding
- Roofing
- Windows
- Doors
- Walls
- Ceilings
- Flooring
- Interior conditions
- Structural systems
- Mechanical and plumbing systems
- Electrical systems

TABLE 3-1: WCSO BUILDING INVENTORY

WCSO Schools and Other Buildings	Year Built	0 – 10 Yrs.	10 – 20 Yrs.	20 – 30 Yrs.	30+ Yrs	Additions	Major Remodels	Gross S.F.	Grades Served
Wasatch Education Center	1905				X		2003	20,000	N/A
Wasatch Learning Academy	1964				X	One, date unknown	2013, 2021	6,000	K–8
WCSO Transportation Building	1972				X	1990, 2016		48,200	N/A
Midway Elementary School	1975				X	1997	2017	68,200	PK–5
Wasatch High School West Campus	1976				X	1979, 1981, 1990, 2014		95,000	9–12
JR Smith Elementary School	1981				X	2006	2006, 2011	66,000	PK–5
Heber Valley Elementary School	1997			X		2012	2017	76,000	PK–5
Rocky Mountain Middle School	2000			X		2019	2021	109,250	6–8
Old Mill Elementary School	2006		X			None	None	74,469	PK–5
Wasatch High School	2009		X			2011, 2014	2015, 2021	323,200	9–12
Daniel’s Canyon Elementary School	2017	X				None	None	80,000	PK–5
Timpanogos Middle School	2017	X				None	None	144,800	6–8
Wasatch Aquatic Center	2017	X				None	None	36,971	N/A

TABLE 3-2: CONDITIONS SCORING SUMMARY

Facilities Physical Conditions Assessment	Wasatch Learning Academy	Midway Elementary School	Wasatch High School West Campus	JR Smith Elementary School
Architectural Site Condition	5.00	2.42	2.50	2.38
Architectural Building Condition	4.75	4.01	2.90	3.80
Structural Condition	2.80	3.53	2.50	3.25
Mechanical Condition	5.00	3.30	2.70	3.50
Electrical Condition	3.90	3.80	3.70	3.70
Overall Facility Condition	4.29	3.41	2.86	3.33

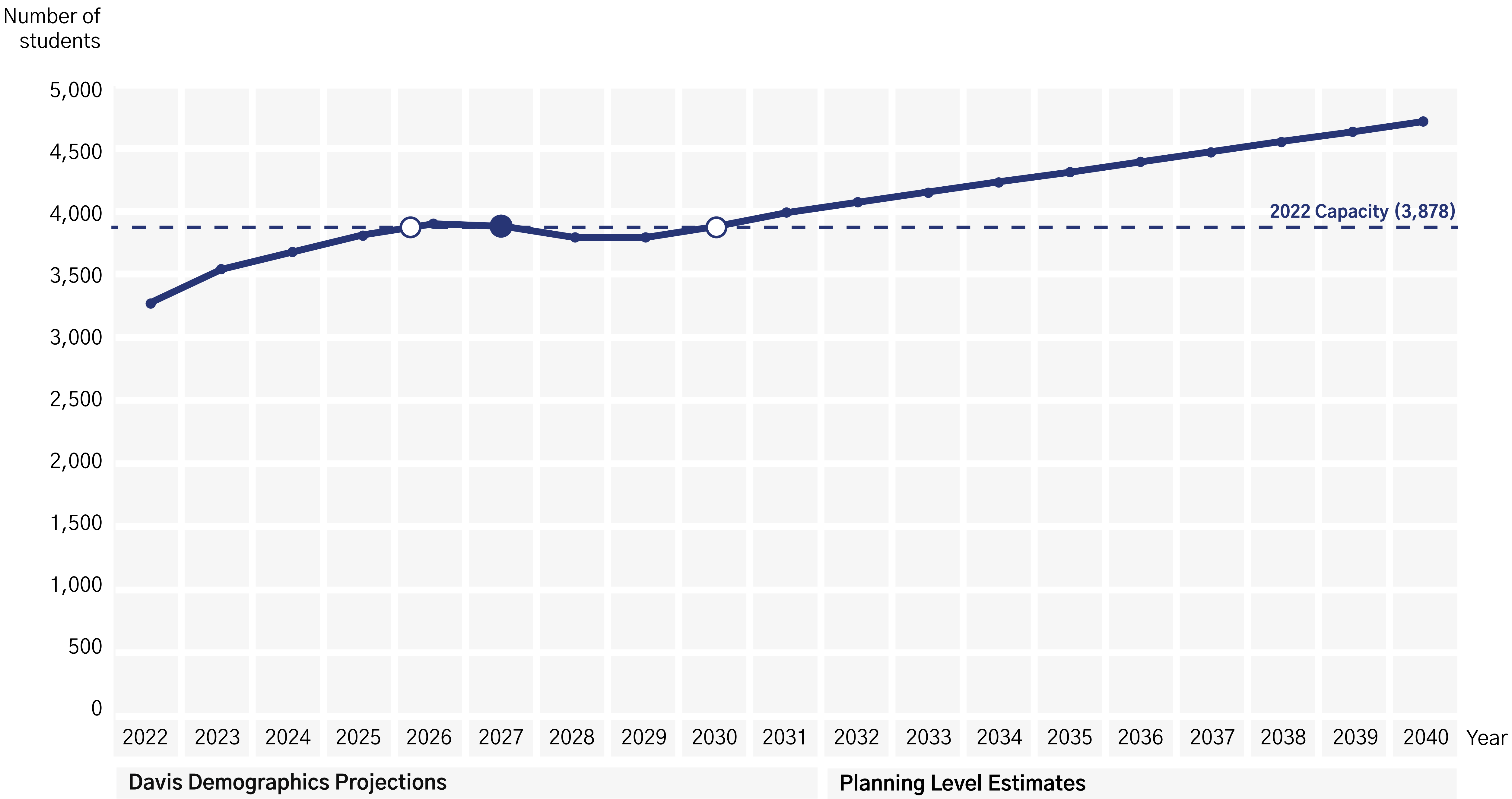
Other:

Portable Building Condition	N/A	3.00	4.10	2.50
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Elementary School

Enrollment & Capacity Timeline



— Elementary School ○ Capacity Exceeded ● New Capacity Needed



Elementary School

Recommended Actions

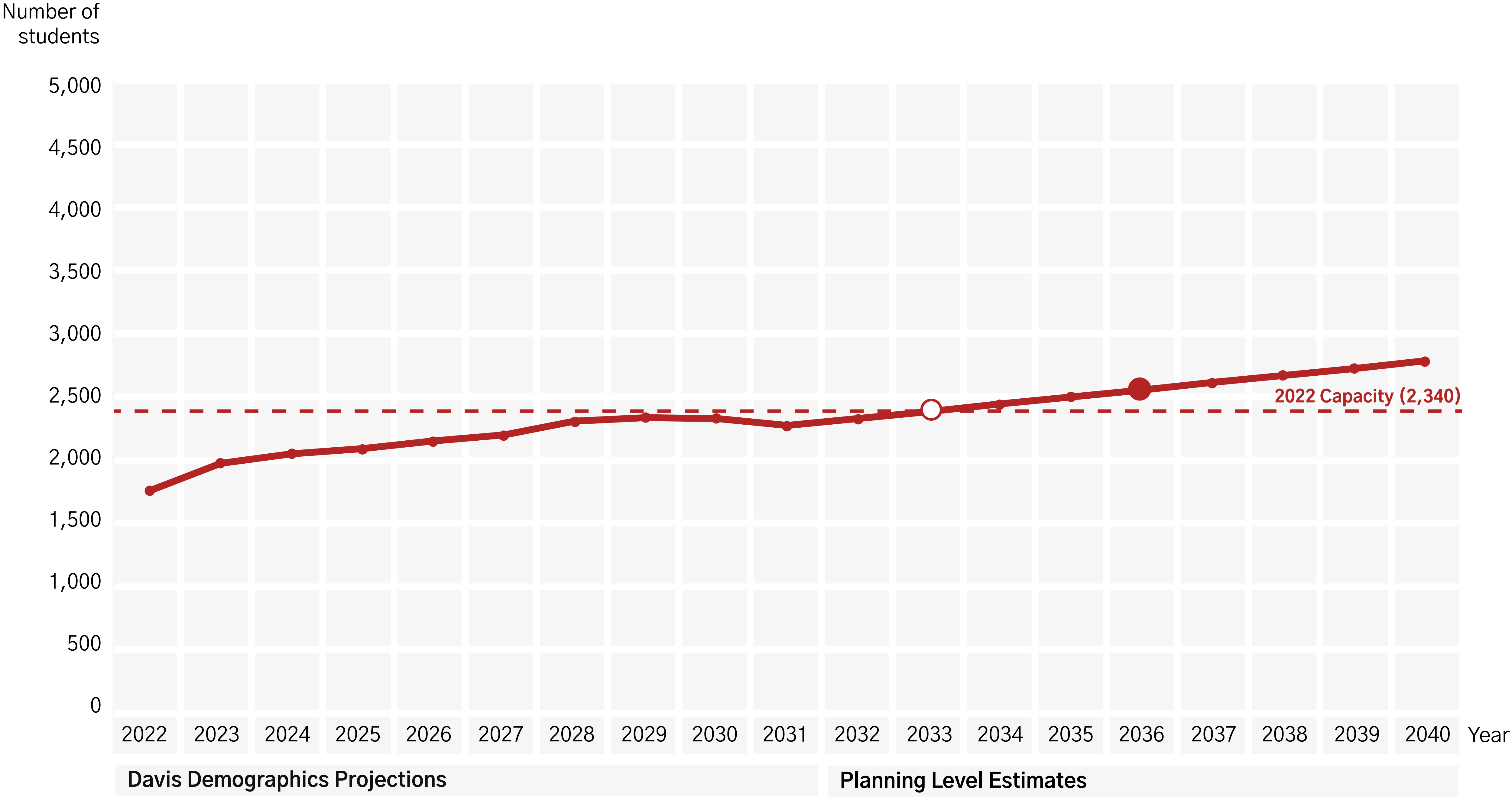


- Use boundary adjustments and portable classrooms as temporary measures while planning for construction is underway
- Address educational suitability considerations and facility condition recommendations in all schools as appropriate and as funding is available
- Evaluate the future of Midway Elementary School—rebuild or remodel
- Plan for and construct a new elementary school for occupancy in ~2027

What are your thoughts?

Middle School

Enrollment & Capacity Timeline



— Middle School ○ Capacity Exceeded ● New Capacity Needed



Middle School

Recommended Actions



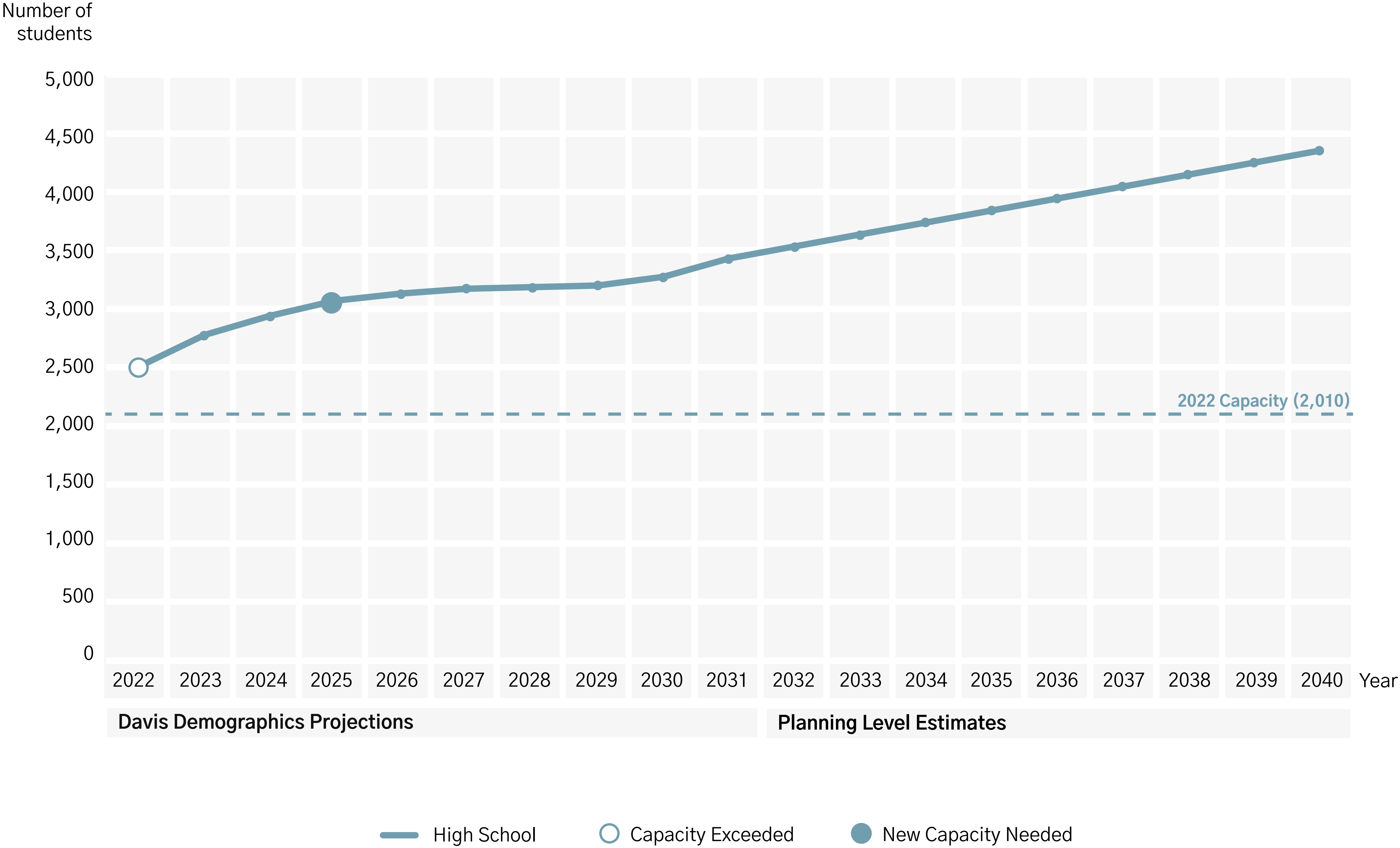
Photo by Max Fischer

- Maintain current grades 6–8 configuration
- Address educational suitability considerations and facility condition recommendations in all schools as appropriate and as funding is available
- Begin planning for a new middle school in the next 5–10 years when enrollments reach 90 percent of capacity

What are your thoughts?

High School

Enrollment & Capacity Timeline



High School



Options considered:

What did the committee think?

- Optional online coursework taken remotely—rather than from school buildings



- Mandatory online coursework taken remotely—rather from school buildings



- Addition to WHS to meet current enrollment



- Construction of a new high school that is similar, smaller, or larger than the existing school.



What are your thoughts?

Approaches to increase District capacity

Grade Reconfiguration

What is it?

Moving a grade level of students from an overcrowded school to one with existing capacity.

Capacity increase = 0%

TABLE 4-1: GRADE RECONFIGURATION

	2022 Current	2022 Reconfigured	Capacity
Elementary Schools Total	3,274	3,887	3,878
Middle Schools Total	1,758	1,596	2,340
High School Total	2,509	1,961	2,010
Totals	7,541	7,445	8,228

Source: Wasatch County School District

CURRENT CONFIGURATION									
LEVEL	ELEMENTARY SCHOOL			MIDDLE SCHOOL			HIGH SCHOOL		
GRADE	PRE-K	K	1	6	7	8	9	10	11
	2	3	4				12		
	5								
RECONFIGURATION EXAMPLE									
LEVEL	ELEMENTARY SCHOOL			MIDDLE SCHOOL			HIGH SCHOOL		
GRADE	PRE-K	K	1	5	6	7	10	11	12
	2	3	4	8	9				

Pros:

- Opens up space for specific grade levels
- Can be used as temporary solution
- Moving 9th grade to middle school could be used to address overcrowding in high school

Cons:

- Does not increase overall capacity
- Moving 9th grade to middle school puts middle schools over capacity and doesn't provide students with full complement of opportunities
- Can be disruptive for students

What did the committee think?



The current 9–12 high school configuration is preferred.

Approaches to increase District capacity

School Boundary Adjustment

What is it?

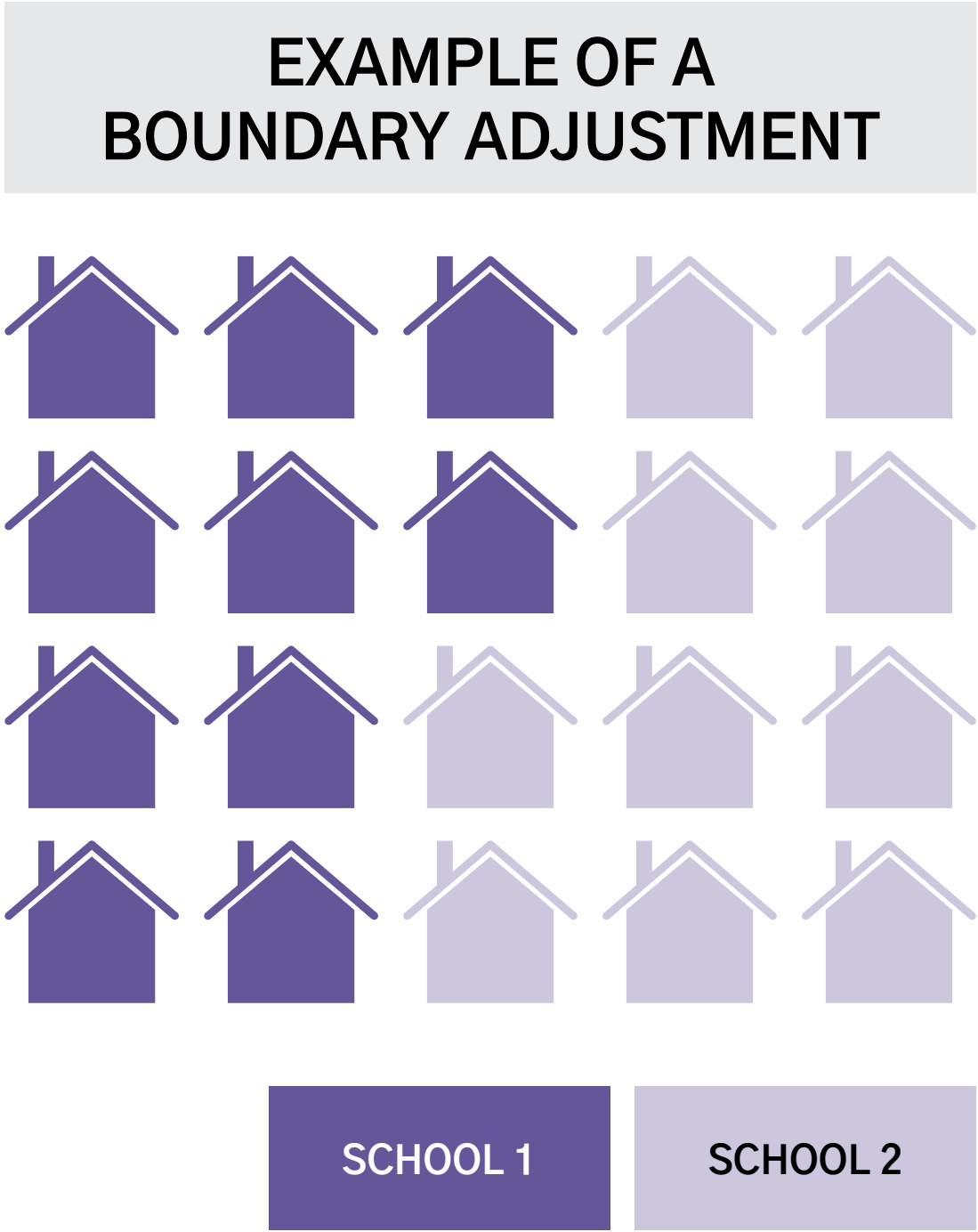
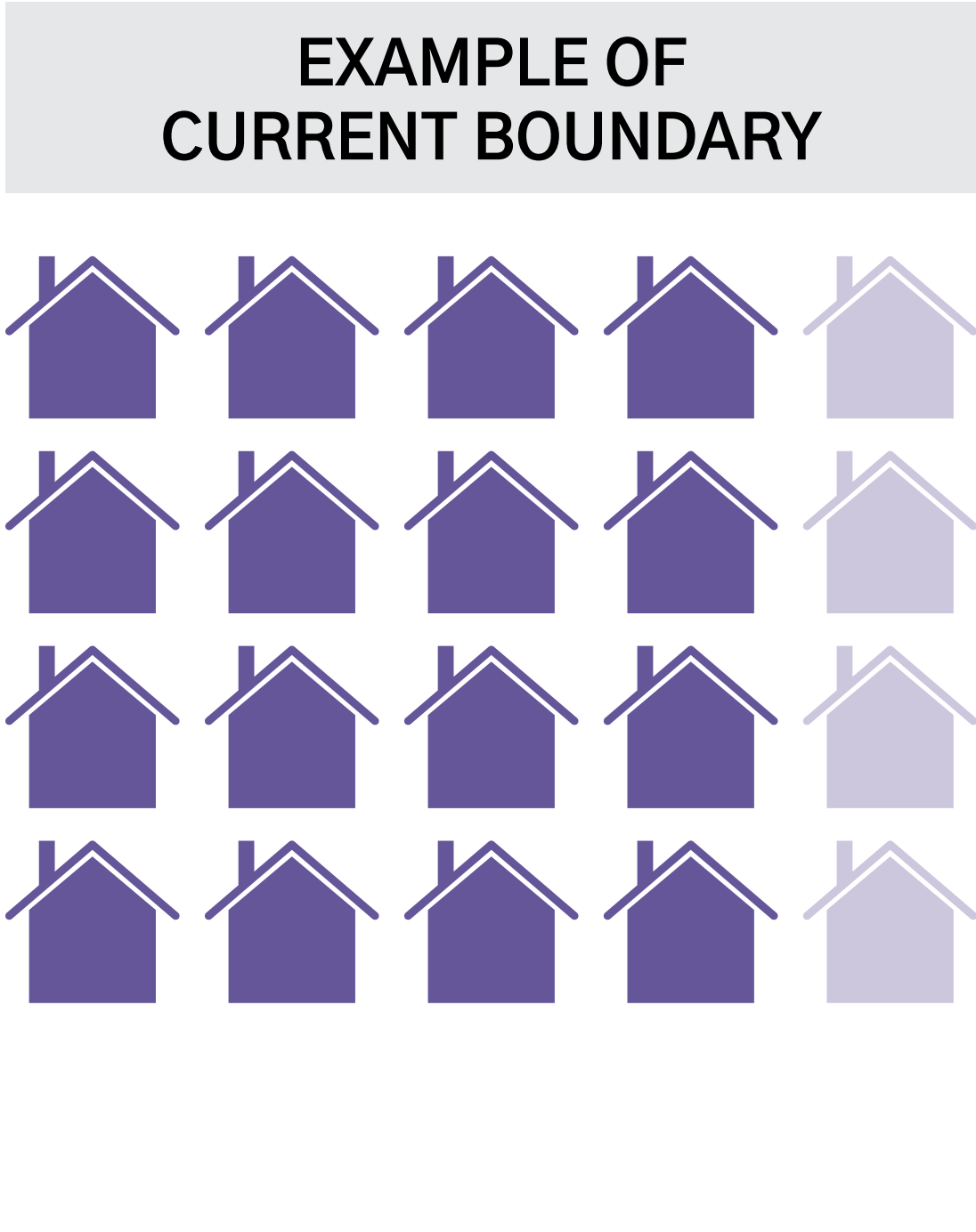
Reallocates students from overcrowded schools to others with more capacity, but outside “neighborhood boundaries.”

Capacity increase = 0%

TABLE 4-2: ELEMENTARY ENROLLMENT

School	2022 Current	2025 Projected	Capacity
Daniels Canyon	565	561	868
Heber Valley	578	666	812
JR Smith	661	768	744
Midway	664	685	586
Old Mill	806	1,131	868
Totals	3,274	3,811	3,878

Source: Wasatch County School District & Davis Demographics



Pros:

- Relieves overcrowded schools
- Works at elementary and middle school level
- Can be used as temporary fix

Cons:

- Does not increase overall capacity in the district
- Can’t be used at the high school level
- Can be contentious and emotional issue for students and parents

What did the committee think?



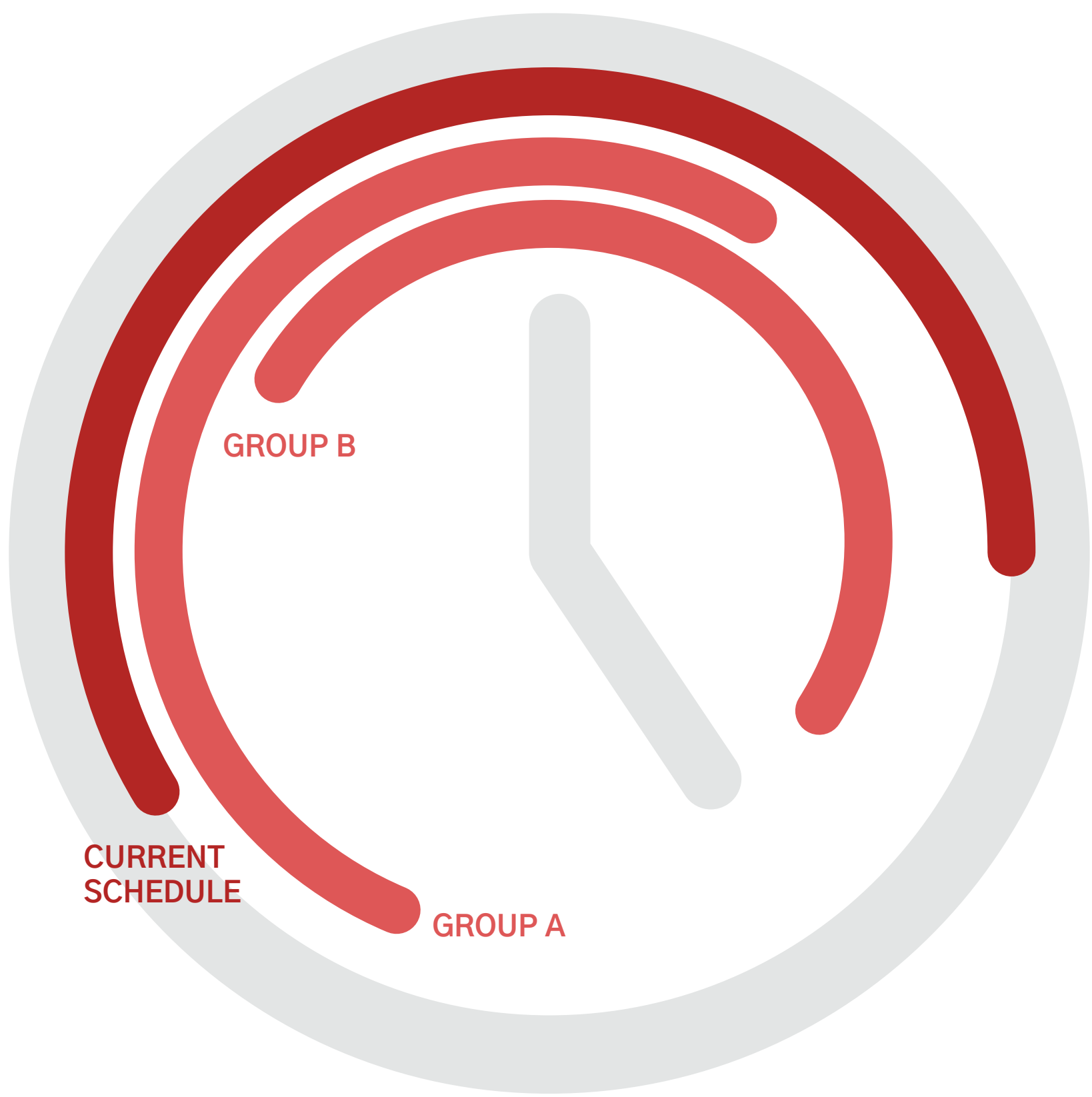
This option may sometimes be necessary, but it is not preferred.

Double Sessions / Extended Day

What is it?

Creating overlapping early morning and afternoon shifts of students to increase capacity. Using the facilities for longer each day, staggering time students are in the school

Capacity increase = 15%



Pros:

- A school building can accommodate a larger student population
- Varied start and end times are helpful for some parents' work schedules

Cons:

- Larger classes during core part of the day
- Struggle to connect for students and teachers
- More expensive for the District because of longer days (15% higher teacher salaries)

What did the committee think?



Approaches to increase District capacity

Online Coursework

What is it?

Online coursework taken remotely – rather than from school buildings

Capacity increase = 2.5%



Jacob Lund Photography from NounProject.com

Pros:

- Can offer more classes without straining the facility

Cons:

- Needs to be mandatory to impact capacity
- Decreases mentorship opportunities
- Student performance generally suffers

What did the committee think?



Online learning addresses building capacity needs



Mandatory online learning was not preferred.

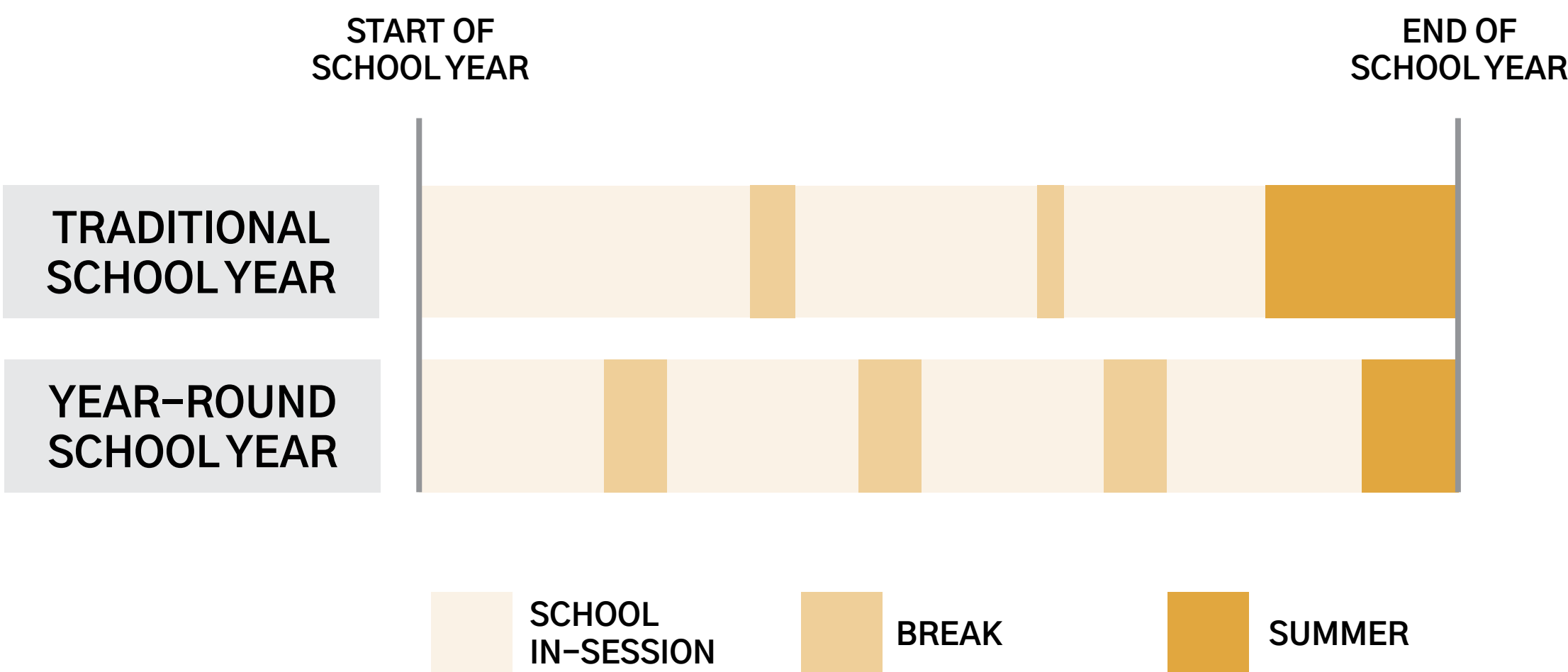
Approaches to increase District capacity

Year-round Enrollment

What is it?

Students and teachers are assigned to blocks that rotate on/off throughout the year.

Capacity increase = 25%



Pros:

- Can significantly increase school capacity
- Some teachers prefer the rotation

Cons:

- Limited calendar options to get the required number of days in the school year
- Usually requires longer school days
- Eliminates traditional summer break
- Doesn't work for high school
- Difficult for teacher to build relationships with students
- 25% increase in operating costs

What did the committee think?



New Facilities / Additions

What is it?

Construction of new classroom space and supporting spaces to support the delivery of education.

Capacity increase =
depends on level and type of construction

Possible strategies:

- New high school at a different location
 - » Same size/capacity as existing school
 - » Smaller size/capacity as existing school
 - » Larger size capacity as existing school
- Building additions to Wasatch High School
- Replace West Campus building with larger building to better support enrollment at Wasatch High School

Pros:

- Long term solution to growth

Cons:

- Cost of building additions or new schools

What did the committee think?



Considered a long-term solution to addressing District capacity needs.



Budget Report for March 2022

Item # 2.

Hideout - General Fund FY 2022 Budget

	Budget	Actual	75.0%	Year End
	FY 2022	To Date	Percent	Projected
Revenues		FY 2022	Target	Amount
Taxes				
Property tax	\$ 151,800	\$ 201,038	132%	\$ 268,051
Prior year delinquent	\$ 30,000	\$ 3,019	10%	\$ 4,025
Fee-in-ieu	\$ 10,700	\$ 3,240	30%	\$ 4,319
Motor vehicle	\$ -	\$ -	0%	\$ -
Sales tax	\$ 146,185	\$ 107,601	74%	\$ 143,468
Telecom tax	\$ 2,000	\$ 2,303	115%	\$ 3,071
Municipal energy tax	\$ 57,417	\$ 40,496	71%	\$ 53,994
Total Taxes	\$ 398,102	\$ 357,697	90%	\$ 476,929
License and Permits				
Business licenses	\$ 1,050	\$ 1,500	143%	\$ 2,000
Building permits	\$ 750,750	\$ 402,619	54%	\$ 536,825
Roadway fee	\$ 52,500	\$ 39,000	74%	\$ 52,000
subdivision application fee	\$ 555,000	\$ 64,421	12%	\$ 85,894
5% project fee	\$ -	\$ 323,497	100%	\$ 431,330
Total License and Permits	\$ 1,359,300	\$ 831,036	61%	\$ 1,108,049
Charges For Service				
Planning & zoning fee	\$ -	\$ -	0%	\$ -
Other services revenue	\$ 19,000	\$ 1,931	10%	\$ 2,575
Total Charges for Service	\$ 19,000	\$ 1,931	10%	\$ 2,575
Fines and Forfeitures				
Fines and forfeitures	\$ 2,000	\$ 4,875	244%	\$ 6,500
Total Fines and Forfeitures	\$ 2,000	\$ 4,875	244%	\$ 6,500
Miscellaneous Revenue				
Interest earnings	\$ 3,000	\$ 507	17%	\$ 676
Building rental income	\$ 100	\$ -	0%	\$ -
Other revenue	\$ 2,000	\$ 3,567	178%	\$ 4,757
Total Miscellaneous Revenues	\$ 5,100	\$ 4,075	80%	\$ 5,433
Contributions & Transfers				
Appropriation class "C"	\$ -	\$ -	0%	\$ -
Appropriation of fund balance	\$ -	\$ -	0%	\$ -
Transfer from RDA	\$ -	\$ -	0%	\$ -
Total Contributions & Transfers	\$ -	\$ -	0%	\$ -
Total General Fund Revenues	\$ 1,783,502	\$ 1,199,614	67%	\$ 1,599,485

	Budget	Actual	75.0%	Year End
	FY 2022	To Date	Percent	Projected
		FY 2022	Target	Amount

Contract services	\$ 5,000	\$ 5,377	108%	\$ 7,469
Council pay	3,600	485	13%	\$
Insurance	12,000	16,667	139%	\$ 16,668
Mileage reimbursement	2,600	2,439	94%	\$ 3,251
office supplies	3,000	2,967	99%	\$ 3,956
Personnel	121,527	123,312	101%	\$ 164,415
Public notices	3,000	65	2%	\$ 86
Security alarm monitoring	1,000	960	96%	\$ 1,280
Benefits	39,510	30,401	77%	\$ 40,535
Other	1,000	3,328	333%	\$ 4,437
CARES act expenditures	-	-	0%	\$ -
Information technology	12,000	6,880	57%	\$ 9,174
Telephone	5,500	2,303	42%	\$ 3,071
Training	875	778	89%	\$ 1,037
Website	350	723	207%	\$ 964
Membership	1,200	3,859	322%	\$ 5,145
Repairs & maintenance	4,200	5,419	129%	\$ 7,225
Utilities	4,000	9,993	250%	\$ 13,324
Miscellaneous	500	-	0%	\$ -
Total Administration	220,862	215,955	98%	\$ 287,940
Accounting	12,000	2,511	21%	\$ 3,348
Legal	135,000	54,257	40%	\$ 72,343
Engineering	140,000	170,351	122%	\$ 227,135
Building inspections	275,000	165,882	60%	\$ 221,176
Plan prints	2,500	2,496	100%	\$ 3,328
Engineering DRC review	45,000	-	0%	\$ -
Auditor	12,000	12,573	105%	\$ 16,763
Planning	372,500	55,300	15%	\$ 73,733
Building plan review	45,000	-	0%	\$ -
Total Professional Services	1,039,000	463,370	45%	\$ 617,826
Safety maintenance	5,000	6,371	127%	\$ 8,495
Safety police department	75,000	-	0%	\$ 85,000
Animal services	10,500	4,722	45%	\$ 6,296
Total Public Safety	90,500	11,094	12%	\$ 14,791
Streets personnel	74,390	61,817	83%	\$ 82,422
Auto maintenace	2,500	12,290	492%	\$ 16,387
Benefits	29,943	15,900	53%	\$ 21,200
Fuel	5,000	6,407	128%	\$ 8,542
materials & supplies	16,000	13,771	86%	\$ 18,361
Repair & maintenance	25,000	18,110	72%	\$ 24,146
Equipment lease	-	14,797	100%	\$ 19,729
Insurance	1,000	-	0%	\$ -
Total Streets	153,833	143,090	93%	\$ 190,787
Parks & recreation	5,000	1,391	28%	\$ 1,855
Capital projects	-	1,485	100%	\$ 1,980
Total Parks	5,000	2,876	58%	\$ 3,835
Community development	15,000	1,629	11%	\$ 2,172
Total Miscellaneous	15,000	1,629	11%	\$ 2,172
Principal	15,000	15,000	100%	\$ 20,000
Interest	11,500	11,961	104%	\$ 15,948
Total Debt Service	26,500	26,961	102%	\$ 35,948
transfer to capital projects	-	-	0%	\$ -
er to park project	-	-	0%	\$ -
ted increase in fund balance	-	-	0%	\$ -

Total Transfers	-	-	0%	\$	
Total General Fund Expenditures	\$ 1,550,695	\$ 864,974	56%	\$	1
Surplus/(Deficit)	\$ 232,807	\$ 334,640		\$	446,186

(Minimum)
Based on Above
Projections

Cash Balance Beginning of Year (unassigned)	\$ -
Projected Surplus/(Deficit)	446,186
Use of fund balance	-
Operating Transfer Out	
Operating Transfer In	
Cash Balance End of Year	446,186.17
Fund Balance Percentage (State law, minimum 5%, maximum 25%)	28.77%

Budget Report for March 2022

Item # 2.

Hideout Covid 19 Fund FY 2022 Budget

	Budget	Actual	75.0%	Year End
	FY 2022	To Date	Percent	Projected
Revenues		FY 2022	Target	Amount
Grant Revenue	\$ 107,000	\$ 59,057	55%	\$ 107,000
Total Revenues	\$ 107,000	\$ 59,057	55%	\$ 107,000
	Budget	Actual	75.0%	Year End
	FY 2022	To Date	Percent	Projected
Expenses		FY 2022	Target	Amount
Admin salaries & wages	\$ -	\$ -	0%	\$ -
Admin information technology	-	-	0%	\$ -
Professional services	-	-	0%	\$ -
Safety police department	75,000	-	0%	\$ -
Fire district services	5,000	-	0%	\$ -
Streets materials & supplies	-	32	100%	\$ 43
Repairs & maintenance	27,000	-	0%	\$ -
Total Expenses	\$ 107,000	\$ 32	0%	\$ 43
Surplus/(Deficit)	\$ -	\$ 59,025		\$ 106,957.45

Budget Report for March 2022

Hideout - Class C Road Fund FY 2022 Budget

	Budget	Actual	75.0%	Year End
	FY 2022	To Date	Percent	Projected
Revenues		FY 2022	Target	Amount
Class C road allotment	\$ 78,000	\$ 29,347	38%	\$ 39,130
Total Revenues	\$ 78,000	\$ 29,347	38%	\$ 39,130
	Budget	Actual	75.0%	Year End
	FY 2022	To Date	Percent	Projected
Expenses		FY 2022	Target	Amount
improvements	\$ 78,000	\$ -	0%	\$ -

Total Expenses	\$ 78,000	\$ -	0%	\$	Item # 2.
Surplus/(Deficit)	\$ -	\$ 29,347		\$	39,130
Cash Balance Beginning of Year				\$	-
Projected Surplus/(Deficit)					39,130
Cash Balance End of Year				\$	39,130

Budget Report for March 2022

Hideout- Water Utility FY 2022 Budget

	Budget	Actual	75.0%	Year End
Revenues	FY 2022	To Date	Percent	Projected
	FY 2022	FY 2022	Target	Amount
Interest earnings	\$ 3,527	\$ -	0%	\$ -
Water service	\$ 561,000	\$ 616,877	110%	\$ 822,503
Standby water	\$ 140,383	\$ 220	0%	\$ 293
Water reservation fee	\$ 50,000	\$ -	0%	\$ -
Meter rental	\$ 1,000	\$ 2,550	255%	\$ 3,400
Stormwater service	\$ 26,400	\$ 22,691	86%	\$ 30,255
Sewer service	\$ 184,800	\$ 145,450	79%	\$ 193,934
Connection fees	\$ 188,000	\$ 119,597	64%	\$ 159,463
Water transfer fees	\$ 4,254	\$ 2,760	65%	\$ 3,680
Late penalties and fees	\$ 5,103	\$ 783	15%	\$ 1,044
Other operating income	\$ 3,023	\$ -	0%	\$ -
Total Revenues	\$ 1,167,490	\$ 910,929	78%	\$ 1,214,572

	Budget	Actual	75.0%	Year End
Expenses	FY 2022	To Date	Percent	Projected
	FY 2022	FY 2022	Target	Amount
Insurance	\$ 6,500	\$ 6,629	102%	\$ 8,839
Accounting & audit	6,500	12,573	193%	\$ 16,763
Information technology	11,500	13,853	120%	\$ 18,470
Telephone	5,200	3,819	73%	\$ 5,091
Training	1,625	1,947	120%	\$ 2,596
Website	650	-	0%	\$ -
Depreciation expense	-	-	0%	\$ -
Engineering	92,500	10,117	11%	\$ 13,489
	25,000	12,628	51%	\$ 16,837

Meters	34,000	28,895	85%	\$	28,536
Office expenses	6,000	6,337	106%	\$	Item # 2.
operating expenses	17,000	4,134	24%	\$	5,512
Repairs & maintenance- sewer	31,200	28,148	90%	\$	37,531
Repairs & maintenance- water	88,700	9,705	11%	\$	12,940
Salaries & wages	259,000	207,560	80%	\$	276,746
benefits	84,000	66,513	79%	\$	88,684
Software & technology	1,600	-	0%	\$	-
utlities	3,000	163	5%	\$	217
JSSD- Sewer	43,000	29,564	69%	\$	39,419
JSSD- Water	290,000	211,360	73%	\$	281,813
Water reservation fees	55,300	55,562	100%	\$	74,083
Depreciation expense	-	-	0%	\$	-
Total Expenses	\$ 1,062,275	\$ 709,505	67%	\$	946,007
Surplus/(Deficit)	\$ 105,215	\$ 201,424		\$	268,565
Cash Balance Beginning of Year				\$	-
Projected Surplus/(Deficit)					268,565
Cash Balance End of Year				\$	268,565

Budget Report for March 2022

Item # 2.

Hideout FY 2022 Budget

General Fund	Budget	Actual	75.0%	Year End
Revenues	FY 2022	To Date	Percent	Projected
			Target	Amount
Total Taxes	\$ 398,102	\$ 357,697	90%	476,929
Total License and Permits	1,359,300	831,036	61%	1,108,049
Total Charges for Service	19,000	1,931	10%	2,575
Total Fines and Forfeitures	2,000	4,875	244%	6,500
Total Miscellaneous Revenues	5,100	4,075	80%	5,433
Total Contributions & Transfers	-	-	0%	-
Total General Fund Revenues	\$ 1,783,502	\$ 1,199,614	67%	\$ 1,599,485

General Fund	Budget	Actual	75.0%	Year End
Expenditures	FY 2022	To Date	Percent	Projected
			Target	Amount
Total Admin	\$ 220,862	\$ 215,955	98%	\$ 287,940
Total Contract Services	1,039,000	463,370	45%	617,826
Total Facilities	90,500	11,094	12%	14,791
Total Building	153,833	143,090	93%	190,787
Total Public Safety	5,000	2,876	58%	3,835
Total Public Works	15,000	1,629	11%	2,172
Total Sanitation	26,500	26,961	102%	35,948
Transfers	-	-	0%	-
Total General Fund Expenditures	1,550,695	864,974	56%	1,153,299
Surplus/(Deficit)	232,807	334,640		446,186

Hideout Covid 19 Fund	Budget	Actual	75.0%	Year End
	FY 2022	To Date	Percent	Projected
			Target	Amount
Total Revenues	\$ 107,000	\$ 59,057	55%	\$ 107,000
Total Expenses	\$ 107,000	\$ 32	0%	\$ 43
Surplus/(Deficit)	\$ -	\$ 59,025		\$ 106,957

Class C Road Fund	Budget	Actual	75.0%	Year End
	FY 2022	To Date	Percent	Projected
			Target	Amount
Total Revenues	\$ 78,000	\$ 29,347	38%	\$ 39,130
Total Expenses	\$ 78,000	\$ -	0%	\$ -
Surplus/(Deficit)	\$ -	\$ 29,347		\$ 39,130

Water Utility	Budget	Actual	75.0%	Year End
	FY 2022	To Date	Percent	Projected
			Target	Amount

Total Revenues	\$ 1,167,490	\$ 910,929	78%	\$ 1,214,572
Total Expenses	\$ 1,062,275	\$ 709,505	67%	\$ 946,770
Surplus/(Deficit)	\$ 105,215	\$ 201,424		\$ 268,565

Item # 2.

February 17, 2022

To the Mayor and Council of
Hideout Town

We have audited the financial statements of Hideout Town for the year ended June 30, 2021, and we will issue our report thereon dated February 17, 2022. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards (and, if applicable, *Government Auditing Standards* and the Uniform Guidance), as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated October 4, 2021. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Matters

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by Hideout Town are described in Note A to the financial statements. We noted no transactions entered into by the Organization during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the financial statements were:

Management's estimate of the estimated useful lives of depreciable assets, which is based on historical information and management's estimate and the usefulness of the respective assets. We evaluated the key factors and assumptions used to develop this estimate in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimate of accounts receivable collectible within one year and allowance for uncollectibles. A portion of Hideout's receivable balance (\$170,800) has been challenged by a customer and is in the process of litigation.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to the financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, a disagreement with management is a disagreement on a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated February 17, 2022.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the Town's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the Town's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

2021-07: Controls over separation of duties.

Criteria: Duties over bank transfers, access to the general ledger, and reconciliation of the general ledger should be separated wherever possible. If it is not possible to separate these duties, management should document the review of necessary documents to oversee the transactions and verify that they are done accurately.

Condition: The same person that does the bank transfers also has access to the general ledger and also does the bank reconciliation. There is no documentation that these items are being reviewed by management.

Cause: The same person that does the bank reconciliation can also make transfers and make adjustments to the general ledger.

Effect: Misappropriation of funds could occur without detection.

Recommendation: If possible separate out the duties to different people so that the same person does not do all control procedures. In addition, management should document the review of necessary documents to mitigate the concerns. We recommend the management perform a review of bank transfers on a regular and timely basis.

Management's Response: The Town has engaged the services of a consultant who will be involved in the restructuring of our financial department. The consultant will work with our auditors in developing a workable solution so that will strengthen our internal controls.

2021-08: Costs are allocated haphazardly

Criteria: Significant cost allocations between funds and/or departments should be budgeted and approved by management according to an allocation plan using a reasonable methodology.

Condition: Management does not have an allocation plan for payroll and expenses between departments and/or funds.

Cause: Management has not prepared an allocation plan for the allocation of expenses between departments and funds. Management relies on judgement of accounting personnel.

Effect: Expenses may not be allocated in an appropriate way between departments and/or funds. This may result in misstatements of financial statements.

Recommendation: We recommend Hideout Town prepare and approve an allocation plan to allocate between funds and/or department expenses based on a reasonable methodology.

Management's Response: We will make cost allocation part of the budget preparation and will be presented to council for approval.

Other Matters

We applied certain limited procedures to the management's discussion and analysis and the budgetary comparison for the general fund which are required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's response to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were engaged to report on combining individual fund financial statements, which accompany the financial statements but are not RSI. With respect to the supplementary information accompanying the financial statements, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

Restriction of Use

This information is intended solely for the information and use of the Mayor and City Council and management of Hideout Town and is not intended to be, and should not be used by anyone other than these specific parties.

Very truly yours,

Child, Richards CPAs & Advisors

Child Richards CPAs & Advisors

APPENDIX A
TOWN OF HIDEOUT JOURNAL ENTRIES
JUNE 30, 2021

#	ACCOUNT DESCRIPTION	DEBIT	CREDIT
1	10-1111 Key Bank (4000)	359,013.05	
	10-1175 Undeposited receipts		359,013.05
	-to allocate undeposited receipts from General Fund to Water Fund		
2	51-6250 Operating expenses	320.68	
	51-2981 Retained earnings		320.68
3	10-3490 Other services revenue	9,635.00	
	10-1111 Key Bank (4000)		9,635.00
4	10-5001.8 Admin Personnel	8,804.98	
	10-2220 Payroll liability clearing		8,804.98
	-Reverse part of YE AJ # 421 that was done backwards		
5	10-5201 Streets Personnel	3,240.00	
	10-2212 Leave Time Accrual		3,240.00
	- Calculate and reserve leave time accrued		
6	10-2140 - Wages Payable	2,379.44	
	10-6350 Salaries and wages		2,379.44
	10-2211 Accrued wages payable	1,294.12	
	10-5201 Streets Personnel		1,294.12
	- Adjust accrual for year end payroll		
7	10-NEW- Prepaid Expense	30,000.00	
	10-5105 Safety Police department		30,000.00
	- Record Prepaid Expense for Law enforcement services		
8	10-1311 Accounts receivable	23,750.00	
	10-2803 Developer Performance & Warranty Bonds		23,750.00
	- Per note on WP 16AA in prior year, this entry was made incorrectly and should have been corrected with a JE last year as a Credit to A/R and Debit to 2601. However, they posted an entry to 2601 as a debit and 2803 as a credit.		
9	10-3230 Project Fees		32,332.08
	10-2307.1 Application Deposits	32,332.08	
	- Client already posted		

10	10-3140 Municipal energy taxes		738.64
	10-3137 Franchise Fee Revenue	808.25	
	10-3130 Sales tax	3,778.11	
	10-3120 Prior year property taxes - delinquent	827.77	
	10-3124 Fee-in-lieu of property taxes	44.45	
	10-2380 Deferred inflows - property taxes		46,952.62
	10-3110 Property taxes - current	46,952.62	
	10-1341 Due from other governments		4,719.94
	- Tie out all the revenues to confirmations		
11	10-3490 Other services revenue	713.75	
	10-5002.3 Engineering	2,745.75	
	10-2981 Fund balance		3,459.50
	- Make equity roll forward		
12	56-1312 OTHER RECEIVABLES	14,056.00	
	56-1175 UNDEPOSITED RECEIPTS		14,056.00
	57-1312 OTHER RECEIVABLES	1,330.00	
	57-1175 UNDEPOSITED RECEIPTS		1,330.00
	58-1312 OTHER RECEIVABLES	5,352.00	
	58-1175 UNDEPOSITED RECEIPTS		5,352.00
	- Reclassify some checks that were voided		
13	10-2301 - Bond Interest Payable	543.75	
	10-5801 Interest		543.75
	- Adjust Accrued Bond Interest		
14	10-2602 Professional Services Advanced	8,827.50	
	10-5002.3 Engineering		8,827.50
	- Reverse Entry that Wes said was doubled up		
15	51-6405 JSSD - Sewer		3,305.55
	51-6410 JSSD - Water		20,812.50
	51-2131 Accounts payable	24,118.05	
	- Reverse PY 31		
16	51-5140 Water service		7,884.00
	51-2131 Accounts payable	7,884.00	
	- Reverse PY 32		
17	51-6140 - Engineering		3,777.50
	51-2131 Accounts payable	3,777.50	
	- Reverse PY 33		
18	10-2131 Accounts Payable	30,368.85	
	10-5002.4 Building Inspection		20,388.75
	10-5002.2 Legal		9,980.10
	- Reverse PY JE		

19	10-1111 Key Bank (4000)		19,592.53
	10-2131 Accounts payable	19,592.53	
	51-1111 Key Bank (4000)	19,592.53	
	51-2131 Accounts payable		19,592.53
	- Reallocate AP to correct funds		
20	51-6405- JSSD Sewer	6,780.86	
	51-6405- JSSD Sewer	473.94	
	51-6405- JSSD Sewer	2,645.67	
	51-6305 Repairs		6,780.86
	51-6305 Repairs		473.94
	51-6305 Repairs		2,645.67
	- Client already made reclass- Reclassify payments made the incorrect account		
21	10-1610 Water System	229,750.00	
	10-1620 Sewer System	73,115.00	
	10-1630 (NEW) Storm Drain System	52,162.00	
	51-Contributed Capital		355,027.00
	-Developer Contributions for year		
22	51- Interest Expense	541.83	
	51-2701 Skidsteer Accrued Interest		541.83
	- Accured Interest on Skid Steer Lease		
23	51-6610 Depreciation Expense	843,243.00	
	51-6120 Depreciation Expense	163,260.44	
	51-1710 Acc Dpn Water System		317,352.70
	51-1720 AccDpn Sewer System		477,608.91
	51-1730 AccDpn Storm Drain System		214,007.44
	51-NEW AccDpn Machinery & Equipment	2,465.72	
	- Adjust Depreciation in Water Fund		
24	51-1175 Undeposited receipts	359,013.05	
	51-1111 Key Bank (4000)		359,013.05
	-to allocate undeposited receipts from General Fund to Water Fund		
	51-1111 Key Bank (4000)	9,635.00	
	51-5310 Connection fees		9,635.00
25	10-2307.1 Application Deposits	32,332.08	
	10-3230 Inspection fee		32,332.08
	10-2307.1 Application Deposits	11,010.00	
	10-3221 Building permits		11,010.00
	- Reclass income from assets to revenues		

26	10-1111 Key Bank (4000)	19,140.25	
	10-3490 Other services revenue		19,140.25
	- Transfer the fee from Xpress Bill pay that was booked as an other asset to offset revenue		

ALREADY POSTED BY CLIENT - REMOVED FROM 1A

10 1311 Accounts Receivable	713.75	
10 1320 Allowance for doubtful accounts	16,566.17	
10 2602 Professional Services Advance	4,377.00	
10 3490 Other services revenue	2,233.15	
10 3690 Other revenue	3,301.22	
10 5810 Developer contributions		21,641.25
10 5810 Developer contributions		127,070.97
10 5001.8 Admin personnel		2,724.38
10 5002.2 Legal	13,728.50	
10 5002.3 Engineering	100,146.58	
10 5002.4 Building inspection		33,549.89
10 5004 Admin other	529.72	
10 2981 Fund balance	44,390.40	
10 5002.65 Building plan review		1,000.00
-To reverse JE #387		

**HIDEOUT TOWN
BASIC FINANCIAL STATEMENTS AND
REQUIRED SUPPLEMENTARY INFORMATION
WITH INDEPENDENT AUDITOR'S REPORTS
YEAR ENDED JUNE 30, 2021**

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INDEPENDENT AUDITOR'S REPORT

To the Mayor and Town Council of
Hideout Town

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, and each major fund of Hideout Town, as of and for the year ended June 30, 2021, and the related notes to the financial statements, which collectively comprise Hideout Town's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, and each major fund of Hideout Town, as of June 30, 2021, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters***Required Supplementary Information***

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, and the budgetary comparison information, on pages 3-7 and 34-35 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated February 5, 2022, on our consideration of Hideout Town's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of Hideout Town's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Hideout Town's internal control over financial reporting and compliance.

Child, Richards CPAs & Advisors

Ogden, Utah
February 5, 2022

MANAGEMENT'S DISCUSSION AND ANALYSIS

HIDEOUT TOWN MANAGEMENT'S DISCUSSION AND ANALYSIS FOR THE FISCAL YEAR ENDING JUNE 30, 2021

INTRODUCTION

The following is a discussion and analysis of Hideout Town's financial performance and activities for the fiscal year ending June 30, 2021.

HIGHLIGHTS

Net position of the Town increased by \$982,022. Of this amount, business-type activities increased by \$628,438 and governmental activities increased by \$353,584.

The assets of Hideout Town exceeded its liabilities and deferred inflows of resources at the end of the current fiscal year by \$13,070,073 (net position). Of this amount, \$1,858,068 (unrestricted net position) is available to meet ongoing obligations to citizens and creditors.

The Town's governmental funds reported a combined ending fund balance of \$638,245, an increase of \$264,563 compared to the prior years' ending amount. Of the combined total fund balance, \$507,252 is available for spending at the discretion of the Town (unrestricted and unassigned fund balance).

The unrestricted and unassigned fund balance of the General Fund at June 30, 2021, totaling \$493,310, is 79% of the General Fund total revenues for the year. The General Fund has \$101,002 of fund balance restricted for specific purposes that will be carried over into the following fiscal year.

OVERVIEW OF THE FINANCIAL STATEMENTS

This discussion and analysis is an introduction to the Town's Basic Financial Statements. The Basic Financial Statements includes three components: 1) government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements.

The government-wide financial statements are comprised of the Statement of Net Position and the Statement of Activities. These two statements provide a broad overview of the Town's finances. The Statement of Net Position shows the overall net position of the Town. Increases and decreases in net position are one indicator of the Town's overall financial condition. The Statement of Activities helps to identify functions of the Town that are principally supported by taxes and other general revenues (governmental activities) along with other functions that are intended to recover all or most of their costs through user fees and charges (business-type activities). Hideout Town's business type activity is water.

The fund financial statements provide detailed information about individual major funds and not the Town as a whole. A fund is a group of related accounts that the Town uses to keep track of specific resources that are segregated for a specific purpose. Some funds are required by law to exist, while others are established internally to maintain control over a particular activity. All of the Town's funds are divided into two types. The two types are Governmental Funds and Proprietary Funds.

A fund is defined as a fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities or balances, and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations.

**HIDEOUT TOWN
MANAGEMENT'S DISCUSSION AND ANALYSIS
FOR THE FISCAL YEAR ENDING JUNE 30, 2021**

Hideout Town maintains one individual governmental fund. Information is presented separately in the governmental fund Balance Sheet and in the governmental fund Statement of Revenues, Expenditures, and Changes in Fund Balances for the General Fund.

Hideout Town maintains six individual governmental funds. Information is presented separately in the governmental fund Balance Sheet and in the governmental fund Statement of Revenues, Expenditures, and Changes in Fund Balances for the General Fund, and Capital Projects Fund which are considered to be major funds. Data from the other six governmental funds are combined into the General Fund.

Hideout Town adopts an annual appropriated budget for its General Fund. A budgetary comparison statement has been provided for the General Fund to demonstrate compliance with this budget.

Hideout Town has four Proprietary Funds; Water, Culinary Water, Waste Water and Storm Water. The Enterprise Funds may be used to report any activity for which a fee is charged to external users for goods or services. The Enterprise Funds are used to report the same functions presented as business-type activities in the government-wide financial statements.

There are several differences between Government-Wide and Fund Statements. Capital assets and long-term debt are included on the government-wide statements, but are not reported on the governmental fund statements. Capital outlays result in capital assets on the government-wide statements, but are expenditures on the governmental fund statements.

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HIDEOUT TOWN

MANAGEMENT'S DISCUSSION AND ANALYSIS

FOR THE FISCAL YEAR ENDING JUNE 30, 2021

FINANCIAL ANALYSIS OF THE CITY AS A WHOLE

Net Position

GOVERNMENT-WIDE FINANCIAL ANALYSIS

	Governmental Activities		Business-type Activities		Total	
	June 30	June 30	June 30	June 30	June 30	June 30
	2021	2020	2021	2020	2021	2020
Cash	\$ 1,715,291	\$ 930,928	\$ 1,826,304	\$ 509,950	\$ 3,541,595	\$ 1,115,135
Other assets	731,109	326,112	378,528	412,182	1,109,637	633,305
Capital assets	7,404,720	7,321,510	4,170,697	3,975,849	11,575,417	11,837,409
Deferred outflows of resources	-	-	-	-	-	-
Total assets and deferred outflows	9,851,120	8,578,550	6,375,529	4,897,981	16,226,649	13,585,849
Noncurrent liabilities	448,900	454,934	32,414	-	481,314	482,203
Other liabilities	1,629,072	735,263	866,884	50,188	2,495,956	891,460
Total liabilities	2,077,972	1,190,197	899,298	50,188	2,977,270	1,373,663
Deferred inflows of resources	179,306	148,095	-	-	179,306	148,054
Total liabilities and deferred inflows	2,257,278	1,338,292	899,298	50,188	3,156,576	1,521,717
Net position:						
Net investment in capital assets	6,972,720	6,874,510	4,138,283	3,975,849	11,111,003	11,376,409
Restricted	101,002	28,716	-	-	101,002	28,123
Unrestricted	520,120	337,032	1,337,948	871,944	1,858,068	659,600
Total net position	<u>\$ 7,593,842</u>	<u>\$ 7,240,258</u>	<u>\$ 5,476,231</u>	<u>\$ 4,847,793</u>	<u>\$ 13,070,073</u>	<u>\$ 12,088,051</u>

The largest component of the Town's net position, 85.01%, reflects investments in capital assets (land, buildings, equipment, and infrastructure) less all outstanding debt that was issued to buy or build those assets. As capital assets, these resources are not available for future spending, nor can they all be readily liquidated to pay off the related liabilities.

Restricted net position comprises less than 1% of the total net position and is subject to external restrictions on how they may be used. The remaining 14.22% of net position is unrestricted and may be used at the Town's discretion to meet its ongoing obligations to citizens and creditors.

HIDEOUT TOWN MANAGEMENT'S DISCUSSION AND ANALYSIS FOR THE FISCAL YEAR ENDING JUNE 30, 2021

Changes in Net Position

	Governmental Activities		Business-type Activities		Total	
	June 30	June 30	June 30	June 30	June 30	June 30
	2021	2020	2021	2020	2021	2020
Revenues:						
Program revenues:						
Charges for services	\$ 857,083	\$ 489,945	\$ 1,122,988	\$ 1,074,127	\$ 1,980,071	\$ 1,564,072
Operating grants and contributions	248,982	77,896	-	-	248,982	77,896
Capital grants and contributions	186,577	61,000	410,802	-	597,379	61,000
General revenues:						
Property taxes	164,623	152,129	-	-	164,623	152,129
Sales taxes	148,586	110,955	-	-	148,586	110,955
Other taxes	55,846	41,435	-	-	55,846	41,435
Interest	3,393	3,277	214	3,277	3,598	6,554
Other	139,198	1,764	-	-	139,198	1,764
Total revenues	1,804,279	938,401	1,534,004	1,077,404	3,338,283	2,015,805
Transfers In (Out)	-	-	-	-	-	-
Total revenues and transfers	1,804,279	938,401	1,534,004	1,077,404	3,338,283	2,015,805
Expenses:						
General government	856,818	646,541	-	-	856,807	646,541
Public safety	50,849	1,929	-	-	50,849	1,929
Highways and public improvements	531,877	500,522	-	-	531,877	500,522
Parks and recreation	530	4,000	-	-	530	4,000
Interest	10,631	11,525	-	-	10,631	11,525
Water	-	-	905,566	827,369	905,566	827,369
Total expenses	1,450,695	1,164,517	905,566	827,369	2,356,261	1,991,886
Change in net position	353,584	(226,116)	628,438	250,035	982,022	23,919
Net position-beginning	7,240,258	7,466,374	4,847,793	4,597,758	12,088,051	12,064,132
Net position-ending	\$ 7,593,842	\$ 7,240,258	\$ 5,476,231	\$ 4,847,793	\$ 13,070,073	\$ 12,088,051

Governmental Activities

The activities in the governmental funds resulted in an increase in net position of \$353,584 for the year.

Business-Type Activities

The business-type activities increased net position by \$628,438. The Enterprise Fund is generating sufficient operating revenue to cover operating costs with a small surplus.

HIDEOUT TOWN MANAGEMENT'S DISCUSSION AND ANALYSIS FOR THE FISCAL YEAR ENDING JUNE 30, 2021

Capital Assets

Hideout Town added \$445,178 in new capital assets in governmental activities and \$8,580 in business-type activities during the fiscal year. This consisted of new machinery and equipment purchases and construction in progress for the Public Works building.

Fund Balances

The fund balance in the General Fund increased by \$250,621. The Net Position in the Enterprise Funds increased by \$572,663.

General Fund Budgets

Hideout Town prepares its budget according to state statutes. The General Fund Budget was adjusted during the year.

Actual General Fund revenues before other financing sources were \$600,968 above the original budget and above the final adjusted budget. Actual General Fund expenditures before transfers were \$402,609 above the original budget and \$276,609 above the final adjusted budget.

ADDITIONAL INFORMATION

This financial report is designed to provide our citizens, taxpayers, and creditors with a general overview of Hideout Town's finances and to demonstrate the Town's accountability for the money it receives. Questions concerning any of the information provided in this report or any other matters related to the Town's finances should be addressed to Hideout Town, 10860 No. Hideout Trail, Hideout, Utah 84036.

BASIC FINANCIAL STATEMENTS

HIDEOUT TOWN
STATEMENT OF NET POSITION
JUNE 30, 2021

Item # 3.

	Primary Government		
	Governmental	Business-type	Total
	Activities	Activities	
ASSETS			
Cash and cash equivalents	\$ 1,588,524	\$ 1,826,304	\$ 3,414,828
Restricted cash	126,767	-	126,767
Accounts receivable	378,457	338,311	716,768
Due from other governmental units	322,652	-	322,652
Prepaid expenses	30,000	40,217	70,217
Capital assets (net of accumulated depreciation):			
Land	50,000	-	50,000
Construction in progress	2,860	8,580	11,440
Buildings	435,428	-	435,428
Water system	-	1,731,627	1,731,627
Sewer system	-	1,399,999	1,399,999
Storm drain system	-	991,914	991,914
Roadway improvements	6,860,594	-	6,860,594
Machinery & equipment	55,838	38,577	94,415
TOTAL ASSETS	9,851,120	6,375,529	16,226,649
Deferred outflows of resources - pensions	-	-	-
TOTAL ASSETS AND DEFERRED OUTFLOWS	9,851,120	6,375,529	16,226,649
LIABILITIES			
Accounts payable	243,324	857,024	1,100,348
Accrued liabilities	19,574	2,360	21,934
Deposits	1,366,174	7,500	1,373,674
Non-current liabilities:			
Due within one year	22,679	10,900	33,579
Due in more than one year	426,221	21,514	447,735
TOTAL LIABILITIES	2,077,972	899,298	2,977,270
DEFERRED INFLOWS OF RESOURCES			
Unavailable revenue - property taxes	179,306	-	179,306
TOTAL DEFERRED INFLOWS OF RESOURCES	179,306	-	179,306
NET POSITION			
Net investment in capital assets	6,972,720	4,138,283	11,111,003
Restricted for:			
Class C roads	67,910	-	67,910
Bond reserves	28,857	-	28,857
MIDA Funds	4,235	-	4,235
Unrestricted	520,120	1,337,948	1,858,068
TOTAL NET POSITION	\$ 7,593,842	\$ 5,476,231	\$ 13,070,073

The accompanying notes are an integral part of these statements.

HIDEOUT TOWN
STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2021

					Net (Expense) Revenue and Changes in Net Position Primary Government		
		Program Revenues					
			Operating	Capital			
FUNCTIONS/PROGRAMS	Expenses	Charges for	Grants and	Grants and	Governmental	Business-type	
PRIMARY GOVERNMENT:		Services	Contributions	Contributions	Activities	Activities	Total
Governmental activities:							
General government	\$ 856,807	\$ 857,083	\$ -	\$ -	\$ 276	\$ -	\$ 276
Public safety	50,849	-	-	-	(50,849)	-	(50,849)
Highways and improvements	531,878	-	248,982	186,577	(96,319)	-	(96,319)
Parks and recreation	530	-	-	-	(530)	-	(530)
Interest	10,631	-	-	-	(10,631)	-	(10,631)
Total governmental activities	1,450,695	857,083	248,982	186,577	(158,053)	-	(158,053)
Business-type activities:							
Water	905,566	1,122,988	-	410,802	-	628,224	628,224
Total business-type activities	905,566	1,122,988	-	410,802	-	628,224	628,224
Total primary government	\$ 2,356,261	\$ 1,980,071	\$ 248,982	597,379	(158,053)	628,224	470,171
General revenues:							
Property taxes					164,623	-	164,623
Sales taxes					148,586	-	148,586
Fees-in-lieu of taxes					4,944	-	4,944
Franchise taxes					50,902	-	50,902
Class C roads					67,910		67,910
COVID grant					71,288		71,288
Interest earnings					3,384	214	3,598
Total general revenues and transfers					511,637	214	511,851
Change in net position					353,584	628,438	982,022
Net position - beginning					7,240,258	4,847,793	12,088,051
Net position - ending					\$ 7,593,842	\$ 5,476,231	\$ 13,070,073

The accompanying notes are an integral part of these statements.

**HIDEOUT TOWN
BALANCE SHEET
GOVERNMENTAL FUNDS
JUNE 30, 2021**

	General Fund	Capital Projects Funds	Total Governmental Funds
ASSETS			
Cash and cash equivalents	\$ 1,574,582	\$ 13,942	\$ 1,588,524
Restricted cash	126,767	-	126,767
Prepaid expenses	30,000	-	30,000
Accounts receivable	351,184	27,273	378,457
Due from other governmental units	322,652	-	322,652
Total assets	<u>\$ 2,405,185</u>	<u>\$ 41,215</u>	<u>\$ 2,446,400</u>
LIABILITIES			
Accounts payable	\$ 216,051	\$ 27,273	\$ 243,324
Accrued liabilities	19,342	-	19,342
Customer deposits	1,366,174	-	1,366,174
Total liabilities	<u>1,601,567</u>	<u>27,273</u>	<u>1,628,840</u>
DEFERRED INFLOWS OF RESOURCES			
Unavailable revenue - property taxes	179,306	-	179,306
Total deferred inflows of resources	<u>179,306</u>	<u>-</u>	<u>179,306</u>
FUND BALANCES			
Nonspendable:			
Prepays	30,000	-	30,000
Restricted for:			
Class C roads	67,910	-	67,910
Bond reserves	28,857	-	28,857
MIDA Funds	4,235	-	4,235
Unassigned	493,310	13,942	507,252
Total fund balances	<u>624,312</u>	<u>13,942</u>	<u>638,254</u>
Total liabilities, deferred inflows of resources, and fund balances	<u>\$ 2,405,185</u>	<u>\$ 41,215</u>	<u>\$ 2,446,400</u>

The accompanying notes are an integral part of these statements.

HIDEOUT TOWN
RECONCILIATION OF THE BALANCE SHEET - GOVERNMENTAL FUNDS
TO THE STATEMENT OF NET POSITION
JUNE 30, 2021

Item # 3.

Total fund balances - governmental funds:	\$ 638,254
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Amounts reported for governmental activities in the Statement of
Net Position is different because:

Capital assets used in governmental activities are not
financial resources and, therefore, are not reported in the
funds.

Land	\$ 50,000	
Construction in progress	2,860	
Infrastructure	10,425,930	
Buildings	483,809	
Machinery and equipment	238,177	
Accumulated depreciation	<u>(3,796,056)</u>	
		7,404,720

Long-term liabilities, including compensated absences are not
due and payable in the current period and therefore are not
reported in the governmental funds, but they are reported in
the Statement of Net Position.

Building bond	(432,000)	
Lease financing	(13,660)	
Compensated absences	<u>(3,472)</u>	
		<u>(449,132)</u>

Net position of governmental activities	<u><u>\$ 7,593,842</u></u>
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The accompanying notes are an integral part of these statements.

HIDEOUT TOWN
STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
FOR THE YEAR ENDED JUNE 30, 2021

	General Fund	Capital Projects Fund	Total Governmental Funds
REVENUES			
Taxes			
Property taxes	\$ 164,623	\$ -	\$ 164,623
Sales taxes	148,586	-	148,586
Fees-in-lieu of taxes	4,944	-	4,944
Franchise taxes	50,902	-	50,902
Licenses and permits	675,523	-	675,523
Charges for services	173,560	-	173,560
Class C roads	67,910	-	67,910
Fines and forfeitures	8,000	-	8,000
Miscellaneous revenue	-	-	-
Total revenues	<u>1,294,048</u>	<u>-</u>	<u>1,294,048</u>
EXPENDITURES			
Current			
General government	834,078	-	834,078
Public safety	50,849	-	50,849
Highways and public improvements	183,451	-	183,451
Parks and recreation	530	-	530
Capital outlay			
General government	-	-	-
Public safety	-	-	-
Highways and public improvements	23,560	235,040	258,600
Parks and recreation	-	-	-
Debt service			
General government			
Principal	15,000	-	15,000
Interest	10,631	-	10,631
Total expenditures	<u>1,118,099</u>	<u>235,040</u>	<u>1,353,139</u>
Excess (deficiency) of revenues over expenditures	<u>175,949</u>	<u>(235,040)</u>	<u>(59,091)</u>
Other financing sources (uses)			
Interest earnings	3,384	-	3,384
COVID grant	71,288	-	71,288
Impact fees	-	248,982	248,982
Total other financing sources and uses	<u>74,672</u>	<u>248,982</u>	<u>323,654</u>
Net change in fund balances	250,621	13,942	264,563
Fund balances - beginning of year	<u>373,682</u>	<u>-</u>	<u>373,682</u>
Fund balances - end of year	<u>\$ 624,303</u>	<u>\$ 13,942</u>	<u>\$ 638,245</u>

HIDEOUT TOWN

**RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS TO THE
STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED JUNE 30, 2021**

Amounts reported for governmental activities in the Statement of

Activities are different because:

Net changes in fund balances - total governmental funds	\$	264,563
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Governmental funds report capital outlays as expenditures.

However, in the Statement of Activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount by which capital additions exceeded depreciation in the current period.

Capital outlays	\$	258,600	
Depreciation expense		(361,969)	(103,369)

Donations of capital assets increase net position in the Statement of Activities, but do not appear in the governmental funds because they are not financial resources.

Infrastructure			186,577
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The Statement of Activities includes the net pension benefit (expense) from the adoption of GASB 68, which is not included in the fund financial statements.

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The issuance of long-term debt (e.g., bonds, leases) provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction however, has any effect on net position. This amount is the net effect of these differences in the treatment of long term debt.

Issuance of debt			(13,660)
Repayment of debt			19,136

The governmental funds report the proceeds from the sale of assets as revenues, while the government-wide financial statements report the difference between the sale proceeds and the net book value of the assets sold as a gain or loss.

Net book value of assets sold			-
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Some expenses reported in the Statement of Activities do not require use of current financial resources and therefore, are not reported as expenditures in governmental funds.

		337	
Change in net position of governmental activities	\$	353,584	

HIDEOUT TOWN
STATEMENT OF NET POSITION
PROPRIETARY FUNDS
JUNE 30, 2021

	Business-Type Activities - Enterprise Funds
	Water
ASSETS AND DEFERRED OUTFLOWS	
Current assets:	
Cash and cash equivalents	\$ 1,826,304
Accounts receivable	338,311
Prepaid expense	40,217
Total current assets	2,204,832
Noncurrent assets:	
Restricted cash and cash equivalents	-
Construction in progress	8,580
Water system	2,468,801
Sewer system	2,027,630
Storm drain system	1,574,560
Machinery & equipment	42,499
Less: accumulated depreciation	(1,951,373)
Total noncurrent assets	4,170,697
Total assets	6,375,529
Deferred outflows of resources - pension	-
Total assets and deferred outflows of resources	6,375,529
LIABILITIES AND DEFERRED INFLOWS	
Current liabilities:	
Accounts payable	857,024
Accrued liabilities	2,360
Current portion of long-term liabilities	10,900
Customer deposits	7,500
Total current liabilities	877,784
Noncurrent liabilities:	
Long term liability	21,514
Net pension liability	-
Total noncurrent liabilities	21,514
Deferred inflows of resources - pension	-
Total liabilities and deferred inflows of resources	899,298
NET POSITION	
Net investment in capital assets	4,138,283
Unrestricted	1,337,948
Total net position	\$ 5,476,231

HIDEOUT TOWN
STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN
FUND NET POSITION - PROPRIETARY FUNDS
FOR THE YEAR ENDED JUNE 30, 2021

	Business-Type Activities Enterprise Funds
	Water
OPERATING REVENUE	
Charges for service	\$ 1,114,687
Other	8,301
Total operating revenue	1,122,988
OPERATING EXPENSES	
Software and technology	9,654
Water expense	290,110
Sewer fees	46,583
Water reservation fees	55,332
Professional fees	33,743
Repairs and maintenance	36,499
Meters	39,682
Salaries and wages	198,872
Depreciation	192,937
Other expenses	1,614
Total operating expenses	905,026
Operating income (loss)	217,962
NONOPERATING REVENUE (EXPENSES)	
Transfers in	-
Impact Fees	55,775
Interest revenue	214
Interest expense	(540)
Total nonoperating revenue	(326)
Income (loss) before contributions	217,636
Capital contributions	355,027
Change in net position	572,663
Net position - beginning	4,847,793
Net position - ending	\$ 5,420,456

The accompanying notes are an integral part of these statements.

**HIDEOUT TOWN
STATEMENT OF CASH FLOWS
PROPRIETARY FUNDS
FOR THE YEAR ENDED JUNE 30, 2021**

Item # 3.

	Business-Type Activities - Enterprise Funds
	Water
Cash Flows From Operating Activities	
Receipts from customers	\$ 1,153,673
Payments to employees	(201,249)
Payments to suppliers	307,941
Net cash from operating activities	<u>1,260,365</u>
Cash Flows From Capital and Related Financing Activities	
Purchases of capital assets	(31,872)
Debt issuance related to capital assets	31,872
Impact, Extension and connection fees	55,775
Proceeds from sale of assets	-
Net cash from capital and related financing	<u>55,775</u>
Cash Flows From Investing Activities	
Interest and dividends received	214
Net cash from investing activities	<u>214</u>
Net increase (decrease in cash and cash equivalents)	1,316,354
Cash and cash equivalents, July 1	509,950
Cash and cash equivalents, June 30	<u>\$ 1,826,304</u>
Reconciliation of Operating Income to Net Cash Provided (Used) by Operating Activities:	
Operating income (loss)	\$ 217,962
Adjustments to reconcile operating income to net cash provided (used) by operating activities:	
Depreciation expense	192,937
(Increase) decrease in accounts receivable	32,768
(Increase) decrease in prepaid expense	-
Increase (decrease) in accounts payable	821,158
Increase (decrease) in accrued liabilities	(2,377)
Increase (decrease) in customer deposits	(2,083)
Total adjustments	<u>1,042,403</u>
Net cash provided (used) by operating activities	<u>\$ 1,260,365</u>
Noncash Investing, Capital and Financing Activities:	
Contributed capital assets from developers	<u>\$ 355,027</u>

The accompanying notes are an integral part of these statements.

HIDEOUT TOWN
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2021

Item # 3.

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The accounting policies of Hideout Town, Utah conform in all material respects to generally accepted accounting principles (GAAP) as applicable to governments. The Town has adopted the provisions of the Governmental Accounting Standards Board (GASB). Preparation of the financial statements in conformity with GAAP requires management to make estimates and assumptions that affect the reported amounts and disclosures in the financial statements.

The following is a summary of the more significant policies and is presented to assist the reader in interpreting the financial statements and other data in this report. These policies, as presented, should be viewed as an integral part of the accompanying financial statements.

A. Reporting Entity

The Town of Hideout (the Town) was incorporated in 2008 under the laws of the state of Utah. The Town operates by ordinance under the Mayor-Council form of government and provides the following services as authorized by its charter: public safety (police), highway and streets, sanitation, recreation, public improvements, planning and zoning, and general administration. In addition, the Town owns and operates water utilities.

The criteria set forth by generally accepted accounting principles (GAAP) was used to determine which entities to include in this report. GASB Concepts Statement-1 (Objectives of Financial Reporting) concludes that the basic foundation for governmental financial reporting is accountability. The Concepts Statement asserts that accountability requires governments to answer to the citizenry - to justify the raising of public resources and the purposes for which they are used. In turn, the concept of accountability becomes the basis for defining the financial reporting entity.

In defining the government, for financial reporting purposes, management has considered all potential component units. The decision to include a potential component unit in the reporting entity was made by applying the criteria set forth by the Governmental Accounting Standards board (GASB). Under GASB Statement No. 61, The Financial Reporting Entity, the financial reporting entity consists of the primary government and no component units.

B. Government-wide and Fund Financial Statements

The Town's financial statements are prepared in accordance with generally accepted accounting principles (GAAP). The Governmental Accounting Standards Board (GASB) is responsible for establishing GAAP for state and local governments through its pronouncements (Statements and Interpretations). The Town has adopted GASB Statement No. 62, *Codification of Accounting and Financial Reporting Guidance*. Accordingly, the Town has elected to apply all applicable GASB pronouncements and codified accounting standards issued by GASB. The more significant accounting policies established in GAAP and used by the Town are discussed below.

The Town's basic financial statements consist of both government-wide statements and fund statements. The government-wide statements focus on the Town as a whole, while the fund statements focus on individual funds.

Government-wide Financial Statements

The government-wide statements present information on all non-fiduciary activities of the primary government. Primary government activities are distinguished between *governmental* and *business-type* activities. Governmental activities generally are financed through taxes, intergovernmental revenues, and other non-exchange revenues. Business-type activities are financed in whole or in part by fees charged to external parties for goods or services.

The *Statement of Net Position* presents the Town's non-fiduciary assets and liabilities, with the difference reported as net position. Net position are restricted when constraints placed upon them are either externally imposed or are

HIDEOUT TOWN
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2021

Item # 3.

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

B. Government-wide and Fund Financial Statements (Continued)

imposed by constitutional provisions or enabling legislation. The *Statement of Activities* demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. Direct expenses are those that are clearly identifiable within a specific function. The Town does not allocate general government (indirect) expenses to other functions. Program revenues include: 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function; and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function. Taxes and other revenues not meeting the definition of program revenues are reported as general revenues.

Fund Financial Statements

The financial transactions of the Town are recorded in individual funds. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is used to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities. Statements are provided for *governmental funds* and for *proprietary funds*. For governmental and proprietary funds, the emphasis is on *major funds*, with each displayed in a separate column.

The Town reports the following major governmental funds:

General Fund - This fund is the principal operating fund of the Town. It is used to account for all financial resources not required to be accounted for in another fund. This fund has been combined with the non-major funds for the presentation of the financial statements. The non-major funds include: COVID, Municipal Services MIDA, Development MIDA, and Class C Roads.

The Town reports the following major proprietary funds:

Water Fund - The water fund is used to account for operations of the water system, (a) that are financed and operated in a manner similar to private business enterprises, where the intent of the governing body is that the cost (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the governing body has decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control, accountability, or other purposes.

C. Measurement Focus and Basis of Accounting

The government-wide financial statements are prepared using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when the related liability is incurred, regardless of the timing of the cash flows. Taxes and fees are recognized in the year in which the related sales or other activity has occurred. Grants and similar items are recognized as revenue when all eligibility requirements have been met.

The governmental fund financial statements are prepared and reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized when they are both measurable and available. Expenditures are generally recorded when the related liability is incurred.

Proprietary funds separate operating and non-operating revenues and expenses. Operating revenues and expenses normally arise from providing goods and services in connection with the fund's normal ongoing operations. The

HIDEOUT TOWN
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2021

Item # 3.

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

C. Measurement Focus and Basis of Accounting (Continued)

principal sources of operating revenues for the proprietary funds are charges to customers for goods and services. Operating expenses include the cost of sales and services, administrative overhead expenses and depreciation on capital assets. All other revenues or expenses are recorded as non-operating.

D. Assets, Liabilities, and Fund Balances/Net Position

The following are the Town's significant policies regarding recognition and reporting of certain assets, liabilities, and equity.

Pooled Cash and Temporary Investments

Unrestricted and restricted cash balances of both funds are combined to form a pool of cash which is managed by the Town Treasurer. Utah State Statutes allow for investments in the Utah Public Treasurer's Investment Fund and Utah Money Management Act (UMMA) approved financial institutions. The UMMA provides for a committee to evaluate financial institutions and provide a list of those qualified as depositories for public funds, including the amount they are authorized to maintain over and above insured amounts. The Town Treasurer invests unrestricted and restricted cash with the Utah Public Treasurer's Investment Fund and with local financial institutions. Investments in the pooled cash fund consist primarily of certificates of deposit, repurchase agreements, and time deposits and are carried at cost which approximates market value. Interest income earned as a result of pooling is distributed to the appropriate funds based on month end balances of cash. The Town considers all highly liquid investments to be cash equivalents if they have a maturity of three months or less when purchased.

Inventories

No significant inventories are maintained by the Town; therefore, none are reflected in these statements.

Restricted Assets

Certain resources set aside as reserves in accordance with council resolutions and State statutes are classified as restricted assets on the balance sheet because their use is limited.

Capital Assets

General capital assets are not capitalized in the governmental funds used to acquire or construct them. Instead, capital acquisition and construction are reflected as expenditures.

Capital assets are reported in the governmental column in the government-wide financial statements. All purchased fixed assets are valued at cost or estimated historical cost. Donated fixed assets are valued at their estimated fair market value on the date received. The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend asset lives are not capitalized. Improvements are capitalized and depreciated over the remaining useful lives of the related capital assets, as applicable. Capital assets are defined as assets with an initial, individual cost of more than \$5,000.

Infrastructure capital assets which are newly constructed are capitalized. The Town currently has infrastructure assets recorded.

HIDEOUT TOWN
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2021

Item # 3.

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

D. Assets, Liabilities, and Fund Balances/Net Position (Continued)

Capital Assets (Continued)

Depreciation of all exhaustible capital assets is charged as an expense in the related program. Accumulated depreciation is reported on the Statement of Net Position. Depreciation has been provided over the estimated useful lives using the straight-line method. The estimated useful lives are as follows:

Buildings & Improvements	60 years
Water System & Equipment	30 years
Machinery & Equipment	7-10 years
Infrastructure	30 years

Deferred Outflows of Resources

In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position or fund balance that applies to a future period(s) and thus, will not be recognized as an outflow of resources (expense/expenditure) until then. The Town does not have an item that qualifies for reporting in this category.

Deferred Inflows of Resources

In addition to liabilities, the statement of net position reports a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. The Town has only one type of item reported under this category. Unavailable revenue-property taxes are reported as deferred inflows of resources since they are recognized as receivables before the period for which the taxes are levied. These amounts are reported in both the government-wide statements and the governmental fund statements.

Long-term Obligations

In the government-wide statements, long-term debt obligations are reported as liabilities. The face amount of debt issued is reported as other financing sources in the governmental fund financial statements.

Equity

Fund financial statements

In February 2009, GASB issued Statement No. 54 on Fund Balance Reporting and Governmental Fund Type Definitions. The statement is effective for years beginning after June 15, 2010. The statement applies only to governmental fund financial statements and not to government-wide statements or proprietary fund statements. Proprietary fund equity is classified the same as in the government-wide statements. The governmental fund balances may be classified as follows:

- a. Non-spendable - Fund balances that cannot be spent either because they are in non-spendable form or because they are legally or contractually required to be maintained intact.

HIDEOUT TOWN
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2021

Item # 3.

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

D. Assets, Liabilities, and Fund Balances/Net Position (Continued)

Equity, continued

- b. Restricted fund balance - Fund balances are reported as restricted when they are constrained by externally imposed legal restrictions, by law through constitutional provision or enabling legislation, or restrictions set by creditors, grantors, or contributors.
- c. Committed fund balance - Fund balances are reported as committed when the Council formally designates the use of resources by ordinance or resolution for a specific purpose and cannot be used for any other purpose unless the Town Council likewise formally changes the use.
- d. Assigned fund balance - Fund balances are reported as assigned when the Town Council or Management intends to use funds for a specific purpose. Normally funds are assigned by the appropriation process of setting the budget. Additionally, funds in special revenue, debt service, and capital project funds are by their nature assigned to the purpose of those respective funds.
- e. Unassigned fund balance - Fund balances in the general fund are reported as unassigned when they are neither restricted, committed, nor assigned. They may be used for any governmental purpose.

When an expenditure is incurred for purposes for which both restricted and unrestricted fund balance is available, the Town considers restricted funds to have been spent first. When an expenditure is incurred for which committed, assigned, or unassigned fund balances are available, the Town considers amounts to have been spent first out of committed funds, then assigned funds, and finally unassigned funds, as needed unless Town Council has provided otherwise in its commitment or assignment actions.

Government-wide statements:

Equity is classified as net position and displayed in three components:

- a. Net investment in capital assets - Consists of capital assets, net of accumulated depreciation and reduced by the outstanding balances of any bonds, mortgages, notes, or other borrowings that are attributable to the acquisition, construction, or improvement of those assets.
- b. Restricted net position - Consists of net position with constraints placed on the use either by (1) external groups such as creditors, grantors, contributors, or laws or regulations of other governments; or (2) law through constitutional provisions or enabling legislation.
- c. Unrestricted net position - All other net position that do not meet the definition of "restricted" or "net investment in capital assets."

It is Town's policy to first apply restricted resources when the expense is incurred for purposes for which both restricted and unrestricted net position are available.

HIDEOUT TOWN
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2021

Item # 3.

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

E. Revenues and Expenditures

The following are the Town's significant policies related to recognition and reporting of certain revenues, expenditures, and interfund activity.

Revenue Availability

Under the modified accrual basis of accounting, revenues are considered to be "available" when they are collected within the current period or expected to be collected soon enough thereafter to pay liabilities of the current period. The Town considers property tax revenues to be available if they are collected within 60 days after the end of the current year. Grants and similar items are recognized as revenue when all eligibility requirements have been met. All other revenues are considered to be available if they are collected within 60 days after year-end.

Statement of Governmental Accounting Standards (SGAS) No. 33, *Accounting and Financial Reporting for Non-exchange Transactions*, defines a non-exchange transaction as one in which "a government either gives value to another party without directly receiving equal value in exchange or receives value from another party without directly giving equal value in exchange." For property taxes, at January 1 of each year (the assessment date), the Town has the legal right to collect the taxes, and in accordance with the provisions of the new statement, has now recorded a receivable and a corresponding deferred inflows or resources for the assessed amount of those property taxes as of January 1 of the current year.

Expenditure Recognition

In governmental funds, expenditures are generally recorded when the related liability is incurred. However, debt service expenditures, as well as expenditures related to claims and judgments, are recorded only when payment is due. Capital asset acquisitions are reported as expenditures, and proceeds of long-term debt and acquisitions under capital leases are reported as other financing sources.

F. Budgets and Budgetary Accounting

Budgets are adopted on a basis consistent with generally accepted accounting principles. Annual appropriated budgets are adopted for all governmental funds. All annual appropriations lapse at the fiscal year end. Encumbrance accounting is not used by the Town. Summary of Town Budget Procedures and Calendar:

1. The Town Council can amend the budget to any extent, provided the budgeted expenditures do not exceed budgeted revenues and appropriated fund balance.
2. Budgets are required by the State of Utah for both the General and Special Revenue Funds.
3. Each year the Town publishes a separate budget document prepared according to this legal level of control.
4. The Town's budget is a Financial Plan of all estimated revenues and all appropriations for expenditures. Revenues and Expenditures must balance for the funds required by the State Code as indicated in item 2 above.
5. A tentative budget is presented by the Mayor to the Town Council by the first regularly scheduled council meeting in May. The tentative budget is reviewed and tentatively adopted by the Council no later than June 22.
6. The tentative budget is a public record and is available for inspection at the Town offices for at least ten days prior to adoption of the final budget.
7. Notice of public hearing on adoption of the final budget is published seven days prior to the public hearing.
8. The public hearing on the tentatively adopted budget is held no later than June 22. Final adjustments are made to the tentative budget by the Council after the public hearing.

HIDEOUT TOWN
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2021

Item # 3.

NOTE 1 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

F. Budgets and Budgetary Accounting, continued

9. Occasionally the Town Council will exercise their option to open the budget to indicate additional financing sources that become available.
10. The final budget is adopted by ordinance before June 22 and a copy of the budget certified by the Budget Officer is filed with the State Auditor within thirty days of adoption.
11. In connection with budget adoption:
 - a. An annual tax ordinance establishing the property tax rate is adopted before June 22.
 - b. The Town Treasurer is to certify the property tax rate to the County Auditor before June 22.
12. Budgets for the General and Special Revenue Funds are adopted on a basis consistent with generally accepted accounting principles (GAAP).

Summary of Action Required for Budget Changes:

The Council may, by resolution, transfer unexpended appropriations from one department to another department within the same fund. The budget appropriation for any department may be reduced by resolution.

Fund budgets may be increased by resolution after a public hearing.

G. Contributions

Certain proprietary fund types receive contributions for aid in construction from various sources. With the adoption of GASB No. 33, these contributions that were formerly credited directly to contributed capital accounts are now reflected as non-operating revenue.

H. Compensated Absences

Town policy provides for vested or accumulated vacation leave. All compensated absences are accrued when incurred in the government-wide and proprietary financial statements. A liability for these amounts is reported in governmental funds only if they have matured, for example, as a result of employee resignations and retirements.

I. Use of Estimates

The preparation of the accompanying financial statements in conformity with accounting principles generally accepted in the United States of America, requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

J. Restricted Resources

The Town's policy is to use restricted resources first to fund appropriations when an expense is incurred for purposes for which both restricted and unrestricted net position are available.

K. Upcoming Accounting Pronouncement

The Governmental Accounting Standards Board (GASB) issued Statement 87, which amends existing accounting standards for lease accounting, including requiring lessees to recognize most leases on the statement of net position and making certain changes to lessor accounting. The new standard is effective for fiscal years beginning after June 15, 2021. The Government is currently evaluating the impact the new standard may have on its financial statements.

HIDEOUT TOWN
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2021

Item # 3.

NOTE 2 - DEPOSITS AND INVESTMENTS

A. Deposits & Investments

The maintains a cash and investment pool that is available for use by all funds. Cash includes amounts in demand deposits as well as time deposits. Investments are stated at cost or amortized cost, which approximates fair value. Each fund's portion of this pool is displayed as "Cash and Cash Equivalents" which also includes cash accounts that are separately held by some of the 's funds. Deposits are not collateralized nor are they required to be by State statute.

The follows the requirements of the Utah Money Management Act (*Utah Code*, Section 51, Chapter 7) in handling its depository and investment transactions. This Act requires the depositing of funds in a "qualified depository".

The Act defines a "qualified depository" as any financial institution whose deposits are insured by an agency of the Federal government and which has been certified by the State Commissioner of Financial Institutions as meeting the requirements of the Act and adhering to the rules of the Utah Money Management Council.

Deposits

Custodial Credit Risk

Custodial credit risk is the risk that, in the event of a bank failure, the deposits may not be returned to it. The does not have a formal deposit policy for custodial credit risk. As of June 30, 2021, \$2,950,267 of the 's bank balances of \$3,524,971 was uninsured and uncollateralized.

Investments

The State of Utah Money Management Council has the responsibility to advise the State Treasurer about investment policies, promote measures and rules that will assist in strengthening the banking and credit structure of the state, and review the rules adopted under the authority of the State of Utah Money Management Act that relate to the deposit and investment of public funds.

The follows the requirements of the Utah Money Management Act (*Utah Code*, Title 51, Chapter 7) in handling its depository and investment transactions. The Act requires the depositing of funds in a qualified depository. The Act defines a qualified depository as any financial institution whose deposits are insured by an agency of the Federal Government and which has been certified by the State Commissioner of Financial Institutions as meeting the requirements of the Act and adhering to the rules of the Utah Money Management Council.

The Money Management Act defines the types of securities authorized as appropriate investments for the 's funds and the conditions for making investment transactions. Investment transactions may be conducted only through qualified depositories, certified dealers, or directly with issuers of the investment securities.

Statutes authorize the to invest in negotiable or nonnegotiable deposits of qualified depositories and permitted negotiable depositories; repurchase and reverse repurchase agreements; commercial paper that is classified as "first tier" by two nationally recognized statistical rating organizations; bankers' acceptances; obligations of the United States Treasury including bills, notes, and bonds; obligations, other than mortgage derivative products, issued by U.S. government sponsored enterprises (U.S. Agencies) such as the Federal Home Loan Bank System, Federal Home Loan Mortgage Corporation (Freddie Mac), and Federal National Mortgage Association (Fannie Mae); bonds, notes, and other evidence of indebtedness of political subdivisions of the State;

HIDEOUT TOWN
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2021

Item # 3.

NOTE 2 - DEPOSITS AND INVESTMENTS (CONTINUED)

fixed rate corporate obligations and variable rate securities rated “A” or higher, or the equivalent of “A” or higher, by two nationally recognized statistical rating organizations; shares or certificates in a money market mutual fund as defined in the Money Management Act; and the Utah State Public Treasurers’ Investment Fund.

The Utah State Treasurer’s Office operates the Public Treasurers’ Investment Fund (PTIF). The PTIF is available for investment of funds administered by any Utah public treasurer and is not registered with the SEC as an investment company. The PTIF is authorized and regulated by the Money Management Act (*Utah Code*, Title 51, Chapter 7). The Act established the Money Management Council which oversees the activities of the State

Treasurer and the PTIF and details the types of authorized investments. Deposits in the PTIF are not insured or otherwise guaranteed by the State of Utah, and participants share proportionally in any realized gains or losses on investments.

The PTIF operates and reports to participants on an amortized cost basis. The income, gains, and losses of the PTIF, net of administration fees, are allocated based upon the participant’s average daily balance. The fair value of the PTIF investment pool is approximately equal to the value of the pool shares.

Fair Value of Investments

The measures and records its investments using fair value measurement guidelines established by generally accepted accounting principles. These guidelines recognize a three-tiered fair value hierarchy, as follows:

- *Level 1:* Quoted prices for identical investments in active markets;
- *Level 2:* Observable inputs other than quoted market prices; and,
- *Level 3:* Unobservable inputs.

At June 30, 2021, the had the following recurring fair value measurements:

	Fair Value Measurements Using			
	Total	Level 1	Level 2	Level 3
Investments by fair value level				
Debt securities:				
Utah Public Treasurer's Investment Fund	\$ 324,704	\$ -	\$ 324,704	\$ -
Total debt securities	\$ 324,704	\$ -	\$ 324,704	\$ -

Debt and equity securities classified in Level 1 are valued using prices quoted in active markets for those securities. Debt and equity securities classified in Level 2 are valued using the following approaches:

- U.S. Treasuries, U.S. Agencies, and Commercial Paper: quoted prices for identical securities in markets that are not active;
- Corporate and Municipal Bonds: quoted prices for similar securities in active markets;
- Money Market, Bond, and Equity Mutual Funds: published fair value per share (unit) for each fund;
- Utah Public Treasurers’ Investment Fund: application of the June 30, 2021 fair value factor, as calculated by the Utah State Treasurer, to the ’s average daily balance in the Fund; and,

HIDEOUT TOWN
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2021

Item # 3.

NOTE 2 - DEPOSITS AND INVESTMENTS (CONTINUED)

Interest Rate Risk

Interest rate risk is the risk that changes in interest rates will adversely affect the fair value of an investment. The 's policy for managing its exposure to fair value loss arising from increasing interest rates is to comply with the State's Money Management Act. Section 51-7-11 of the Money Management Act requires that the remaining term to maturity of investments may not exceed the period of availability of the funds to be invested. The Act further limits the remaining term to maturity on all investments in commercial paper, bankers' acceptances, fixed rate negotiable deposits, and fixed rate corporate obligations to 270 days - 15 months or less. The Act further limits the remaining term to maturity on all investments in obligations of the United States Treasury; obligations

issued by U.S. government sponsored enterprises; and bonds, notes, and other evidence of indebtedness of political subdivisions of the State to 5 years. In addition, variable rate negotiable deposits and variable rate securities may not have a remaining term to final maturity exceeding 3 years.

As of June 30, 2021, the 's investments had the following maturities:

Investment Type	Fair Value	Investment Maturities (in Years)			
		Less than 1	1-5	6-10	More than 10
PTIF Investments	324,704	324,704	-	-	-
	324,704	324,704	-	-	-

Credit Risk

Credit risk is the risk that an issuer or other counterparty to an investment will not fulfill its obligations. The 's policy for reducing its exposure to credit risk is to comply with the State's Money Management Act, as previously discussed.

At June 30, 2021, the 's investments had the following quality ratings:

Investment Type	Fair Value	Quality Ratings			
		AAA	AA	A	Unrated
PTIF Investments	324,704	-	-	-	324,704
	324,704	-	-	-	324,704

Concentration of Credit Risk

Concentration of credit risk is the risk of loss attributed to the magnitude of a government's investment in a single issuer. The 's policy for reducing this risk of loss is to comply with the Rules of the Money Management Council. Rule 17 of the Money Management Council limits investments in a single issuer of commercial paper and corporate obligations to 5-10% depending upon the total dollar amount held in the portfolio.

Custodial credit risk (investments) – For an investment, this is the risk that, in the event of the failure of the counterparty, the will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party. The does not have a formal policy for custodial credit risk.

HIDEOUT TOWN
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2021

Item # 3.

NOTE 2 - DEPOSITS AND INVESTMENTS (CONTINUED)

The 's investment in the Utah Public Treasurer's Investment Fund has no custodial credit risk.

Cash on hand and on deposit:	
Cash on deposit	\$ 3,216,791
Petty cash	100
PTIF investment	324,704
Total cash and investments	<u>\$ 3,541,595</u>

Cash and investments are included in the accompanying combined statement of net position as follows:

Unrestricted cash	\$ 3,440,593
Restricted cash for:	
Class C roads	67,910
Bond reserves	28,857
MIDA funds	4,235
Total cash and investments	<u>\$ 3,541,595</u>

NOTE 3 – DISAGGREGATED RECEIVABLES AND PAYABLES

The table below disaggregates the balances due from other government units and amounts reported as accounts receivable on the statement of net position under governmental activities. The receivables in the business-type activities are all due from customers for utility services provided.

Governmental Activities:	Due from government units	Accounts Receivable	Total
Receivables:			
Utah State Tax Commission	\$ 100,178	\$ -	\$ 100,178
Municipal Energy Sales Tax	3,282	-	3,282
Utah Department of Transportation	46,073	-	46,073
County - current property taxes	11,899	-	11,899
Taxpayers - unavailable taxes	161,220	-	161,220
Customers	-	366,210	366,210
Other receivables	-	27,273	27,273
Gross receivables	322,652	393,483	716,135
Less: Allowance for uncollectible	-	(15,026)	(15,026)
Net total receivables for governmental activities	<u>\$ 322,652</u>	<u>\$ 378,457</u>	<u>\$ 701,109</u>

HIDEOUT TOWN
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2021

Item # 3.

NOTE 3 – DISAGGREGATED RECEIVABLES AND PAYABLES (CONTINUED)

Business Activities:	Due from government units	Accounts Receivable	Total
Receivables:			
Customers	\$ -	354,877	354,877
Gross receivables	-	354,877	354,877
Less: Allowance for uncollectible	-	(16,566)	(16,566)
Net total receivables for business activities	<u>\$ -</u>	<u>\$ 338,311</u>	<u>\$ 338,311</u>

	Accounts Payable Due To:		
	Other Governments	Vendors	Total
General Fund	\$ -	\$ 243,324	\$ 243,324
Water Fund	-	857,024	857,024
Total	<u>\$ -</u>	<u>\$ 1,100,348</u>	<u>\$ 1,100,348</u>

HIDEOUT TOWN
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2021

Item # 3.

NOTE 4 - CAPITAL ASSETS

Capital assets activity for the year ended June 30, 2021, was as follows:

	Balance June 30, 2020	Additions	(Deletions)	Balance June 30, 2021
GOVERNMENTAL ACTIVITIES				
Nondepreciated Assets				
Land	\$ 50,000	\$ -	\$ -	\$ 50,000
Construction in progress	2,860	-	-	2,860
Total nondepreciated assets	52,860	-	-	52,860
Depreciated Assets				
Infrastructure	10,004,312	421,618	-	10,425,930
Improvements	-	-	-	-
Buildings	483,809	-	-	483,809
Machinery and equipment	214,616	23,560	-	238,176
Total depreciated assets	10,702,737	445,178	-	11,147,915
Less accumulated depreciation				
Infrastructure	(3,231,859)	(333,477)	-	(3,565,336)
Improvements	-	-	-	-
Buildings	(40,316)	(8,065)	-	(48,381)
Machinery and equipment	(161,911)	(20,427)	-	(182,338)
Total accumulated depreciation	(3,434,086)	(361,969)	-	(3,796,055)
Net assets depreciated	7,268,651	83,209	-	7,351,860
Governmental activities capital assets, net	\$ 7,321,511	\$ 83,209	\$ -	\$ 7,404,720

HIDEOUT TOWN
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2021

Item # 3.

NOTE 4 - CAPITAL ASSETS (CONTINUED)

	Balance June 30, 2020	Additions	(Deletions)	Balance June 30, 2021
BUSINESS-TYPE ACTIVITIES				
Nondepreciated Assets				
Construction in progress	\$ 8,580	\$ -	\$ -	\$ 8,580
	<u>8,580</u>	<u>-</u>	<u>-</u>	<u>8,580</u>
Depreciated Assets				
Water system	2,239,051	229,750	-	2,468,801
Sewer system	1,954,515	73,115	-	2,027,630
Storm drain system	1,522,398	52,162	-	1,574,560
Machinery & equipment	10,627	31,872	-	42,499
Total depreciated assets	<u>5,726,591</u>	<u>386,899</u>	<u>-</u>	<u>6,113,490</u>
Less accumulated depreciation				
Water system	(661,653)	(75,521)	-	(737,174)
Sewer system	(562,480)	(65,151)	-	(627,631)
Storm drain system	(531,899)	(50,747)	-	(582,646)
Machinery & equipment	(2,404)	(1,518)	-	(3,922)
Total	<u>(1,758,436)</u>	<u>(192,937)</u>	<u>-</u>	<u>(1,951,373)</u>
Net assets depreciated	<u>3,968,155</u>	<u>(193,962)</u>	<u>-</u>	<u>4,162,117</u>
Business-type activities capital assets, net	<u>\$ 3,976,735</u>	<u>\$ (193,962)</u>	<u>\$ -</u>	<u>\$ 4,170,697</u>

DEPRECIATION EXPENSE

	Governmental Types	Business Types	Totals
General Government	\$ 8,066	\$ -	\$ 8,066
Public Safety	-	-	-
Highways & Improvements	353,903	-	353,903
Parks & Recreation	-	-	-
Water System	-	77,040	77,040
Sewer System	-	65,150	65,150
Storm Drain System	-	50,747	50,747
Total	<u>\$ 361,969</u>	<u>\$ 192,937</u>	<u>\$ 554,906</u>

HIDEOUT TOWN
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2021

Item # 3.

NOTE 5 - LONG-TERM DEBT

Long-term liability activity for the year ended June 30, 2021, was as follows:

Description	Interest Rate	Outstanding 6/30/2020	Additions	Payments	Outstanding 6/30/2021	Current Portion
GOVERNMENTAL ACTIVITIES						
Building bond	2.5%	\$ 447,000	\$ -	\$ (15,000)	\$ 432,000	\$ 15,000
Skid Steer Lease	2.55%	-	13,660	-	13,660	3,897
Capital Lease		4,136	-	(4,136)	-	-
Compensated Absences	N/A	3,798	-	(558)	3,240	3,240
TOTAL GOVERNMENTAL		<u>\$ 454,934</u>	<u>\$ 13,660</u>	<u>\$ (19,694)</u>	<u>\$ 448,900</u>	<u>\$ 22,137</u>
BUSINESS TYPE ACTIVITIES						
Skid Steer Lease	2.55%	\$ -	\$ 31,873	\$ -	\$ 31,873	\$ 10,900
TOTAL BUSINESS TYPE		<u>\$ -</u>	<u>\$ 31,873</u>	<u>\$ -</u>	<u>\$ 31,873</u>	<u>\$ 10,900</u>

Lease Revenue Bonds, Series 2011 - On November 15, 2011, the Town Council authorized the issuance of interest-bearing revenue bonds in the amount of \$540,000. The purpose of the bond issue was to defray a portion of the cost of the town hall project. As of June 30, 2020, \$540,000 had been issued and \$432,000 is outstanding. The bonds have an interest rate which is set at 2.50%. The annual requirement to amortize this debt is as follows:

Year	Principal	Interest	Total
2022	15,000	10,800	25,800
2023	15,000	10,425	25,425
2024	16,000	10,050	26,050
2025	16,000	9,650	25,650
2026	17,000	9,250	26,250
2027-2031	89,000	39,800	128,800
2032-2036	101,000	28,075	129,550
2037-2041	114,000	14,800	128,800
2042-2043	49,000	1,825	50,825
	<u>\$ 432,000</u>	<u>\$ 134,675</u>	<u>\$ 566,675</u>

HIDEOUT TOWN
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2021

Item # 3.

NOTE 5 - LONG-TERM DEBT (CONTINUED)

Capital Lease - The Town entered a lease-to-own agreement on October 12, 2015 for a 2015 Chevrolet Silverado. The Town paid \$0 up front. As of June 30, 2021 the Town had paid this in full.

The Town entered into a lease agreement on October 29, 2020 for a Skid Steer. The interest rate was 2.55% per annual. The payment is due on October 29th each year. The Town paid \$0 up front. This asset will be divided between Water (70%) and General Fund (30%).

Year	Principal	Interest	Total
2022	14,797	1,161	15,958
2023	15,174	784	15,958
2024	15,562	397	15,958
	<u>\$ 45,533</u>	<u>\$ 2,342</u>	<u>\$ 47,874</u>

NOTE 6 – BOND RESOLUTION COMPLIANCE

Series 2011 Lease Revenue Bonds

The Series 2000 Sewer Revenue Bonds issuance provides for the establishment of the following funds:

1. Beginning October 1, 2012, and on the first day of each subsequent month, the Town is required to reserve \$365 until such time as the aggregate reserve equals \$26,250. This Reserve Account shall be used to fund the lease revenue bond redemption fund in the event it is in a deficit position. The balance in this account at June 30, 2021 was \$28,857.

NOTE 7 - RISK MANAGEMENT

Hideout Town is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions; and natural disasters for which the Town carries commercial insurance. The Town maintains comprehensive insurance coverage in aggregate amounts sufficient to protect against all reasonably foreseeable liability risks. Specific liability policies purchased include automobile, general liability, property, bond (employee dishonesty), treasurer, public officials and officers, excess liability, and workman's compensation. As of June 30, 2021, there is no anticipation of unpaid claims. Therefore, a liability is not accrued.

NOTE 8 - AMOUNT TO BE PROVIDED FOR COMPENSATED ABSENCES

The accumulated unpaid vacation time which would be paid if employees terminated employment June 30, 2021 was \$3,240.

HIDEOUT TOWN
NOTES TO FINANCIAL STATEMENTS
JUNE 30, 2021

Item # 3.

NOTE 9 - PROPERTY TAX CALENDAR

Lien date	Jan. 1
Taxing entity notifies the county of date, time, and place of public hearing	Mar. 1
Budget officer of the entity prepares and files with the Town Council a tentative budget for the next fiscal year	1 st scheduled council meeting in May
County auditor sends valuation certified tax rate and levy worksheets to each taxing entity	Jun. 8
Taxing entity must adopt a proposed tax rate, certify the rate and levy, and submit to the county auditor	Before Jun. 22
Taxing entity adopts a final tax rate if there is no increase in certified tax rate	Jun.22
Taxing entity adopts final budget if there is no increase in certified tax rate	Jun. 22
Copy of the budget is submitted to state auditor within 30 days of adoption Payment and delinquency date	Nov. 30

NOTE 10 - STEWARDSHIP, COMPLIANCE, AND ACCOUNTABILITY

The Town is required to keep actual expenditures below budget appropriations by fund. For the year ended June 30, 2021 expenditures in the General Government Department exceeded appropriations by \$186,083 and highways and streets exceeded appropriations by \$51,994. This resulted in the General Fund exceeding appropriations by \$205,312.

The Town is also required by Utah State law to present the financial statements to the managing board once a quarter throughout the year. This was not done each quarter and therefore have not complied with Utah State law.

NOTE 11 - CONTINGENCY OF LIABILITY

The Town is using a building and land for their public works department. The Town has not paid any rent for the building. The owner had expressed a desire to donate the building to the Town and negotiations are on-going. However, the owner has expressed a desire to receive some type of rent for the use of the building up until the donation is complete. It is not possible for management to estimate what this liability will be.

NOTE 12 - SUBSEQUENT EVENTS

No significant subsequent events have occurred since the date of the financial statements through February 5, 2022, which is the financial statement issuance date.

REQUIRED SUPPLEMENTARY INFORMATION

HIDEOUT TOWN
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES TO FUND BALANCES -
BUDGET AND ACTUAL
GENERAL FUND
FOR THE YEAR ENDED JUNE 30, 2021

	Budgeted Amounts		Actual	Variance Favorable (Unfavorable)
	Original	Final		
REVENUES				
Taxes:				
Property taxes	\$ 138,980	\$ 138,980	\$ 164,623	\$ 25,643
Sales taxes	90,000	90,000	148,586	58,586
Fees-in-lieu of taxes	1,200	1,200	4,944	3,744
Franchise taxes	700	700	50,902	50,202
Licenses and permits	250,300	250,300	675,523	425,223
Fines and forfeitures	2,500	2,500	8,000	5,500
Charges for services	130,200	130,200	173,560	43,360
Class C Roads	78,000	78,000	67,910	(10,090)
Miscellaneous revenue	1,200	1,200	-	(1,200)
TOTAL REVENUES	693,080	693,080	1,294,048	600,968
EXPENDITURES				
General government:				
Administrative	155,365	155,365	217,710	(62,345)
COVID			37,430	(37,430)
Other professional services	330,200	455,200	578,938	(123,738)
Total general government	485,565	610,565	834,078	(223,513)
Public safety:				
Police department	51,000	51,000	23,599	27,401
COVID			27,250	(27,250)
Total public safety	51,000	51,000	50,849	151
Streets:				
Equipment lease	23,000	23,000	13,910	9,090
Insurance	-	-	-	-
Repair and maintenance	70,000	70,000	149,148	(79,148)
Wages			6,617	(6,617)
COVID	55,400	55,400	37,336	18,064
Total highways and streets	148,400	148,400	207,011	(58,611)

HIDEOUT TOWN
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES TO FUND BALANCES -
BUDGET AND ACTUAL (CONTINUED)
GENERAL FUND
FOR THE YEAR ENDED JUNE 30, 2021

	Budgeted Amounts		Actual	Variance Favorable (Unfavorable)
	Original	Final		
EXPENDITURES (Continued)				
Parks and recreation:				
Parks and recreation	\$ 5,000	\$ 5,000	\$ 530	\$ 4,470
Total parks and recreation	5,000	5,000	530	4,470
Debt service:				
General government				
Principal	14,000	15,000	15,000	-
Interest	11,525	11,525	10,631	894
Total debt service	25,525	26,525	25,631	894
Miscellaneous	-	-	-	-
TOTAL EXPENDITURES	715,490	841,490	1,118,099	(276,609)
EXCESS (DEFICIENCY) OF REVENUE OVER (UNDER) EXPENDITURES	(22,410)	(148,410)	175,949	324,359
OTHER FINANCING SOURCES (USES)				
Appropriations from fund balance	22,410	144,210	-	(144,210)
Interest earnings	-	4,200	3,384	(816)
COVID grant	-	-	71,288	
Operating transfers out	-	-	-	-
TOTAL OTHER FINANCING SOURCES (USES)	22,410	148,410	74,672	(145,026)
EXCESS (DEFICIENCY) OF REVENUE AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER USES	-	-	250,621	179,333
Fund balance - July 1	373,682	373,682	373,682	-
Fund balance - June 30	\$ 373,682	\$ 373,682	\$ 624,303	\$ 179,333

AUDITOR'S REPORTS & FINDINGS

**INDEPENDENT AUDITOR’S REPORT ON INTERNAL CONTROL OVER
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED
ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE
WITH *GOVERNMENT AUDITING STANDARDS***

To the Mayor and Council of
Hideout Town

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, and each major fund of Hideout Town, as of and for the year ended June 30, 2021, and the related notes to the financial statements, and have issued our report there on dated October 4, 2021.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered Hideout Town’s internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Hideout Town’s internal control. Accordingly, we do not express an opinion on the effectiveness of Hideout Town’s internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that have not been identified. However, as described in the accompanying schedule of findings and questioned costs, we did identify certain deficiencies in internal control that we consider to be material weaknesses and significant deficiencies.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity’s financial statements will not be prevented, or detected and corrected on a timely basis. We consider the deficiency described in the accompanying schedule of findings 2021-01, 2021-02, 2021-04, and 2021-05 to be a material weakness.

A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider the deficiencies described in the accompanying schedule of findings as item 2021-03 to be significant deficiencies.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether Hideout Town's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Hideout Town's Response to Findings

Hideout Town's response to the findings identified in our audit is described in the accompanying schedule of findings. Hideout Town's response was not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the organization's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the organization's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Child, Richards CPAs & Advisors

Ogden, Utah

February 5, 2022

**INDEPENDENT AUDITOR’S REPORT ON INTERNAL CONTROL OVER
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED
ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE
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Child, Richards CPAs & Advisors

Ogden, Utah

February 5, 2022

**HIDEOUT TOWN
SCHEDULE OF FINDINGS
JUNE 30, 2021**

2021-01: Material Misstatements (material weakness)

Criteria: Management is responsible to maintain accurate financial reporting for the usefulness of management and the governing board.

Condition: The auditors identified several factors including various year-end adjustments, reclassifying entries, and reconciliations that had not been performed at the time of the audit resulting in the need for several adjustments to be made by management as proposed by the auditors during the audit process.

Cause: As of June 30, 2021, the Town's internal controls were not properly designed and implemented to maintain financial statements free of material misstatements.

Effect: The lack of timely adjustments and reconciliations has resulted in misstatements in the general ledger. The Town's revenues and expenditures were misstated prior to adjustments made by the auditor.

Recommendation: We recommend the Town perform monthly and year end adjusting entries and account reconciliations to ensure financial reports of the Town accurately reflect the assets, liabilities, revenues, and expenditures of the Town.

Management's Response:

The Town has budgeted for and hired a new employee in town hall who has the necessary skills to perform monthly and year-end adjusting entries and reconciliations.

2021-02: Controls Over Documentation (material weakness)

Criteria: Management should obtain and store the necessary documents to support accounting transactions.

Condition: Management could not provide the necessary documents to support accounting transactions when asked for by the auditors. We noted the following during testwork:

- Copies of canceled checks were not retained as evidence of independent review of disbursements.
- Detail on the deposits were unavailable and deposits could not be traced from the general ledger to the bank statements.
- A subdivision fee detail/agreement and invoice was not available for two specific developers.
- An item amount recorded in the general ledger did not match the amount on the bank statement.
- Two receipts requested as part of a test of expenses were unable to be provided.
- Documentation for a receivable was unavailable.

**HIDEOUT TOWN
SCHEDULE OF FINDINGS
JUNE 30, 2021**

Item # 3.

2021-02: Controls Over Documentation (material weakness)- Continued

Cause: Management is not retaining or reviewing necessary documentation for transactions.

Effect: Lack of documentation could result in unapproved transactions, misappropriation of funds and misstatements in the general ledger.

Recommendation: We recommend the Town maintain documentation for all transactions that are recorded on the general ledger.

Management's Response: We have cleared out a file cabinet to make an organized location where the back up documents will be organized and available for auditors.

2021-03: Inadequate Review of Credit Card Charges (significant deficiency)

Criteria: Expenses incurred through the use of credit cards should be supported by detailed receipts. In addition, to compensate for separation of duties issues over the payment and use of credit cards, all credit card transactions should be reviewed in detail by an independent individual.

Condition: While reviewing credit card transactions we noted ten missing receipts, three fuel purchases that were possibly fraudulent and seven Amazon purchases made for personal use. The mayor was unaware of the personal charges, did not authorize them, and subsequently reimbursed Hideout Town.

Cause: The town did not attach all receipts to the credit card statement and an independent review of transactions and statements was not performed.

Effect: When proper credit card documentation is not maintained and reviewed by independent parties, misappropriation or misuse of funds could occur.

Recommendation: We recommend the Town maintain supporting receipts for all credit card purchases and that an independent review of the credit card statement and supporting receipts be performed.

Management's Response: We have initiated a procedure for reconciliation of the town cards and a new employee who can ensure timely bank reconciliations will serve as a double-check.

2021-04: Controls Over Payroll Documentation (material weakness)

Criteria: Management should obtain and store the necessary documents to support employee's payroll transactions including an employee file for each employee. This file should contain approved pay rate documentation of salary and wage rates at the time of hire and the approval of any subsequent increases or decreases.

**HIDEOUT TOWN
SCHEDULE OF FINDINGS
JUNE 30, 2021**

Item # 3.

2021-04: Controls Over Payroll Documentation (material weakness)- Continued

Condition: Management could not provide approved pay rate documentation for employees. The only information that could be provided on employees pay rate was obtained from the payroll system itself. During the audit testwork we noted the actual wage rate paid for one employee was lower than the rate on a wage listing provided by management. We were unable to verify the correct rate due to lack of documentation.

Cause: Management is not maintaining complete payroll files.

Effect: Incomplete employee payroll files could result in unapproved payroll transactions.

Recommendation: We recommend the Town maintain an employee payroll file for each employee that contains the necessary documents approved by management.

Management's Response: We have created and attached a new form for all salary adjustments. Rather than relying on electronic messages, these forms will be signed by the mayor and filed in existing employee files.

2021-05: Internal Control Weakness over Cash Receipts (material weakness)

Criteria: When separation of duties over cash receipt processes are not possible due to the small size of the organization, mitigating controls should be put in place to prevent and/or detect the misappropriation of funds. During our review of internal controls over cash receipts, we noted a control weakness in the receipt process.

Condition: In 2021 there was no evidences of the review of cash receipts. Also, there was no evidence that management compares cash receipting reports to cash received.

Cause: Management is not performing an independent reconciliation of cash receipting reports to actual cash received.

Effect: When proper review of cash receipting processes is not performed misappropriation or misuse of funds could occur.

Recommendation: We recommend an independent individual reconciles the cash receipting reports to the cash received and reported on the bank statements.

Management's Response: We have changed who prints the deposit register so the person taking the deposit to the bank isn't the same as the one preparing the register. The register will be given to the employee who reconciles the bank statement. The mayor will also review cash receipts in Pelorus to our cash receipt book on a monthly basis.

**HIDEOUT TOWN
SCHEDULE OF FINDINGS
JUNE 30, 2021**

Item # 3.

2021-06: State Compliance – Budgetary Compliance (noncompliance)

Criteria: Per Utah Code Ann. § 10-5-115, towns may not make or incur expenditures in excess of total appropriations for any department in the budget as adopted or as subsequently amended. Per Utah Code Ann. § 10-5-129, quarterly financial reports should be prepared and reviewed by the governing body.

Condition: For the year ended June 30, 2021, General Fund expenditures were in excess of appropriations by \$276,609. In addition, quarterly reports were not presented to the governing body.

Cause: Budget to actual reports were not presented to the Town Council in a timely manner.

Effect: When budgets are not reviewed regularly, noncompliance with state law can occur.

Recommendation: We recommend the Town Council review and retain budget to actual reports each quarter, and ensure expenditures do not exceed appropriations.

Management's Response: With a bigger staff, we will do more frequent budget adjustments and provide financial statements quarterly to council.



10420 N. Jordanelle Blvd. Heber City, UT 84032
435-940-9636

International Wildland Urban Interface Code

DEFENSIBLE SPACE

603.1 Objective. Provisions of this section are intended to modify the fuel load in areas adjacent to structures to create a *defensible space*.

Development and maintenance of a defensible space are critical to the survivability of a structure during a wildland fire. The defensible space is an area where the natural vegetation is modified either through thinning and maintenance or removal. The removal does not necessarily mean it is bare dirt. An asphalt or gravel driveway creates a space that is usable, but also creates a buffer to the wildfire as it approaches the structure. A similar buffer can be created by mowing or removing some of the vegetation.

603.2 Fuel modification. Buildings or structures, constructed in compliance with the conforming *defensible space* category of Table 503.1, shall comply with the *fuel modification* distances contained in Table 603.2. For all other purposes the fuel modification distance shall be not less than 30 feet (9144 mm) or to the lot line, whichever is less. Distances specified in Table 603.2 shall be measured on a horizontal plane from the perimeter or projection of the building or structure as shown in Figure 603.2. Distances specified in Table 603.2 are allowed to be increased by the *code official* because of a site-specific analysis based on local conditions and the *fire protection plan*.

The intent of fuel modification is to create a defensible space so that an approaching wildland fire cannot easily move through the defensible space and ignite the structure. The defensible space also provides fire fighters an area to set up hose lines between the structure and the approaching fire. A continuous path of fuel will carry the fire right up to the structure. Reducing the density of brush and undergrowth is necessary to reduce the intensity of the fire, reduce flame lengths and reduce radiant heat.

603.2.2 Trees. Trees are allowed within the *defensible space*, provided that the horizontal distance between crowns of adjacent trees and crowns of trees and structures, overhead electrical facilities or unmodified fuel is not less than 10 feet

It is not the intent for the defensible space to be void of vegetation; the vegetation must be thinned and maintained. Trees are allowed within the defensible space, but they are to be removed or trimmed to provide a clear separation of 10 feet from the tree crown to other trees and to the structure.

603.2.3 Ground cover. Deadwood and litter shall be regularly removed from trees. Where ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants are used as ground cover, they are allowed to be within the designated *defensible space*, provided that they do not form a means of transmitting fire from the native growth to any structure.

Dead material is easily ignited. This would include any dead branches that have not yet fallen, pine needles, leaves and any other combustible material. These dead materials, even pine needles, can carry fire to a structure

604.1 General. Defensible spaces required by Section 603 shall be maintained in accordance with Section 604.

After a defensible space has been established in accordance with Section 603, it must then be maintained for the life of the building.

WASATCH FIRE DISTRICT

10420 N. Jordanelle Blvd. Heber City, UT 84032
435-940-9636

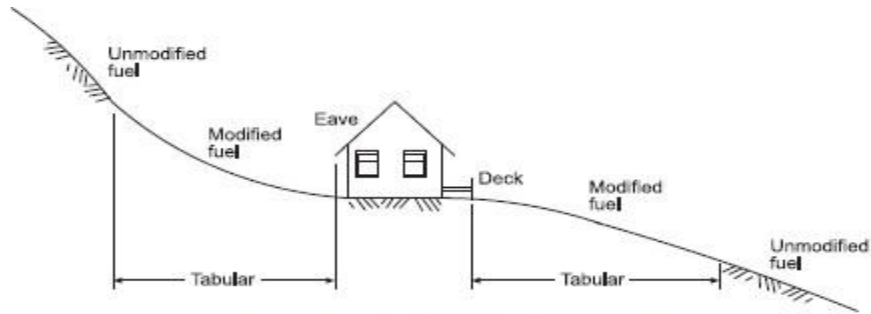
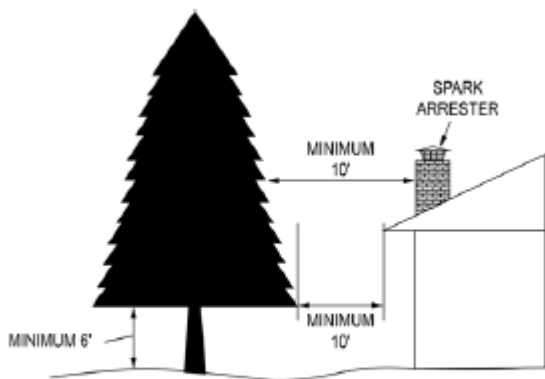


FIGURE 603.2
MEASUREMENTS OF FUEL MODIFICATION DISTANCE



Commentary Figure 603.2.2
10-FOOT SEPARATION BETWEEN TREE CROWNS AND STRUCTURES



Commentary Figure 604.4.1
TREES MUST BE TRIMMED AND MAINTAINED

TABLE 603.2
REQUIRED DEFENSIBLE SPACE

WILDLAND-URBAN INTERFACE AREA	FUEL MODIFICATION DISTANCE (feet) ^a
Moderate hazard	30
High hazard	50
Extreme hazard	100

For SI: 1 foot = 304.8 mm.

a. Distances are allowed to be increased due to site-specific analysis based on local conditions and the fire protection plan.



10420 N. Jordanelle Blvd. Heber City, UT 84032
435-940-9636

Ignition Resistant Construction

FIRE HAZARD SEVERITY

502.1 General. The fire hazard severity of building sites for buildings hereafter constructed, modified, or relocated into *wildland-urban interface areas* shall be established in accordance with Table 502.1. See also Appendix C.

❖ This section and the accompanying table classify the level of fire hazard based on the following criteria: These three criteria determine the fire hazard severity for the site. It should be noted that two properties, one on each side of the street, could result in different fire hazard severity because the slope is different, or vegetation is modified on one property and not the other. See Commentary Figure 502.1. Appendix C provides an alternative to the application of Table 502.1. If Appendix C is adopted, it replaces Table 502.1 with a slightly different methodology of classifying fire hazard severity. The decision to use Appendix C is up to each jurisdiction and, if desired, Appendix C must be specifically referenced in the adopting ordinance

- **CLASS 1 IGNITION-RESISTANT CONSTRUCTION**

504.1 General. Class 1 ignition-resistant construction shall be in accordance with Sections 504.2 through 504.11.

Section 504 establishes the provisions for Class 1 ignition-resistant construction and identifies the specific building components that must meet the ignition-resistance criteria specified in Section 503.2. Class 1 ignition-resistant construction is the highest level of fire protection required in the code. This level of protection is designed to withstand an onslaught of flame and embers presenting an extreme fire hazard.

- **CLASS 2 IGNITION-RESISTANT CONSTRUCTION**

505.1 General. Class 2 ignition-resistant construction shall be in accordance with Sections 505.2 through 505.11.

Section 505 establishes the provisions for Class 2 ignition-resistant construction and identifies the specific building components that must meet ignition-resistance criteria. Class 2 ignition-resistant construction is the next step down in the level of fire protection in the code. Class 2 ignition-resistant construction is designed to protect against a lesser magnitude of fire impact than Class 1 ignition-resistant construction. This level of protection is designed to withstand an onslaught of flame and embers presenting a high fire

- **CLASS 3 IGNITION-RESISTANT CONSTRUCTION**

506.1 General. Class 3 ignition-resistant construction shall be in accordance with Sections 506.2 through 506.4.

Section 506 establishes the provisions for Class 3 ignition-resistant construction and identifies the specific building components that must meet ignition-resistance criteria. Class 3 ignition-resistant construction is the minimum level of fire protection in the code. This level of protection is designed to withstand an onslaught of flame and embers presenting a moderate fire hazard.

Vegetation management plans shall be submitted to the *code official* for review and approval as part of the plans required for a permit.

For a vegetation management plan to be considered as a long-term improvement on the natural vegetative growth, it must be approved. The vegetation management plan is submitted to the code official for approval. This submittal must occur at the time the construction plans are submitted if it is intended to modify the fuel classification utilized in Table 502.1.

CHAPTER 1 ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the Wildland-Urban Interface Code of Wasatch County, hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, repair, maintenance and use of any building, structure or premises within the wildland-urban interface areas in this jurisdiction.

Buildings or conditions in existence at the time of the adoption of this code are allowed to have their use or occupancy continued, if such condition, use or occupancy was legal at the time of the adoption of this code, provided such continued use does not constitute a distinct danger to life or property.

Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings or structures.

101.3 Objective. The objective of this code is to establish minimum regulations consistent with nationally recognized good practice for the safeguarding of life and property. Regulations in this code are intended to mitigate the risk to life and structures from intrusion of fire from wildland fire exposures and fire exposures from adjacent structures and to mitigate structure fires from spreading to wildland fuels.

The unrestricted use of property in wildland-urban interface areas is a potential threat to life and property from fire and resulting erosion. Safeguards to prevent the occurrence of fires and to provide adequate fire-protection facilities to control the spread of fire in wildland-urban interface areas shall be in accordance with this code.

This code shall supplement the jurisdiction’s building and fire codes, if such codes have been adopted, to provide for special regulations to mitigate the fire- and life-safety hazards of the wildland-urban interface areas.

101.4 Retroactivity. The provisions of the code shall only apply to conditions arising after the adoption thereof; or conditions not legally in existence at the adoption of this code; ~~to conditions which, in the opinion of the code official, constitute a distinct hazard to life or property.~~

101.5 Additions or alterations.

Additions or alterations may be made to any building or structure without requiring the existing building or structure to comply with all of the requirements of this code, provided the addition or alteration conforms to that required for a new building or structure.

Exception: Provisions of this code that specifically apply to existing conditions are retroactive. See Sections 601.1 and Appendix A.

Additions or alterations shall not be made to an existing building or structure that will cause the existing building or

structure to be in violation of any of the provisions of this code nor shall such additions or alterations cause the existing building or structure to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or structure to become structurally unsafe or overloaded; will not provide adequate access in compliance with the provisions of this code or will obstruct existing exits or access; will create a fire hazard; will reduce required fire resistance or will otherwise create conditions dangerous to human life.

101.6 Maintenance. All buildings, structures, landscape materials, vegetation, defensible space or other devices or safeguards required by this code shall be maintained in conformance to the code edition under which installed. The owner or the owner’s designated agent shall be responsible for the maintenance of buildings, structures, landscape materials and vegetation.

SECTION 102 AUTHORITY OF THE CODE OFFICIAL

102.1 Powers and duties of the code official. The code official is hereby authorized to administer and enforce this code, or designated sections thereof, and all ordinances of the jurisdiction pertaining to designated wildland-urban interface areas. For such purposes, the code official shall have the powers of a law enforcement officer.

102.2 Interpretations, rules and regulations. The code official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance to the intent and purpose of this code.

A copy of such rules and regulations shall be filed with the clerk of the jurisdiction and shall be in effect immediately thereafter. Additional copies shall be available for distribution to the public.

102.3 Liability of the code official. The code official charged with the enforcement of this code, acting in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the code official or employee because of such act or omission performed by the code official or employee in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction. The code enforcement agency or its parent jurisdiction shall not be held as assuming any liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.

102.4 Other agencies. When requested to do so by the code official, other officials of this jurisdiction shall assist and cooperate with the code official in the discharge of the duties required by this code.

SECTION 103 COMPLIANCE ALTERNATIVES

103.1 Practical difficulties. When there are practical difficulties involved in carrying out the provisions of this code, the code official is authorized to grant modifications for individual cases on application in writing by the owner or a duly authorized representative. The code official shall first find that a special individual reason makes enforcement of the strict letter of this code impractical, the modification is in conformance to the intent and purpose of this code, and the modification does not lessen any fire protection requirements or any degree of structural integrity. The details of any action granting modifications shall be recorded and entered into the files of the code enforcement agency.

If the code official determines that difficult terrain, danger of erosion or other unusual circumstances make strict compliance with the vegetation control provisions of the code detrimental to safety or impractical, enforcement thereof may be suspended, provided that reasonable alternative measures are taken.

103.2 Technical assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to the inspection of the code official, the code official is authorized to require the owner or the person in possession or control of the building or premises to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the code official and the owner and shall analyze the fire safety of the design, operation or use of the building or premises, the facilities and appurtenances situated thereon and fuel management for purposes of establishing fire hazard severity to recommend necessary changes.

103.3 Alternative materials or methods. The code official, in concurrence with approval from the building official and fire chief, is authorized to approve alternative materials or methods, provided that the code official finds that the proposed design, use or operation satisfactorily complies with the intent of this code and that the alternative is, for the purpose intended, at least equivalent to the level of quality, strength, effectiveness, fire resistance, durability and safety prescribed by this code. Approvals under the authority herein contained shall be subject to the approval of the building official whenever the alternate material or method involves matters regulated by the International Building Code.

The code official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting

approval of an alternate shall be recorded and entered files of the code enforcement agency.

SECTION 104 APPEALS

104.1 General. To determine the suitability of alternative materials and methods and to provide for reasonable interpretations of the provisions of this code, there shall be and hereby is created a board of appeals consisting of five members who are qualified by experience and training to pass judgment on pertinent matters. The code official, building official and fire chief shall be ex officio members, and the code official shall act as secretary of the board. The board of appeals shall be appointed by the legislative body and shall hold office at their discretion. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render decisions and findings in writing to the code official, with a duplicate copy to the applicant.

104.2 Limitations of authority. The board of appeals shall not have authority relative to interpretation of the administrative provisions of this code and shall not have authority to waive requirements of this code.

SECTION 105 PERMITS

105.1 General. When not otherwise provided in the requirements of the building or fire code, permits are required in accordance with Section 105.

105.2 Permits required. Unless otherwise exempted, no building or structure regulated by this code shall be erected, constructed, altered, repaired, moved, removed, converted, demolished, or changed in use or occupancy unless a separate permit for each building or structure has first been obtained from the code official.

When required by the code official, a permit shall be obtained for the following activities, operations, practices or functions within an wildland-urban interface area:

1. Automobile wrecking yard.
2. Candles and open flames in assembly areas.
3. Explosives or blasting agents.
4. Fireworks.
5. Flammable or combustible liquids.
6. Hazardous materials.
7. Liquefied petroleum gases.
8. Lumberyards.
9. Motor vehicle fuel-dispensing stations.
10. Open burning.
11. Pyrotechnical special effects material.
12. Tents, canopies and temporary membrane structures.

13. Tire storage.
14. Welding and cutting operations.
15. Other activities as determined by the code official.

105.3 Work exempt from permit. Unless otherwise provided in the requirements of the International Building Code or International Fire Code, a permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²) and the structure is located more than 50 feet (15 240 mm) from the nearest adjacent structure.
2. Fences not over 6 feet (1829 mm) high. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

The code official is authorized to stipulate conditions for permits. Permits shall not be issued when public safety would be at risk, as determined by the code official.

105.4 Permit application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the code enforcement agency for that purpose. Every such application shall:

1. Identify and describe the work, activity, operation, practice or function to be covered by the permit for which application is made.
2. Describe the land on which the proposed work, activity, operation, practice or function is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building, work, activity, operation, practice or function.
3. Indicate the use or occupancy for which the proposed work, activity, operation, practice or function is intended.
4. Be accompanied by plans, diagrams, computation and specifications and other data as required in Section 106 of this code.
5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as may be required by the code official.

105.5 Permit approval. Before a permit is issued, the code official, or an authorized representative, shall review and approve all permitted uses, occupancies or structures. Where laws or regulations are enforceable by other agencies or

departments, a joint approval shall be obtained from all agencies or departments concerned.

105.6 Permit issuance. The application, plans, specifications and other data filed by an applicant for a permit shall be reviewed by the code official. If the code official finds that the work described in an application for a permit and the plan, specifications and other data filed therewith conform to the requirements of this code, the code official is allowed to issue a permit to the applicant.

When the code official issues the permit, the code official shall endorse in writing or stamp the plans and specifications APPROVED. Such approved plans and specifications shall not be changed, modified or altered without authorization from the code official, and all work regulated by this code shall be done in accordance with the approved plans.

105.7 Validity of permit. The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or conceal the provisions of this code or other ordinances of the jurisdiction shall not be valid.

105.8 Expiration. Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void if the building, use or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building, use or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The code official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

105.9 Retention of permits. Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by the code official or other authorized representative.

105.10 Revocation of permits. Permits issued under this code may be suspended or revoked when it is determined by the code official that:

1. It is used by a person other than the person to whom the permit was issued.
2. It is used for a location other than that for which the permit was issued.
3. Any of the conditions or limitations set forth in the permit have been violated.

4. The permittee fails, refuses or neglects to comply with any order or notice duly served on him under the provisions of this code within the time provided therein.
5. There has been any false statement or misrepresentation as to material fact in the application or plans on which the permit or application was made.
6. When the permit is issued in error or in violation of any other ordinance, regulations or provisions of this code.

The code official is allowed to, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 106 PLANS AND SPECIFICATIONS

106.1 General. Plans, engineering calculations, diagrams and other data shall be submitted in at least two sets with each application for a permit. When such plans are not prepared by an architect or engineer, the code official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The code official may require plans, computations and specifications to be prepared and designed by an architect or engineer licensed by the state to practice as such even if not required by state law.

Exception: Submission of plans, calculations, construction inspection requirements and other data, if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

106.2 Information on plans and specifications. Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations.

106.3 Site plan. In addition to the requirements for plans in the International Building Code, site plans shall include topography, width and percent of grade of access roads, landscape and vegetation details, locations of structures or building envelopes, existing or proposed overhead utilities, occupancy classification of buildings, types of ignition-resistant construction of buildings, structures and their appendages, roof classification of buildings, and site water supply systems.

106.4 Vegetation management plans. When utilized by the permit applicant pursuant to Section 502, vegetation management plans shall be prepared and shall be submitted to the code official for review and approval as part of the plans required for a permit. See Appendix B.

106.5 Fire protection plan. When required by the code official pursuant to Section 405, a fire protection plan shall be prepared and shall be submitted to the code official for review and approved as a part of the plans required for a permit.

106.6 Other data and substantiation. When required by the code official, the plans and specifications shall include classification of fuel loading, fuel model light, medium or heavy, and substantiating data to verify classification of fire-resistive vegetation.

106.7 Vicinity plan. In addition to the requirements for site plans, plans shall include details regarding the vicinity within 300 feet (91 440 mm) of property lines, including other structures, slope, vegetation, fuel breaks, water supply systems and access roads.

106.8 Retention of plans. One set of approved plans, specifications and computations shall be retained by the code official for a period of not less than 90 days from date of completion of the work covered therein; and one set of approved plans and specifications shall be returned to the applicant, and said set shall be kept on the site of the building, use or work at all times during which the work authorized thereby is in progress.

SECTION 107 INSPECTION AND ENFORCEMENT

107.1 Inspection.

107.1.1 General. All construction or work for which a permit is required by this code shall be subject to inspection by the code official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the code official.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

A survey of the lot may be required by the code official to verify that the mitigation features are provided and the building or structure is located in accordance with the approved plans.

107.1.2 Authority to inspect. The code official shall inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the code official for the purpose of ascertaining and causing to be corrected any conditions that could reasonably be expected to cause fire or contribute to its spread, or any violation of the purpose of this code and of any other law or standard affecting fire safety.

107.1.3 Reinspections. To determine compliance with this code, the code official may cause a structure to be reinspected. A fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

Reinspection fees may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the code official.

To obtain a reinspection, the applicant shall pay the reinspection fee as set forth in the fee schedule adopted by the jurisdiction. When reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

107.2 Enforcement.

107.2.1 Authorization to issue corrective orders and notices. When the code official finds any building or premises that are in violation of this code, the code official is authorized to issue corrective orders and notices.

107.2.2 Service of orders and notices. Orders and notices authorized or required by this code shall be given or served on the owner, operator, occupant or other person responsible for the condition or violation either by verbal notification, personal service, or delivering the same to, and leaving it with, a person of suitable age and discretion on the premises; or, if no such person is found on the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises and by mailing a copy thereof to such person by registered or certified mail to the person's last known address.

Orders or notices that are given verbally shall be confirmed by service in writing as herein provided.

107.3 Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in any building or on any premises any condition that makes such building or premises unsafe, the code official is authorized to enter such building or premises at all reasonable times to inspect the same or to perform any duty authorized by this code, provided that if such building or premises is occupied, the code official shall first present proper credentials and request entry; and if such building or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.

If such entry is refused, the code official shall have recourse to every remedy provided by law to secure entry. Owners, occupants or any other persons having charge, care or control of any building or premises, shall, after proper request is made as herein provided, promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

107.4 Compliance with orders and notices.

107.4.1 General compliance. Orders and notices issued or served as provided by this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the corrective order or notice pertains.

If the building or premises is not occupied, such corrective orders or notices shall be complied with by the owner.

107.4.2 Compliance with tags. A building or premises shall not be used when in violation of this code as noted on a tag affixed in accordance with Section 107.4.1.

107.4.3 Removal and destruction of signs and tags. A sign or tag posted or affixed by the code official shall not be mutilated, destroyed or removed without authorization by the code official.

107.4.4 Citations. Persons operating or maintaining an occupancy, premises or vehicle subject to this code who allow a hazard to exist or fail to take immediate action to abate a hazard on such occupancy, premises or vehicle when ordered or notified to do so by the code official shall be guilty of a misdemeanor.

107.4.5 Unsafe conditions. Buildings, structures or premises that constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment as specified in this code or any other ordinance, are unsafe conditions. Unsafe buildings or structures shall not be used. Unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal, pursuant to applicable state and local laws and codes.

SECTION 108 CERTIFICATE OF COMPLETION

108.1 General. No building, structure or premises shall be used or occupied, and no change in the existing occupancy classification of a building, structure, premise or portion thereof shall be made until the code official has issued a certificate of completion therefor as provided herein. The certificate of occupancy shall not be issued until the certificate of completion indicating that the project is in compliance with this code has been issued by the code official.

108.2 Certificate of occupancy. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other pertinent laws and ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other laws or ordinances of the jurisdiction shall not be valid.

CHAPTER 2 DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter, and the singular number includes the plural and the plural the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in other International Codes, such terms shall have the meanings ascribed to them as in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have their ordinarily accepted meanings such as the context implies.

SECTION 202 DEFINITIONS

ACCESSORY STRUCTURE. A building or structure used to shelter or support any material, equipment, chattel or occupancy other than a habitable building.

APPROVED. Approval by the code official as the result of review, investigation or tests conducted by the code official or by reason of accepted principles or tests by national authorities, or technical or scientific organizations.

BRUSH, TALL. Arbor-like varieties of brush species and/or short varieties of broad-leaf trees that grow in compact groups or clumps. These groups or clumps reach heights of 4 to 20 feet. In Utah, this includes primary varieties of oak, maples, chokecherry, serviceberry, and mahogany, but may also include other species.

BRUSH, SHORT. Low growing species that reach heights of 1 to 3 feet. Sagebrush, snowberry, and rabbit brush are some varieties.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of the International Building Code, or the building official's duly authorized representative.

CERTIFICATE OF COMPLETION. Written documentation that the project or work for which a permit was issued has been completed in conformance with requirements of this code.

CODE OFFICIAL. The official designated by the jurisdiction to interpret and enforce this code, or the code official's authorized representative.

DEFENSIBLE SPACE. An area either natural or man-made, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.

DRIVEWAY. A vehicular ingress and egress route that serves no more than two buildings or structures, not including accessory structures, or more than five dwelling units.

EXISTING PROPERTIES or EXISTING CONDITIONS. Existing properties, buildings, structures, or conditions are defined as properties that received building or landscape construction permits from the Town prior to enactment of the WUI Code.

This code will also apply to subsequent remodeling or relandscaping, which requires a permit, but will only apply to the area requiring a permit.

FIRE AREA. The floor area, in square feet (square meters), used to determine the adequate water supply.

FIRE CHIEF. The chief officer or the chief officer's authorized representative of the fire department serving the jurisdiction.

FIRE PROTECTION PLAN. A document prepared for a specific project or development proposed for the wildland-urban interface area. It describes ways to minimize and mitigate the fire problems created by the project or development, with the purpose of reducing impact on the community's fire protection delivery system.

FIRE WEATHER. Weather conditions favorable to the ignition and rapid spread of fire. In wildfires, this generally includes high temperatures combined with strong winds and low humidity.

FIRE & NONFIRE RESISTANT VEGETATION.

Plants that are fire-resistant generally have the following characteristics: Most deciduous trees and shrubs are fire-resistant.

- Leaves are moist and supple.
- Plants have little dead wood and tend not to accumulate dry dead material within the plant.
- Sap is water-like and does not have a strong odor.
- Low volume of sap or resin materials.

Plants that are nonfire-resistant generally have the following characteristics:

- Contain fine, dry, or dead material within the plant, such as twigs, needles, and leaves.
- Leaves, twigs, and stems contain volatile waxes, terpenes, or oils.
- Leaves are aromatic (strong odor when crushed).
- Sap is gummy, resinous, and has a strong odor.
- May have loose or papery bark.

FIRE-RESISTANCE-RATED CONSTRUCTION. The use of materials and systems in the design and construction of a building or structure to safeguard against the spread of fire within a building or structure and the spread of fire to or from buildings or structures to the wildland-urban interface area.

FLAME SPREAD RATING. As used herein refers to rating obtained according to tests conducted as specified by a nationally recognized standard.

FUEL BREAK. An area, strategically located for fighting anticipated fires, where the native vegetation has been permanently modified or replaced so that fires burning into it can be more easily controlled. Fuel breaks divide fire-prone areas into smaller areas for easier fire control and to provide access for fire fighting.

FUEL, HEAVY. Vegetation consisting of round wood 3 inches (76 mm) or larger in diameter. The amount of fuel (vegetation) would be 6 tons per acre or greater.

FUEL, LIGHT. Vegetation consisting of round wood less than ¼ inch (6.4 mm) in diameter. The amount of fuel (vegetation) would be ½ ton to 2 tons per acre.

FUEL, MEDIUM. Vegetation consisting of round wood ¼ to 3 inches (6.4 mm to 76 mm) in diameter. The amount of fuel (vegetation) would be 2 to 6 tons per acre.

FUEL MODIFICATION. A method of modifying fuel load by reducing the amount of nonfire-resistive vegetation or altering the type of vegetation to reduce the fuel load.

FUEL MOSAIC. A fuel modification system that provides for the creation of islands and irregular boundaries to reduce the visual and ecological impact of fuel modification.

FUEL-LOADING. The oven-dry weight of fuels in a given area, usually expressed in pounds per acre (lb/a) (kg/ha).

Fuel loading may be referenced to fuel size or timelag categories, and may include surface fuels or total fuels.

GREEN BELT. A fuel break designated for a use other than fire protection.

HAZARDOUS MATERIALS. As defined in the International Fire Code.

HEAVY TIMBER CONSTRUCTION. As described in the International Building Code.

LEGISLATIVE BODY. The governing body of the political jurisdiction administering this code.

LOG WALL CONSTRUCTION. A type of construction in which exterior walls are constructed of solid wood members and where the smallest horizontal dimension of each solid wood member is at least 6 inches (152 mm).

MULTILAYERED GLAZED PANELS. Window or door assemblies that consist of two or more independently glazed panels installed parallel to each other, having a sealed air gap in between, within a frame designed to fill completely the window or door opening in which the assembly is intended to be installed.

NONCOMBUSTIBLE. As applied to building construction material means a material that, in the form in which it is used, is either one of the following:

1. Material of which no part will ignite and burn when subjected to fire. Any material conforming to ASTM E 84 shall be considered noncombustible within the meaning of this section. Item # 4.
2. Material having a structural base of noncombustible material as defined in Item 1 above, with a surfacing material not over 1/8 inch (3.2 mm) thick, which has a flame spread rating of 50 or less. Flame spread rating as used herein refers to rating obtained according to tests conducted as specified in ASTM E 84.

“Noncombustible” does not apply to surface finish materials. Material required to be noncombustible for reduced clearances to flues, heating appliances or other sources of high temperature shall refer to material conforming to Item

1. No material shall be classed as noncombustible that is subject to increase in combustibility or flame spread rating, beyond the limits herein established, through the effects of age, moisture or other atmospheric condition.

NONCOMBUSTIBLE ROOF COVERING. One of the following:

1. Cement shingles or sheets.
2. Exposed concrete slab roof.
3. Ferrous or copper shingles or sheets.
4. Slate shingles.
5. Clay or concrete roofing tile.
6. Approved roof covering of noncombustible material.

SLOPE. The variation of terrain from the horizontal; the number of feet (meters) rise or fall per 100 feet (30 480 mm) measured horizontally, expressed as a percentage.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some manner.

TREE CROWN. The primary and secondary branches growing out from the main stem, together with twigs and foliage.

UNENCLOSED ACCESSORY STRUCTURE. An accessory structure without a complete exterior wall system enclosing the area under roof or floor above.

WILDFIRE. An uncontrolled fire spreading through vegetative fuels, exposing and possibly consuming structures.

WILDLAND. An area in which development is essentially nonexistent, except for roads, railroads, power lines and similar facilities.

WILDLAND-URBAN INTERFACE. The line, area, or zone where structures or other human development (including critical infrastructure that if destroyed would result in hardship to communities) meet or intermingle with undeveloped wildland or vegetative fuel.

CHAPTER 3

WILDLAND-URBAN INTERFACE AREAS

SECTION 301

WILDLAND-URBAN INTERFACE AREA DESIGNATIONS

301.1 Declaration. The legislative body shall declare the wildland-urban interface areas within the jurisdiction. The wildland-urban interface areas shall be based on the maps created in accordance with section 302.

301.2 Mapping. In cooperation, the code official and the Division of Forestry, Fire and State Lands (FFSL) wildfire representative, will create or review Wildland-Urban Interface Area maps, to be recorded and filed with the clerk of the jurisdiction. These areas shall become effective immediately thereafter.

301.3 Review of wildland-urban interface areas. The code official and the FFSL wildfire representative shall reevaluate and recommend modification to the wildland-urban interface areas in accordance with Section 302.1 on a three-year basis or more frequently as deemed necessary by the legislative body.

CHAPTER 4 WILDLAND-URBAN INTERFACE AREA REQUIREMENTS

SECTION 401 GENERAL

401.1 Scope. Wildland-urban interface areas shall be provided with emergency vehicle access and water supply in accordance with this chapter.

401.2 Objective. The objective of this chapter is to establish the minimum requirements for emergency vehicle access and water supply for buildings and structures located in the wildland-urban interface areas.

401.3 General safety precautions. General safety precautions shall be in accordance with this chapter. See also Appendix A.

SECTION 402 APPLICABILITY

402.1 Subdivisions. Subdivisions shall comply with Sections 402.1.1 and 402.1.2.

402.1.1 Access. New subdivisions, as determined by this jurisdiction, shall be provided with fire apparatus access roads in accordance with the International Fire Code and access requirements in accordance with Section 403.

402.1.2 Water supply. New subdivisions as determined by this jurisdiction shall be provided with water supply in accordance with Section 404.

402.2 Individual structures. Individual structures shall comply with Sections 402.2.1 and 402.2.2.

402.2.1 Access.

Individual structures hereafter constructed or relocated into or within wildland-urban interface areas shall be provided with fire apparatus access in accordance with the International Fire Code and driveways in accordance with Section 403.2. Marking of fire protection equipment shall be provided in accordance with Section 403.5 and address markers shall be provided in accordance with Section 403.6.

402.2.2 Water supply.

Individual structures hereafter constructed or relocated into or within wildland-urban interface areas shall be provided with a conforming water supply in accordance with Section 404.

Exceptions:

1. Structures constructed to meet the requirements for the class of ignition-resistant construction specified in Table 503.1 for a nonconforming water supply.
2. Buildings containing only private garages, carports, sheds and agricultural buildings with a floor area of not more than 600 square feet (56 m²).

402.3 Existing conditions. Existing buildings shall be provided with address markers in accordance with Section 403.6. Existing roads and fire protection equipment shall be provided with markings in accordance with Sections 403.4 and 403.5, respectively.

SECTION 403 ACCESS

403.1 Restricted access. Where emergency vehicle access is restricted because of secured access roads or driveways or where immediate access is necessary for life-saving or fire-fighting purposes, the code official is authorized to require a key box to be installed in an accessible location. The key box shall be of a type approved by the code official and shall contain keys to gain necessary access as required by the code official.

403.2 Driveways. Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet (45 720 mm) from a fire apparatus access road. Driveways shall provide a minimum unobstructed width of 20 feet (3658 mm) and a minimum unobstructed height of 13 feet 6 inches (4115 mm). Driveways in excess of 150 feet (45 720 mm) in length shall be provided with turnarounds.

A driveway shall not serve in excess of five dwelling units.

Driveway turnarounds shall have inside turning radii of not less than 30 feet (9144 mm) and outside turning radii of not less than 45 feet (13 716 mm). Driveways that connect with a road or roads at more than one point may be considered as having a turnaround if all changes of direction meet the radii requirements for driveway turnarounds.

Vehicle load limits shall be posted at both entrances to bridges on driveways and private roads. Design loads for bridges shall be established by the code official.

403.3 Fire apparatus access road. When required, fire apparatus access roads shall be all-weather roads with a minimum width of 20 feet (6096 mm) and a clear height of 13 feet 6 inches (4115 mm); shall be designed to accommodate the loads and turning radii for fire apparatus; and have a gradient negotiable by the specific fire apparatus normally used at that location within the jurisdiction. Dead-end roads in excess of 150 feet (45 720 mm) in length shall be provided with turnarounds as approved by the code official. An all-weather road surface shall be any surface material acceptable to the code official that would normally allow the passage of emergency service vehicles to protect structures and wildlands within the jurisdiction.

403.4 Marking of roads. Approved signs or other approved notices shall be provided and maintained for access roads and driveways to identify such roads and prohibit the obstruction thereof or both.

All road identification signs and supports shall be of noncombustible materials. Signs shall have minimum 4-inch-high (102 mm) reflective letters with ½ inch (12.7 mm) stroke on a contrasting 6-inch-high (152 mm) sign. Road identification signage shall be mounted at a height of 7 feet (2134 mm) from the road surface to the bottom of the sign.

403.5 Marking of fire protection equipment. Fire protection equipment and fire hydrants shall be clearly identified in a manner approved by the code official to prevent obstruction.

403.6 Address markers. All buildings shall have a permanently posted address, which shall be ~~placed at each~~clearly visible from the driveway entrance at all times and be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located.

Address signs along one-way roads shall be visible from both the intended direction of travel and the opposite direction.

Where multiple addresses are required at a single driveway, they shall be mounted on a single post, and additional signs shall be posted at locations where driveways divide.

Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site.

403.7 Grade. The gradient for fire apparatus access roads and driveways shall not exceed the maximum approved by the code official. It will be up to the code official to ascertain the standard based on local fire equipment. The grade shall not exceed 12 percent.

SECTION 404 WATER SUPPLY

404.1 General. When provided in order to qualify as a conforming water supply for the purpose of Table 503.1, an approved water source shall have an adequate water supply for the use of the fire protection service to protect buildings and structures from exterior fire sources or to suppress structure fires within the wildland-urban interface area of the jurisdiction in accordance with this section.

404.2 Water sources. The point at which a water source is available for use shall be located not more than 1,000 feet (305 m) from the building and be approved by the code official. The distance shall be measured along an unobstructed line of travel.

Water sources shall comply with the following:

1. Man-made water sources shall have a minimum usable water volume as determined by the adequate water supply needs in accordance with Section 404.5. This water source shall be equipped with an approved hydrant. The water level of the water source shall be maintained by rainfall, water pumped from a well, water hauled by a tanker, or by seasonal high water of a stream or river. The design, construction, location, water level maintenance, access, and access

maintenance of man-made water sources shall be approved by the code official.

2. Natural water sources shall have a minimum annual water level or flow sufficient to meet the adequate water supply needs in accordance with Section 404.5. This water level or flow shall not be rendered unusable because of freezing. This water source shall have an approved draft site with an approved hydrant. Adequate water flow and rights for access to the water source shall be ensured in a form acceptable to the code official.

404.3 Draft sites. Approved draft sites shall be provided at all natural water sources intended for use as fire protection for compliance with this code. The design, construction, location, access and access maintenance of draft sites shall be approved by the code official.

The pumper access point shall be either an emergency vehicle access area alongside a conforming access road or an approved driveway no longer than 150 feet (45 720 mm).

Pumper access points and access driveways shall be designed and constructed in accordance with all codes and ordinances enforced by this jurisdiction. Pumper access points shall not require the pumper apparatus to obstruct a road or driveway.

404.4 Hydrants. All hydrants shall be designed and constructed in accordance with nationally recognized standards. The location and access shall be approved by the code official.

404.5 Adequate water supply. Adequate water supply shall be determined for purposes of initial attack and flame front control as follows:

1. One- and two-family dwellings. The required water supply for one- and two-family dwellings having a fire area that does not exceed 3,600 square feet (334 m²) shall be 1,000 gallons per minute (63.1 L/s) for a minimum duration of 30 minutes. The required water supply for one- and two-family dwellings having a fire area in excess of 3,600 square feet (334 m²) shall be 1,500 gallons per minute (95 L/s) for a minimum duration of two hours.

Exception: A reduction in required flow rate of 50 percent, as approved by the code official, is allowed when the building is provided with an approved automatic sprinkler system.

2. Buildings other than one- and two-family dwellings. The water supply required for buildings other than one- and two-family dwellings shall be as approved by the code official but shall not be less than 1,500 gallons per minute (95 L/s) for a duration of two hours.

Exception: A reduction in required flow rate of up to 75 percent, as approved by the code official, is allowed when the building is provided with an approved automatic sprinkler system. The resulting water supply shall not be less than 1,500 gallons per minute (94.6 L/s).

404.6 Fire department. The water system required by this code can only be considered conforming for purposes of determining the level of ignition-resistant construction. (See Table 503.1)

404.7 Obstructions. Access to all water sources required by this code shall be unobstructed at all times. The code official shall not be deterred or hindered from gaining immediate access to water source equipment, fire protection equipment or hydrants.

404.8 Identification. Water sources, draft sites, hydrants and fire protection equipment shall be clearly identified in a manner approved by the code official to identify location and to prevent obstruction by parking and other obstructions.

404.9 Testing and maintenance. Water sources, draft sites, hydrants and other fire protection equipment required by this code shall be subject to periodic tests as required by the fire code official. The fire code official shall establish a periodic testing schedule. Costs are to be covered by the water provider. All such equipment installed under the provisions of this code shall be maintained in an operative condition at all times and shall be repaired or replaced where defective. Additions, repairs, alterations and servicing of such fire protection equipment and resources shall be in accordance with approved standards. Mains and appurtenances shall be installed in accordance with R309 Environmental Quality, Drinking Water Rules of the State of Utah and with standards as established by the Wasatch County and its special service districts.

404.10 Reliability. Water supply reliability shall comply with Sections 404.10.1 through 404.10.3.

404.10.1 Objective. The objective of this section is to increase the reliability of water supplies by reducing the exposure of vegetative fuels to electrically powered systems.

404.10.2 Clearance of fuel. Defensible space shall be provided around water tank structures, water supply pumps and pump houses in accordance with Section 603.

404.10.3 Standby power. Stationary water supply facilities within the wildland-urban interface area dependent on electrical power supplied by power grid to meet adequate water supply demands shall provide functional standby power systems in accordance with the current "National Electrical Code" to ensure that an uninterrupted water supply is maintained. The standby power source shall be capable of providing power for a minimum of two hours.

Exceptions:

1. When approved by the code official, a standby power supply is not required where the primary power service to the stationary water supply facility is underground or there is an onsite generator.

2. A standby power supply is not required where the stationary water supply facility serves no more than one single-family dwelling.

SECTION 405 FIRE PROTECTION PLAN

405.1 Purpose. The plan is to provide a basis to determine overall compliance with this code, for determination of Ignition Resistant Construction (IRC) (see Table 503.1) and for determining the need for alternative material and methods.

405.2 General. When required by the code official, a fire protection plan shall be prepared.

405.3 Content. The plan shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management.

405.4 Cost. The cost of fire protection plan preparation and review shall be the responsibility of the applicant.

405.5 Plan retention. The fire protection plan shall be retained by the code official.

CHAPTER 5 SPECIAL BUILDING CONSTRUCTION REGULATIONS

SECTION 501 GENERAL

501.1 Scope. Buildings and structures shall be constructed in accordance with the International Building Code and this code.

Exceptions:

1. Accessory structures not exceeding 120 square feet (11 m²) in floor area when located at least 50 feet (15 240 mm) from buildings containing habitable spaces.
2. Agricultural buildings at least 50 feet (15 240 mm) from buildings containing habitable spaces.

501.2 Objective. The objective of this chapter is to establish minimum standards to locate, design and construct buildings and structures or portions thereof for the protection of life and property, to resist damage from wildfires, and to mitigate building and structure fires from spreading to wildland fuels. The minimum standards set forth in this chapter vary with the critical fire weather, slope and fuel type to provide increased protection, above the requirements set forth in the International Building Code, from the various levels of hazards.

SECTION 502 FIRE HAZARD SEVERITY

502.1 General. The fire hazard severity of building sites for all buildings hereafter constructed, modified or relocated into wildland-urban interface areas shall be established in accordance with Appendix C.

502.2 Fire hazard severity reduction. The fire hazard severity is allowed to be reduced by implementing a vegetation management plan in accordance with Appendix B.

SECTION 503 IGNITION-RESISTANT CONSTRUCTION

503.1 General. Buildings and structures hereafter constructed, modified or relocated into or within wildland-urban interface areas shall meet the construction requirements in accordance with Table 503.1. Class 1, Class 2 or Class 3 ignition-resistant construction shall be in accordance with Sections 504, 505 and 506, respectively.

SECTION 504 CLASS 1 IGNITION-RESISTANT CONSTRUCTION

504.1 General. Class 1 ignition-resistant construction shall be in accordance with Sections 504.2 through 504.11

504.2 Roof covering. Roofs shall have a Class A roof covering or a Class A roof assembly. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be firestopped to preclude entry of flames or embers.

504.3 Protection of eaves. Eaves and soffits shall be protected on the exposed underside by materials approved for a minimum of 1-hour fire-resistance-rated construction,

**TABLE 503.1
IGNITION-RESISTANT CONSTRUCTION ^a**

DEFENSIBLE SPACE ^c	FIRE HAZARD SEVERITY					
	Moderate Hazard		High Hazard		Extreme Hazard	
	Water Supply ^b		Water Supply ^b		Water Supply ^b	
	Conforming ^d	Nonconforming ^e	Conforming ^d	Nonconforming ^e	Conforming ^d	Nonconforming ^e
Nonconforming	IR 2	IR 1	IR 1	IR 1 N.C.	IR 1 N.C.	Not Permitted
Conforming	IR 3	IR 2	IR 2	IR 1	IR 1	IR 1 N.C.
1.5 x Conforming	Not Required	IR 3	IR 3	IR 2	IR 2	IR 1

- a. Access shall be in accordance with Section 402.
- b. Subdivisions shall have a conforming water supply in accordance with Section 402.1.
IR 1 = Ignition-resistant construction in accordance with Section 504
IR 2 = Ignition-resistant construction in accordance with Section 505.
IR 3 = Ignition-resistant construction in accordance with Section 506.
N.C. = Exterior walls shall have a fire-resistance rating of not less than 1-hour and the exterior surfaces of such walls shall be noncombustible. Usage of log wall construction is allowed.
- c. Conformance based on Section 603.
- d. Conformance based on Section 404.
- e. A nonconforming water supply is any water system or source that does not comply with Section 404, including situations where there is no water supply for structure protection or fire suppression.

2-inch (51 mm) nominal dimension lumber, or 1-inch (25.4 mm) nominal fire-retardant-treated lumber or ¾-inch (19 mm) nominal fire-retardant-treated plywood, identified for exterior use and meeting the requirements of Section 2303.2 of the International Building Code. Fascias are required and shall be protected on the backside by materials approved for a minimum of 1-hour fire-resistance-rated construction or 2-inch (51 mm) nominal dimension lumber.

504.4 Gutters and downspouts. Gutters and downspouts shall be constructed of noncombustible material.

504.5 Exterior walls. Exterior walls of buildings or structures shall be constructed with materials approved for a minimum of 1-hour fire-resistance-rated construction on the exterior side or constructed with approved noncombustible materials.

Exception: Heavy timber or log wall construction.

Such material shall extend from the top of the foundation to the underside of the roof sheathing.

504.6 Unenclosed underfloor protection. Buildings or structures shall have all underfloor areas enclosed to the ground with exterior walls in accordance with Section 504.5.

Exception: Complete enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy timber construction.

504.7 Appendages and projections. Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall be a minimum of 1-hour fire-resistance-rated construction, heavy timber construction or constructed of approved noncombustible materials or fire-retardant-treated wood identified for exterior use and meeting the requirements of Section 2303.2 of the International Building Code.

When the attached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches (152 mm) of the ground, with exterior wall construction in accordance with Section 504.5.

504.8 Exterior glazing. Exterior windows, window walls and glazed doors, windows within exterior doors, and skylights shall be tempered glass, multilayered glazed panels, glass block or have a fire protection rating of not less than 20 minutes.

504.9 Exterior doors. Exterior doors shall be approved noncombustible construction, solid core wood not less than 1¾ inches thick (45 mm), or have a fire protection rating of not less than 20 minutes. Windows within doors and glazed doors shall be in accordance with Section 504.8.

Exception: Vehicle access doors.

504.10 Vents. Attic ventilation openings, foundation or underfloor vents, or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m²) each. Such vents shall be covered

with noncombustible corrosion-resistant mesh with openings not to exceed ¼ inch (6.4 mm), or shall be designed and approved to prevent flame or ember penetration into the structure.

Attic ventilation openings shall not be located in soffits, in eave overhangs, between rafters at eaves, or in other overhang areas. Gable end and dormer vents shall be located at least 10 feet (3048 mm) from property lines. Underfloor ventilation openings shall be located as close to grade as practical.

504.11 Detached accessory structures. Detached accessory structures located less than 50 feet (15 240 mm) from a building containing habitable space shall have exterior walls constructed with materials approved for a minimum of 1-hour fire-resistance-rated construction, heavy timber, log wall construction or constructed with approved noncombustible materials on the exterior side.

When the detached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches (152 mm) of the ground, with exterior wall construction in accordance with Section 504.5 or underfloor protection in accordance with Section 504.6.

Exception: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy-timber construction.

See Section 504.2 for roof requirements.

SECTION 505 CLASS 2 IGNITION-RESISTANT CONSTRUCTION

505.1 General. Class 2 ignition-resistant construction shall be in accordance with Sections 505.2 through 505.11.

505.2 Roof covering. Roofs shall have at least a Class A roof covering, Class B roof assembly or an approved noncombustible roof covering. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be firestopped to preclude entry of flames or embers.

505.3 Protection of eaves. Combustible eaves, fascias and soffits shall be enclosed with solid materials with a minimum thickness of ¾ inch (19 mm). No exposed rafter tails shall be permitted unless constructed of heavy timber materials.

505.4 Gutters and downspouts. Gutters and downspouts shall be constructed of noncombustible material.

505.5 Exterior walls. Exterior walls of buildings or structures shall be constructed with materials approved for a minimum of 1-hour fire-resistance-rated construction on the exterior side or constructed with approved noncombustible materials.

Exception: Heavy timber or log wall construction.

Such material shall extend from the top of the foundation to the underside of the roof sheathing.

505.6 Unenclosed underfloor protection. Buildings or structures shall have all underfloor areas enclosed to the ground, with exterior walls in accordance with Section 505.5.

Exception: Complete enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy timber construction.

505.7 Appendages and projections. Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall be a minimum of 1-hour fire-resistance-rated construction, heavy timber construction or constructed of approved noncombustible materials or fire-retardant-treated wood identified for exterior use and meeting the requirements of Section 2303.2 of the International Building Code.

When the attached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches (152 mm) of the ground, with exterior wall construction in accordance with Section 505.5.

505.8 Exterior glazing. Exterior windows, window walls and glazed doors, windows within exterior doors, and skylights shall be tempered glass, multilayered glazed panels, glass block or have a fire-protection rating of not less than 20 minutes.

505.9 Exterior doors. Exterior doors shall be approved noncombustible construction, solid core wood not less than 1¾-inches thick (45 mm), or have a fire protection rating of not less than 20 minutes. Windows within doors and glazed doors shall be in accordance with Section 505.8.

Exception: Vehicle access doors.

505.10 Vents. Attic ventilation openings, foundation or underfloor vents or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m²) each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed ¼ inch (6.4 mm) or shall be designed and approved to prevent flame or ember penetration into the structure.

Attic ventilation openings shall not be located in soffits, in eave overhangs, between rafters at eaves, or in other overhang areas. Gable end and dormer vents shall be located at least 10 feet (3048 mm) from property lines. Underfloor ventilation openings shall be located as close to grade as practical.

505.11 Detached accessory structures. Detached accessory structures located less than 50 feet (15 240 mm) from a building containing habitable space shall have exterior walls constructed with materials approved for a minimum of 1-hour fire-resistance-rated construction, heavy

timber, log wall construction, or constructed with approved noncombustible material on the exterior side.

When the detached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches (152 mm) of the ground, with exterior wall construction in accordance with Section 505.5 or underfloor protection in accordance with Section 505.6.

Exception: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy-timber construction.

See Section 505.2 for roof requirements.

SECTION 506 CLASS 3 IGNITION-RESISTANT CONSTRUCTION

506.1 General. Class 3 ignition-resistant construction shall be in accordance with Sections 506.2 through 506.4.

506.2 Roof covering. Roofs shall have at least a Class A roof covering, Class C roof assembly or an approved noncombustible roof covering. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be firestopped to preclude entry of flames or embers.

506.3 Unenclosed underfloor protection. Buildings or structures shall have all underfloor areas enclosed to the ground with exterior walls.

Exception: Complete enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy timber construction.

506.4 Vents. Attic ventilation openings, soffit vents, foundation or underfloor vents or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m²) each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed ¼ inch (6.4 mm).

SECTION 507 REPLACEMENT OR REPAIR OF ROOF COVERINGS

507.1 General. The roof covering on buildings or structures in existence prior to the adoption of this code that are replaced or have 25 percent or more replaced in a 12-month period shall be replaced with a roof covering required for new construction based on the type of ignition-resistant construction specified in accordance with Section 503.

CHAPTER 6 FIRE PROTECTION REQUIREMENTS

SECTION 601 GENERAL

601.1 Scope. The provisions of this chapter establish general requirements for new and existing buildings, structures and premises located within wildland-urban interface areas.

601.2 Objective. The objective of this chapter is to establish minimum requirements to mitigate the risk to life and property from wildland fire exposures, exposures from adjacent structures and to mitigate structure fires from spreading to wildland fuels.

SECTION 602 AUTOMATIC SPRINKLER SYSTEMS

602.1 General. An approved automatic sprinkler system shall be installed in all occupancies in new buildings required to meet the requirements for Class 1 ignition-resistant construction in Chapter 5. The installation of the automatic sprinkler systems shall be in accordance with nationally recognized standards.

SECTION 603 DEFENSIBLE SPACE

603.1 Objective. Provisions of this section are intended to modify the fuel load in areas adjacent to structures to create a defensible space.

603.2 Fuel modification. In order to qualify as a conforming defensible space for individual buildings or structures on a property, fuel modification shall be provided within a distance from buildings or structures as specified in Table 603.2. For all other purposes, the fuel modification distance shall not be less than 30 feet (91 467 mm) or to the property line, whichever is less. Distances specified in Table 603.2 shall be measured on a horizontal plane from the perimeter or projection of the building or structure as

shown in Figure 603.2. Distances specified in Table 603.2 may be modified by the code official because of a site-specific analysis based on local conditions and the fire protection plan.

Persons owning, leasing, controlling, operating or maintaining buildings or structures requiring defensible spaces are responsible for modifying or removing nonfire-resistive vegetation on the property owned, leased or controlled by said person.

Trees are allowed within the defensible space, provided the horizontal distance between crowns of adjacent overhead electrical facilities or unmodified fuel is not less than 10 feet (3048 mm). Deadwood and litter shall be regularly removed from trees.

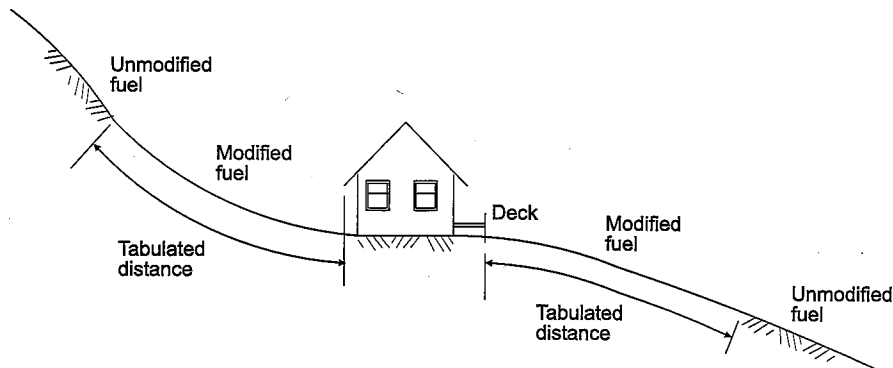
Where ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants are used as ground cover, they are allowed to be within the designated defensible space, provided they do not form a means of transmitting fire from the native growth to any structure.

**TABLE 603.2
REQUIRED DEFENSIBLE SPACE**

WILDLAND-URBAN INTERFACE AREA	FUEL MODIFICATION DISTANCE (feet) ^a
Moderate hazard	30
High hazard	50
Extreme hazard	100

For SI: 1 foot = 304.8 mm.

a. Distances are allowed to be increased due to site-specific analysis based on local conditions and the fire protection plan.



**FIGURE 603.2
MEASUREMENTS OF FUEL MODIFICATION DISTANCE**

SECTION 604 MAINTENANCE OF DEFENSIBLE SPACE

604.1 General. Defensible spaces required by Section 603 shall be maintained in accordance with Section 604.

604.2 Modified area. Nonfire-resistive vegetation or growth shall be kept clear of buildings or structures, in accordance with Section 603, in such a manner as to provide a clear area for fire suppression operations.

604.3 Responsibility. Persons owning, leasing, controlling, operating or maintaining buildings or structures are responsible for maintenance of defensible spaces. Maintenance of the defensible space shall include modifying or removing nonfire-resistive vegetation and keeping leaves, needles and other dead vegetative material regularly removed from roofs of buildings and structures.

604.4 Trees. Tree crowns extending to within 10 feet (3048 mm) of any structure shall be pruned to maintain a minimum horizontal clearance of 10 feet (3048 mm). Tree crowns within the defensible space shall be pruned to remove limbs located less than 6 feet (1829 mm) above the ground surface adjacent to the trees.

Portions of tree crowns that extend within 10 feet (3048 mm) of the outlet of a chimney shall be pruned to maintain a minimum horizontal clearance of 10 feet (3048 mm).

Deadwood and litter shall be regularly removed from trees.

SECTION 605 SPARK ARRESTERS

605.1 General. Chimneys serving fireplaces, barbecues, incinerators or decorative heating appliances in which solid or liquid fuel is used, shall be provided with a spark arrester.

Spark arresters shall be constructed of woven or welded screening of 12 USA standard gage wire (0.1046 inch (2.66 mm) having openings not exceeding ½ inch (12.7 mm). Item # 4.

605.2 Net free area. The net free area of the spark arrester shall not be less than four times the net free area of the outlet of the chimney.

SECTION 606 LIQUEFIED PETROLEUM GAS INSTALLATIONS

606.1 General. The storage of liquefied petroleum gas (LP-gas) and the installation and maintenance of pertinent equipment shall be in accordance with the International Fire Code or, in the absence thereof, recognized standards.

606.2 Location of containers.

LP-gas containers shall be located within the defensible space in accordance with the International Fire Code.

SECTION 607 STORAGE OF FIREWOOD AND COMBUSTIBLE MATERIALS

607.1 General. Firewood and combustible material shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. When required by the code official, storage of firewood and combustible material stored in the defensible space shall be located a minimum of 20 feet (6096 mm) from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet (4572 mm).

607.2 Storage for off-site use. Firewood and combustible materials not for consumption on the premises shall be stored so as to not pose a hazard. See Appendix A.

APPENDIX A GENERAL REQUIREMENTS

The provisions contained in this appendix are optional.

SECTION A101 GENERAL

A101.1 Scope. The provisions of this appendix establish general requirements applicable to new and existing properties located within wildland-urban interface areas.

A101.2 Objective. The objective of this appendix is to provide necessary fire-protection measures to reduce the threat of wildfire in an wildland-urban interface area and improve the capability of controlling such fires.

SECTION A102 VEGETATION CONTROL

A102.1 General. Vegetation control shall comply with Sections A102.2 through A102.4.

A102.2 Clearance of brush or vegetative growth from roadways. The code official is authorized to require areas within 10 feet (3048 mm) on each side of portions of fire apparatus access roads and driveways to be cleared of nonfire-resistive vegetation growth.

Exception: Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, provided they do not form a means of readily transmitting fire.

A102.3 Clearance of brush and vegetative growth from electrical transmission and distribution lines.

A102.3.1 General.

Clearance of brush and vegetative growth from electrical transmission and distribution lines shall be in accordance with Section A102.3.

Exception: Section A102.3 does not authorize persons not having legal right of entry to enter on or damage the property of others without consent of the owner.

A102.3.2 Support clearance. Persons owning, controlling, operating or maintaining electrical transmission or distribution lines shall have an approved program in place that identifies poles or towers with equipment and hardware types that have a history of becoming an ignition source, and provides a combustible free space consisting of a clearing of not less than 10 feet (3048 mm) in each direction from the outer circumference of such pole or tower during such periods of time as designated by the code official.

Exception: Lines used exclusively as telephone, telegraph, messenger call, alarm transmission or other lines classed as communication circuits by a public utility.

A102.3.3 Electrical distribution and transmission line clearances.

A102.3.3.1 General. Clearances between vegetation and electrical lines shall be in accordance with Section A102.3.3.

A102.3.3.2 Trimming clearance. At the time of trimming, clearances not less than those established by Table A102.3.3.2 shall be provided. The radial clearances shown below are minimum clearances that shall be established, at time of trimming, between the vegetation and the energized conductors and associated live parts.

Exception: The code official is authorized to establish minimum clearances different than those specified by Table A102.3.3.2 when evidence substantiating such other clearances is submitted to and approved by the code official.

**TABLE A102.3.3.2
MINIMUM CLEARANCES BETWEEN VEGETATION
AND ELECTRICAL LINES AT TIME OF TRIMMING**

LINE VOLTAGE	MINIMUM RADIAL CLEARANCE FROM CONDUCTOR (feet)
2,400-72,000	4
72,001-110,000	6
110,001-300,000	10
300,001 or more	15

For SI: 1 foot = 304.8 mm.

A102.3.3.3 Minimum clearance to be maintained. Clearances not less than those established by Table A102.3.3.3 shall be maintained during such periods of time as designated by the code official. The site-specific clearance achieved, at time of pruning, shall vary based on species growth rates, the utility company-specific trim cycle, the potential line sway due to wind, line sag due to electrical loading and ambient temperature and the tree's location in proximity to the high voltage lines.

Exception: The code official is authorized to establish minimum clearances different than those specified by Table A102.3.3.3 when evidence substantiating such other clearances is submitted to and approved by the code official.

TABLE A102.3.3.3
MINIMUM CLEARANCES BETWEEN VEGETATION
AND ELECTRICAL LINES TO BE MAINTAINED

LINE VOLTAGE	MINIMUM CLEARANCE (inches)
750-35,000	6
35,001-60,000	12
60,001-115,000	19
115,001-230,000	30.5
230,001-500,000	115

For SI: 1 inch = 25.4 mm.

A102.3.3.4 Electrical power line emergencies. During emergencies, the utility shall perform the required work to the extent necessary to clear the hazard. An emergency can include situations such as trees falling into power lines, or trees in violation of Table A102.3.3.3.

A102.4 Correction of condition. The code official is authorized to give notice to the owner of the property on which conditions regulated by Section A102 exist to correct such conditions. If the owner fails to correct such conditions, the legislative body of the jurisdiction is authorized to cause the same to be done and make the expense of such correction a lien on the property where such condition exists.

SECTION A103 ACCESS RESTRICTIONS

A103.1 Restricted entry to public lands. The code official is authorized to determine and publicly announce when wildland-urban interface areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of wildland-urban interface areas, except public roadways, inhabited areas or established trails and campsites that have not been closed during such time when the wildland-urban interface area is closed to entry, is prohibited.

Exceptions:

1. Residents and owners of private property within wildland-urban interface areas and their invitees and guests going to or being on their lands.
2. Entry, in the course of duty, by peace or police officers, and other duly authorized public officers, members of a fire department and members of the Wildland Firefighting Service.

A103.2 Trespassing on posted private property.

A103.2.1 General. When the code official determines that a specific area within an wildland-urban interface area presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be restricted or closed until changed conditions warrant termination of such restriction or closure. Such areas shall be posted in accordance with Section A103.2.2.

A103.2.2 Signs. Approved signs prohibiting entry by unauthorized persons and referring to this code shall be placed on every closed area.

A103.2.3 Trespassing. Entering and remaining within areas closed and posted is prohibited.

Exception: Owners and occupiers of private or public property within closed and posted areas; their guests or invitees; authorized persons engaged in the operation and maintenance of necessary utilities such as electrical power, gas, telephone, water and sewer; and local, state and federal public officers and their authorized agents acting in the course of duty.

A103.3 Use of fire roads and defensible space.

Motorcycles, motor scooters and motor vehicles shall not be driven or parked on, and trespassing is prohibited on, fire roads or defensible space beyond the point where travel is restricted by a cable, gate or sign, without the permission of the property owners. Vehicles shall not be parked in a manner that obstructs the entrance to a fire road or defensible space.

Exception: Public officers acting within their scope of duty.

Radio and television aerials, guy wires thereto, and other obstructions shall not be installed or maintained on fire roads or defensible spaces, unless located 16 feet (4877 mm) or more above such fire road or defensible space.

A103.4 Use of motorcycles, motor scooters, ultralight aircraft and motor vehicles. Motorcycles, motor scooters, ultralight aircraft and motor vehicles shall not be operated within wildland-urban interface areas, without a permit by the code official, except on clearly established public or private roads. Permission from the property owner shall be presented when requesting a permit.

A103.5 Tampering with locks, barricades, signs and address markers. Locks, barricades, seals, cables, signs and address markers installed within wildland-urban interface areas, by or under the control of the code official, shall not be tampered with, mutilated, destroyed or removed.

Gates, doors, barriers and locks installed by or under the control of the code official shall not be unlocked.

SECTION A104 IGNITION SOURCE CONTROL

A104.1 General. Ignition sources shall be in accordance with Section A104.

A104.2 Objective. Regulations in this section are intended to provide the minimum requirements to prevent the occurrence of wildfires.

A104.3 Clearance from ignition sources. Clearance between ignition sources and grass, brush or other combustible materials shall be maintained a minimum of 30 feet (9144 mm).

A104.4 Smoking. When required by the code official, signs shall be posted stating NO SMOKING. No person shall

smoke within 15 feet (4572 mm) of combustible materials or nonfire-resistive vegetation.

Exception: Places of habitation or in the boundaries of established smoking areas or campsites as designated by the code official.

A104.5 Equipment and devices generating heat, sparks or open flames. Equipment and devices generating heat, sparks or open flames capable of igniting nearby combustibles shall not be used in wildland-urban interface areas without a permit from the code official.

Exception: Use of approved equipment in habited premises or designated campsites that are a minimum of 30 feet (9144 mm) from grass-, grain-, brush- or forest-covered areas.

A104.6 Fireworks. Fireworks shall not be used or possessed in wildland-urban interface areas.

Exception: Fireworks allowed by the code official under permit in accordance with the International Fire Code when not prohibited by applicable local or state laws, ordinances and regulations.

The code official is authorized to seize, take, remove or cause to be removed fireworks in violation of this section.

A104.7 Outdoor fires.

A104.7.1 General. No person shall build, ignite or maintain any outdoor fire of any kind for any purpose in or on any wildland-urban interface area, except by the authority of a written permit from the code official.

Exception: Outdoor fires within inhabited premises or designated campsites where such fires are in a permanent barbecue, portable barbecue, outdoor fireplace, incinerator or grill and are a minimum of 30 feet (9144 mm) from any combustible material or nonfire-resistive vegetation.

A104.7.2 Permits. Permits shall incorporate such terms and conditions that will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in or on hazardous fire areas under the following conditions:

1. When high winds are blowing,
2. When a person 17 years old or over is not present at all times to watch and tend such fire, or
3. When a public announcement is made that open burning is prohibited.

A104.7.3 Restrictions. No person shall use a permanent barbecue, portable barbecue, outdoor fireplace or grill for the disposal of rubbish, trash or combustible waste material.

A104.8 Incinerators, outdoor fireplaces, permanent barbecues and grills. Incinerators, outdoor fireplaces, permanent barbecues and grills shall not be built, installed or maintained in wildland-urban interface areas without approval of the code official.

Incinerators, outdoor fireplaces, permanent barbecues grills shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided with an approved spark arrestor, screen or door.

Exception: When approved by the code official, unprotected openings in barbecues and grills necessary for proper functioning.

A104.9 Reckless behavior. The code official is authorized to stop any actions of a person or persons if the official determines that the action is reckless and could result in an ignition of fire or spread of fire.

A104.10 Planting vegetation under or adjacent to energized electrical lines. No vegetation shall be planted under or adjacent to energized power lines that, at maturity, shall grow within 10 feet (3048 mm) of the energized conductors.

SECTION A105 CONTROL OF STORAGE

A105.1 General. In addition to the requirements of the International Fire Code, storage and use of the materials shall be in accordance with Section A105.

A105.2 Hazardous materials. Hazardous materials in excess of 10 gallons (37.8 L) of liquid, 200 cubic feet (5.66 m³) of gas, or 10 pounds (4.54 kg) of solids require a permit and shall comply with nationally recognized standards for storage and use.

A105.3 Explosives. Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within wildland-urban interface areas, except by permit from the code official.

A105.4 Combustible materials.

A105.4.1 General. Outside storage of combustible materials such as, but not limited to, wood, rubber tires, building materials or paper products shall comply with the other applicable sections of this code and this section.

A105.4.2 Individual piles. Individual piles shall not exceed 5,000 square feet (465 m²) of contiguous area. Piles shall not exceed 50,000 cubic feet (1416 m³) in volume or 10 feet (3048 mm) in height.

A105.4.3 Separation. A clear space of at least 40 feet (12 192 mm) shall be provided between piles. The clear space shall not contain combustible material or nonfire-resistive vegetation.

SECTION A106 DUMPING

A106.1 Waste material. Waste material shall not be placed, deposited or dumped in wildland-urban interface areas, or in, on or along trails, roadways or highways or against structures in wildland-urban interface areas.

Exception: Approved public and approved private dumping areas.

A106.2 Ashes and coals. Ashes and coals shall not be placed, deposited or dumped in or on wildland-urban interface areas.

Exceptions:

1. In the hearth of an established fire pit, camp stove or fireplace.
2. In a noncombustible container with a tightfitting lid, which is kept or maintained in a safe location not less than 10 feet (3048 mm) from nonfire-resistive vegetation or structures.
3. Where such ashes or coals are buried and covered with 1 foot (305 mm) of mineral earth not less than 25 feet (7620 mm) from nonfire-resistive vegetation or structures.

SECTION A107 PROTECTION OF PUMPS AND WATER STORAGE FACILITIES

A107.1 General. The reliability of the water supply shall be in accordance with Section A107.

A107.2 Objective. The intent of this section is to increase the reliability of water storage and pumping facilities and to protect such systems against loss from intrusion by fire.

A107.3 Fuel modification area. Water storage and pumping facilities shall be provided with a defensible space of not less than 30 feet (9144 mm) clear of nonfire-resistive vegetation or growth around and adjacent to such facilities.

Persons owning, controlling, operating or maintaining water storage and pumping systems requiring this defensible space are responsible for clearing and removing nonfire-resistive vegetation and maintaining the defensible space on the property owned, leased or controlled by said person.

A107.4 Trees. Portions of trees that extend to within 30 feet (9144 mm) of combustible portions of water storage and pumping facilities shall be removed.

A107.5 Protection of electrical power supplies. When electrical pumps are used to provide the required water supply, such pumps shall be connected to a standby power source to automatically maintain electrical power in the event of power loss. The standby power source shall be capable of providing power for a minimum of two hours in accordance with the ICC Electrical Code.

Exception: A standby power source is not required where the primary power service to pumps are underground as approved by the code official.

SECTION A108 LAND USE LIMITATIONS

A108.1 General. Temporary fairs, carnivals, public exhibitions and similar uses must comply with all other provisions of this code in addition to enhanced ingress and egress requirements.

A108.2 Objective. The increased public use of land or structures in wildland-urban interface areas also increases

the potential threat to life safety. The provisions of this section are intended to reduce that threat.

A108.3 Permits. Temporary fairs, carnivals, public exhibitions or similar uses shall not be allowed in a designated wildland-urban interface area, except by permit from the code official.

Permits shall incorporate such terms and conditions that will reasonably safeguard public safety and property.

A108.4 Access roadways. In addition to the requirements in Section 403, access roadways shall be a minimum of 24 feet (7315 mm) wide and posted NO PARKING. Two access roadways shall be provided to serve the permitted use area.

When required by the code official to facilitate emergency operations, approved emergency vehicle operating areas shall be provided.

SECTION A109 REFERENCED STANDARDS

IFC-2006	International Fire Code	A104.6, A105.1
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APPENDIX B

VEGETATION MANAGEMENT PLAN

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

SECTION B101

GENERAL

B101.1 Scope. Vegetation management plans shall be submitted to the code official for review and approval as part of the plans required for a permit.

B101.2 Plan content. Vegetation management plans shall describe all actions that will be taken to prevent a fire from being carried toward or away from the building. A vegetation management plan shall include at least the following information:

1. A copy of the site plan.
2. Methods and timetables for controlling, changing or modifying areas on the property. Elements of the plan shall include removal of slash, snags, vegetation that may grow into overhead electrical lines, other ground fuels, ladder fuels and dead trees, and the thinning of live trees.
3. A plan for maintaining the proposed fuel-reduction measures.

B101.3 Fuel modification. To be considered a fuel modification for purposes of this code, continuous maintenance of the clearance is required.

APPENDIX C

FIRE HAZARD SEVERITY FORM

Item # 4.

This appendix is to be used to determine the fire hazard severity.

Owner Name: _____ Building Address: _____

A. Subdivision Design (Fire District)

1. Ingress/Egress

Two or more primary roads 1 _____
One road 10 _____
One-lane road in, one-lane road out 15 _____

2. Width of Primary Road

20 feet or more 1 _____
Less than 20 feet 5 _____

3. Accessibility

Road grade 5% or less 1 _____
Road grade 5-10% 5 _____
Road grade greater than 10% 10 _____

4. Secondary Road Terminus

Loop roads, cul-de-sacs with an outside turning radius of 45 feet or greater 1 _____
Cul-de-sac turnaround 5 _____
Dead-end roads 200 feet or less in length 8 _____
Dead-end roads greater than 200 feet in length 10 _____

5. Street Signs

Present and approved 0 _____
Present but unapproved 3 _____
Not present 5 _____

B. Vegetation (IUWIC Definitions)

1. Fuel Types (within the defensible space)

Surface Lawn/noncombustible 1 _____
Grass/short brush 5 _____
Scattered dead/down woody material 10 _____
Abundant dead/down wood material 15 _____
Overstory
Deciduous trees (except tall brush) 3 _____
Mixed deciduous trees and tall brush 10 _____
Clumped/scattered conifers and/or tall brush 15 _____
Contiguous conifer and/or tall brush 20 _____

2. Defensible Space (Lot Specific)

70% or more of lots completed 1 _____
30% or more of lots completed 10 _____
Less than 30% of lots completed 20 _____

C. Topography

Located on flat, base of hill or setback at crest of hill 1 _____
On slope with 0-20% grade 5 _____
On slope with 21-30% grade 10 _____
On slope with 31% grade or greater 15 _____
At crest of hill with unmitigated vegetation below 20 _____

D. Roofing Material

Class A Fire Rated 1 _____
Class B Fire Rated 5 _____
Class C Fire Rated 10 _____
Non-rated 20 _____

E. Fire Protection—Water Source

1000 GPM hydrant within 600 feet 1 _____
Hydrant farther than 600 feet or draft site 5 _____
Approved water source 20 min or less round trip 10 _____
Approved water source farther than 20 min, and 45 min or less round trip 15 _____
Approved water source farther than 45 min round trip 20 _____

F. Siding and Decking

Noncombustible siding/deck 1 _____
Combustible side/no deck 5 _____
Noncombustible siding/combustible deck 10 _____
Combustible siding and deck 15 _____

G. Utilities (gas and/or electrical)

All underground utilities 1 _____
One underground, one aboveground 3 _____
All aboveground 5 _____

Total for Subdivision or Site

0

Moderate Hazard 50-75
High Hazard 76-100
Extreme Hazard 101+

Fire District Approval _____

Approval Date & Stamp _____

TOWN OF HIDEOUT

ORDINANCE #2022-O-03

AN ORDINANCE ADOPTING TITLE 10 CHAPTER 10.05 UTAH WILDLAND-URBAN INTERFACE
CODE

WHEREAS, the Town of Hideout Town Council ("Council") wished to promote the health, safety and welfare of those who live in properties in the Town of Hideout; and,

WHEREAS, the entire Town of Hideout (Town) is within a Wildland-Urban Interface area; and,

WHEREAS, wildfire risk is an issue for the properties in the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF HIDEOUT, UTAH, THAT:

SECTION I: Adopted. The following Chapter is hereby adopted.

10.05.01 The 2006 Utah Wildland-Urban Interface Code

The 2006 Utah Wildland-Urban Interface Code, as adopted by the State of Utah and published by the International Code Council is hereby adopted as amended (as shown in Exhibit A) along with Appendix A and Appendix B. Appendix C is attached.

10.05.02 Land Subject To Utah Wildland-Urban Interface Code

All the lands within the town limits of the Town of Hideout are designated by the Utah Division of Forestry, Fire and State Lands as Wildland-Urban Interface.

Section II: Effective Date. This Ordinance shall take effect upon publication.

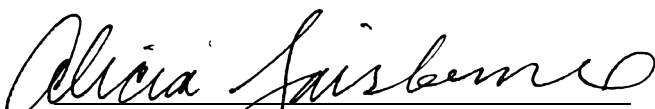
PASSED AND ADOPTED by the Town Council of Hideout, Utah, this 14th day of April in the year 2022.

TOWN OF HIDEOUT



Phil Rubin, Mayor

ATTEST:



Alicia Fairbourne, Town Clerk





10420 N. Jordanelle Blvd. Heber City, UT 84032
435-940-9636

International Wildland Urban Interface Code

DEFENSIBLE SPACE

603.1 Objective. Provisions of this section are intended to modify the fuel load in areas adjacent to structures to create a *defensible space*.

Development and maintenance of a defensible space are critical to the survivability of a structure during a wildland fire. The defensible space is an area where the natural vegetation is modified either through thinning and maintenance or removal. The removal does not necessarily mean it is bare dirt. An asphalt or gravel driveway creates a space that is usable, but also creates a buffer to the wildfire as it approaches the structure. A similar buffer can be created by mowing or removing some of the vegetation.

603.2 Fuel modification. Buildings or structures, constructed in compliance with the conforming *defensible space* category of Table 503.1, shall comply with the *fuel modification* distances contained in Table 603.2. For all other purposes the fuel modification distance shall be not less than 30 feet (9144 mm) or to the lot line, whichever is less. Distances specified in Table 603.2 shall be measured on a horizontal plane from the perimeter or projection of the building or structure as shown in Figure 603.2. Distances specified in Table 603.2 are allowed to be increased by the *code official* because of a site-specific analysis based on local conditions and the *fire protection plan*.

The intent of fuel modification is to create a defensible space so that an approaching wildland fire cannot easily move through the defensible space and ignite the structure. The defensible space also provides fire fighters an area to set up hose lines between the structure and the approaching fire. A continuous path of fuel will carry the fire right up to the structure. Reducing the density of brush and undergrowth is necessary to reduce the intensity of the fire, reduce flame lengths and reduce radiant heat.

603.2.2 Trees. Trees are allowed within the *defensible space*, provided that the horizontal distance between crowns of adjacent trees and crowns of trees and structures, overhead electrical facilities or unmodified fuel is not less than 10 feet

It is not the intent for the defensible space to be void of vegetation; the vegetation must be thinned and maintained. Trees are allowed within the defensible space, but they are to be removed or trimmed to provide a clear separation of 10 feet from the tree crown to other trees and to the structure.

603.2.3 Ground cover. Deadwood and litter shall be regularly removed from trees. Where ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants are used as ground cover, they are allowed to be within the designated *defensible space*, provided that they do not form a means of transmitting fire from the native growth to any structure.

Dead material is easily ignited. This would include any dead branches that have not yet fallen, pine needles, leaves and any other combustible material. These dead materials, even pine needles, can carry fire to a structure

604.1 General. Defensible spaces required by Section 603 shall be maintained in accordance with Section 604.

After a defensible space has been established in accordance with Section 603, it must then be maintained for the life of the building.

WASATCH FIRE DISTRICT

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435-940-9636

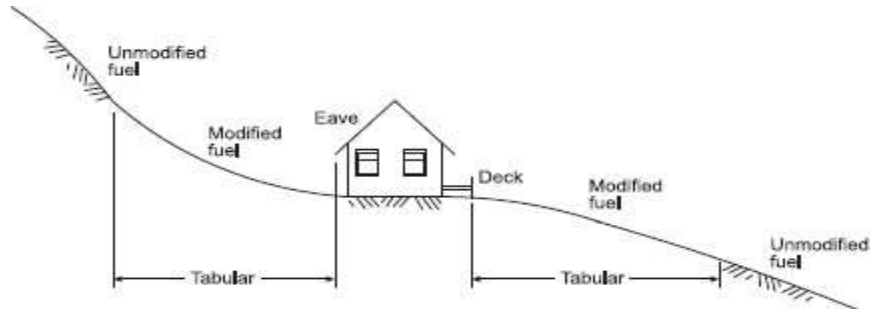
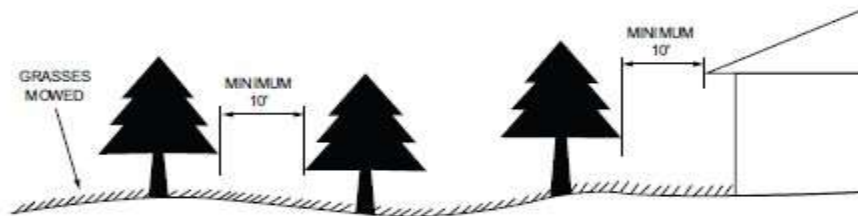
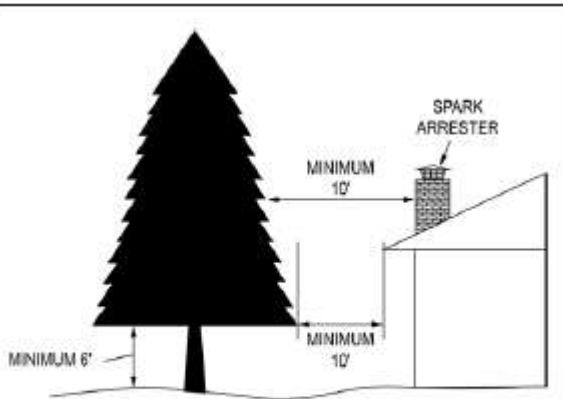


FIGURE 603.2
MEASUREMENTS OF FUEL MODIFICATION DISTANCE



Commentary Figure 603.2.2
10-FOOT SEPARATION BETWEEN TREE CROWNS AND STRUCTURES



Commentary Figure 604.4.1
TREES MUST BE TRIMMED AND MAINTAINED

TABLE 603.2
REQUIRED DEFENSIBLE SPACE

WILDLAND-URBAN INTERFACE AREA	FUEL MODIFICATION DISTANCE (feet) ^a
Moderate hazard	30
High hazard	50
Extreme hazard	100

For SI: 1 foot = 304.8 mm.

a. Distances are allowed to be increased due to site-specific analysis based on local conditions and the fire protection plan.

WASATCH FIRE DISTRICT

10420 N. Jordanelle Blvd. Heber City, UT 84032
435-940-9636

Ignition Resistant Construction

FIRE HAZARD SEVERITY

502.1 General. The fire hazard severity of building sites for buildings hereafter constructed, modified, or relocated into *wildland-urban interface areas* shall be established in accordance with Table 502.1. See also Appendix C.

❖ This section and the accompanying table classify the level of fire hazard based on the following criteria: These three criteria determine the fire hazard severity for the site. It should be noted that two properties, one on each side of the street, could result in different fire hazard severity because the slope is different, or vegetation is modified on one property and not the other. See Commentary Figure 502.1. Appendix C provides an alternative to the application of Table 502.1. If Appendix C is adopted, it replaces Table 502.1 with a slightly different methodology of classifying fire hazard severity. The decision to use Appendix C is up to each jurisdiction and, if desired, Appendix C must be specifically referenced in the adopting ordinance

- **CLASS 1 IGNITION-RESISTANT CONSTRUCTION**

504.1 General. Class 1 ignition-resistant construction shall be in accordance with Sections 504.2 through 504.11.

Section 504 establishes the provisions for Class 1 ignition-resistant construction and identifies the specific building components that must meet the ignition-resistance criteria specified in Section 503.2. Class 1 ignition-resistant construction is the highest level of fire protection required in the code. This level of protection is designed to withstand an onslaught of flame and embers presenting an extreme fire hazard.

- **CLASS 2 IGNITION-RESISTANT CONSTRUCTION**

505.1 General. Class 2 ignition-resistant construction shall be in accordance with Sections 505.2 through 505.11.

Section 505 establishes the provisions for Class 2 ignition-resistant construction and identifies the specific building components that must meet ignition-resistance criteria. Class 2 ignition-resistant construction is the next step down in the level of fire protection in the code. Class 2 ignition-resistant construction is designed to protect against a lesser magnitude of fire impact than Class 1 ignition-resistant construction. This level of protection is designed to withstand an onslaught of flame and embers presenting a high fire

- **CLASS 3 IGNITION-RESISTANT CONSTRUCTION**

506.1 General. Class 3 ignition-resistant construction shall be in accordance with Sections 506.2 through 506.4.

Section 506 establishes the provisions for Class 3 ignition-resistant construction and identifies the specific building components that must meet ignition-resistance criteria. Class 3 ignition-resistant construction is the minimum level of fire protection in the code. This level of protection is designed to withstand an onslaught of flame and embers presenting a moderate fire hazard.

Vegetation management plans shall be submitted to the *code official* for review and approval as part of the plans required for a permit.

For a vegetation management plan to be considered as a long-term improvement on the natural vegetative growth, it must be approved. The vegetation management plan is submitted to the code official for approval. This submittal must occur at the time the construction plans are submitted if it is intended to modify the fuel classification utilized in Table 502.1.

CHAPTER 1 ADMINISTRATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the Wildland-Urban Interface Code of Wasatch County, hereinafter referred to as “this code.”

101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, repair, maintenance and use of any building, structure or premises within the wildland-urban interface areas in this jurisdiction.

Buildings or conditions in existence at the time of the adoption of this code are allowed to have their use or occupancy continued, if such condition, use or occupancy was legal at the time of the adoption of this code, provided such continued use does not constitute a distinct danger to life or property.

Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings or structures.

101.3 Objective. The objective of this code is to establish minimum regulations consistent with nationally recognized good practice for the safeguarding of life and property. Regulations in this code are intended to mitigate the risk to life and structures from intrusion of fire from wildland fire exposures and fire exposures from adjacent structures and to mitigate structure fires from spreading to wildland fuels.

The unrestricted use of property in wildland-urban interface areas is a potential threat to life and property from fire and resulting erosion. Safeguards to prevent the occurrence of fires and to provide adequate fire-protection facilities to control the spread of fire in wildland-urban interface areas shall be in accordance with this code.

This code shall supplement the jurisdiction’s building and fire codes, if such codes have been adopted, to provide for special regulations to mitigate the fire- and life-safety hazards of the wildland-urban interface areas.

101.4 Retroactivity. The provisions of the code shall only apply to conditions arising after the adoption thereof or conditions not legally in existence at the adoption of this code..

101.5 Additions or alterations.

Additions or alterations may be made to any building or structure without requiring the existing building or structure to comply with all of the requirements of this code, provided the addition or alteration conforms to that required for a new building or structure.

Exception: Provisions of this code that specifically apply to existing conditions are retroactive. See Sections 601.1 and Appendix A.

Additions or alterations shall not be made to an existing building or structure that will cause the existing building or

structure to be in violation of any of the provisions of this code nor shall such additions or alterations cause the existing building or structure to become unsafe. An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or structure to become structurally unsafe or overloaded; will not provide adequate access in compliance with the provisions of this code or will obstruct existing exits or access; will create a fire hazard; will reduce required fire resistance or will otherwise create conditions dangerous to human life.

101.6 Maintenance. All buildings, structures, landscape materials, vegetation, defensible space or other devices or safeguards required by this code shall be maintained in conformance to the code edition under which installed. The owner or the owner’s designated agent shall be responsible for the maintenance of buildings, structures, landscape materials and vegetation.

SECTION 102 AUTHORITY OF THE CODE OFFICIAL

102.1 Powers and duties of the code official. The code official is hereby authorized to administer and enforce this code, or designated sections thereof, and all ordinances of the jurisdiction pertaining to designated wildland-urban interface areas. For such purposes, the code official shall have the powers of a law enforcement officer.

102.2 Interpretations, rules and regulations. The code official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance to the intent and purpose of this code.

A copy of such rules and regulations shall be filed with the clerk of the jurisdiction and shall be in effect immediately thereafter. Additional copies shall be available for distribution to the public.

102.3 Liability of the code official. The code official charged with the enforcement of this code, acting in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the code official or employee because of such act or omission performed by the code official or employee in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code or enforced by the code enforcement agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by this jurisdiction. The code enforcement agency or its parent jurisdiction shall not be held as assuming any liability by reason of the inspections authorized by this code or any permits or certificates issued under this code.

102.4 Other agencies. When requested to do so by the code official, other officials of this jurisdiction shall assist and cooperate with the code official in the discharge of the duties required by this code.

SECTION 103 COMPLIANCE ALTERNATIVES

103.1 Practical difficulties. When there are practical difficulties involved in carrying out the provisions of this code, the code official is authorized to grant modifications for individual cases on application in writing by the owner or a duly authorized representative. The code official shall first find that a special individual reason makes enforcement of the strict letter of this code impractical, the modification is in conformance to the intent and purpose of this code, and the modification does not lessen any fire protection requirements or any degree of structural integrity. The details of any action granting modifications shall be recorded and entered into the files of the code enforcement agency.

If the code official determines that difficult terrain, danger of erosion or other unusual circumstances make strict compliance with the vegetation control provisions of the code detrimental to safety or impractical, enforcement thereof may be suspended, provided that reasonable alternative measures are taken.

103.2 Technical assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to the inspection of the code official, the code official is authorized to require the owner or the person in possession or control of the building or premises to provide, without charge to the jurisdiction, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the code official and the owner and shall analyze the fire safety of the design, operation or use of the building or premises, the facilities and appurtenances situated thereon and fuel management for purposes of establishing fire hazard severity to recommend necessary changes.

103.3 Alternative materials or methods. The code official, in concurrence with approval from the building official and fire chief, is authorized to approve alternative materials or methods, provided that the code official finds that the proposed design, use or operation satisfactorily complies with the intent of this code and that the alternative is, for the purpose intended, at least equivalent to the level of quality, strength, effectiveness, fire resistance, durability and safety prescribed by this code. Approvals under the authority herein contained shall be subject to the approval of the building official whenever the alternate material or method involves matters regulated by the International Building Code.

The code official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting

approval of an alternate shall be recorded and entered files of the code enforcement agency.

SECTION 104 APPEALS

104.1 General. To determine the suitability of alternative materials and methods and to provide for reasonable interpretations of the provisions of this code, there shall be and hereby is created a board of appeals consisting of five members who are qualified by experience and training to pass judgment on pertinent matters. The code official, building official and fire chief shall be ex officio members, and the code official shall act as secretary of the board. The board of appeals shall be appointed by the legislative body and shall hold office at their discretion. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render decisions and findings in writing to the code official, with a duplicate copy to the applicant.

104.2 Limitations of authority. The board of appeals shall not have authority relative to interpretation of the administrative provisions of this code and shall not have authority to waive requirements of this code.

SECTION 105 PERMITS

105.1 General. When not otherwise provided in the requirements of the building or fire code, permits are required in accordance with Section 105.

105.2 Permits required. Unless otherwise exempted, no building or structure regulated by this code shall be erected, constructed, altered, repaired, moved, removed, converted, demolished, or changed in use or occupancy unless a separate permit for each building or structure has first been obtained from the code official.

When required by the code official, a permit shall be obtained for the following activities, operations, practices or functions within an wildland-urban interface area:

1. Automobile wrecking yard.
2. Candles and open flames in assembly areas.
3. Explosives or blasting agents.
4. Fireworks.
5. Flammable or combustible liquids.
6. Hazardous materials.
7. Liquefied petroleum gases.
8. Lumberyards.
9. Motor vehicle fuel-dispensing stations.
10. Open burning.
11. Pyrotechnical special effects material.
12. Tents, canopies and temporary membrane structures.

13. Tire storage.
14. Welding and cutting operations.
15. Other activities as determined by the code official.

105.3 Work exempt from permit. Unless otherwise provided in the requirements of the International Building Code or International Fire Code, a permit shall not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m²) and the structure is located more than 50 feet (15 240 mm) from the nearest adjacent structure.
2. Fences not over 6 feet (1829 mm) high. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

The code official is authorized to stipulate conditions for permits. Permits shall not be issued when public safety would be at risk, as determined by the code official.

105.4 Permit application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the code enforcement agency for that purpose. Every such application shall:

1. Identify and describe the work, activity, operation, practice or function to be covered by the permit for which application is made.
2. Describe the land on which the proposed work, activity, operation, practice or function is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building, work, activity, operation, practice or function.
3. Indicate the use or occupancy for which the proposed work, activity, operation, practice or function is intended.
4. Be accompanied by plans, diagrams, computation and specifications and other data as required in Section 106 of this code.
5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as may be required by the code official.

105.5 Permit approval. Before a permit is issued, the code official, or an authorized representative, shall review and approve all permitted uses, occupancies or structures. Where laws or regulations are enforceable by other agencies or

departments, a joint approval shall be obtained from all agencies or departments concerned.

105.6 Permit issuance. The application, plans, specifications and other data filed by an applicant for a permit shall be reviewed by the code official. If the code official finds that the work described in an application for a permit and the plan, specifications and other data filed therewith conform to the requirements of this code, the code official is allowed to issue a permit to the applicant.

When the code official issues the permit, the code official shall endorse in writing or stamp the plans and specifications APPROVED. Such approved plans and specifications shall not be changed, modified or altered without authorization from the code official, and all work regulated by this code shall be done in accordance with the approved plans.

105.7 Validity of permit. The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or conceal the provisions of this code or other ordinances of the jurisdiction shall not be valid.

105.8 Expiration. Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void if the building, use or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building, use or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The code official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit shall be extended more than once.

105.9 Retention of permits. Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by the code official or other authorized representative.

105.10 Revocation of permits. Permits issued under this code may be suspended or revoked when it is determined by the code official that:

1. It is used by a person other than the person to whom the permit was issued.
2. It is used for a location other than that for which the permit was issued.
3. Any of the conditions or limitations set forth in the permit have been violated.

4. The permittee fails, refuses or neglects to comply with any order or notice duly served on him under the provisions of this code within the time provided therein.
5. There has been any false statement or misrepresentation as to material fact in the application or plans on which the permit or application was made.
6. When the permit is issued in error or in violation of any other ordinance, regulations or provisions of this code.

The code official is allowed to, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 106 PLANS AND SPECIFICATIONS

106.1 General. Plans, engineering calculations, diagrams and other data shall be submitted in at least two sets with each application for a permit. When such plans are not prepared by an architect or engineer, the code official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The code official may require plans, computations and specifications to be prepared and designed by an architect or engineer licensed by the state to practice as such even if not required by state law.

Exception: Submission of plans, calculations, construction inspection requirements and other data, if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

106.2 Information on plans and specifications. Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed, and show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations.

106.3 Site plan. In addition to the requirements for plans in the International Building Code, site plans shall include topography, width and percent of grade of access roads, landscape and vegetation details, locations of structures or building envelopes, existing or proposed overhead utilities, occupancy classification of buildings, types of ignition-resistant construction of buildings, structures and their appendages, roof classification of buildings, and site water supply systems.

106.4 Vegetation management plans. When utilized by the permit applicant pursuant to Section 502, vegetation management plans shall be prepared and shall be submitted to the code official for review and approval as part of the plans required for a permit. See Appendix B.

106.5 Fire protection plan. When required by the code official pursuant to Section 405, a fire protection plan shall be prepared and shall be submitted to the code official for review and approved as a part of the plans required for a permit.

106.6 Other data and substantiation. When required by the code official, the plans and specifications shall include classification of fuel loading, fuel model light, medium or heavy, and substantiating data to verify classification of fire-resistive vegetation.

106.7 Vicinity plan. In addition to the requirements for site plans, plans shall include details regarding the vicinity within 300 feet (91 440 mm) of property lines, including other structures, slope, vegetation, fuel breaks, water supply systems and access roads.

106.8 Retention of plans. One set of approved plans, specifications and computations shall be retained by the code official for a period of not less than 90 days from date of completion of the work covered therein; and one set of approved plans and specifications shall be returned to the applicant, and said set shall be kept on the site of the building, use or work at all times during which the work authorized thereby is in progress.

SECTION 107 INSPECTION AND ENFORCEMENT

107.1 Inspection.

107.1.1 General. All construction or work for which a permit is required by this code shall be subject to inspection by the code official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the code official.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the code official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

A survey of the lot may be required by the code official to verify that the mitigation features are provided and the building or structure is located in accordance with the approved plans.

107.1.2 Authority to inspect. The code official shall inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the code official for the purpose of ascertaining and causing to be corrected any conditions that could reasonably be expected to cause fire or contribute to its spread, or any violation of the purpose of this code and of any other law or standard affecting fire safety.

107.1.3 Reinspections. To determine compliance with this code, the code official may cause a structure to be reinspected. A fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

Reinspection fees may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the code official.

To obtain a reinspection, the applicant shall pay the reinspection fee as set forth in the fee schedule adopted by the jurisdiction. When reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

107.2 Enforcement.

107.2.1 Authorization to issue corrective orders and notices. When the code official finds any building or premises that are in violation of this code, the code official is authorized to issue corrective orders and notices.

107.2.2 Service of orders and notices. Orders and notices authorized or required by this code shall be given or served on the owner, operator, occupant or other person responsible for the condition or violation either by verbal notification, personal service, or delivering the same to, and leaving it with, a person of suitable age and discretion on the premises; or, if no such person is found on the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises and by mailing a copy thereof to such person by registered or certified mail to the person's last known address.

Orders or notices that are given verbally shall be confirmed by service in writing as herein provided.

107.3 Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in any building or on any premises any condition that makes such building or premises unsafe, the code official is authorized to enter such building or premises at all reasonable times to inspect the same or to perform any duty authorized by this code, provided that if such building or premises is occupied, the code official shall first present proper credentials and request entry; and if such building or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.

If such entry is refused, the code official shall have recourse to every remedy provided by law to secure entry. Owners, occupants or any other persons having charge, care or control of any building or premises, shall, after proper request is made as herein provided, promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

107.4 Compliance with orders and notices.

107.4.1 General compliance. Orders and notices issued or served as provided by this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the corrective order or notice pertains.

If the building or premises is not occupied, such corrective orders or notices shall be complied with by the owner.

107.4.2 Compliance with tags. A building or premises shall not be used when in violation of this code as noted on a tag affixed in accordance with Section 107.4.1.

107.4.3 Removal and destruction of signs and tags. A sign or tag posted or affixed by the code official shall not be mutilated, destroyed or removed without authorization by the code official.

107.4.4 Citations. Persons operating or maintaining an occupancy, premises or vehicle subject to this code who allow a hazard to exist or fail to take immediate action to abate a hazard on such occupancy, premises or vehicle when ordered or notified to do so by the code official shall be guilty of a misdemeanor.

107.4.5 Unsafe conditions. Buildings, structures or premises that constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment as specified in this code or any other ordinance, are unsafe conditions. Unsafe buildings or structures shall not be used. Unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal, pursuant to applicable state and local laws and codes.

SECTION 108 CERTIFICATE OF COMPLETION

108.1 General. No building, structure or premises shall be used or occupied, and no change in the existing occupancy classification of a building, structure, premise or portion thereof shall be made until the code official has issued a certificate of completion therefor as provided herein. The certificate of occupancy shall not be issued until the certificate of completion indicating that the project is in compliance with this code has been issued by the code official.

108.2 Certificate of occupancy. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other pertinent laws and ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other laws or ordinances of the jurisdiction shall not be valid.

CHAPTER 2 DEFINITIONS

SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter, and the singular number includes the plural and the plural the singular.

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in other International Codes, such terms shall have the meanings ascribed to them as in those codes.

201.4 Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have their ordinarily accepted meanings such as the context implies.

SECTION 202 DEFINITIONS

ACCESSORY STRUCTURE. A building or structure used to shelter or support any material, equipment, chattel or occupancy other than a habitable building.

APPROVED. Approval by the code official as the result of review, investigation or tests conducted by the code official or by reason of accepted principles or tests by national authorities, or technical or scientific organizations.

BRUSH, TALL. Arbor-like varieties of brush species and/or short varieties of broad-leaf trees that grow in compact groups or clumps. These groups or clumps reach heights of 4 to 20 feet. In Utah, this includes primary varieties of oak, maples, chokecherry, serviceberry, and mahogany, but may also include other species.

BRUSH, SHORT. Low growing species that reach heights of 1 to 3 feet. Sagebrush, snowberry, and rabbit brush are some varieties.

BUILDING. Any structure used or intended for supporting or sheltering any use or occupancy.

BUILDING OFFICIAL. The officer or other designated authority charged with the administration and enforcement of the International Building Code, or the building official's duly authorized representative.

CERTIFICATE OF COMPLETION. Written documentation that the project or work for which a permit was issued has been completed in conformance with requirements of this code.

CODE OFFICIAL. The official designated by the jurisdiction to interpret and enforce this code, or the code official's authorized representative.

DEFENSIBLE SPACE. An area either natural or man-made, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.

DRIVEWAY. A vehicular ingress and egress route that serves no more than two buildings or structures, not including accessory structures, or more than five dwelling units.

EXISTING PROPERTIES or EXISTING CONDITIONS. Existing properties, buildings, structures, or conditions are defined as properties that received building or landscape construction permits from the Town prior to enactment of the WUI Code.

This code will also apply to subsequent remodeling or relandscaping, which requires a permit, but will only apply to the area requiring a permit.

FIRE AREA. The floor area, in square feet (square meters), used to determine the adequate water supply.

FIRE CHIEF. The chief officer or the chief officer's authorized representative of the fire department serving the jurisdiction.

FIRE PROTECTION PLAN. A document prepared for a specific project or development proposed for the wildland-urban interface area. It describes ways to minimize and mitigate the fire problems created by the project or development, with the purpose of reducing impact on the community's fire protection delivery system.

FIRE WEATHER. Weather conditions favorable to the ignition and rapid spread of fire. In wildfires, this generally includes high temperatures combined with strong winds and low humidity.

FIRE & NONFIRE RESISTANT VEGETATION.

Plants that are fire-resistant generally have the following characteristics: Most deciduous trees and shrubs are fire-resistant.

- Leaves are moist and supple.
- Plants have little dead wood and tend not to accumulate dry dead material within the plant.
- Sap is water-like and does not have a strong odor.

Low volume of sap or resin materials. Plants that are nonfire-resistant generally have the following characteristics:

- Contain fine, dry, or dead material within the plant, such as twigs, needles, and leaves.
- Leaves, twigs, and stems contain volatile waxes, terpenes, or oils.
- Leaves are aromatic (strong odor when crushed).
- Sap is gummy, resinous, and has a strong odor.
- May have loose or papery bark.

FIRE-RESISTANCE-RATED CONSTRUCTION. The use of materials and systems in the design and construction of a building or structure to safeguard against the spread of fire within a building or structure and the spread of fire to or from buildings or structures to the wildland-urban interface area.

FLAME SPREAD RATING. As used herein refers to rating obtained according to tests conducted as specified by a nationally recognized standard.

FUEL BREAK. An area, strategically located for fighting anticipated fires, where the native vegetation has been permanently modified or replaced so that fires burning into it can be more easily controlled. Fuel breaks divide fire-prone areas into smaller areas for easier fire control and to provide access for fire fighting.

FUEL, HEAVY. Vegetation consisting of round wood 3 inches (76 mm) or larger in diameter. The amount of fuel (vegetation) would be 6 tons per acre or greater.

FUEL, LIGHT. Vegetation consisting of round wood less than ¼ inch (6.4 mm) in diameter. The amount of fuel (vegetation) would be ½ ton to 2 tons per acre.

FUEL, MEDIUM. Vegetation consisting of round wood ¼ to 3 inches (6.4 mm to 76 mm) in diameter. The amount of fuel (vegetation) would be 2 to 6 tons per acre.

FUEL MODIFICATION. A method of modifying fuel load by reducing the amount of nonfire-resistive vegetation or altering the type of vegetation to reduce the fuel load.

FUEL MOSAIC. A fuel modification system that provides for the creation of islands and irregular boundaries to reduce the visual and ecological impact of fuel modification.

FUEL-LOADING. The oven-dry weight of fuels in a given area, usually expressed in pounds per acre (lb/a) (kg/ha).

Fuel loading may be referenced to fuel size or timelag categories, and may include surface fuels or total fuels.

GREEN BELT. A fuel break designated for a use other than fire protection.

HAZARDOUS MATERIALS. As defined in the International Fire Code.

HEAVY TIMBER CONSTRUCTION. As described in the International Building Code.

LEGISLATIVE BODY. The governing body of the political jurisdiction administering this code.

LOG WALL CONSTRUCTION. A type of construction in which exterior walls are constructed of solid wood members and where the smallest horizontal dimension of each solid wood member is at least 6 inches (152 mm).

MULTILAYERED GLAZED PANELS. Window or door assemblies that consist of two or more independently glazed panels installed parallel to each other, having a sealed air gap in between, within a frame designed to fill completely the window or door opening in which the assembly is intended to be installed.

NONCOMBUSTIBLE. As applied to building construction material means a material that, in the form in which it is used, is either one of the following:

1. Material of which no part will ignite and burn when subjected to fire. Any material conforming to AS Item # 4. shall be considered noncombustible within the meaning of this section.
2. Material having a structural base of noncombustible material as defined in Item 1 above, with a surfacing material not over 1/8 inch (3.2 mm) thick, which has a flame spread rating of 50 or less. Flame spread rating as used herein refers to rating obtained according to tests conducted as specified in ASTM E 84.

“Noncombustible” does not apply to surface finish materials. Material required to be noncombustible for reduced clearances to flues, heating appliances or other sources of high temperature shall refer to material conforming to Item

1. No material shall be classed as noncombustible that is subject to increase in combustibility or flame spread rating, beyond the limits herein established, through the effects of age, moisture or other atmospheric condition.

NONCOMBUSTIBLE ROOF COVERING. One of the following:

1. Cement shingles or sheets.
2. Exposed concrete slab roof.
3. Ferrous or copper shingles or sheets.
4. Slate shingles.
5. Clay or concrete roofing tile.
6. Approved roof covering of noncombustible material.

SLOPE. The variation of terrain from the horizontal; the number of feet (meters) rise or fall per 100 feet (30 480 mm) measured horizontally, expressed as a percentage.

STRUCTURE. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some manner.

TREE CROWN. The primary and secondary branches growing out from the main stem, together with twigs and foliage.

UNENCLOSED ACCESSORY STRUCTURE. An accessory structure without a complete exterior wall system enclosing the area under roof or floor above.

WILDFIRE. An uncontrolled fire spreading through vegetative fuels, exposing and possibly consuming structures.

WILDLAND. An area in which development is essentially nonexistent, except for roads, railroads, power lines and similar facilities.

WILDLAND-URBAN INTERFACE. The line, area, or zone where structures or other human development (including critical infrastructure that if destroyed would result in hardship to communities) meet or intermingle with undeveloped wildland or vegetative fuel.

CHAPTER 3

WILDLAND-URBAN INTERFACE AREAS

SECTION 301

WILDLAND-URBAN INTERFACE AREA DESIGNATIONS

301.1 Declaration. The legislative body shall declare the wildland-urban interface areas within the jurisdiction. The wildland-urban interface areas shall be based on the maps created in accordance with section 302.

301.2 Mapping. In cooperation, the code official and the Division of Forestry, Fire and State Lands (FFSL) wildfire representative, will create or review Wildland-Urban Interface Area maps, to be recorded and filed with the clerk of the jurisdiction. These areas shall become effective immediately thereafter.

301.3 Review of wildland-urban interface areas. The code official and the FFSL wildfire representative shall reevaluate and recommend modification to the wildland-urban interface areas in accordance with Section 302.1 on a three-year basis or more frequently as deemed necessary by the legislative body.

CHAPTER 4 WILDLAND-URBAN INTERFACE AREA REQUIREMENTS

SECTION 401 GENERAL

401.1 Scope. Wildland-urban interface areas shall be provided with emergency vehicle access and water supply in accordance with this chapter.

401.2 Objective. The objective of this chapter is to establish the minimum requirements for emergency vehicle access and water supply for buildings and structures located in the wildland-urban interface areas.

401.3 General safety precautions. General safety precautions shall be in accordance with this chapter. See also Appendix A.

SECTION 402 APPLICABILITY

402.1 Subdivisions. Subdivisions shall comply with Sections 402.1.1 and 402.1.2.

402.1.1 Access. New subdivisions, as determined by this jurisdiction, shall be provided with fire apparatus access roads in accordance with the International Fire Code and access requirements in accordance with Section 403.

402.1.2 Water supply. New subdivisions as determined by this jurisdiction shall be provided with water supply in accordance with Section 404.

402.2 Individual structures. Individual structures shall comply with Sections 402.2.1 and 402.2.2.

402.2.1 Access.

Individual structures hereafter constructed or relocated into or within wildland-urban interface areas shall be provided with fire apparatus access in accordance with the International Fire Code and driveways in accordance with Section 403.2. Marking of fire protection equipment shall be provided in accordance with Section 403.5 and address markers shall be provided in accordance with Section 403.6.

402.2.2 Water supply.

Individual structures hereafter constructed or relocated into or within wildland-urban interface areas shall be provided with a conforming water supply in accordance with Section 404.

Exceptions:

1. Structures constructed to meet the requirements for the class of ignition-resistant construction specified in Table 503.1 for a nonconforming water supply.
2. Buildings containing only private garages, carports, sheds and agricultural buildings with a floor area of not more than 600 square feet (56 m²).

402.3 Existing conditions. Existing buildings shall be provided with address markers in accordance with Section 403.6. Existing roads and fire protection equipment shall be provided with markings in accordance with Sections 403.4 and 403.5, respectively.

SECTION 403 ACCESS

403.1 Restricted access. Where emergency vehicle access is restricted because of secured access roads or driveways or where immediate access is necessary for life-saving or fire-fighting purposes, the code official is authorized to require a key box to be installed in an accessible location. The key box shall be of a type approved by the code official and shall contain keys to gain necessary access as required by the code official.

403.2 Driveways. Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet (45 720 mm) from a fire apparatus access road. Driveways shall provide a minimum unobstructed width of 20 feet (3658 mm) and a minimum unobstructed height of 13 feet 6 inches (4115 mm). Driveways in excess of 150 feet (45 720 mm) in length shall be provided with turnarounds.

A driveway shall not serve in excess of five dwelling units.

Driveway turnarounds shall have inside turning radii of not less than 30 feet (9144 mm) and outside turning radii of not less than 45 feet (13 716 mm). Driveways that connect with a road or roads at more than one point may be considered as having a turnaround if all changes of direction meet the radii requirements for driveway turnarounds.

Vehicle load limits shall be posted at both entrances to bridges on driveways and private roads. Design loads for bridges shall be established by the code official.

403.3 Fire apparatus access road. When required, fire apparatus access roads shall be all-weather roads with a minimum width of 20 feet (6096 mm) and a clear height of 13 feet 6 inches (4115 mm); shall be designed to accommodate the loads and turning radii for fire apparatus; and have a gradient negotiable by the specific fire apparatus normally used at that location within the jurisdiction. Dead-end roads in excess of 150 feet (45 720 mm) in length shall be provided with turnarounds as approved by the code official. An all-weather road surface shall be any surface material acceptable to the code official that would normally allow the passage of emergency service vehicles to protect structures and wildlands within the jurisdiction.

403.4 Marking of roads. Approved signs or other approved notices shall be provided and maintained for access roads and driveways to identify such roads and prohibit the obstruction thereof or both.

All road identification signs and supports shall be of noncombustible materials. Signs shall have minimum 4-inch-high (102 mm) reflective letters with ½ inch (12.7 mm) stroke on a contrasting 6-inch-high (152 mm) sign. Road identification signage shall be mounted at a height of 7 feet (2134 mm) from the road surface to the bottom of the sign.

403.5 Marking of fire protection equipment. Fire protection equipment and fire hydrants shall be clearly identified in a manner approved by the code official to prevent obstruction.

403.6 Address markers. All buildings shall have a permanently posted address, which shall be clearly visible from the driveway entrance at all times and be visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located.

Address signs along one-way roads shall be visible from both the intended direction of travel and the opposite direction.

Where multiple addresses are required at a single driveway, they shall be mounted on a single post, and additional signs shall be posted at locations where driveways divide.

Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site.

403.7 Grade. The gradient for fire apparatus access roads and driveways shall not exceed the maximum approved by the code official. It will be up to the code official to ascertain the standard based on local fire equipment. The grade shall not exceed 12 percent.

SECTION 404 WATER SUPPLY

404.1 General. When provided in order to qualify as a conforming water supply for the purpose of Table 503.1, an approved water source shall have an adequate water supply for the use of the fire protection service to protect buildings and structures from exterior fire sources or to suppress structure fires within the wildland-urban interface area of the jurisdiction in accordance with this section.

404.2 Water sources. The point at which a water source is available for use shall be located not more than 1,000 feet (305 m) from the building and be approved by the code official. The distance shall be measured along an unobstructed line of travel.

Water sources shall comply with the following:

1. Man-made water sources shall have a minimum usable water volume as determined by the adequate water supply needs in accordance with Section 404.5. This water source shall be equipped with an approved hydrant. The water level of the water source shall be maintained by rainfall, water pumped from a well, water hauled by a tanker, or by seasonal high water of a stream or river. The design, construction, location, water level maintenance, access, and access

maintenance of man-made water sources shall be approved by the code official.

2. Natural water sources shall have a minimum annual water level or flow sufficient to meet the adequate water supply needs in accordance with Section 404.5. This water level or flow shall not be rendered unusable because of freezing. This water source shall have an approved draft site with an approved hydrant. Adequate water flow and rights for access to the water source shall be ensured in a form acceptable to the code official.

404.3 Draft sites. Approved draft sites shall be provided at all natural water sources intended for use as fire protection for compliance with this code. The design, construction, location, access and access maintenance of draft sites shall be approved by the code official.

The pumper access point shall be either an emergency vehicle access area alongside a conforming access road or an approved driveway no longer than 150 feet (45 720 mm).

Pumper access points and access driveways shall be designed and constructed in accordance with all codes and ordinances enforced by this jurisdiction. Pumper access points shall not require the pumper apparatus to obstruct a road or driveway.

404.4 Hydrants. All hydrants shall be designed and constructed in accordance with nationally recognized standards. The location and access shall be approved by the code official.

404.5 Adequate water supply. Adequate water supply shall be determined for purposes of initial attack and flame front control as follows:

1. One- and two-family dwellings. The required water supply for one- and two-family dwellings having a fire area that does not exceed 3,600 square feet (334 m²) shall be 1,000 gallons per minute (63.1 L/s) for a minimum duration of 30 minutes. The required water supply for one- and two-family dwellings having a fire area in excess of 3,600 square feet (334 m²) shall be 1,500 gallons per minute (95 L/s) for a minimum duration of two hours.

Exception: A reduction in required flow rate of 50 percent, as approved by the code official, is allowed when the building is provided with an approved automatic sprinkler system.

2. Buildings other than one- and two-family dwellings. The water supply required for buildings other than one- and two-family dwellings shall be as approved by the code official but shall not be less than 1,500 gallons per minute (95 L/s) for a duration of two hours.

Exception: A reduction in required flow rate of up to 75 percent, as approved by the code official, is allowed when the building is provided with an approved automatic sprinkler system. The resulting water supply shall not be less than 1,500 gallons per minute (94.6 L/s).

404.6 Fire department. The water system required by this code can only be considered conforming for purposes of determining the level of ignition-resistant construction. (See Table 503.1)

404.7 Obstructions. Access to all water sources required by this code shall be unobstructed at all times. The code official shall not be deterred or hindered from gaining immediate access to water source equipment, fire protection equipment or hydrants.

404.8 Identification. Water sources, draft sites, hydrants and fire protection equipment shall be clearly identified in a manner approved by the code official to identify location and to prevent obstruction by parking and other obstructions.

404.9 Testing and maintenance. Water sources, draft sites, hydrants and other fire protection equipment required by this code shall be subject to periodic tests as required by the fire code official. The fire code official shall establish a periodic testing schedule. Costs are to be covered by the water provider. All such equipment installed under the provisions of this code shall be maintained in an operative condition at all times and shall be repaired or replaced where defective. Additions, repairs, alterations and servicing of such fire protection equipment and resources shall be in accordance with approved standards. Mains and appurtenances shall be installed in accordance with R309 Environmental Quality, Drinking Water Rules of the State of Utah and with standards as established by the Wasatch County and its special service districts.

404.10 Reliability. Water supply reliability shall comply with Sections 404.10.1 through 404.10.3.

404.10.1 Objective. The objective of this section is to increase the reliability of water supplies by reducing the exposure of vegetative fuels to electrically powered systems.

404.10.2 Clearance of fuel. Defensible space shall be provided around water tank structures, water supply pumps and pump houses in accordance with Section 603.

404.10.3 Standby power. Stationary water supply facilities within the wildland-urban interface area dependent on electrical power supplied by power grid to meet adequate water supply demands shall provide functional standby power systems in accordance with the current "National Electrical Code" to ensure that an uninterrupted water supply is maintained. The standby power source shall be capable of providing power for a minimum of two hours.

Exceptions:

1. When approved by the code official, a standby power supply is not required where the primary power service to the stationary water supply facility is underground or there is an onsite generator.

2. A standby power supply is not required where the stationary water supply facility serves no more than one single-family dwelling.

SECTION 405 FIRE PROTECTION PLAN

405.1 Purpose. The plan is to provide a basis to determine overall compliance with this code, for determination of Ignition Resistant Construction (IRC) (see Table 503.1) and for determining the need for alternative material and methods.

405.2 General. When required by the code official, a fire protection plan shall be prepared.

405.3 Content. The plan shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management.

405.4 Cost. The cost of fire protection plan preparation and review shall be the responsibility of the applicant.

405.5 Plan retention. The fire protection plan shall be retained by the code official.

CHAPTER 5 SPECIAL BUILDING CONSTRUCTION REGULATIONS

SECTION 501 GENERAL

501.1 Scope. Buildings and structures shall be constructed in accordance with the International Building Code and this code.

Exceptions:

1. Accessory structures not exceeding 120 square feet (11 m²) in floor area when located at least 50 feet (15 240 mm) from buildings containing habitable spaces.
2. Agricultural buildings at least 50 feet (15 240 mm) from buildings containing habitable spaces.

501.2 Objective. The objective of this chapter is to establish minimum standards to locate, design and construct buildings and structures or portions thereof for the protection of life and property, to resist damage from wildfires, and to mitigate building and structure fires from spreading to wildland fuels. The minimum standards set forth in this chapter vary with the critical fire weather, slope and fuel type to provide increased protection, above the requirements set forth in the International Building Code, from the various levels of hazards.

SECTION 502 FIRE HAZARD SEVERITY

502.1 General. The fire hazard severity of building sites for all buildings hereafter constructed, modified or relocated into wildland-urban interface areas shall be established in accordance with Appendix C.

502.2 Fire hazard severity reduction. The fire hazard severity is allowed to be reduced by implementing a vegetation management plan in accordance with Appendix B.

SECTION 503 IGNITION-RESISTANT CONSTRUCTION

503.1 General. Buildings and structures hereafter constructed, modified or relocated into or within wildland-urban interface areas shall meet the construction requirements in accordance with Table 503.1. Class 1, Class 2 or Class 3 ignition-resistant construction shall be in accordance with Sections 504, 505 and 506, respectively.

SECTION 504 CLASS 1 IGNITION-RESISTANT CONSTRUCTION

504.1 General. Class 1 ignition-resistant construction shall be in accordance with Sections 504.2 through 504.11

504.2 Roof covering. Roofs shall have a Class A roof covering or a Class A roof assembly. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be firestopped to preclude entry of flames or embers.

504.3 Protection of eaves. Eaves and soffits shall be protected on the exposed underside by materials approved for a minimum of 1-hour fire-resistance-rated construction,

**TABLE 503.1
IGNITION-RESISTANT CONSTRUCTION ^a**

DEFENSIBLE SPACE ^c	FIRE HAZARD SEVERITY					
	Moderate Hazard		High Hazard		Extreme Hazard	
	Water Supply ^b		Water Supply ^b		Water Supply ^b	
	Conforming ^d	Nonconforming ^e	Conforming ^d	Nonconforming ^e	Conforming ^d	Nonconforming ^e
Nonconforming	IR 2	IR 1	IR 1	IR 1 N.C.	IR 1 N.C.	Not Permitted
Conforming	IR 3	IR 2	IR 2	IR 1	IR 1	IR 1 N.C.
1.5 x Conforming	Not Required	IR 3	IR 3	IR 2	IR 2	IR 1

- a. Access shall be in accordance with Section 402.
- b. Subdivisions shall have a conforming water supply in accordance with Section 402.1.
IR 1 = Ignition-resistant construction in accordance with Section 504
IR 2 = Ignition-resistant construction in accordance with Section 505.
IR 3 = Ignition-resistant construction in accordance with Section 506.
N.C. = Exterior walls shall have a fire-resistance rating of not less than 1-hour and the exterior surfaces of such walls shall be noncombustible. Usage of log wall construction is allowed.
- c. Conformance based on Section 603.
- d. Conformance based on Section 404.
- e. A nonconforming water supply is any water system or source that does not comply with Section 404, including situations where there is no water supply for structure protection or fire suppression.

2-inch (51 mm) nominal dimension lumber, or 1-inch (25.4 mm) nominal fire-retardant-treated lumber or ¾-inch (19 mm) nominal fire-retardant-treated plywood, identified for exterior use and meeting the requirements of Section 2303.2 of the International Building Code. Fascias are required and shall be protected on the backside by materials approved for a minimum of 1-hour fire-resistance-rated construction or 2-inch (51 mm) nominal dimension lumber.

504.4 Gutters and downspouts. Gutters and downspouts shall be constructed of noncombustible material.

504.5 Exterior walls. Exterior walls of buildings or structures shall be constructed with materials approved for a minimum of 1-hour fire-resistance-rated construction on the exterior side or constructed with approved noncombustible materials.

Exception: Heavy timber or log wall construction.

Such material shall extend from the top of the foundation to the underside of the roof sheathing.

504.6 Unenclosed underfloor protection. Buildings or structures shall have all underfloor areas enclosed to the ground with exterior walls in accordance with Section 504.5.

Exception: Complete enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy timber construction.

504.7 Appendages and projections. Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall be a minimum of 1-hour fire-resistance-rated construction, heavy timber construction or constructed of approved noncombustible materials or fire-retardant-treated wood identified for exterior use and meeting the requirements of Section 2303.2 of the International Building Code.

When the attached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches (152 mm) of the ground, with exterior wall construction in accordance with Section 504.5.

504.8 Exterior glazing. Exterior windows, window walls and glazed doors, windows within exterior doors, and skylights shall be tempered glass, multilayered glazed panels, glass block or have a fire protection rating of not less than 20 minutes.

504.9 Exterior doors. Exterior doors shall be approved noncombustible construction, solid core wood not less than 1¾ inches thick (45 mm), or have a fire protection rating of not less than 20 minutes. Windows within doors and glazed doors shall be in accordance with Section 504.8.

Exception: Vehicle access doors.

504.10 Vents. Attic ventilation openings, foundation or underfloor vents, or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m²) each. Such vents shall be covered

with noncombustible corrosion-resistant mesh with openings not to exceed ¼ inch (6.4 mm), or shall be designed and approved to prevent flame or ember penetration into the structure.

Attic ventilation openings shall not be located in soffits, in eave overhangs, between rafters at eaves, or in other overhang areas. Gable end and dormer vents shall be located at least 10 feet (3048 mm) from property lines. Underfloor ventilation openings shall be located as close to grade as practical.

504.11 Detached accessory structures. Detached accessory structures located less than 50 feet (15 240 mm) from a building containing habitable space shall have exterior walls constructed with materials approved for a minimum of 1-hour fire-resistance-rated construction, heavy timber, log wall construction or constructed with approved noncombustible materials on the exterior side.

When the detached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches (152 mm) of the ground, with exterior wall construction in accordance with Section 504.5 or underfloor protection in accordance with Section 504.6.

Exception: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy-timber construction.

See Section 504.2 for roof requirements.

SECTION 505 CLASS 2 IGNITION-RESISTANT CONSTRUCTION

505.1 General. Class 2 ignition-resistant construction shall be in accordance with Sections 505.2 through 505.11.

505.2 Roof covering. Roofs shall have at least a Class A roof covering, Class B roof assembly or an approved noncombustible roof covering. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be firestopped to preclude entry of flames or embers.

505.3 Protection of eaves. Combustible eaves, fascias and soffits shall be enclosed with solid materials with a minimum thickness of ¾ inch (19 mm). No exposed rafter tails shall be permitted unless constructed of heavy timber materials.

505.4 Gutters and downspouts. Gutters and downspouts shall be constructed of noncombustible material.

505.5 Exterior walls. Exterior walls of buildings or structures shall be constructed with materials approved for a minimum of 1-hour fire-resistance-rated construction on the exterior side or constructed with approved noncombustible materials.

Exception: Heavy timber or log wall construction.

Such material shall extend from the top of the foundation to the underside of the roof sheathing.

505.6 Unenclosed underfloor protection. Buildings or structures shall have all underfloor areas enclosed to the ground, with exterior walls in accordance with Section 505.5.

Exception: Complete enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy timber construction.

505.7 Appendages and projections. Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall be a minimum of 1-hour fire-resistance-rated construction, heavy timber construction or constructed of approved noncombustible materials or fire-retardant-treated wood identified for exterior use and meeting the requirements of Section 2303.2 of the International Building Code.

When the attached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches (152 mm) of the ground, with exterior wall construction in accordance with Section 505.5.

505.8 Exterior glazing. Exterior windows, window walls and glazed doors, windows within exterior doors, and skylights shall be tempered glass, multilayered glazed panels, glass block or have a fire-protection rating of not less than 20 minutes.

505.9 Exterior doors. Exterior doors shall be approved noncombustible construction, solid core wood not less than 1¾-inches thick (45 mm), or have a fire protection rating of not less than 20 minutes. Windows within doors and glazed doors shall be in accordance with Section 505.8.

Exception: Vehicle access doors.

505.10 Vents. Attic ventilation openings, foundation or underfloor vents or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m²) each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed ¼ inch (6.4 mm) or shall be designed and approved to prevent flame or ember penetration into the structure.

Attic ventilation openings shall not be located in soffits, in eave overhangs, between rafters at eaves, or in other overhang areas. Gable end and dormer vents shall be located at least 10 feet (3048 mm) from property lines. Underfloor ventilation openings shall be located as close to grade as practical.

505.11 Detached accessory structures. Detached accessory structures located less than 50 feet (15 240 mm) from a building containing habitable space shall have exterior walls constructed with materials approved for a minimum of 1-hour fire-resistance-rated construction, heavy

timber, log wall construction, or constructed with approved noncombustible material on the exterior side.

When the detached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches (152 mm) of the ground, with exterior wall construction in accordance with Section 505.5 or underfloor protection in accordance with Section 505.6.

Exception: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy-timber construction.

See Section 505.2 for roof requirements.

SECTION 506 CLASS 3 IGNITION-RESISTANT CONSTRUCTION

506.1 General. Class 3 ignition-resistant construction shall be in accordance with Sections 506.2 through 506.4.

506.2 Roof covering. Roofs shall have at least a Class A roof covering, Class C roof assembly or an approved noncombustible roof covering. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be firestopped to preclude entry of flames or embers.

506.3 Unenclosed underfloor protection. Buildings or structures shall have all underfloor areas enclosed to the ground with exterior walls.

Exception: Complete enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1-hour fire-resistance-rated construction or heavy timber construction.

506.4 Vents. Attic ventilation openings, soffit vents, foundation or underfloor vents or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m²) each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed ¼ inch (6.4 mm).

SECTION 507 REPLACEMENT OR REPAIR OF ROOF COVERINGS

507.1 General. The roof covering on buildings or structures in existence prior to the adoption of this code that are replaced or have 25 percent or more replaced in a 12-month period shall be replaced with a roof covering required for new construction based on the type of ignition-resistant construction specified in accordance with Section 503.

CHAPTER 6 FIRE PROTECTION REQUIREMENTS

SECTION 601 GENERAL

601.1 Scope. The provisions of this chapter establish general requirements for new and existing buildings, structures and premises located within wildland-urban interface areas.

601.2 Objective. The objective of this chapter is to establish minimum requirements to mitigate the risk to life and property from wildland fire exposures, exposures from adjacent structures and to mitigate structure fires from spreading to wildland fuels.

SECTION 602 AUTOMATIC SPRINKLER SYSTEMS

602.1 General. An approved automatic sprinkler system shall be installed in all occupancies in new buildings required to meet the requirements for Class 1 ignition-resistant construction in Chapter 5. The installation of the automatic sprinkler systems shall be in accordance with nationally recognized standards.

SECTION 603 DEFENSIBLE SPACE

603.1 Objective. Provisions of this section are intended to modify the fuel load in areas adjacent to structures to create a defensible space.

603.2 Fuel modification. In order to qualify as a conforming defensible space for individual buildings or structures on a property, fuel modification shall be provided within a distance from buildings or structures as specified in Table 603.2. For all other purposes, the fuel modification distance shall not be less than 30 feet (91 467 mm) or to the property line, whichever is less. Distances specified in Table 603.2 shall be measured on a horizontal plane from the perimeter or projection of the building or structure as

shown in Figure 603.2. Distances specified in Table 603.2 may be modified by the code official because of a site-specific analysis based on local conditions and the fire protection plan.

Persons owning, leasing, controlling, operating or maintaining buildings or structures requiring defensible spaces are responsible for modifying or removing nonfire-resistive vegetation on the property owned, leased or controlled by said person.

Trees are allowed within the defensible space, provided the horizontal distance between crowns of adjacent overhead electrical facilities or unmodified fuel is not less than 10 feet (3048 mm). Deadwood and litter shall be regularly removed from trees.

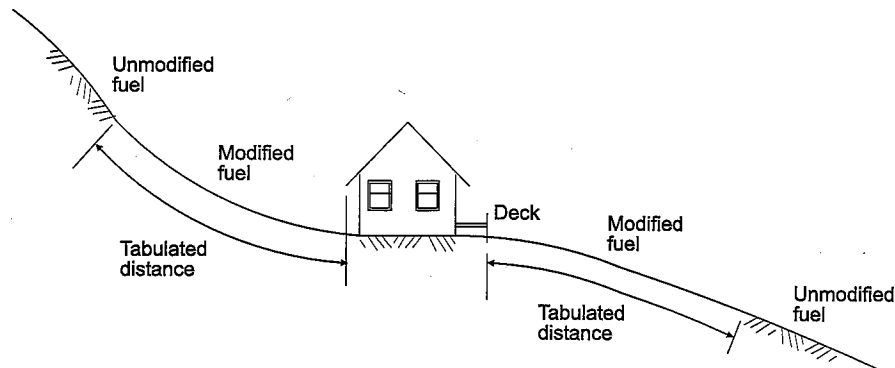
Where ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants are used as ground cover, they are allowed to be within the designated defensible space, provided they do not form a means of transmitting fire from the native growth to any structure.

**TABLE 603.2
REQUIRED DEFENSIBLE SPACE**

WILDLAND-URBAN INTERFACE AREA	FUEL MODIFICATION DISTANCE (feet) ^a
Moderate hazard	30
High hazard	50
Extreme hazard	100

For SI: 1 foot = 304.8 mm.

a. Distances are allowed to be increased due to site-specific analysis based on local conditions and the fire protection plan.



**FIGURE 603.2
MEASUREMENTS OF FUEL MODIFICATION DISTANCE**

Item # 4.

SECTION 604
MAINTENANCE OF DEFENSIBLE SPACE

604.1 General. Defensible spaces required by Section 603 shall be maintained in accordance with Section 604.

604.2 Modified area. Nonfire-resistive vegetation or growth shall be kept clear of buildings or structures, in accordance with Section 603, in such a manner as to provide a clear area for fire suppression operations.

604.3 Responsibility. Persons owning, leasing, controlling, operating or maintaining buildings or structures are responsible for maintenance of defensible spaces. Maintenance of the defensible space shall include modifying or removing nonfire-resistive vegetation and keeping leaves, needles and other dead vegetative material regularly removed from roofs of buildings and structures.

604.4 Trees. Tree crowns extending to within 10 feet (3048 mm) of any structure shall be pruned to maintain a minimum horizontal clearance of 10 feet (3048 mm). Tree crowns within the defensible space shall be pruned to remove limbs located less than 6 feet (1829 mm) above the ground surface adjacent to the trees.

Portions of tree crowns that extend within 10 feet (3048 mm) of the outlet of a chimney shall be pruned to maintain a minimum horizontal clearance of 10 feet (3048 mm).

Deadwood and litter shall be regularly removed from trees.

SECTION 605
SPARK ARRESTERS

605.1 General. Chimneys serving fireplaces, barbecues, incinerators or decorative heating appliances in which solid or liquid fuel is used, shall be provided with a spark arrester.

Spark arresters shall be constructed of woven or welded screening of 12 USA standard gage wire (0.1046 inch (2.66 mm) having openings not exceeding ½ inch (12.7 mm).

605.2 Net free area. The net free area of the spark arrester shall not be less than four times the net free area of the outlet of the chimney.

SECTION 606
LIQUEFIED PETROLEUM GAS INSTALLATIONS

606.1 General. The storage of liquefied petroleum gas (LP-gas) and the installation and maintenance of pertinent equipment shall be in accordance with the International Fire Code or, in the absence thereof, recognized standards.

606.2 Location of containers.

LP-gas containers shall be located within the defensible space in accordance with the International Fire Code.

SECTION 607
STORAGE OF FIREWOOD AND COMBUSTIBLE MATERIALS

607.1 General. Firewood and combustible material shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. When required by the code official, storage of firewood and combustible material stored in the defensible space shall be located a minimum of 20 feet (6096 mm) from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet (4572 mm).

607.2 Storage for off-site use. Firewood and combustible materials not for consumption on the premises shall be stored so as to not pose a hazard. See Appendix A.

APPENDIX A GENERAL REQUIREMENTS

The provisions contained in this appendix are optional.

SECTION A101 GENERAL

A101.1 Scope. The provisions of this appendix establish general requirements applicable to new and existing properties located within wildland-urban interface areas.

A101.2 Objective. The objective of this appendix is to provide necessary fire-protection measures to reduce the threat of wildfire in an wildland-urban interface area and improve the capability of controlling such fires.

SECTION A102 VEGETATION CONTROL

A102.1 General. Vegetation control shall comply with Sections A102.2 through A102.4.

A102.2 Clearance of brush or vegetative growth from roadways. The code official is authorized to require areas within 10 feet (3048 mm) on each side of portions of fire apparatus access roads and driveways to be cleared of nonfire-resistive vegetation growth.

Exception: Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, provided they do not form a means of readily transmitting fire.

A102.3 Clearance of brush and vegetative growth from electrical transmission and distribution lines.

A102.3.1 General.

Clearance of brush and vegetative growth from electrical transmission and distribution lines shall be in accordance with Section A102.3.

Exception: Section A102.3 does not authorize persons not having legal right of entry to enter on or damage the property of others without consent of the owner.

A102.3.2 Support clearance. Persons owning, controlling, operating or maintaining electrical transmission or distribution lines shall have an approved program in place that identifies poles or towers with equipment and hardware types that have a history of becoming an ignition source, and provides a combustible free space consisting of a clearing of not less than 10 feet (3048 mm) in each direction from the outer circumference of such pole or tower during such periods of time as designated by the code official.

Exception: Lines used exclusively as telephone, telegraph, messenger call, alarm transmission or other lines classed as communication circuits by a public utility.

A102.3.3 Electrical distribution and transmission line clearances.

A102.3.3.1 General. Clearances between vegetation and electrical lines shall be in accordance with Section A102.3.3.

A102.3.3.2 Trimming clearance. At the time of trimming, clearances not less than those established by Table A102.3.3.2 shall be provided. The radial clearances shown below are minimum clearances that shall be established, at time of trimming, between the vegetation and the energized conductors and associated live parts.

Exception: The code official is authorized to establish minimum clearances different than those specified by Table A102.3.3.2 when evidence substantiating such other clearances is submitted to and approved by the code official.

**TABLE A102.3.3.2
MINIMUM CLEARANCES BETWEEN VEGETATION
AND ELECTRICAL LINES AT TIME OF TRIMMING**

LINE VOLTAGE	MINIMUM RADIAL CLEARANCE FROM CONDUCTOR (feet)
2,400-72,000	4
72,001-110,000	6
110,001-300,000	10
300,001 or more	15

For SI: 1 foot = 304.8 mm.

A102.3.3.3 Minimum clearance to be maintained. Clearances not less than those established by Table A102.3.3.3 shall be maintained during such periods of time as designated by the code official. The site-specific clearance achieved, at time of pruning, shall vary based on species growth rates, the utility company-specific trim cycle, the potential line sway due to wind, line sag due to electrical loading and ambient temperature and the tree's location in proximity to the high voltage lines.

Exception: The code official is authorized to establish minimum clearances different than those specified by Table A102.3.3.3 when evidence substantiating such other clearances is submitted to and approved by the code official.

TABLE A102.3.3.3
MINIMUM CLEARANCES BETWEEN VEGETATION
AND ELECTRICAL LINES TO BE MAINTAINED

LINE VOLTAGE	MINIMUM CLEARANCE (inches)
750-35,000	6
35,001-60,000	12
60,001-115,000	19
115,001-230,000	30.5
230,001-500,000	115

For SI: 1 inch = 25.4 mm.

A102.3.3.4 Electrical power line emergencies. During emergencies, the utility shall perform the required work to the extent necessary to clear the hazard. An emergency can include situations such as trees falling into power lines, or trees in violation of Table A102.3.3.3.

A102.4 Correction of condition. The code official is authorized to give notice to the owner of the property on which conditions regulated by Section A102 exist to correct such conditions. If the owner fails to correct such conditions, the legislative body of the jurisdiction is authorized to cause the same to be done and make the expense of such correction a lien on the property where such condition exists.

SECTION A103 ACCESS RESTRICTIONS

A103.1 Restricted entry to public lands. The code official is authorized to determine and publicly announce when wildland-urban interface areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of wildland-urban interface areas, except public roadways, inhabited areas or established trails and campsites that have not been closed during such time when the wildland-urban interface area is closed to entry, is prohibited.

Exceptions:

1. Residents and owners of private property within wildland-urban interface areas and their invitees and guests going to or being on their lands.
2. Entry, in the course of duty, by peace or police officers, and other duly authorized public officers, members of a fire department and members of the Wildland Firefighting Service.

A103.2 Trespassing on posted private property.

A103.2.1 General. When the code official determines that a specific area within an wildland-urban interface area presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be restricted or closed until changed conditions warrant termination of such restriction or closure. Such areas shall be posted in accordance with Section A103.2.2.

A103.2.2 Signs. Approved signs prohibiting entry by unauthorized persons and referring to this code shall be placed on every closed area.

A103.2.3 Trespassing. Entering and remaining within areas closed and posted is prohibited.

Exception: Owners and occupiers of private or public property within closed and posted areas; their guests or invitees; authorized persons engaged in the operation and maintenance of necessary utilities such as electrical power, gas, telephone, water and sewer; and local, state and federal public officers and their authorized agents acting in the course of duty.

A103.3 Use of fire roads and defensible space.

Motorcycles, motor scooters and motor vehicles shall not be driven or parked on, and trespassing is prohibited on, fire roads or defensible space beyond the point where travel is restricted by a cable, gate or sign, without the permission of the property owners. Vehicles shall not be parked in a manner that obstructs the entrance to a fire road or defensible space.

Exception: Public officers acting within their scope of duty.

Radio and television aerials, guy wires thereto, and other obstructions shall not be installed or maintained on fire roads or defensible spaces, unless located 16 feet (4877 mm) or more above such fire road or defensible space.

A103.4 Use of motorcycles, motor scooters, ultralight aircraft and motor vehicles. Motorcycles, motor scooters, ultralight aircraft and motor vehicles shall not be operated within wildland-urban interface areas, without a permit by the code official, except on clearly established public or private roads. Permission from the property owner shall be presented when requesting a permit.

A103.5 Tampering with locks, barricades, signs and address markers. Locks, barricades, seals, cables, signs and address markers installed within wildland-urban interface areas, by or under the control of the code official, shall not be tampered with, mutilated, destroyed or removed.

Gates, doors, barriers and locks installed by or under the control of the code official shall not be unlocked.

SECTION A104 IGNITION SOURCE CONTROL

A104.1 General. Ignition sources shall be in accordance with Section A104.

A104.2 Objective. Regulations in this section are intended to provide the minimum requirements to prevent the occurrence of wildfires.

A104.3 Clearance from ignition sources. Clearance between ignition sources and grass, brush or other combustible materials shall be maintained a minimum of 30 feet (9144 mm).

A104.4 Smoking. When required by the code official, signs shall be posted stating NO SMOKING. No person shall

smoke within 15 feet (4572 mm) of combustible materials or nonfire-resistive vegetation.

Exception: Places of habitation or in the boundaries of established smoking areas or campsites as designated by the code official.

A104.5 Equipment and devices generating heat, sparks or open flames. Equipment and devices generating heat, sparks or open flames capable of igniting nearby combustibles shall not be used in wildland-urban interface areas without a permit from the code official.

Exception: Use of approved equipment in habited premises or designated campsites that are a minimum of 30 feet (9144 mm) from grass-, grain-, brush- or forest-covered areas.

A104.6 Fireworks. Fireworks shall not be used or possessed in wildland-urban interface areas.

Exception: Fireworks allowed by the code official under permit in accordance with the International Fire Code when not prohibited by applicable local or state laws, ordinances and regulations.

The code official is authorized to seize, take, remove or cause to be removed fireworks in violation of this section.

A104.7 Outdoor fires.

A104.7.1 General. No person shall build, ignite or maintain any outdoor fire of any kind for any purpose in or on any wildland-urban interface area, except by the authority of a written permit from the code official.

Exception: Outdoor fires within inhabited premises or designated campsites where such fires are in a permanent barbecue, portable barbecue, outdoor fireplace, incinerator or grill and are a minimum of 30 feet (9144 mm) from any combustible material or nonfire-resistive vegetation.

A104.7.2 Permits. Permits shall incorporate such terms and conditions that will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in or on hazardous fire areas under the following conditions:

1. When high winds are blowing,
2. When a person 17 years old or over is not present at all times to watch and tend such fire, or
3. When a public announcement is made that open burning is prohibited.

A104.7.3 Restrictions. No person shall use a permanent barbecue, portable barbecue, outdoor fireplace or grill for the disposal of rubbish, trash or combustible waste material.

A104.8 Incinerators, outdoor fireplaces, permanent barbecues and grills. Incinerators, outdoor fireplaces, permanent barbecues and grills shall not be built, installed or maintained in wildland-urban interface areas without approval of the code official.

Incinerators, outdoor fireplaces, permanent barbecues grills shall be maintained in good repair and in a safe condition at all times. Openings in such appliances shall be provided with an approved spark arrestor, screen or door.

Exception: When approved by the code official, unprotected openings in barbecues and grills necessary for proper functioning.

A104.9 Reckless behavior. The code official is authorized to stop any actions of a person or persons if the official determines that the action is reckless and could result in an ignition of fire or spread of fire.

A104.10 Planting vegetation under or adjacent to energized electrical lines. No vegetation shall be planted under or adjacent to energized power lines that, at maturity, shall grow within 10 feet (3048 mm) of the energized conductors.

SECTION A105 CONTROL OF STORAGE

A105.1 General. In addition to the requirements of the International Fire Code, storage and use of the materials shall be in accordance with Section A105.

A105.2 Hazardous materials. Hazardous materials in excess of 10 gallons (37.8 L) of liquid, 200 cubic feet (5.66 m³) of gas, or 10 pounds (4.54 kg) of solids require a permit and shall comply with nationally recognized standards for storage and use.

A105.3 Explosives. Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within wildland-urban interface areas, except by permit from the code official.

A105.4 Combustible materials.

A105.4.1 General. Outside storage of combustible materials such as, but not limited to, wood, rubber tires, building materials or paper products shall comply with the other applicable sections of this code and this section.

A105.4.2 Individual piles. Individual piles shall not exceed 5,000 square feet (465 m²) of contiguous area. Piles shall not exceed 50,000 cubic feet (1416 m³) in volume or 10 feet (3048 mm) in height.

A105.4.3 Separation. A clear space of at least 40 feet (12 192 mm) shall be provided between piles. The clear space shall not contain combustible material or nonfire-resistive vegetation.

SECTION A106 DUMPING

A106.1 Waste material. Waste material shall not be placed, deposited or dumped in wildland-urban interface areas, or in, on or along trails, roadways or highways or against structures in wildland-urban interface areas.

Exception: Approved public and approved private dumping areas.

A106.2 Ashes and coals. Ashes and coals shall not be placed, deposited or dumped in or on wildland-urban interface areas.

Exceptions:

1. In the hearth of an established fire pit, camp stove or fireplace.
2. In a noncombustible container with a tightfitting lid, which is kept or maintained in a safe location not less than 10 feet (3048 mm) from nonfire-resistive vegetation or structures.
3. Where such ashes or coals are buried and covered with 1 foot (305 mm) of mineral earth not less than 25 feet (7620 mm) from nonfire-resistive vegetation or structures.

SECTION A107 PROTECTION OF PUMPS AND WATER STORAGE FACILITIES

A107.1 General. The reliability of the water supply shall be in accordance with Section A107.

A107.2 Objective. The intent of this section is to increase the reliability of water storage and pumping facilities and to protect such systems against loss from intrusion by fire.

A107.3 Fuel modification area. Water storage and pumping facilities shall be provided with a defensible space of not less than 30 feet (9144 mm) clear of nonfire-resistive vegetation or growth around and adjacent to such facilities.

Persons owning, controlling, operating or maintaining water storage and pumping systems requiring this defensible space are responsible for clearing and removing nonfire-resistive vegetation and maintaining the defensible space on the property owned, leased or controlled by said person.

A107.4 Trees. Portions of trees that extend to within 30 feet (9144 mm) of combustible portions of water storage and pumping facilities shall be removed.

A107.5 Protection of electrical power supplies. When electrical pumps are used to provide the required water supply, such pumps shall be connected to a standby power source to automatically maintain electrical power in the event of power loss. The standby power source shall be capable of providing power for a minimum of two hours in accordance with the ICC Electrical Code.

Exception: A standby power source is not required where the primary power service to pumps are underground as approved by the code official.

SECTION A108 LAND USE LIMITATIONS

A108.1 General. Temporary fairs, carnivals, public exhibitions and similar uses must comply with all other provisions of this code in addition to enhanced ingress and egress requirements.

A108.2 Objective. The increased public use of land or structures in wildland-urban interface areas also increases

the potential threat to life safety. The provisions of this section are intended to reduce that threat.

A108.3 Permits. Temporary fairs, carnivals, public exhibitions or similar uses shall not be allowed in a designated wildland-urban interface area, except by permit from the code official.

Permits shall incorporate such terms and conditions that will reasonably safeguard public safety and property.

A108.4 Access roadways. In addition to the requirements in Section 403, access roadways shall be a minimum of 24 feet (7315 mm) wide and posted NO PARKING. Two access roadways shall be provided to serve the permitted use area.

When required by the code official to facilitate emergency operations, approved emergency vehicle operating areas shall be provided.

SECTION A109 REFERENCED STANDARDS

IFC-2006	International Fire Code	A104.6, A105.1
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APPENDIX B VEGETATION MANAGEMENT PLAN

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

SECTION B101 GENERAL

B101.1 Scope. Vegetation management plans shall be submitted to the code official for review and approval as part of the plans required for a permit.

B101.2 Plan content. Vegetation management plans shall describe all actions that will be taken to prevent a fire from being carried toward or away from the building. A vegetation management plan shall include at least the following information:

1. A copy of the site plan.
2. Methods and timetables for controlling, changing or modifying areas on the property. Elements of the plan shall include removal of slash, snags, vegetation that may grow into overhead electrical lines, other ground fuels, ladder fuels and dead trees, and the thinning of live trees.
3. A plan for maintaining the proposed fuel-reduction measures.

B101.3 Fuel modification. To be considered a fuel modification for purposes of this code, continuous maintenance of the clearance is required.

APPENDIX C

FIRE HAZARD SEVERITY FORM

Item # 4.

This appendix is to be used to determine the fire hazard severity.

Owner Name: _____ Building Address: _____

A. Subdivision Design (Fire District)

1. Ingress/Egress

Two or more primary roads 1 _____
 One road 10 _____
 One-lane road in, one-lane road out 15 _____

2. Width of Primary Road

20 feet or more 1 _____
 Less than 20 feet 5 _____

3. Accessibility

Road grade 5% or less 1 _____
 Road grade 5-10% 5 _____
 Road grade greater than 10% 10 _____

4. Secondary Road Terminus

Loop roads, cul-de-sacs with an outside turning radius of 45 feet or greater 1 _____
 Cul-de-sac turnaround 5 _____
 Dead-end roads 200 feet or less in length 8 _____
 Dead-end roads greater than 200 feet in length 10 _____

5. Street Signs

Present and approved 0 _____
 Present but unapproved 3 _____
 Not present 5 _____

B. Vegetation (IUWIC Definitions)

1. Fuel Types (within the defensible space)

Surface Lawn/noncombustible 1 _____
 Grass/short brush 5 _____
 Scattered dead/down woody material 10 _____
 Abundant dead/down wood material 15 _____
 Overstory
 Deciduous trees (except tall brush) 3 _____
 Mixed deciduous trees and tall brush 10 _____
 Clumped/scattered conifers and/or tall brush 15 _____
 Contiguous conifer and/or tall brush 20 _____

2. Defensible Space (Lot Specific)

70% or more of lots completed 1 _____
 30% to 70% of lots completed 10 _____
 Less than 30% of lots completed 20 _____

C. Topography

Located on flat, base of hill or setback at crest of hill 1 _____
 On slope with 0-20% grade 5 _____
 On slope with 21-30% grade 10 _____
 On slope with 31% grade or greater 15 _____
 At crest of hill with unmitigated vegetation below 20 _____

D. Roofing Material

Class A Fire Rated 1 _____
 Class B Fire Rated 5 _____
 Class C Fire Rated 10 _____
 Non-rated 20 _____

E. Fire Protection—Water Source

1000 GPM hydrant within 600 feet 1 _____
 Hydrant farther than 600 feet or draft site 5 _____
 Approved water source 20 min or less round trip 10 _____
 Approved water source farther than 20 min, and 45 min or less round trip 15 _____
 Approved water source farther than 45 min round trip 20 _____

F. Siding and Decking

Noncombustible siding/deck 1 _____
 Combustible side/no deck 5 _____
 Noncombustible siding/combustible deck 10 _____
 Combustible siding and deck 15 _____

G. Utilities (gas and/or electrical)

All underground utilities 1 _____
 One underground, one aboveground 3 _____
 All aboveground 5 _____

Total for Subdivision or Site

Moderate Hazard 50-75
 High Hazard 76-100
 Extreme Hazard 101+

Fire District Approval _____

Approval Date & Stamp

AGREEMENT RELATED TO SETTLEMENT OF IMPACT FEES DUE TO JSSD

This Agreement Related to Settlement of Impact Fees Due to JSSD (“**Agreement**”) is between the Jordanelle Special Service District, a special service district organized pursuant to Utah Code Ann. § 17D-1-11 *et seq.* (“**JSSD**”), the Town of Hideout, a municipality organized pursuant to Utah Code Ann. § 10-1-101 *et seq.* (“**Hideout**”), and General Construction & Development, Inc., a Utah corporation (“**GCD**”).

RECITALS

A. In November of 2020 and January of 2021, GCD applied to Hideout for building permits for the following parcels of property located in the Town of Hideout: Lots 80, 81, 82, 96, 97, 98, 99, 100, 101, 102, and 103 of the proposed Shoreline Phase 2 Subdivision (the “**Vantage Lane Lots**”)

B. In connection with the issuance of the building permits for the Vantage Lane Lots, Hideout charged GCD, and GCD paid, a number of fees, including JSSD impact fees that were assessed and collected by Hideout on JSSD’s behalf.

C. JSSD subsequently asserted that Hideout should have charged an additional \$100,936 as JSSD impact fees associated with the Vantage Lane Lots (that amount, the “**Short Payment**”).

D. JSSD and Hideout then asserted that GCD should have paid the Short Payment.

E. JSSD, Hideout, and GCD now desire to resolve the uncertainty regarding the building permits for the Vantage Lane Lots and the Short Payment, on the following terms and conditions.

AGREEMENT

Accordingly, based on the foregoing, and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by each parties, the parties hereby agree as follows:

1. GCD Payment. Promptly following execution of this Agreement, GCD shall pay to JSSD the amount of \$33,645, representing one-third of the Short Payment.
2. Release. In consideration for GCD’s payment of one-third of the Short Payment, JSSD and Hideout (i) acknowledge and agree that GCD has paid all applicable fees associated with the issuing of building permits for the Vantage Lane Lots, and (ii) hereby release and waive as against GCD from any further claims for impact fees or other building permit fees associated with the Vantage Lane Lots, including, but not limited to, claims related to the Short Payment.

3. Building Permit Fees. After GCD's payment to JSSD pursuant to Section 1, and JSSD's written or email acknowledgement of receipt of such payment, Hideout agrees not to withhold issuance of certificates of occupancy or approval to set water meters for the Vantage Lane Lots by reason of any impact fees or other building permit fees associated with the Vantage Lane Lots, including, but not limited to, claims related to the Short Payment.
4. Hideout Payment. Promptly following execution of this Agreement, Hideout shall pay to JSSD the amount of \$33,645, representing one-third of the Short Payment.
5. Release. In consideration for Hideout's payment of one-third of the Short Payment, JSSD (i) acknowledges and agrees that Hideout has remitted all applicable fees associated with the issuing of building permits for the Vantage Lane Lots, and (ii) hereby releases and waives as against Hideout from any further claims for impact fees or other building permit fees associated with the Vantage Lane Lots, including, but not limited to, claims related to the Short Payment.
6. Entire Agreement. This Agreement constitutes the entire agreement between the parties regarding the subject matter addressed herein, and any previous agreements, understandings and negotiations on that subject shall cease to have any effect.
7. Counterparts. This Agreement may be executed by .pdf in one or more counterparts, and all so executed shall constitute one agreement, binding on all of the parties hereto.
8. Effectiveness. This Agreement will become effective when all parties have signed it. The date of this Agreement will be the date this Agreement is signed by the last party to sign it, as indicated by the date associated with that party's signature.

Deleted: Reservation of Rights. JSSD and Hideout reserve all claims and defenses they may have against each other, but not GCD, related to the Short Payment. JSSD and Hideout shall work together in good faith to reach a prompt resolution of any such claims

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Each individual is signing this Agreement on the date stated opposite that individual's signature.

JORDANELLE SPECIAL SERVICE DISTRICT

By: _____
Max Covey
General Manager

Date: _____

TOWN OF HIDEOUT

By: _____
Phil Rubin
Mayor

Date: _____

Deleted: <#>Agreement between JSSD and Hideout. JSSD and Hideout agree to work in good faith to apportion the remaining amount owed and that Hideout will be liable for is \$33,645 or less. ¶

GENERAL CONSTRUCTION & DEVELOPMENT, INC.

By: _____
Its: _____

Date: _____

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Each individual is signing this Agreement on the date stated opposite that individual's signature.

JORDANELLE SPECIAL SERVICE DISTRICT

By: _____
Max Covey
General Manager

Date: _____

TOWN OF HIDEOUT

By: _____
Phil Rubin
Mayor

Date: _____

GENERAL CONSTRUCTION & DEVELOPMENT, INC.

By: _____
Its: _____

Date: _____

**HIDEOUT, UTAH
POLICY STATEMENT:
ESTABLISHING PUBLIC INFRASTRUCTURE DISTRICTS**

The magnitude of local and regional infrastructure needed in the new development areas and in redevelopment areas of Hideout, Utah (the “Town”) requires that a broad range of financing tools be available to finance that infrastructure. This policy statement addresses the criteria under which the Town will consider applications for proposed Public Infrastructure Districts (the “District”). Compliance with these criteria shall not obligate the Town to approve formation of the District. The Governing Document will be subject to approval by the Town in both form and substance. The criteria are intended to serve as guidelines for the review of letters of intent and Governing Documents.

The policy statement has three sections:

- 1. Process for applying including fees charged**
- 2. The Town’s decision-making criteria**
- 3. Governing Document requirements**

I. Process and Fees

Any proposed Public Infrastructure District will be considered in relation to the best interests of the Town. Such interests include using the most appropriate financing mechanism for the type and magnitude of the improvements to be financed and appropriate governance mechanism. If through the review process, a Public Infrastructure District is determined to be the most appropriate mechanism, the process, the criteria, and requirements provided herein will apply, unless otherwise waived by the Town.

A. Petition and Letter of intent to form a Public Infrastructure District

The applicant shall submit (1) a petition meeting the requirements outlined in Utah Code Title17B, Chapter 1, Part 2 as modified by 17D-4-201 and (2) a letter of intent containing the following information in summary form. The petition and letter will be used by staff to make a preliminary determination about the appropriateness of a District and must be submitted prior to submittal of a draft Governing Document. A positive staff response to the Letter of Intent does not assure approval of the Governing Document. The petition shall also be submitted concurrently with the clerk of the Town for certification.

Letter of Intent contents:

1. Description of District (or Districts) area including size, location, area context (significant natural and man-made features, major public improvements, adjacent development), development history, and proposed development;
2. Summary of needed infrastructure, services and facilities:
 - a. Currently expected development scenario;

- b. Required local and regional infrastructure and facilities for such development;
 - c. Regional and local infrastructure the proposed District is to provide;
 - d. Estimated construction costs for the proposed District improvements;
 - e. General description of phasing of construction based on development projections; and
 - f. A sample plan of finance depicting the possible sources and uses of funds for the District.
3. Proposed timeline for District creation.
 4. Provide the following financial plan information:
 - a. Proforma financial overview of total costs and total revenues from all revenue sources;
 - b. An example plan of finance showing a proposal of how the proposed financing might take place, recognizing that the actual financing terms and structure will be approved by the board of trustees of the District (the "Board") within the parameters of this Governing Document;
 - c. Anticipated maximum or fixed maximum mill levy required to meet debt service of the District;
 - d. Analysis of proposed mill levies in light of outstanding debt and mill levies of other taxing entities affecting the area;
 - e. Comparison of the mill levies of similar taxing entities in the area;
 - f. Proposed operating budgets for the District's first three years of existence; and
 - g. Any other forms of public financing and assistance being sought, including assessment areas.
 5. Acknowledgement that a consent must be signed prior to the hearing date for the governing document by all property owners and registered voters, if any, within the proposed District boundaries approving of the creation of the proposed District and consenting to the issuance of debt in an amount sufficient for the proposed plan of financing.
 6. Disclosure of any conflicts of interest between the applicant and the officers and employees of the Town.
 7. Copies of signed engagement letters between the applicant and applicable consultants and legal counsel retained by the Town and/or the proposed District whereby applicant agrees to pay fees related to the review of the application and governing document. The Town currently engages Gilmore & Bell, P.C., Salt Lake City, Utah as its counsel for matters relating to Public Infrastructure Districts. A draft of the engagement letter with Gilmore & Bell is attached as

Exhibit A hereto.

B. Review Process

1. The Economic Development Committee (“EDC”) is a Town committee that advises the Mayor, Town Council and other policy-makers about district issues. The EDC will review the petition and letter of intent utilizing these criteria to determine whether or not to direct the applicant to proceed with preparation of a draft Governing Document for submittal. Conceptual approval does not assure approval of the governing document.

C. Governing Document

1. If the concept for the District as contained in the letter of intent is approved, the applicant shall submit a draft Governing Document to the Town’s Management Office. Unless the Town approves otherwise in advance, such Governing Document shall be initiated from the Model Governing on file with the Town. The applicant’s draft shall include a clean draft and a redline showing all changes from the Model Governing Document.
2. The draft Governing Document will be reviewed by the EDC for compliance with the criteria and requirements contained herein. The EDC will discuss with appropriate policy-makers issues that arise during this drafting period to have such issues resolved.
3. The final Governing Document will be forwarded to Town Council for action through the standard Town and statutory processes.

D. Fees

No request to create a Public Infrastructure District shall proceed until the fees set forth herein are provided for. All checks are to be made payable to the Town and sent to Town Hall.

1. Letter of Intent: A Letter of Intent is to be submitted to the Town Administrator’s Office and a fee (as listed in the Town’s Fee Schedule) shall be paid at the time of submittal of the Letter to cover the cost of staff review.
2. If the applicant proceeds to the submittal of a Governing Document an application fee (as listed in the Town’s Fee Schedule) shall be submitted concurrent with the draft Governing Document.
3. Other Expenses: In the event the costs of review exceed the application fee, the applicant for a District shall pay all reasonable internal, consultant, legal, and other fees and expenses incurred by the Town in the process of reviewing the draft Governing Document prior to adoption, documents related to a bond issue and other such fees and expenses as may be necessary to interface with such District. All such fees and expenses shall be paid within 30 days of receipt of an invoice for these additional fees and expenses.
4. In the event the applicant proposes to create more than one Public Infrastructure District with respect to the same project, the Town may modify the above fees to account for overlapping work in the review and creation of such Districts.

II. Criteria for Evaluating Proposed Public Infrastructure Districts

A. Public Benefit

Formation of a District bestows certain benefits on the District's proponents and is expected to provide public benefit consistent with the Creating Entities policy goals. Components of public benefit to be considered may include:

1. Resulting development that is consistent with the Town's General Plan and all applicable supplements;
2. Provision of and/or contribution to needed regional and sub-regional infrastructure;
3. Resulting development that contributes to diversifying and solidifying the Town's property or sales tax bases;
4. Resulting development preserves viewsheds, green space, and unique topography beyond baseline Town requirements; improves recycling efforts; installs community-minded open spaces including parks and trails; and promotes conservation and preservation practices to protect the local environment in excess of baseline Town requirements;
5. Resulting development promotes a mix of residential and commercial uses appropriate for the community;
6. Resulting development provides for moderate income housing;
7. Resulting development increases the livability of the Town by encouraging appropriate commercial uses to serve resident needs; enhances public gathering spaces and community connectivity; and/or encourages commercial uses that are financially beneficial to the Town to improve resident quality of life and generates revenues to expand and maintain public infrastructure;
8. Provision of public pedestrian, bicyclist, and motor vehicle facilities; improves quantity and quality of trails in the area; increases frequency of transit services to nearby cities; addresses user and wildlife safety concerns related to SR-248;
9. Enhancement and expansion of current utilities to account for current and future population growth; prioritization of the maintenance, mapping, and improvement of existing infrastructure; or improves student commute time;
10. Allows for well-planned, fiscally responsible annexations based on the Town's development needs;
11. Residential development which provides amenities and enhancements beyond baseline Town requirements;

Commented [WA(1)]: Note to Council:

The below list is meant for discussion purposes and incorporates the Goals of the Town's General Plan. Criteria can be added or removed based upon the Council's review.

12. Sustainable design including multimodal transportation, water conserving landscape design, thoughtful development phasing, green building design, and formation of and participation in transportation management programs; and
13. High quality site and building design, including street connectivity, multimodal street design, durable construction materials, and pedestrian-friendly building design.

B. Evaluation Criteria

These criteria provide thresholds for consideration. Compliance with some or all of these criteria is desired; however, alternative approaches may be considered.

1. Districts should not include land that is already included within the boundaries of another public infrastructure district without express provision in an adopted Governing Document. In such cases, the relationship with the existing or proposed districts must be addressed in the Governing Document., including any inclusion area concept and how ultimate district boundaries will be determined.
2. A District planning to levy more than —10 mills of tax in the District for repayment of limited tax bonds will not be considered without sufficient justification (determined by the City on a case-by-case basis) as to why additional mills are necessary and reasonable for the development. [TOWN COUNCIL TO ADVISE]
3. There must be a demonstrated public benefit directly resulting from the creation of the District and its undertakings as described in the Governing Document.

C. Evaluation of Applicant

The following criteria relating to the applicant and the development will be considered:

1. Historical performance of the applicant (within and outside of the Town);
2. The current proposed plan of finance of the District;
3. The current development plans relationship to the master plans of the Town; and
4. The regional or overall benefits to the Town from the proposed plan of finance.

III. Governing Document Requirements

In addition to statutory requirements, a Governing Document memorializes the understandings between the District and the Town, as well as the considerations that compelled the Town to authorize the formation of the District. The Governing Document for the proposed District shall contain and will be reviewed for compliance with the following policies and requirements.

A. District Description

Commented [WA(2)]: 15 mills is the statutory cap (20 mills for MIDA PIDs), but that limit is likely higher than what should be approved within the Town without sufficient justification. Included in the packet is a list of PIDs with taxing authority and the tax rate established by the Creating Entity for that PID.

Here, it may be prudent to set a lower limit for what will be considered without sufficient justification to set a baseline and expectation for applicants before they initiate an application – say 8 or 10 mills.

Could also consider separate caps for commercial residential uses, for example, 8 mills for residential and 10 mills for commercial.

Ultimately developer also has to balance need for improvements against ability to market and sell or lease the underlying development. Also potential for concerns down the road for Town's ability to raise taxes if certain areas of the town already have a higher tax rate.

The Town's main overlapping tax rate for 2021 was 12.524 mills.

Similar to Town, County, and other taxes, primary residential property will receive a 45% discount on PID property taxes.

Also, the Town only sets the maximum rate, the PID could ultimately elect to impose a levy that is lower than the maximum established by the Town.

By way of example, a 7 mill levy would cost \$385 per \$100,000 of market value for a primary residence and \$700 per \$100,000 of market value for a secondary residence or commercial property.

1. Description of District area including size, location, area context (significant natural and man-made features, major public improvements, adjacent development), development history, and proposed development scenario (land uses by type and intensity and general urban design character);
2. Description of the public benefit resulting from the creation of the District and its undertakings;
3. Description of proposed development within the boundaries of the proposed District including general distribution of land uses;
4. If the District boundaries overlap with another district, an explanation of the relationship between the districts and outline of any plans to utilize an inclusion area or multi-district structuring;
5. Itemization and description of all needed infrastructure (both regional and local) and facilities in the District's area;
6. Estimated construction costs of such infrastructure;
7. General description of phasing of construction based on development projections and phasing;
8. Description of the ultimate ownership and provision for the ongoing operating and maintenance costs for infrastructure.
9. Description of any proposed divisions and an annexation/withdrawal process as appropriate.
10. Proposed governance plan, including Board structure and to transition from appointed Board to elected Board.

B. Requirements and Expectations

1. The planned ownership of the Improvements, including any relationship with an existing statutory district must be addressed in the Governing Document.
2. All debt issued by the District for which a tax is pledged to pay the debt service shall meet the requirements of all applicable statutes.
3. Land, easements or improvements to be conveyed or dedicated to the Town and any other local government entity shall be conveyed in accordance with the related standards at no cost to the Town.
4. All public infrastructure within the District which will be connected to and owned by another public entity shall be subject to all design and inspection requirements and other standards of such public entity.

5. The District shall not pledge as security any land, assets or funds to be transferred to the Town.
6. The District shall be subject to Town zoning, subdivision, building codes, and all other applicable Town ordinances and regulations. Approval of the Governing Document shall not bind the Town to approve other matters which the District or developer may request.
7. The District shall pay all fees and expenses as provided in the Governing Document.
8. The District may not double tax, whether by mill levy, assessment, impact fees, or any combination thereof; any end user for the costs of Improvements.

C. Disclosure and Reporting Requirements

Disclosure of the existence of the District to property owners and potential property owners within the District is important and the following actions to be taken by each District shall be included in the Governing Document.

1. Within 30 days after the formation of the District, the Board shall record a notice with the county recorder:
 - a. Containing a description of the boundaries of the District and inclusion area as applicable;
 - b. Stating that a copy of the Governing Document is on file at the office of the Town;
 - c. Stating that the District may finance and repay infrastructure and other improvements through the levy of a property tax;
 - d. Stating the maximum rate that the District may levy; and
 - e. If applicable, stating that the debt may convert to general obligation debt and outlining the provisions relating to conversion.
2. Applicant, homebuilders, commercial developers, and commercial lessors, as applicable, shall be required to disclose the following information to initial resident homeowners, renters, commercial property owners, and/or commercial tenants:
 - a. All of the information required under (1)(b) above;
 - b. A disclosure outlining the impact of any applicable property tax, in substantially the following form:

"Under the maximum property tax rate of the District, a primary residence valued at \$[insert average anticipated residential property value] would have an **additional annual property tax of \$_____** for the duration of the District's Bonds. A business property valued at \$[insert average anticipated commercial property value] would have an **additional annual property tax of \$_____** for the duration of the District's Bonds."

Commented [WA(3)]: This will be filled in within the Governing Document for each District when the mill levy is determined

- c. Such disclosures shall be contained on a separate colored page of the applicable closing or lease documents and shall require a signature of such end user acknowledging the foregoing.
3. At least annually following the formation of the District, the District shall notify (by mail, e-mail, or posting to the District's website) property owners in the District of the existence of the District and of the next scheduled meeting of the Board of the District. Such meeting shall occur at least 30 days and not more than 60 days following the date of the notice. Such notification shall include names and addresses of the Board of Directors and officers, the address, telephone and fax numbers, and e-mail address of the District, and shall include reference to the existence of a District file maintained by the Town as described below.
 4. The District shall provide the following information to the Town Administrator's Office on an annual basis, and the District shall create and maintain a file for public review of the following information.
 - a. Annual District budget;
 - b. Annual financial statements of the District, audited if required by Statute or bond covenant;
 - c. Total debt authorized and total debt issued and presently planned debt issuances;
 - d. Names and terms of Board members and officers and progress towards milestones required for transition to elected Board;
 - e. A copy of the language required to be disclosed (2)(b) above;
 - f. Rules and regulations of the District regarding bidding, conflict of interest, contracting, and other governance matters, if changed;
 - g. List of current interlocal agreements, if changed (to be delivered to the Town upon request);
 - h. List of all current contracts for services or construction (to be delivered to the Town upon request);
 - i. Official statements of current outstanding bonded indebtedness, if not previously received by the Town;
 - j. Current approved Governing Document, if changed; and
 - k. District Office contact information.
 5. The following shall be considered significant changes to the Governing Document, thereby requiring approval by the Town:

- a. Exclusion or inclusion of property without Governing Document and Statute required approvals;
- b. Change in the maximum mill levy;
- c. Consolidation with any other district; and
- d. Change in the dissolution date.

Submittal Instructions

Annual Financial Information: Submit one copy of each of the annual financial information, as described in Section III.C. above to:

Town Administrator
10860 No. Hideout Trail
Hideout, UT 84036

All other documents: Submit letters of intent, draft Governing Documents, and all other documents (with the required number of copies) to:

Economic Development Committee
10860 No. Hideout Trail
Hideout, UT 84036

With a copy of the petition to:

Town Clerk
10860 No. Hideout Trail
Hideout, UT 84036

Further Information: For additional information please contact the Town's Manager's Office at the address or telephone number shown below.

Jan McCosh, Town Administrator
10860 No. Hideout Trail
Hideout, UT 84036
Phone: (435) 776-6066
Email: jmccosh@hideoututah.gov

Exhibit A
Draft Engagement Letter

[Date]

Hideout, Utah
[Address]

Re: Engagement as Special Counsel for Hideout, Utah

This will record the terms of our engagement as special counsel for the Hideout, Utah (the “Town”) in analyzing and exploring the use of a public infrastructure district (“PID”) at the discretion of the Town to assist _____ (the “Developer”) in the development of _____ within the Town (the “Development”).

Our services as special counsel will include educating the Town and the Developer on PIDs and how they may be utilized in the Development and the preparation, negotiation, and review of any documents required for the formation of a PID. Our engagement is at the will of the Town and will terminate at the end of the review processes described herein.

While it is difficult to predict the complexity of such process, our fee for services provided as special counsel will be at a discounted blended hourly rate of \$____/hour, plus reimbursement for out of pocket costs. Fees will be billed monthly and are subject to review by the Developer. A \$_____ retainer fee is due from the Developer at this time. Under no circumstances shall the Town be liable for fees hereunder. The entire fee is payable by the Developer and is not contingent upon the formation of any PID. The creation of any Districts shall be at the discretion of the Town, and the entering into of this agreement in no way guarantees that any Districts will be formed or bonds issued for the Developer or the Development. If the review process is abandoned or deferred beyond a reasonable period, such as 3 months, we will negotiate a reasonable fee for the work undertaken to that point with the Developer, based on the circumstances.

The Town is our client in this engagement and we are not representing the Developer. [The Developer is represented by its own counsel, _____.] We note that we do expect to be bond and disclosure counsel (as applicable) for any PID(s) ultimately created at the Town’s discretion.

If these terms are acceptable, please sign and return a copy of this letter. We look forward to working with you.

Sincerely,

GILMORE & BELL, P.C.

AGREED AND ACCEPTED:

HIDEOUT, UTAH

By: _____

Title: _____

Date: _____

_____, DEVELOPER

By: _____

Title: _____

Date: _____

Note: Gilmore & Bell, P.C. may be contacted at the below information:

Randall Larsen

Direct: 801.258.2722 / Mobile: 801.541.1108

rlarsen@gilmorebell.com

Aaron Wade

Direct: 801.258.2730 / Mobile: 801.652.6278

awade@gilmorebell.com

GilmoreBell.com

HIDEOUT, UTAH POLICY STATEMENT: ESTABLISHING PUBLIC INFRASTRUCTURE DISTRICTS

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- 2. The Town’s decision-making criteria**
- 3. Governing Document requirements**

I. Process and Fees

Any proposed Public Infrastructure District will be considered in relation to the best interests of the Town. Such interests include using the most appropriate financing mechanism for the type and magnitude of the improvements to be financed and appropriate governance mechanism. If through the review process, a Public Infrastructure District is determined to be the most appropriate mechanism, the process, the criteria, and requirements provided herein will apply, unless otherwise waived by the Town.

A. Petition and Letter of intent to form a Public Infrastructure District

The applicant shall submit (1) a petition meeting the requirements outlined in Utah Code Title 17B, Chapter 1, Part 2 as modified by 17D-4-201 and (2) a letter of intent containing the following information in summary form. The petition and letter will be used by staff to make a preliminary determination about the appropriateness of a District and must be submitted prior to submittal of a draft Governing Document. A positive staff response to the Letter of Intent does not assure approval of the Governing Document. The petition shall also be submitted concurrently with the clerk of the Town for certification.

Letter of Intent contents:

1. Description of District (or Districts) area including size, location, area context (significant natural and man-made features, major public improvements, adjacent development), development history, and proposed development;
2. Summary of needed infrastructure, services and facilities:
 - a. Currently expected development scenario;

- b. Required local and regional infrastructure and facilities for such development;
 - c. Regional and local infrastructure the proposed District is to provide;
 - d. Estimated construction costs for the proposed District improvements;
 - e. General description of phasing of construction based on development projections; and
 - f. A sample plan of finance depicting the possible sources and uses of funds for the District.
3. Proposed timeline for District creation.
 4. Provide the following financial plan information:
 - a. Proforma financial overview of total costs and total revenues from all revenue sources;
 - b. An example plan of finance showing a proposal of how the proposed financing might take place, recognizing that the actual financing terms and structure will be approved by the board of trustees of the District (the “Board”) within the parameters of this Governing Document;
 - c. Anticipated maximum or fixed maximum mill levy required to meet debt service of the District;
 - d. Analysis of proposed mill levies in light of outstanding debt and mill levies of other taxing entities affecting the area;
 - e. Comparison of the mill levies of similar taxing entities in the area;
 - f. Proposed operating budgets for the District’s first three years of existence; and
 - g. Any other forms of public financing and assistance being sought, including assessment areas.
 5. Acknowledgement that a consent must be signed prior to the hearing date for the governing document by all property owners and registered voters, if any, within the proposed District boundaries approving of the creation of the proposed District and consenting to the issuance of debt in an amount sufficient for the proposed plan of financing.
 6. Disclosure of any conflicts of interest between the applicant and the officers and employees of the Town.
 7. Copies of signed engagement letters between the applicant and applicable consultants and legal counsel retained by the Town and/or the proposed District whereby applicant agrees to pay fees related to the review of the application and governing document. The Town currently engages Gilmore & Bell, P.C., Salt Lake City, Utah as its counsel for matters relating to Public Infrastructure Districts. A draft of the engagement letter with Gilmore & Bell is attached as

Exhibit A hereto.

B. Review Process

1. The Economic Development Committee (“EDC”) is a Town committee that advises the Mayor, Town Council and other policy-makers about district issues. The EDC will review the petition and letter of intent utilizing these criteria to determine whether or not to direct the applicant to proceed with preparation of a draft Governing Document for submittal. Conceptual approval does not assure approval of the governing document.

C. Governing Document

1. If the concept for the District as contained in the letter of intent is approved, the applicant shall submit a draft Governing Document to the Town’s Management Office. Unless the Town approves otherwise in advance, such Governing Document shall be initiated from the Model Governing on file with the Town. The applicant’s draft shall include a clean draft and a redline showing all changes from the Model Governing Document.
2. The draft Governing Document will be reviewed by the EDC for compliance with the criteria and requirements contained herein. The EDC will discuss with appropriate policy-makers issues that arise during this drafting period to have such issues resolved.
3. The final Governing Document will be forwarded to Town Council for action through the standard Town and statutory processes.

D. Fees

No request to create a Public Infrastructure District shall proceed until the fees set forth herein are provided for. All checks are to be made payable to the Town and sent to Town Hall.

1. Letter of Intent: A Letter of Intent is to be submitted to the Town Administrator’s Office and a fee (as listed in the Town’s Fee Schedule) shall be paid at the time of submittal of the Letter to cover the cost of staff review.
2. If the applicant proceeds to the submittal of a Governing Document an application fee (as listed in the Town’s Fee Schedule) shall be submitted concurrent with the draft Governing Document.
3. Other Expenses: In the event the costs of review exceed the application fee, the applicant for a District shall pay all reasonable internal, consultant, legal, and other fees and expenses incurred by the Town in the process of reviewing the draft Governing Document prior to adoption, documents related to a bond issue and other such fees and expenses as may be necessary to interface with such District. All such fees and expenses shall be paid within 30 days of receipt of an invoice for these additional fees and expenses.
4. In the event the applicant proposes to create more than one Public Infrastructure District with respect to the same project, the Town may modify the above fees to account for overlapping work in the review and creation of such Districts.

II. Criteria for Evaluating Proposed Public Infrastructure Districts

A. Public Benefit

Formation of a District bestows certain benefits on the District's proponents and is expected to provide public benefit consistent with the Creating Entities policy goals. Components of public benefit to be considered may include:

1. Resulting development that is consistent with the Town's General Plan and all applicable supplements;
2. Provision of and/or contribution to needed regional and sub-regional infrastructure;
3. Resulting development that contributes to diversifying and solidifying the Town's property or sales tax bases;
4. Resulting development preserves viewsheds, green space, and unique topography beyond baseline Town requirements; improves recycling efforts; installs community-minded open spaces including parks and trails; and promotes conservation and preservation practices to protect the local environment in excess of baseline Town requirements;
5. Resulting development promotes a mix of residential and commercial uses appropriate for the community;
6. Resulting development provides for moderate income housing;
7. Resulting development increases the livability of the Town by encouraging appropriate commercial uses to serve resident needs; enhances public gathering spaces and community connectivity; and/or encourages commercial uses that are financially beneficial to the Town to improve resident quality of life and generates revenues to expand and maintain public infrastructure;
8. Provision of public pedestrian, bicyclist, and motor vehicle facilities; improves quantity and quality of trails in the area; increases frequency of transit services to nearby cities; addresses user and wildlife safety concerns related to SR-248;
9. Enhancement and expansion of current utilities to account for current and future population growth; prioritization of the maintenance, mapping, and improvement of existing infrastructure; or improves student commute time;
10. Allows for well-planned, fiscally responsible annexations based on the Town's development needs;
11. Residential development which provides amenities and enhancements beyond baseline Town requirements;

12. Sustainable design including multimodal transportation, water conserving landscape design, thoughtful development phasing, green building design, and formation of and participation in transportation management programs; and
13. High quality site and building design, including street connectivity, multimodal street design, durable construction materials, and pedestrian-friendly building design.

B. Evaluation Criteria

These criteria provide thresholds for consideration. Compliance with some or all of these criteria is desired; however, alternative approaches may be considered.

1. Districts should not include land that is already included within the boundaries of another public infrastructure district without express provision in an adopted Governing Document. In such cases, the relationship with the existing or proposed districts must be addressed in the Governing Document., including any inclusion area concept and how ultimate district boundaries will be determined.
2. A District planning to levy more than 10 mills of tax in the District for repayment of limited tax bonds will not be considered without sufficient justification (determined by the City on a case-by-case basis) as to why additional mills are necessary and reasonable for the development.
3. There must be a demonstrated public benefit directly resulting from the creation of the District and its undertakings as described in the Governing Document.

C. Evaluation of Applicant

The following criteria relating to the applicant and the development will be considered:

1. Historical performance of the applicant (within and outside of the Town);
2. The current proposed plan of finance of the District;
3. The current development plans relationship to the master plans of the Town; and
4. The regional or overall benefits to the Town from the proposed plan of finance.

III. Governing Document Requirements

In addition to statutory requirements, a Governing Document memorializes the understandings between the District and the Town, as well as the considerations that compelled the Town to authorize the formation of the District. The Governing Document for the proposed District shall contain and will be reviewed for compliance with the following policies and requirements.

A. District Description

1. Description of District area including size, location, area context (significant natural and man-made features, major public improvements, adjacent development), development history, and proposed development scenario (land uses by type and intensity and general urban design character);
2. Description of the public benefit resulting from the creation of the District and its undertakings;
3. Description of proposed development within the boundaries of the proposed District including general distribution of land uses;
4. If the District boundaries overlap with another district, an explanation of the relationship between the districts and outline of any plans to utilize an inclusion area or multi-district structuring;
5. Itemization and description of all needed infrastructure (both regional and local) and facilities in the District's area;
6. Estimated construction costs of such infrastructure;
7. General description of phasing of construction based on development projections and phasing;
8. Description of the ultimate ownership and provision for the ongoing operating and maintenance costs for infrastructure.
9. Description of any proposed divisions and an annexation/withdrawal process as appropriate.
10. Proposed governance plan, including Board structure and to transition from appointed Board to elected Board.

B. Requirements and Expectations

1. The planned ownership of the Improvements, including any relationship with an existing statutory district must be addressed in the Governing Document.
2. All debt issued by the District for which a tax is pledged to pay the debt service shall meet the requirements of all applicable statutes.
3. Land, easements or improvements to be conveyed or dedicated to the Town and any other local government entity shall be conveyed in accordance with the related standards at no cost to the Town.
4. All public infrastructure within the District which will be connected to and owned by another public entity shall be subject to all design and inspection requirements and other standards of such public entity.

5. The District shall not pledge as security any land, assets or funds to be transferred to the Town.
6. The District shall be subject to Town zoning, subdivision, building codes, and all other applicable Town ordinances and regulations. Approval of the Governing Document shall not bind the Town to approve other matters which the District or developer may request.
7. The District shall pay all fees and expenses as provided in the Governing Document.
8. The District may not double tax, whether by mill levy, assessment, impact fees, or any combination thereof; any end user for the costs of Improvements.

C. Disclosure and Reporting Requirements

Disclosure of the existence of the District to property owners and potential property owners within the District is important and the following actions to be taken by each District shall be included in the Governing Document.

1. Within 30 days after the formation of the District, the Board shall record a notice with the county recorder:
 - a. Containing a description of the boundaries of the District and inclusion area as applicable;
 - b. Stating that a copy of the Governing Document is on file at the office of the Town;
 - c. Stating that the District may finance and repay infrastructure and other improvements through the levy of a property tax;
 - d. Stating the maximum rate that the District may levy; and
 - e. If applicable, stating that the debt may convert to general obligation debt and outlining the provisions relating to conversion.
2. Applicant, homebuilders, commercial developers, and commercial lessors, as applicable, shall be required to disclose the following information to initial resident homeowners, renters, commercial property owners, and/or commercial tenants:
 - a. All of the information required under (1)(b) above;
 - b. A disclosure outlining the impact of any applicable property tax, in substantially the following form:

“Under the maximum property tax rate of the District, a primary residence valued at \$[insert average anticipated residential property value] would have an **additional annual property tax of \$_____** for the duration of the District’s Bonds. A business property valued at \$[insert average anticipated commercial property value] would have an **additional annual property tax of \$_____** for the duration of the District’s Bonds.”

- c. Such disclosures shall be contained on a separate colored page of the applicable closing or lease documents and shall require a signature of such end user acknowledging the foregoing.
- 3. At least annually following the formation of the District, the District shall notify (by mail, e-mail, or posting to the District's website) property owners in the District of the existence of the District and of the next scheduled meeting of the Board of the District. Such meeting shall occur at least 30 days and not more than 60 days following the date of the notice. Such notification shall include names and addresses of the Board of Directors and officers, the address, telephone and fax numbers, and e-mail address of the District, and shall include reference to the existence of a District file maintained by the Town as described below.
- 4. The District shall provide the following information to the Town Administrator's Office on an annual basis, and the District shall create and maintain a file for public review of the following information.
 - a. Annual District budget;
 - b. Annual financial statements of the District, audited if required by Statute or bond covenant;
 - c. Total debt authorized and total debt issued and presently planned debt issuances;
 - d. Names and terms of Board members and officers and progress towards milestones required for transition to elected Board;
 - e. A copy of the language required to be disclosed (2)(b) above;
 - f. Rules and regulations of the District regarding bidding, conflict of interest, contracting, and other governance matters, if changed;
 - g. List of current interlocal agreements, if changed (to be delivered to the Town upon request);
 - h. List of all current contracts for services or construction (to be delivered to the Town upon request);
 - i. Official statements of current outstanding bonded indebtedness, if not previously received by the Town;
 - j. Current approved Governing Document, if changed; and
 - k. District Office contact information.
- 5. The following shall be considered significant changes to the Governing Document, thereby requiring approval by the Town:

- a. Exclusion or inclusion of property without Governing Document and Statute required approvals;
- b. Change in the maximum mill levy;
- c. Consolidation with any other district; and
- d. Change in the dissolution date.

Submittal Instructions

Annual Financial Information: Submit one copy of each of the annual financial information, as described in Section III.C. above to:

Town Administrator
10860 No. Hideout Trail
Hideout, UT 84036

All other documents: Submit letters of intent, draft Governing Documents, and all other documents (with the required number of copies) to:

Economic Development Committee
10860 No. Hideout Trail
Hideout, UT 84036

With a copy of the petition to:

Town Clerk
10860 No. Hideout Trail
Hideout, UT 84036

Further Information: For additional information please contact the Town's Manager's Office at the address or telephone number shown below.

Jan McCosh, Town Administrator
10860 No. Hideout Trail
Hideout, UT 84036
Phone: (435) 776-6066
Email: jmccosh@hideoututah.gov

Exhibit A
Draft Engagement Letter

[Date]

Hideout, Utah
[Address]

Re: Engagement as Special Counsel for Hideout, Utah

This will record the terms of our engagement as special counsel for the Hideout, Utah (the “Town”) in analyzing and exploring the use of a public infrastructure district (“PID”) at the discretion of the Town to assist _____ (the “Developer”) in the development of _____ within the Town (the “Development”).

Our services as special counsel will include educating the Town and the Developer on PIDs and how they may be utilized in the Development and the preparation, negotiation, and review of any documents required for the formation of a PID. Our engagement is at the will of the Town and will terminate at the end of the review processes described herein.

While it is difficult to predict the complexity of such process, our fee for services provided as special counsel will be at a discounted blended hourly rate of \$____/hour, plus reimbursement for out of pocket costs. Fees will be billed monthly and are subject to review by the Developer. A \$____ retainer fee is due from the Developer at this time. Under no circumstances shall the Town be liable for fees hereunder. The entire fee is payable by the Developer and is not contingent upon the formation of any PID. The creation of any Districts shall be at the discretion of the Town, and the entering into of this agreement in no way guarantees that any Districts will be formed or bonds issued for the Developer or the Development. If the review process is abandoned or deferred beyond a reasonable period, such as 3 months, we will negotiate a reasonable fee for the work undertaken to that point with the Developer, based on the circumstances.

The Town is our client in this engagement and we are not representing the Developer. [The Developer is represented by its own counsel, _____.] We note that we do expect to be bond and disclosure counsel (as applicable) for any PID(s) ultimately created at the Town’s discretion.

If these terms are acceptable, please sign and return a copy of this letter. We look forward to working with you.

Sincerely,

GILMORE & BELL, P.C.

AGREED AND ACCEPTED:

HIDEOUT, UTAH

By: _____

Title: _____

Date: _____

_____, DEVELOPER

By: _____

Title: _____

Date: _____

Note: Gilmore & Bell, P.C. may be contacted at the below information:

Randall Larsen

Direct: 801.258.2722 / Mobile: 801.541.1108

rlarsen@gilmorebell.com

Aaron Wade

Direct: 801.258.2730 / Mobile: 801.652.6278

awade@gilmorebell.com

GilmoreBell.com

Utah League of Cities and Towns

Candidate Training

Overview of Power and Duties

March 7, 2016

For more information about the materials presented tonight or to purchase a handbook for Utah elected officials, please visit <http://www.utah.gov/ulct-multimedia/item.html>

a. Ethics Laws that Govern

All municipal officers and employees must abide by the Municipal Officers' and Employees' Ethics Act.¹ The stated purposes of this Act are to establish standards of conduct for municipal officers and employees and to require a disclosure of actual or potential conflicts of interest between public duties and personal interests. The Act does two things: 1) It sets up a disclosure system for conflicts of interest; and 2) it describes crimes that you can now commit since you have chosen to be a public officer or employee.

The ethics law applies to all elected and appointed officers and employees of a city and town. These include persons serving on special, regular, or full-time committees, agencies, or boards whether or not they are compensated for their services. It applies to both full and part-time employees.

The law makes it a crime to do any of the following:

- (1) Disclose or improperly use private, controlled, or protected information acquired by reason of an official position or in the course of official duties in order to further substantially the officer's or employee's personal economic interests or to secure special privileges or exemptions for the officer or employee or others.
- (2) Use or attempt to use an official position to further substantially the officer's or employee's personal economic interest or secure special privileges for himself or others.
- (3) Knowingly receive, accept, take, seek, or solicit, directly or indirectly for himself or another, a gift of substantial value or a substantial economic benefit tantamount to a gift that would tend to improperly influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties or that a reasonable person in that position should know under the circumstances is given to him or her primarily for the purpose of rewarding the person for official action taken.
- (4) An officer or employee may not receive compensation for assisting any person or entity in any transaction with the city or town without making a written and oral disclosure to the mayor and public.

The exceptions to the above are for an employee or officer to receive an occasional non-pecuniary gift having a value of less than \$50, an award publicly presented, a loan made in the ordinary course of business, or a political campaign contribution actually used in a political campaign.

In addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates the above referenced sections of the Act (not the disclosure requirement discussed below) must be dismissed from employment or removed from office and is guilty of a felony of the 2nd degree or 3rd degree, or a class A or class B misdemeanor (depending on total value of compensation or conflict of interest).

Two types of disclosure may be required—written and oral. An officer or employee is required to make a disclosure in writing and file it with the mayor. This written statement must be sworn and include certain minimal information about the conflict of interest.

¹ Utah Code 10-3-1301 et seq.

The second required disclosure is oral and must be made in an open meeting to the members of the body of which he is a member immediately before the discussion about the topic involved in the conflict of interest.

The following must be disclosed:

- (1) Agreements to receive compensations for assisting any person or business entity in any transaction involving the municipality.
- (2) Whether an officer or municipal employee is an officer, director, agent, employee, or the owner of a substantial interest in any business entity that is subject to the regulation of the municipality.
- (3) Interests in a business entity doing business with the municipality.
- (4) Any personal interest or investment by a municipal employee or by any elected or appointed official of a municipality which creates a conflict between the employee's or official's personal interests and his public duties.
- (5) The nature of the personal conflict of interest including, if applicable, the position held and the nature and value of a business interest held in a regulated business or one which is doing business with the municipality.

The officer or employee should file the disclosure statement upon first getting elected or appointed and again when there is a change in the nature of the conflict. The oral disclosure must be in the open meeting of the governing body on the record before any discussion of the relevant material takes place. The written disclosure is to be made in a sworn statement filed with the mayor.

The Act does not require anyone who complies with the disclosure provisions to abstain from voting or participating in the discussion. The Act does not prevent a person who appropriately discloses the conflicts from doing business with or in the municipality. The Act sets out a minimum standard of ethics.

One of the difficulties with any required system of ethics is how to enforce it. The enforcement is three-fold. The criminal portions of the Act are enforced like any other crime through the criminal justice system. The non-criminal portions of the Act (the disclosure provisions) are either investigated by the city or town ethics committee, or if it does not have one, by the Political Subdivisions Ethics Review Committee. The ethics committees must then make written findings and recommendations to the governing body. The governing body can then dismiss, suspend, or take other appropriate action against the individual.²

b. Ordinances and Resolutions passed by Cities

The Utah Municipal Code sets forth the general process for enacting an ordinance or resolution.³ The difference between an ordinance and a resolution is that a resolution is used to exercise only administrative powers. Examples of administrative powers are such things as establishing water and sewer rates, charges for garbage collection, or adopting personnel policies or guidelines regulating the use of municipal property. All legislative functions must be done by ordinance. Items such as punishments, fines, or forfeitures may not be imposed by resolution but must be imposed by ordinance. All ordinances and resolutions must be in a written form in front of the council prior to their passage.

² Utah Code 11-49-706. If your city or town has established its own ethics committee, refer to your ethics committee ordinance, bylaws, or rules.

³ Utah Code 10-3-701 et seq.

The written form of an ordinance and resolution should be substantially the following:

1. A number.
2. A title that indicates the nature of the subject matter of the ordinance or resolution.
3. A preamble that states the need or reason for the ordinance or resolution.
4. An ordaining clause which states “be it ordained (or resolved) by the (name of the governing body and municipality).”
5. The body or subject of the ordinance or resolution.
6. When applicable, a statement indicating the penalty for violation of the ordinance.
7. A statement indicating the effective date of the ordinance or when the ordinance shall become effective.
8. A place for the signature of the mayor or acting mayor.
9. A place for the municipal recorder to attest the signature of the mayor.⁴

An ordinance becomes effective either on the effective date set forth in the ordinance or if it does not have an effective date 20 days after publication or posting or 30 days after final passage (whichever is closer to the date of passage).⁵ In all municipalities other than those operating under the council-mayor form of government, ordinances are to be signed by the mayor (if the mayor is absent, by the mayor pro tem), or by a quorum of the governing body.

Ordinances must be recorded before taking effect. Recording is when the city recorder records in a book used for that purpose all ordinances passed by the governing body. A short summary of the ordinance is required to be published at least once in a newspaper of general circulation within the municipality or posted in nine public places for a city of the first class or three public places for other cities and towns.⁶

No ordinance or resolution may be adopted by a municipality except in an open and public meeting held pursuant to the Utah Open and Public Meetings Act. Most ordinances and resolutions do not require a public hearing prior to their adoption. The exceptions to this general rule include: ordinances adopting salary schedules for elected officers and officials, which require a public hearing upon seven days notice; resolutions or ordinances adopting the tax levy, or budget, which require a public hearing of at least forty-eight hours in towns and seven days in cities; land use ordinances, which require generally a minimum of 14 days notice of the public hearing; and ordinances enacting impact fees. If there is not a specific state statute that requires a public hearing prior to the ordinance or resolution being passed, then no public hearing is required.

Helpful Tips

- All ordinances must be in writing before being voted on.
- All ordinances are to be numbered, signed, and recorded.
- At least a summary of all ordinances must be published or posted.
- If it's not appropriately on the agenda, then you cannot pass it.
- All ordinances are public documents.

⁴ Utah Code 10-3-705.

⁵ Utah Code 10-3-712.

⁶ Utah Code 10-3-711.

c. Appointed Officials and their Duties

The council of a municipality may create any office it deems necessary for the government of the municipality and provide for the filling of vacancies in elective and appointive offices. There are, however, some mandatory officers and offices.

The city council of each city of the first or the second class must create, support, maintain, and control a police department and may create, support, maintain, and control a fire department in their respective cities.⁷ The administration of the police and fire departments consists of a chief of the department and such officers, members, employees, and agents as the city council may by ordinance prescribe, and the mayor or city manager appoints the heads of these departments. The appointments are made with the advice and consent of the city councils.

The chief of police has the same authority as the sheriff within the boundaries of the municipality of appointment. The chief has the following authority:

- (a) Suppress riots, disturbances, and breaches of the peace.
- (b) Prevent crime and apprehend all persons violating state laws or city ordinances.
- (c) Discharge his duties diligently and enforce all ordinances of the city to preserve the peace, good order, and protection of the rights and property of all persons.
- (d) Attend the municipal justice court located within the city when required, provide security for the court, and obey its orders and directions.⁸
- (e) Remove nuisances existing in the public streets, roads, and highways.

A municipality may create a justice court if it complies with the state law.⁹ If a court is created, the city must run it in compliance with the regulations of the Office of the Court Administrator.

The city engineer's office in cities of the first and the second class must be an office of record for all maps, plans, plats, profiles, drawings, final estimates, specifications, and contracts that in any way relate to the public improvements and engineering affairs of the city. The city engineer is the custodian of all these drawings and documents.

d. Personnel

No employment decision should be made on the basis of race, age, disability, sex, national origin, or any other of the classes protected by state and federal law. Decisions should be made on the basis of ability alone.

A city or town is required to post all job opening on a state website maintained by the Department of Work Force Services. The only exception to this is for jobs being filled by existing employees.

State law specifically precludes some hiring of relatives.¹⁰ There are several exceptions to these prohibitions that are designed to bring an element of fairness to them. If an exception is not clearly applicable, it should not be used to excuse nepotism since this is a criminal offense.

⁷ Utah Code 10-3-909.

⁸ Utah Code 10-3-913.

⁹ Utah Code Title 78A Chapter 7.

¹⁰ Utah Code 52-3-1 et seq.

The Americans with Disabilities Act and accompanying body of regulation prohibits discrimination against those with disabilities in employment decisions. A city or town should also have employment policies concerning other federal laws such as the Family and Medical Leave Act (which requires long-

term leave for pregnancy and serious illness) and the Drug Free Work Place Act. And of course, the city should have in place an Equal Employment (nondiscrimination policy) including a sexual harassment policy.

Utah law does not require a city or town to provide many benefits to their employees. All employers are required to have workers compensation insurance. If a city or town decides to offer their employees a retirement program, it must be with the state retirement fund. If a city or town offers employees a health insurance program it must be offered in a nondiscriminatory manner.

If you want to fire an employee consider the following first:

- 1) Determine if you actually have the authority to make the decision. If you do not have clear authority to be the decision maker then do not attempt the termination.
- 2) If you have the authority, then you must decide if another person or group such as the city council has to approve your decision. If so, get the support in advance of the termination unless of course members of the city council are on the appeal board. If the city council is the appeal board, you would be denying the employee a fair hearing by discussing the termination with them in advance. Always avoid the embarrassment of an aborted termination.
- 3) If you have the authority and the support you need, determine if the employee you intend to terminate is subject to your whims, or do you need cause and due process before you can rid yourself of the employee? If you need cause, make an honest evaluation as to whether you can successfully prove the termination is justified. A loss at an employee appeal hearing or at court is much worse than living with a marginal employee.
- 4) If the employee can only be dismissed with cause, and due process, find out *before* you proceed what process is required and get professional help in providing it to the employee.
- 5) If the employee is not entitled to due process (and even if he or she is), determine if the employee has either an express or implied contract, if so, the terms of the contract will have to be followed. Don't breach the contract if you're not willing to pay the damages.

In addition to the above, I recommend that you always seek legal advice before beginning the termination. Many justified terminations are screwed up by bad procedures. Remember that in dealing with due process, the procedure can be as important as the substance.

Never make public statements about the reasons for wanting to terminate a person's employment. If you harm the employee's reputation during a termination, you risk a libel or slander claim. In addition, since you are government, you may be found to have taken the employees liberty without due process.

e. Budgeting

The legislature has authorized three basic revenue sources for cities and towns: property tax, sales tax, and utility (energy and telecommunications) tax. These generate money for the general fund of the city or town and can be used for any legitimate public purpose.

There are also other limited money sources. They include development and other fees, utility rates, special assessments, business licenses, and other miscellaneous fees and charges. These generate money that may be limited in use.

The authority for a property tax is established by the Fiscal Procedures Act for cities and towns.¹¹ The property taxing system is set out in the Property Tax Act.¹² Cities and towns are limited to a maximum property tax levy of .007 per dollar of taxable value of taxable property.¹³ This is a maximum levy for all purposes in any year excluding special taxes to retire bonds or indebtedness or any other property tax authorized by law.

The definitions of taxable value and taxable property are controlled by the state legislature in state law. The Property Tax Act defines what taxable value is and which property is taxable. Assessments of the property are also beyond the control of cities and towns. Most property is assessed by the county assessor, and an assessment book is to be delivered to the county auditor who will compute the sums owing in the book and prepare assessment rolls. The tax is collected by the county treasurer.

A city or town must establish its levy at the time it makes its budget. This should be done no later than June 22nd of each year unless there is proposed to be a property tax increase.¹⁴ If there is going to be a property tax increase, the levy is delayed until August 17. To increase the property tax, the city or town must comply with the truth in taxation provisions of state law.¹⁵

You cannot tell if you are proposing a property tax increase just by comparing rates from one tax year to another. The law holds the taxpayer harmless from tax increases caused by inflation in property values. To do this, it creates what is called a certified tax rate. The certified rate is the tax levy that will provide the same revenue as was collected in the prior year plus new growth but excepting collections from interest, penalties, and certain personal property.¹⁶ The certified tax rate for each city or town is transmitted by the county auditor to the city or town before June 8th of each year. It is computed from information given to the auditor by the county assessor and State Tax Commission.¹⁷ If you adopt the certified tax rate as your rate, then there is no tax increase. If you adopt a higher rate, you are increasing taxes even though the rate is the same rate that you may have adopted last year.

If you propose a tax increase, then you do not finalize your new tax levy in June. However, you still must adopt a budget by June 22. The city or town adopts a proposed levy and then holds a public hearing in August. The date of the hearing and the required publication is set by state law. You must comply with the law exactly as required. After the August public hearing, a resolution adopting the new tax levy may be passed. The resolution setting the new rate must be submitted to the county auditor by August 17. If it is not, the county auditor submits the certified tax rate as the rate for the city or town.¹⁸

Sales tax is in many ways a much less complicated tax. Cities and towns are authorized to assess a 1 percent sales and use tax on goods or services sold within the community.¹⁹ This is known as the local option sales and use tax. The goods and services subject to the tax are set forth by the state legislature as well as the exemptions. To enact the tax, the city or town must pass an ordinance in a form approved

11 The Town Fiscal Procedures Act is in the Utah Code 10-5-101 et seq., and the City Fiscal Procedure Act is in Utah Code 10-6-101 et seq.

12 Utah Code 59-2-101 et seq.

13 For towns Utah Code 10-5-112, for Cities Utah Code 10-6-133.

14 Utah Code 10-5-112 and 10-6-133.

15 Utah Code 59-2-919 through 59-2-923.

16 Utah Code 59-2-924.

17 Utah Code 59-2-924.

18 Utah Code 59-2-920.

19 Utah Code 59-12-203.

by the State Tax Commission and contract with the commission for the collection of the tax. Currently all cities and towns in Utah assess this 1% tax.²⁰

The tax is collected by the retailer and remitted to the State Tax Commission. Both retailer and the commission receive a portion of the tax for their costs of collection. The commission distributes the tax to the city or town based on a formula. Currently 50 percent of the tax is distributed to the entity in which the tax was collected and 50 percent is pooled and distributed to all cities and towns based on the population of the city or town compared to the rest of the state.

There are other special sales taxes that a city or town may assess. You can impose a one percent transient room tax.²¹ This is sometimes called the hotel/motel tax. It is a tax on room rents for short term (less than 30 days) rentals. This is enacted by ordinance and can be collected either by the city or town itself or through the State Tax Commission at the city's or town's option.

For revenue purposes, you can tax energy companies under the energy sales and use tax provisions,²² some parking services businesses, businesses that cause disproportionate costs to municipal services, or businesses that require an enhanced level of municipal services,²³ and telecommunication companies.²⁴ You can still license all other businesses for purpose of regulation but the license fee must be reasonably related to the cost of the regulation. Before you impose the fee on businesses that cause disproportionate costs or require enhanced services, you must conduct a study to justify the services and the fee and then pass an ordinance with sufficient specifics to justify the additional business license fees. This is similar to what is required for impact fees.

The Municipal Energy Sales and Use Tax Act does not require a city to levy the tax but only authorizes it to do so. If a city has an existing franchise agreement that requires the energy supplier to pay a fee, the city can continue to collect the fee for the remaining term of the agreement but must credit the agreed upon fee payment against any municipal energy sales and use tax paid by the energy supplier.

A municipality that has been collecting a gross receipts utility franchise fee by ordinance rather than by agreement must levy this new energy sales and use tax to continue to receive the revenue. The municipal energy sales and use tax must be levied by ordinance. The ordinance must have certain minimum provisions which are found in Utah Code 10-1-305.

Another source of revenue similar to the energy and telecommunications taxes is franchise fees. Franchises are the right to use the public ways for private businesses. You grant franchises to public utilities and others to use roads and easements to provide service to the residents. As discussed above, franchise fees with the energy and telecommunication companies must be coordinated with the municipal energy sales and use tax and the telecommunications tax. The maximum a city can receive is 6 percent or 3.5 percent, respectively, regardless of whether it is by way of franchises or license taxes.

Other fees and charges are generally not to be a source of general fund revenue. All cities and towns receive a portion of the gasoline tax. This is often called the B&C Road Fund. The C roads are the city and town roads.²⁵ Thirty percent of the state gasoline tax (motor fuels tax) is distributed to the B&C

²⁰ Utah Code 59-12-204.

²¹ Utah Code 59-12-352.

²² Utah Code 10-1-301 et seq.

²³ Utah Code 10-1-203.

²⁴ Utah Code 10-1-401.

²⁵ Utah Code 72-3-104.

Road Fund. The money in the fund is distributed between city and county based on a formula including road miles and population. The money received is to be used only for maintenance and building roads within Class C road rights of way. The motor fuels tax is intended to be a user fee and not a source of general fund revenue. This is not a problem to most cities and towns as the cost of building and maintaining the roads exceeds their annual allotment of fuel taxes.

Other user type fees include garbage collection fees, building permit fees, inspection fees, and water and sewer rates. Water, sewer, and garbage fees are usually not included in the general fund but in the business type funds called enterprise funds which are any funds that are up by a municipality to report an activity for which a fee is charged. This precludes the use of these monies for purposes other than supplying the service.

Impact fees are a special case. They are not like fees for services or regulatory fees. They are intended to be a method to charge new growth with its own one-time costs. Because of the actual and perceived abuses of these fees by cities and towns, the legislature has controlled them.²⁶ The fees you can assess, the way you go about establishing them, the way you account for them, and the time period in which you have to use them are now all set out in state law. You must comply with this law. An impact fee includes any payment of money you require as a condition of development activity with the exception of the building permit fee, hook-up fees, taxes, special assessments, and reasonable application and permit fees. The building permit fee is limited to the amount authorized by the building code adopted by the state as the uniform building code, and the hookup fee must be only the actual cost of the utility connection.²⁷ If you are collecting money from builders and developers, you need to make sure that it is either an exception to the impact fee definition or that the impact fee was legally enacted.

f. Land Use

NOTICE

The Land Use Development and Management Act²⁸ requires giving notice of public hearings and meetings to consider land use decisions. A city or town may, by ordinance, require greater notice than required by the Act.

PLANNING COMMISSION

Each city and town is required to pass an ordinance establishing a planning commission.²⁹ The ordinance must define the number and terms of the members and the mode of appointment. The ordinance must also establish rules of order and procedure for use by the planning commission.³⁰ The ordinance must also contain the procedures for filling vacancies and removal from office. The ordinance should also detail the authority of the planning commission. Not all planning commissions in Utah will have the same power and authority.

The planning commission may be designated in the city or town land use ordinances as the “land use authority” in the city for making land use decisions, or they may be designated as the “appeal authority” for appeals from land use decisions, but the planning commission cannot be the deciding authority and

²⁶ Utah Code 11-36A-101 et seq.

²⁷ Utah Code 11-36A-102.

²⁸ Utah Code 10-9A-1

²⁹ Utah Code 10-9a-301.

³⁰ This requirement was new as of 2011.

the appeal authority on the same issues. For example if the planning commission is given, by the city or town ordinance, the authority to approve site plans then some other person or body must be given the authority to appeal the decisions of the planning commission on site plans.

GENERAL PLAN

At a minimum, the proposed general plan should include maps charts and explanations of the planning commission's recommendations for certain elements.³¹ The elements should include a land use element, a transportation and circulation element, and in cities only (towns are excluded), a moderate-income housing element. The proposed plan may also include such things as an environmental element, a public services and facilities element, a rehabilitation or conservation element consisting of plans and programs for historic preservation and the elimination of blight, and an economic development element and recommendations for implementing all or any portion of the general plan.

After completing its proposed general plan, the planning commission must schedule and hold a public hearing on the proposed plan. Prior to the public hearing, notice of the hearing must be given to the public. This notice must contain the time and place of the public hearing. The notice must be given at least ten calendar days before the public hearing. It should be published in a newspaper of general circulation in the area and be posted in at least three public locations within the city or town or on the city or town official web site. In addition, the provisions of the Utah Open and Public Meetings Act must be complied with. The planning commission can hold as many public hearings as it feels necessary. However, it only needs to hold one.

After the planning commission has agreed on a recommended general plan, it forwards it to the city council for final action. The city council may make any revisions to the proposed general plan or amendments that it considers appropriate. The city council does not need to hold a public hearing on the general plan, but it may if it wishes.

LAND USE ORDINANCES

Land use ordinances are the ordinances that the city or town passes to control the uses of land within the community. They are the tools by which you implement your general plan. They may be traditional zoning ordinances, including zoning maps, or variations on this theme. There are procedural requirements on enacting land use control ordinances. Every city or town should, if they want to regulate land uses, have ordinances that do at least three things: 1) they must have an ordinance that identifies at least one land use zone and has a zoning map; 2) they must have an ordinance that identifies who or what body makes the decision on land use applications and permits (the land use authority); and 3) they must have an ordinance that sets up an appeal process for people aggrieved by the land use decisions. These three areas of concern can be contained in one ordinance or in multiple ordinances but they are all necessary.

The starting place for any land use ordinance is the planning commission.³² The municipality's planning commission is required to hold a public hearing on any proposed land use ordinance or zoning map and to prepare and recommend to the city council the land use ordinances and zoning maps that represent the planning commission's recommendations for regulating the use and development of land within all

³¹ Utah Code 10-9a-403(2)(a).

³² Utah Code 10-9a-502.

or any part of the municipality. Prior to recommending to the city council the land use ordinance or zoning map, the planning commission must hold a public hearing. The public hearing must be properly noticed.³³

TAKINGS/EXACTIONS

Many cities and towns require land developers to give trails, setbacks, parks or water rights to the city or town as a condition of getting development approvals.

The Land Use Development and Management Act has now put in statute the standards enunciated by the courts. It states that a city or town may impose an exaction on a development proposal only if there is a nexus between a legitimate governmental interest and the exaction and that the exaction is roughly proportionate to the impact of the proposed development.³⁴

If this nexus exists, the city or town then must still be prepared to show that the amount of the required water right has some relationship to the needs created by the new development. While this does not have to be an exact calculation, it must be roughly accurate. More importantly a city or town must be prepared to examine the requirement for each individual development. It is not enough to say that since there is an ordinance everyone has to comply. Each developer has the right to argue that his development creates a lesser or differing water need.

CONDITIONAL USES

A conditional use is defined as a use that, because of its unique characteristics for potential impact on the city or town, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.³⁵

A conditional use only exists if it is created by the land use ordinance. It is not sufficient to just identify a potential use as a conditional use in a land use ordinance. The state statute requires that standards be set forth in the ordinance for the granting or denying of the conditional use.³⁶ A conditional use must be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with standards that are contained in the ordinance. If there are no identifiable standards contained in the ordinance, there will be no basis for denying the permit.

The best practice is to avoid, as much as possible, having conditional uses. If the use is not appropriate, the ordinance should make it a non-permitted use. If the use is appropriate, it should be a permitted use. Conditional uses should be the exception and not the rule.

SUBDIVISION ORDINANCES

A subdivision is defined by the state code to be any land that is divided, re-subdivided, or proposed to be divided into two or more lots for the purposes of offer, sale, lease, or other development. It includes

³³ Utah Code 10-9a-205.

³⁴ Utah Code 10-9a-508.

³⁵ Utah Code 10-9a-103(5).

³⁶ Utah Code 10-9a-507.

any division or development of land for residential or nonresidential purposes including land to be used for commercial, agricultural, or industrial purposes.

The process to enact a subdivision ordinance is a two-step process. The planning commission is required to prepare and recommend a proposed ordinance to the city council. The planning commission must hold a public hearing on the proposed ordinance before making its final recommendation to the city council.³⁷ The city council does not have to hold a public hearing, but it may if it wishes. Notice of the public hearing must be mailed to each affected entity and posted in at least three public locations within the city or town or posted on the city or town's official website at least ten calendar days before the public hearing. Notice of the public hearing must also be published in a newspaper of general circulation and on the Utah Public Notice Website at least ten calendar days before the public hearing or it can be mailed to each property owner whose land is directly affected and to each adjacent property owner if the city or town has adopted an ordinance to that effect.³⁸

The city or town council may adopt or reject the ordinance as proposed by the planning commission or it may revise the recommended ordinance and then adopt it as amended.³⁹

When a land owner desires to subdivide his property, he must comply with the city or town subdivision ordinance. If there is no ordinance, then he must comply with the minimum standards in the state law. The state law generally requires that a plat be prepared by a licensed surveyor. The plat must have a name, set out the boundaries, course, and dimensions of the land, lay out and dedicate the streets and public places, and set out the lots. The plat must also show the necessary easements for public utilities.

The state code requires that if the ordinances and the state law have been complied with, then the plat must be approved.⁴⁰ The city or town can condition the approval on the land owner getting tax clearance evidence showing that all property taxes are current. This can be important because if the plat dedicates land to the city or town for a park or other public space and the taxes are not current, the county will still collect the back taxes against that newly dedicated public property even though it is now owned by the city or town.

The state code does not say who in the city or town has to give final approval of the plat. This is determined by the city or town's own land use ordinances.

APPEAL AUTHORITY

Every city and town is required, if they have land use ordinances, to establish by ordinance one or more appeal authorities to hear and decide requests for variances from the terms of the land use ordinances, to hear and decide appeals from decisions applying the land use ordinances, and to hear and decide appeals from a fee charged.⁴¹ The appeal authority can be called anything you want to call it. It can be one person or a board or commission.

³⁷ Utah Code 10-9a-602.

³⁸ Utah Code 10-9a-205.

³⁹ Utah Code 10-9a-602(2).

⁴⁰ Utah Code 10-9a-603(2).

⁴¹ Utah Code 10-9a-701.

The appeal authority must act in a quasi-judicial manner. What this means is that the appeal authority will act like a judge and hear and decide issues of fact and interpret the local land use ordinances as necessary. The appeal authority must be given the authority to serve as the final arbiter of issues involving the interpretation or application of land use ordinances.

Whoever or whatever is established as the city or town appeal authority may not entertain an appeal of a matter in which the appeal authority, or any participating member, has first acted as the land use authority. This means that whoever hears the appeal, whether it be a board like the planning commission or city council, it cannot be the same board, council, or person who made the decision which is being appealed.

g. Purchasing and Contracting for Services

Cities of the first, second, third, fourth, and fifth class must adopt an orderly system of purchasing goods and services.⁴² A municipality may, but does not have to, follow any or all of the provisions of the Utah Procurement Code, Section Title 63G Chapter 6a, or the rules and regulations promulgated under it.

All municipalities must, before making any new building improvement or public works project to be paid for out of the funds of the city or town, bid the project out according to the procedure required by state law.⁴³ A building improvement includes the construction or repair of a public building or structure and a public works project is defined to include parks, recreation facilities, pipelines, sewer systems, water systems and other such things. If the improvement is a building improvement and if the estimated cost of the improvement is less than \$40,000, (in 2003 dollars) the city or town may make the improvement without calling for bids. If the improvement is a public works project and if the estimated cost of the project is less than \$125,000 (in 03 dollars), the city or town may do the project without calling for bids.

The governing body has the right to reject any or all bids presented. The notices calling for bids should always have this statement in it. If all bids are rejected and the governing body decides to make the improvement, it shall re-advertise for bids. If after advertising twice, no bid is received that is satisfactory, the governing body may proceed under its own direction to make the improvement. A city is required to keep on file a record of the bids received, together with the proof of advertisement for the bids, for at least three years following the request for bids.⁴⁴ These bids will be public documents usually. Regardless of whether or not your city or town adopts provisions from the state procurement code you are still required to comply with Part 24 of that code that deals with unlawful conduct in procurement.⁴⁵

h. Liability

Historically, governmental immunity applied only to the governmental entity. Individuals did not ordinarily enjoy governmental immunity, but in 1978 the Utah legislature extended immunity to individuals. Individuals may be joined as defendants in a representative capacity only. The individual is

⁴² The Uniform Fiscal Procedures Act for cities requires this of cities but not towns. It is recommended that towns also adopt some simple purchasing rules.

⁴³ Utah Code 11-39-101 et seq.

⁴⁴ Utah Code 10-6-122.

⁴⁵ Utah Code 63G-6a-2403.

not liable for acts or omissions unless the person acted or failed to act through fraud or willful misconduct.⁴⁶ Utah has an indemnification law that makes the governmental entity liable for judgments against its officers and employees that arise out of acts or omissions related to their employment.

The Utah Governmental Immunity Act⁴⁷ provides that governmental entities, including municipalities, have immunity to suits unless otherwise waived by the statute. The statute waives immunity for actions arising out of contracts and, for most claims that a city acted negligently. A person has up to one year after filing a claim to institute an action against the municipality in state court.

The Utah Supreme Court has suggested that a governmental function is one that is core to governmental activity. Governmental immunity is waived (not a defense: you can be sued and may be liable) in the following cases:

- For actions involving the recovery of real or personal property including matters such as liens, mortgages, and title.
- For injury resulting from the negligent operation of a motor vehicle, but immunity is not waived for operation of an emergency vehicle as defined in state law.
- For injury caused by a defective, unsafe, or dangerous condition of a highway, sidewalk, culvert, tunnel, bridge, or other structure.
- For injury caused from a dangerous or defective public improvement. Immunity is not waived as to latent defective conditions.
- For injury proximately caused by a negligent act or omission of an employee committed within the scope of employment.

Government immunity is not waived (the city can use the defense) for the following injuries:

- Arising out of the exercise or performance or the failure to exercise or perform a discretionary function, whether or not the discretion is abused.
- Arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, intentional trespass, abuse of process, libel, slander, deceit, interference with contract rights, infliction of mental anguish, invasion of rights of privacy, or civil rights.
- Arising out of the issuance, denial, suspension or revocation of, or by the failure or refusal to issue, deny, suspend or revoke any permit, license, certificate, approval, order, or similar authorization.
- Arising out of a failure to make an inspection or by reason of making an inadequate or negligent inspection of property.
- Arising out of the institution or prosecution of any judicial or administrative proceeding, even if malicious or without probable cause.
- Arising out of a misrepresentation by an employee, whether or not negligent.
- Arising out of or resulting from riots, unlawful assemblies, public demonstrations, mob violence, or civil disturbances.
- Arising out of or in connection with the collection of and assessment of taxes.
- Arising out of the incarceration of any person in jail or other place of legal confinement.
- Arising out of providing emergency medical assistance, fire fighting, regulating hazardous wastes, or emergency evacuations.

⁴⁶ Utah Code 63G-7-201(c).

⁴⁷ Utah Code 63G-7-101 et seq.

If the city loses a case, the judgment against the municipality bars a judgment or action against the employee of the municipality.

Municipalities can have insurance that pays most claims against the municipality. Municipalities must pay judgments against claims from the general fund and may take up to ten years to pay. Municipalities may establish fund reserves to pay claims against them and may pool such funds with other governmental agencies. Municipalities may levy a property tax sufficient to pay claims against it. The tax is .0001 percent of the property value. The law also provides that judgments against municipalities and employees are limited to \$583,900 per single loss and \$2,000,000 per occurrence.

i. Open and Public Meetings Act

The Act specifically says that it is the intent of the legislature that the state and its political subdivisions exist to aid in the conduct of the people's business and that they are to take their actions openly and that their deliberations are to be conducted openly.⁴⁸ The Act is so important that it specifically requires that the chair of every public body sees that the public body is trained at least annually in how to comply with the Act.⁴⁹

For purposes of the Act a "meeting" is defined as the convening of a public body when a quorum is present. The Open and Public Meetings Act applies to more than just the city council or governing body of a city or town. It also applies to planning commissions, and the boards of adjustment, land, appeal authorities, and the legislative body of the city.

The Utah Open and Public Meetings Act attempts to ensure that the meetings of a public body are open to the public by requiring certain minimal notices be given about when a meeting is to be held and what is to be considered at the meeting. These minimal notice provisions require that any public body that holds regular meetings, such as the regular city council meetings, give public notice at least annually, of the anticipated meeting schedule. The notice must include the date, time, and place of the scheduled meetings. In addition to this annual notice of regular meetings, each meeting must have its own notice. This notice must be given at least 24 hours prior to the meeting and needs to consist of the agenda, the date, time, and place of the meeting.

It is not enough to just give notice of the meeting. The agenda that is required for each public meeting must also provide enough detail to notify the public as to the topics to be discussed and the decisions that may be made. If an item is not on the agenda, no final action can be taken on that item. However, at the discretion of the chair of the meeting, an item not on the agenda, brought up by the public, can be discussed, if no final action is taken on the matter.

There are however some circumstances when a portion of a meeting or all of a meeting may be closed to the public. These are intended to be very limited exceptions and every meeting, even one anticipated by the body to be closed to the public, must be convened and begin as a public meeting.

⁴⁸ Utah Code 52-4-102.

⁴⁹ Utah Code 52-4-104.

A public body may close portions of its meetings to do the following (a-g), except when interviewing or considering a person to fill an elected position or midterm vacancy:⁵⁰

- a) Discuss the character, professional competence, or physical or mental health of an individual.
- b) Hold a strategy session to discuss collective bargaining.
- c) Hold a strategy session to discuss pending or reasonably imminent litigation.
- d) Hold a strategy session to discuss the purchase, exchange, or lease of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction.
- e) Hold a strategy session to discuss the sale of real property.
- f) Discuss the deployment of security devices.
- g) Investigative proceedings regarding criminal conduct.

Closed meetings have by custom, not by definition, often been referred to as executive sessions. The Open Meetings Act specifically requires that if a workshop or executive session is being held on the same day as a regularly scheduled meeting of the public body, then the workshop or executive session must be held at the same location as the regularly scheduled meeting with certain limited exceptions.⁵¹ The purpose of this appears to be to discourage a public body from holding secret pre-meetings, outside the view of the public, prior to the official public meeting.

The law requires that written minutes be kept of all open meetings and that an appropriate record of closed meetings be kept that may include at least a recording and perhaps written minutes as well. All open meetings must also be recorded. The recordings can be digital or tape. The recording must be labeled with the date, time and place of the meeting and are public documents that must be made available to the public for its listening pleasure or for copying. The recording must be complete and unedited.

When in doubt, the meeting should be open.

j. What to expect once elected

You'll make a difference in the community, bear the burdens of your neighbors, and HAVE FUN!!!

⁵⁰ Utah Code 52-4-205

⁵¹ Utah Code 52-4-201.

Part 13

Municipal Officers' and Employees' Ethics Act

10-3-1301 Short title.

This part is known as the "Municipal Officers' and Employees' Ethics Act."

Amended by Chapter 147, 1989 General Session

10-3-1302 Purpose.

- (1) The purposes of this part are to establish standards of conduct for municipal officers and employees and to require these persons to disclose actual or potential conflicts of interest between their public duties and their personal interests.
- (2) In a metro township, as defined in Section 10-2a-403, the provisions of this part may not be applied to an appointed officer as that term is defined in Section 17-16a-3 or a county employee who is required by law to provide services to the metro township.

Amended by Chapter 352, 2015 General Session

10-3-1303 Definitions.

As used in this part:

- (1) "Appointed officer" means any person appointed to any statutory office or position or any other person appointed to any position of employment with a city or with a community reinvestment agency under Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act. Appointed officers include, but are not limited to, persons serving on special, regular, or full-time committees, agencies, or boards whether or not such persons are compensated for their services. The use of the word "officer" in this part is not intended to make appointed persons or employees "officers" of the municipality.
- (2) "Assist" means to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to assist such person or business entity.
- (3) "Business entity" means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.
- (4) "Compensation" means anything of economic value, however designated, which is paid, loaned, granted, given, donated, or transferred to any person or business entity by anyone other than the governmental employer for or in consideration of personal services, materials, property, or any other thing whatsoever.
- (5) "Elected officer" means a person:
 - (a) elected or appointed to the office of mayor, commissioner, or council member; or
 - (b) who is considered to be elected to the office of mayor, commissioner, or council member by a municipal legislative body in accordance with Section 20A-1-206.
- (6) "Improper disclosure" means disclosure of private, controlled, or protected information to any person who does not have both the right and the need to receive the information.
- (7) "Municipal employee" means a person who is not an elected or appointed officer who is employed on a full- or part-time basis by a municipality or by a community reinvestment agency

under Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act.

- (8) "Private, controlled, or protected information" means information classified as private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and Management Act, or other applicable provision of law.
- (9) "Substantial interest" means the ownership, either legally or equitably, by an individual, the individual's spouse, or the individual's minor children, of at least 10% of the outstanding shares of a corporation or 10% interest in any other business entity.

Amended by Chapter 350, 2016 General Session

10-3-1304 Use of office for personal benefit prohibited.

- (1) As used in this section, "economic benefit tantamount to a gift" includes:
 - (a) a loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; and
 - (b) compensation received for private services rendered at a rate substantially exceeding the fair market value of the services.
- (2) Except as provided in Subsection (4), it is an offense for an elected or appointed officer or municipal employee to:
 - (a) disclose or improperly use private, controlled, or protected information acquired by reason of the officer's or employee's official position or in the course of official duties in order to further substantially the officer's or employee's personal economic interest or to secure special privileges or exemptions for the officer or employee or for others;
 - (b) use or attempt to use the officer's or employee's official position to:
 - (i) further substantially the officer's or employee's personal economic interest; or
 - (ii) secure special privileges for the officer or employee or for others; or
 - (c) knowingly receive, accept, take, seek, or solicit, directly or indirectly, for the officer or employee or for another, a gift of substantial value or a substantial economic benefit tantamount to a gift that:
 - (i) would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or
 - (ii) the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.
- (3) Subsection (2)(c) does not apply to:
 - (a) an occasional nonpecuniary gift having a value of less than \$50;
 - (b) an award publicly presented in recognition of public services;
 - (c) any bona fide loan made in the ordinary course of business; or
 - (d) a political campaign contribution.
- (4) This section does not apply to an elected or appointed officer or municipal employee who engages in conduct that constitutes a violation of this section to the extent that the elected or appointed officer or municipal employee is chargeable, for the same conduct, under Section 76-8-105.

Amended by Chapter 445, 2013 General Session

10-3-1305 Compensation for assistance in transaction involving municipality -- Public disclosure and filing required.

- (1) As used in this section, "municipal body" means any public board, commission, committee, or other public group organized to make public policy decisions or to advise persons who make public policy decisions.
- (2) Except as provided in Subsection (6), it is an offense for an elected officer, or an appointed officer, who is a member of a public body to receive or agree to receive compensation for assisting any person or business entity in any transaction involving the municipality in which the member is an officer unless the member:
 - (a) files with the mayor a sworn statement giving the information required by this section; and
 - (b) discloses the information required by Subsection (5) in an open meeting to the members of the body of which the officer is a member immediately before the discussion.
- (3) It is an offense for an appointed officer who is not a member of a public body or a municipal employee to receive or agree to receive compensation for assisting any person or business entity in any transaction involving the municipality by which the person is employed unless the officer or employee:
 - (a) files with the mayor a sworn statement giving the information required by this section; and
 - (b) discloses the information required by Subsection (5) to:
 - (i) the officer or employee's immediate supervisor; and
 - (ii) any other municipal officer or employee who may rely upon the employee's representations in evaluating or approving the transaction.
- (4)
 - (a) The officer or employee shall file the statement required to be filed by this section 10 days before the date of any agreement between the elected or appointed officer or municipal employee and the person or business entity being assisted or 10 days before the receipt of compensation by the officer or employee, whichever is earlier.
 - (b) The statement is public information and shall be available for examination by the public.
- (5) The statement and disclosure shall contain:
 - (a) the name and address of the officer or municipal employee;
 - (b) the name and address of the person or business entity being or to be assisted or in which the appointed or elected official or municipal employee has a substantial interest; and
 - (c) a brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed.
- (6) This section does not apply to an elected officer, or an appointed officer, who is a member of a public body and who engages in conduct that constitutes a violation of this section to the extent that the elected officer or appointed officer is chargeable, for the same conduct, under Section 76-8-105.

Amended by Chapter 445, 2013 General Session

10-3-1306 Interest in business entity regulated by municipality -- Disclosure statement required.

- (1) Every appointed or elected officer or municipal employee who is an officer, director, agent, or employee or the owner of a substantial interest in any business entity which is subject to the regulation of the municipality in which he is an elected or appointed officer or municipal employee shall disclose the position held and the nature and value of his interest upon first becoming appointed, elected, or employed by the municipality, and again at any time thereafter if the elected or appointed officer's or municipal employee's position in the business entity has changed significantly or if the value of his interest in the entity has increased significantly since the last disclosure.

- (2) The disclosure shall be made in a sworn statement filed with the mayor. The mayor shall report the substance of all such disclosure statements to the members of the governing body, or may provide to the members of the governing body copies of the disclosure statement within 30 days after the statement is received by him.
- (3) This section does not apply to instances where the value of the interest does not exceed \$2,000. Life insurance policies and annuities may not be considered in determining the value of any such interest.

Amended by Chapter 378, 2010 General Session

10-3-1307 Interest in business entity doing business with municipality -- Disclosure.

- (1) Every appointed or elected officer or municipal employee who is an officer, director, agent, employee, or owner of a substantial interest in any business entity which does or anticipates doing business with the municipality in which he is an appointed or elected officer or municipal employee, shall publicly disclose to the members of the body of which he is a member or by which he is employed immediately prior to any discussion by such body concerning matters relating to such business entity, the nature of his interest in that business entity.
- (2) The disclosure statement shall be entered in the minutes of the meeting.
- (3) Disclosure by a municipal employee under this section is satisfied if the employee makes the disclosure in the manner required by Sections 10-3-1305 and 10-3-1306.

Amended by Chapter 147, 1989 General Session

10-3-1308 Investment creating conflict of interest with duties -- Disclosure.

Any personal interest or investment by a municipal employee or by any elected or appointed official of a municipality which creates a conflict between the employee's or official's personal interests and his public duties shall be disclosed in open meeting to the members of the body in the manner required by Section 10-3-1306.

Amended by Chapter 147, 1989 General Session

10-3-1309 Inducing officer or employee to violate part prohibited.

It is a class A misdemeanor for any person to induce or seek to induce any appointed or elected officer or municipal employee to violate any of the provisions of this part.

Amended by Chapter 241, 1991 General Session

10-3-1310 Penalties for violation -- Dismissal from employment or removal from office.

In addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates this part, with the exception of Sections 10-3-1306, 10-3-1307, 10-3-1308, and 10-3-1309, shall be dismissed from employment or removed from office and is guilty of:

- (1) a felony of the second degree if the total value of the compensation, conflict of interest, or assistance exceeds \$1,000;
- (2) a felony of the third degree if:
 - (a) the total value of the compensation, conflict of interest, or assistance is more than \$250 but not more than \$1,000; or

- (b) the elected or appointed officer or municipal employee has been twice before convicted of a violation of this chapter and the value of the conflict of interest, compensation, or assistance was \$250 or less;
- (3) a class A misdemeanor if the value of the compensation or assistance was more than \$100 but does not exceed \$250; or
- (4) a class B misdemeanor if the value of the compensation or assistance was \$100 or less.

Amended by Chapter 147, 1989 General Session

10-3-1311 Municipal ethics commission -- Complaints charging violations.

- (1) A municipality may establish by ordinance an ethics commission to review a complaint against an officer or employee subject to this part for a violation of a provision of this part.
- (2)
 - (a) A person filing a complaint for a violation of this part shall file the complaint:
 - (i) with the municipal ethics commission, if a municipality has established a municipal ethics commission in accordance with Subsection (1); or
 - (ii) with the Political Subdivisions Ethics Review Commission in accordance with Title 63A, Chapter 15, Political Subdivisions Ethics Review Commission, if the municipality has not established a municipal ethics commission.
 - (b) A municipality that receives a complaint described in Subsection (2)(a) may:
 - (i) accept the complaint if the municipality has established a municipal ethics commission in accordance with Subsection (1); or
 - (ii) forward the complaint to the Political Subdivisions Ethics Review Commission established in Section 63A-15-201:
 - (A) regardless of whether the municipality has established a municipal ethics commission; or
 - (B) if the municipality has not established a municipal ethics commission.
- (3) If the alleged ethics complaint is against a person who is a member of the municipal ethics commission, the complaint shall be filed with or forwarded to the Political Subdivisions Ethics Review Commission.

Amended by Chapter 461, 2018 General Session

10-3-1312 Violation of disclosure requirements -- Penalties -- Rescission of prohibited transaction.

If any transaction is entered into in connection with a violation of Section 10-3-1305, 10-3-1306, 10-3-1307, or 10-3-1308, the municipality:

- (1) shall dismiss or remove the appointed or elected officer or municipal employee who knowingly and intentionally violates this part from employment or office; and
- (2) may rescind or void any contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the municipality.

Amended by Chapter 147, 1989 General Session

Conflict of Interest Policy for Town Officials and Employees

Overview

Public Officers and Public Employees individually must commit themselves in their official capacity to ethical, businesslike, and lawful conduct, including appropriate use of authority and decorum at all times. Public Officers and Public Employees must avoid even the appearance of impropriety to ensure and maintain public confidence in the municipality. They owe a fiduciary duty to the municipality and must not act in a manner that is contrary to that duty or to the interests of the municipality. Public Officers and Public Employees must place the interests of the municipality over their own personal interests with respect to the governance, policy, strategic direction, and operations of the municipality.

Definitions

“Public Officer” means an elected or appointed officer of the municipality.

“Public Employee” means a person who is not a Public Officer who is employed on a full-time, part-time, or contract basis by the municipality.

“Personal Interest” includes those of a Public Officer or Employee’s relatives (spouse, parent, dependent children, and other dependent relatives), business associates or other persons or organizations with whom she or he is closely associated.

“Conflict of Interest” arises when a Public Officer or Public Employee has a personal interest in a matter that is or may be in conflict with or contrary to the municipality’s interests and objectives to such an extent that the officer or employee is or may not be able to exercise independent and objective judgment within the context of the best interest of the Town.

Policy

Public Officers and Public Employees must be aware of and comply with the Municipal Officers and Employees Ethics Act (Utah Code 10-3-1301 et seq.).

PROHIBITED ACTS:

1. No Public Officer or Public Employee shall (1) use a City position for private advantage by revealing confidential, controlled, private or protected information gained through that position, (2) use his or her City position to secure special privileges, or (3) accept other employment that would reasonably be expected to interfere with the ethical performance of his or her public duties.
2. No Public Officer or Public Employee shall knowingly receive, accept, take, seek or solicit, directly or indirectly, any gift or loan for him or herself or another if: (1) the gift or loan would reasonably tend to influence him or her in the performance of official duties, or (2) the donor has been, is, or may become involved in any official City business. Exceptions to subparagraph (2) are non-money gifts of a value less than \$50.00, provided such gifts are accepted on an

occasional basis; public awards; bona fide business loans; or campaign contributions actually used in a political campaign.

3. No Public Officer or Public Employee, acting in a City position, may accept payment for helping a private person or business in any transaction with the City. Payment may be accepted if the transaction is not in the covered person's official capacity and disclosure is made as set forth hereafter

4. Unless the nature and extent of the private business interest(s) are disclosed as explained below, a Public Officer or Public Employee may not be involved with any private business which is regulated by the City, may not be involved in any transaction between their private business interests and the City, and may not be involved in any other actual or potential conflict of interest.

REQUIRED DISCLOSURE:

1. Any Public Officer or Public Employee involved in a private business which is subject to City regulation must disclose that involvement. If the regulation is made by the agency or board of which the officer or employee is a member, disclosure must be made at each meeting in which the officer's or employee's business is discussed. Such oral disclosures shall be made part of the minutes of the meeting.

2. Any Public Officer or Public Employee involved with a private business that does or anticipates doing business with the City must disclose that involvement.

3. Any Public Officer or Public Employee who has a personal or business interest of any kind which raises an actual or potential conflict of interest with his or her position must disclose that interest. This interest would include a Public Officer or Public Employee who works as a realtor who may be selling units in a development reviewed by the Public Employee or the Public Officer's body (Commission or Council).

4. When a conflict of interest exists, the Public Officers shall publicly declare the nature of the conflict and may recuse her or himself on any official action involving the conflict.

All written disclosures must be sworn statements containing the information required above and be in a form similar to that on attached to this policy. All such statements are public records, open to public inspection. All disclosures must be made as follows: Orally, in any meeting of a Town agency, board or division where a transaction is discussed involving a matter in which the covered person has an interest; and again in writing when the conflict arises. The general written disclosure must also be re-filed every January of each year that the outside interest persists and must be filed with the Town Clerk.

DISCLOSURE OF PERSONAL OR FINANCIAL INTERESTS
FOR PUBLIC OFFICERS AND PUBLIC EMPLOYEES

I, _____, whose address is _____
 _____, holding the position of _____

for the Town of Hideout, hereby submit this Disclosure Statement in accordance with the provisions of the Utah Municipal Officers' and Employees' Ethics Act set forth at Utah Code Ann. §§ 10-3-1301 to 10-3-1312, as amended, for the purpose of disclosing actual or potential conflicts of interest which exist or may arise between my public duties and my personal interests. This is a public document.

"Personal Interest" includes a Public Officer or Employee's relatives, business associates or other persons or organizations with whom she or he is closely associated.

As a Public Officer, I agree to disclose the information contained herein or any other relevant information in open meeting to the members of the body prior to any discussion of items which raise or may raise potential conflicts of interest.

As a Public Officer I must complete a disclosure form and submit it to the Town Clerk on an at least an annual basis and thereafter when my financial or employment interest change or when any potential conflicts arise.

As a Public Employee, I must file this disclosure form upon starting employment with the Town and thereafter when employment interest change or when any potential conflicts arise.

Employment and Business Interest Disclosure

Disclosure of any additional position held as an officer, director, agent, or employee or ownership of a substantial interest of a business entity which may be subject to the regulation of the Town of Hideout, which does or anticipates doing business with the Town, or which the officer or employee of the Town receives or agrees to receive compensation from for assisting in any transaction involving the Town.

As used herein, "business entity" shall include any sole proprietorship, partnership, association, joint venture, corporation, limited liability company, firm, trust, foundation, or other organization or entity used in carrying on a business. As used herein, "substantial interest" shall include the ownership, either legally or equitably, by the employee or officer and his or her spouse or minor children, of at least 10% of the outstanding shares of a corporation or 10% interest in any business entity. Additional pages can be added as needed.

1. Name of Business Entity: _____

2. Address of Entity (including City, State and Zip Code): _____

3. Position held or Nature and value of interest held with Entity:

4. Principal Activity engaged in by the Entity:

5. Nature of the regulation of the Entity by the Town of Hideout (Including any licenses, permits, etc. issued by the Town):

6. Nature of the business which the Entity does or anticipates doing with the City:

7. Nature of the transaction involving the Town for which the employee or officer may receive or agree to receive compensation from the Entity for assisting, including a description of the services to be performed and the compensation to be rendered:

Other interests

The following personal interests or investments of mine create a potential or actual conflict between my personal interest and my public duties:

DATED this _____ day of _____, 20____.

Officer or Employee Signature

Name: _____

STATE OF UTAH)

:ss.

COUNTY OF _____)

Subscribed and sworn to before me by _____,

this _____ day of _____, 20_____.

Notary Public

Town of Hideout Ethical Behavior Policy

Employee Code of Ethics

Prohibited Conduct

No current employee or officer, as specified, shall:

1. Disqualification from Acting on Town of Hideout Business.
 - a. Engage in any transaction or activity, which is, or would to a reasonable person appear to be, in conflict with or incompatible with the proper discharge of official duties, or which impairs, or would to a reasonable person appear to impair, the employee's independence of judgment or action in the performance of official duties and fail to disqualify him or herself from official action in those instances where conflict occurs;
 - b. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any matter upon which the employee is required to act in the discharge of his or her official duties, and fail to disqualify him or herself from acting or participating;
 - c. Fail to disqualify him or herself from acting on any transaction which involves Town of Hideout and any person who is, or at any time within the preceding twelve (12) month period has been a private client of his or hers, or of his or her firm or partnership;
 - d. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any contract or transaction to which Town of Hideout may be a party, and fails to disclose such interest to the appropriate authority prior to the formation of the contract or the time Town of Hideout enters into the transaction; provided, that this paragraph shall not apply to any contract awarded through the public bid process in accordance with applicable law.
2. Improper Use of Official Position.
 - a. Use his or her official position for a purpose that is, or would to a reasonable person appear to be primarily for the private benefit of the employee, rather than primarily for the benefit of Town of Hideout; or to achieve a private gain or an exemption from duty or responsibility for the employee or any other person;
 - b. Use or permit the use of any person, funds, or property under his or her official control, direction, or custody, or of any Town funds or property, for a purpose which is, or to a reasonable person would appear to be, for something other than a legitimate purpose.
 - c. Except in the course of official duties, assist any person in any transaction where the employee's assistance is, or to a reasonable person would appear to be, enhanced by that employee's position with the Town; provided that this subsection shall not apply to: any employee appearing on his or her own behalf or representing himself or herself as to any

matter in which he or she has a proprietary interest, if not otherwise prohibited by ordinance;

- d. Regardless of prior disclosure thereof, have a financial interest, direct or indirect, personally or through a member of his or her immediate family, in a business entity doing or seeking to do business with Town of Hideout, and influence or attempt to influence the selection of, or the conduct of business with that business or entity.
3. Accept Gifts or Loans.
 - a. Ask for or receive, directly or indirectly, any compensation, gift, gratuity, or thing of value, or promise thereof, for performing or for omitting or deferring the performance of any official duty; except that the following shall be allowed:
 - i. Unsolicited flowers, plants, and floral arrangements;
 - ii. Unsolicited advertising or promotional items of nominal value, such as pens and notepads;
 - iii. Unsolicited token or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
 - iv. Unsolicited food items given to a department when the contents are shared among employees and the public;
 - v. Unsolicited items received for the purpose of evaluation or review provided the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the Town;
 - vi. Information material, publications, or subscriptions related to the recipient's performance of official duties;
 - vii. Food and beverages consumed at hosted receptions where attendance is related to official duties;
 - viii. Meals, beverages, and lodging associated with retreats or other meetings where the official serves as a representative, designee or is otherwise assigned to another organization or entity from the Town;
 - ix. Travel costs, lodging, and tuition costs associated with Town sanctioned training or education when not provided by a private entity under contract with the Town;
 - x. Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization and other officials or employees of similar agencies are in attendance;
 - xi. Unsolicited gifts from dignitaries from another entity or other jurisdiction that are intended to be personal in nature;
 - xii. Campaign contributions; and
 - xiii. Unsolicited gifts with an aggregate economic value of \$50.00 or less from a single source in a calendar year received either directly or indirectly by the official or employee.
 4. Disclose Privileged Information.

Disclose or use any privileged or proprietary information gained by reason of his or her official position for the immediate or anticipated personal gain or benefit of the employee or any other person or entity; provided, that nothing

shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.

5. Financial or Beneficial Interest in Transactions.

Regardless of prior disclosure an employee or officer may not participate in or benefit from (personally or through his or her family) a contract or agreement where that employee or officer acted as an agent of Town of Hideout. This includes receiving compensation, gratuity or other benefit from an interested party of an agreement or contract with Town of Hideout.

6. Nepotism.

- a. Violate *Utah Code* § 52-3, which prohibits employment of relatives, with few exceptions.

7. Misuse of Public Resources or Property.

- a. Violate *Utah Code* § 76-8-4, which delineates the unlawful use of public funds and destruction of property, including records.

8. Outside Employment.(Applies only to Town Employees)

- a. Retain secondary employment outside of Town of Hideout employment, which, as determined by the Town Council, and according to Utah Administrative Code R477-9-2:
 - i. Interferes with an employee's performance.
 - ii. Conflicts with the interests of Town of Hideout.
 - iii. Gives reason for criticism or suspicion of conflicting interests or duties.

9. Political Activity.

- a. Except as otherwise provided by law:
 - i. The partisan political activity, political opinion, or political affiliation of an applicant for a position with Town of Hideout may not provide a basis for denying employment to the applicant.
 - ii. A Town of Hideout officer's or employee's partisan political activity, political opinion, or political affiliation may not provide the basis for the officer or employee's employment, promotion, disciplinary action, demotion, or dismissal.
 - iii. A Town of Hideout employee may not engage in political campaigning or solicit political contributions during hours of employment.
 - iv. A Town of Hideout officer or employee may not use Town equipment while engaged in campaigning or other political activity.
 - v. A Town of Hideout officer or employee may not directly or indirectly coerce, command, or advise another Town officer or employee to pay, lend, or contribute part of the officer's or employee's salary or compensation, or anything else of value to a political party, committee, organization, agency, or person for political purposes.
 - vi. A Town of Hideout officer or employee may not attempt to make another officer or employee's employment status dependent on the officers or employee's support or lack of support of a political party, affiliation, opinion, committee, organization, agency, or person engaged in political activity.

- b. A Town of Hideout employee who has filed a declaration of candidacy may:
 - i. be given a leave of absence for the period between the primary election and the general election; and
 - ii. Use any vacation or other leave available to engage in campaign activities.
 - c. Neither the filing of a declaration of candidacy nor a leave of absence under this section may be used as the basis for an adverse employment action, including discipline and termination, against the employee.
 - d. Nothing in this chapter shall be construed to:
 - i. prohibit a Town of Hideout officer or employee's voluntary contribution to a party or candidate of the officer or employee's choice; or
 - ii. Permit a Town of Hideout officer or employee partisan political activity that is prohibited under federal law.
 - e. No Town of Hideout officer or employee shall solicit or participate in soliciting any assessment, subscription, or contribution to any political party during working hours on the premises of any Town of Hideout property.
 - f. No Town of Hideout officer or employee shall promise any appointment to any position with Town of Hideout as a reward for any political activity.
 - g. A Town of Hideout employee who is elected to an office with the Town of Hideout shall terminate Town employment prior to being sworn into the elected office.
- 10. Fair and Equal Treatment.
 - a. No person shall be appointed to, removed from, or in any way favored or discriminated against with respect to any appointive public office because of such person's race, color, age, religion, sex, national origin, or functional limitation as defined by applicable state or federal laws, if otherwise qualified for the position or office.
 - b. No Town of Hideout officer or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.
- 11. Prohibited Conduct After Leaving Town of Hideout:
 - a. No former employee shall, during the period of one (1) year after leaving Town of Hideout office or employment:
 - i. Disclose or use any privileged or proprietary information gained by reason of his/her Town employment for his/her gain or anticipated gain, or for the gain or anticipated gain of any person, unless the information is a matter of public knowledge or is available to the public on request;
 - ii. Assist any person in proceedings involving an agency of Town of Hideout with which he/she was previously employed, involving a matter in which he or she was officially involved, participated or acted in the course of duty;
 - iii. Represent any person as an advocate in any matter in which the former employee was officially involved while a Town of Hideout employee;

- iv. Participate as a competitor in any competitive selection process for a Town contract in which he or she assisted the Town in determining the project or work to be done or the process to be used.

Ethical Behavior Pledge Form

Annual Ethics Pledge

The following pledge is required to be made annually by all officers and employees of Town of Hideout:

I, _____ am a duly
elected/appointed/employed as _____
(state position) of Town of Hideout.

I pledge to adhere to the code of ethics as approved by the Town Council. These topics include, but are not limited to: improper use of official position, accepting gifts or loans, disclosing privileged information, retaining a financial or beneficial interest in a transaction, nepotism, misuse of public resources or property, outside employment, political activity, fair and equal treatment, and conduct after leaving office or employment. Additionally, I pledge to disclose all conflicts of interest on the conflict of interest disclosure form. I understand that state statute provides for penalties for violation of specific unethical behavior. Signing this document verifies that I have been provided time to read applicable statutes and ordinances, as well as the Town of Hideout code of ethics.

DATED THIS _____ DAY OF _____ 20__

By: _____

Title/Office/Position: _____

SWORN TO AND SUBSCRIBED BY ME

THIS _____ DAY OF _____ [year]

NOTARY PUBLIC

RESOLUTION #2022-R-04

RESOLUTION FINDING HAZARDOUS ENVIRONMENTAL CONDITIONS AND
RESTRICTION OF FIREWORKS WITHIN ALL PORTIONS OF TOWN OF HIDEOUT

WHEREAS, Utah Code §53-7-225, prohibits the discharge of Class C common state approved explosives (fireworks) except around certain holidays including beginning on July 2 and ending on July 5, and beginning on July 22 and ending on July 25;

WHEREAS, Utah Code § 15A-5-202.5(1)(b) allows municipalities to “close a defined area to the discharge of fireworks due to a historical hazardous environmental condition” if the “historical hazardous environmental condition has existed in the defined area before July 1 of at least two of the preceding five years;”

WHEREAS, the fire official for Town of Hideout (“Hideout”) has found that existing hazardous environmental conditions have existed within Hideout before July 1 of at least two of the preceding five years. (see *Letter From Fire Marshal* dated April 4, 2022, attached as Exhibit A);

WHEREAS, the Town Council (“Council”) finds that Hideout, throughout all areas, contains innumerable mountainous, brush-covered, forest covered, and dry grass-covered areas which historically and, for at least two of the preceding five years before July 1st, are in an extremely flammable condition;

WHEREAS, if existing or historical hazardous environmental conditions exist within the boundaries of Hideout, Utah Code §15A-5-202.5 allows the Council to prohibit the ignition and use of fireworks while these conditions exist in the following areas: (1) mountainous, brush-covered, forest covered, or dry grass-covered areas; (2) within 200 feet of waterways, trails, canyons, washes, ravines, or similar areas; (3) wildland urban interface area, which means the line, area, or zone where structures or other human development meet or intermingle with undeveloped wildland or land being used for an agricultural purpose; or (4) a limited area outside the hazardous areas;

WHEREAS, the Council finds that the entire Town of Hideout consists of the above listed hazardous areas and a map of Hideout is attached hereto as Exhibit B;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF HIDEOUT TOWN COUNCIL OF, UTAH, THAT:

SECTION I: Pursuant to the provisions of Utah Code Ann. 15A-5-202.5, and based on the findings as noted above, the use of Class C fireworks are hereby restricted in all areas of Town of Hideout as shown in the attached map in Exhibit B.

Section II: Effective Date. This resolution shall be effective upon receipt of the attached map (Exhibit B) by Wasatch County and publication of the Resolution by the Town Clerk.

PASSED AND APPROVED by the Town of Hideout Town Council, Utah, this 14th day of April in the year 2022.

TOWN OF HIDEOUT


Phil Rubin, Mayor

ATTEST:



Alicia Fairbourne, Town Clerk



Exhibit A: Letter From Fire Marshal dated April 4, 2022.

Exhibit B: Map of Existing Hazardous Conditions in the Town of Hideout. (Entire Town)

Exhibit A



10420 N. Jordanelle Blvd. Heber City, UT 84032
435-940-9636

April 4, 2022

Hideout Town Council,

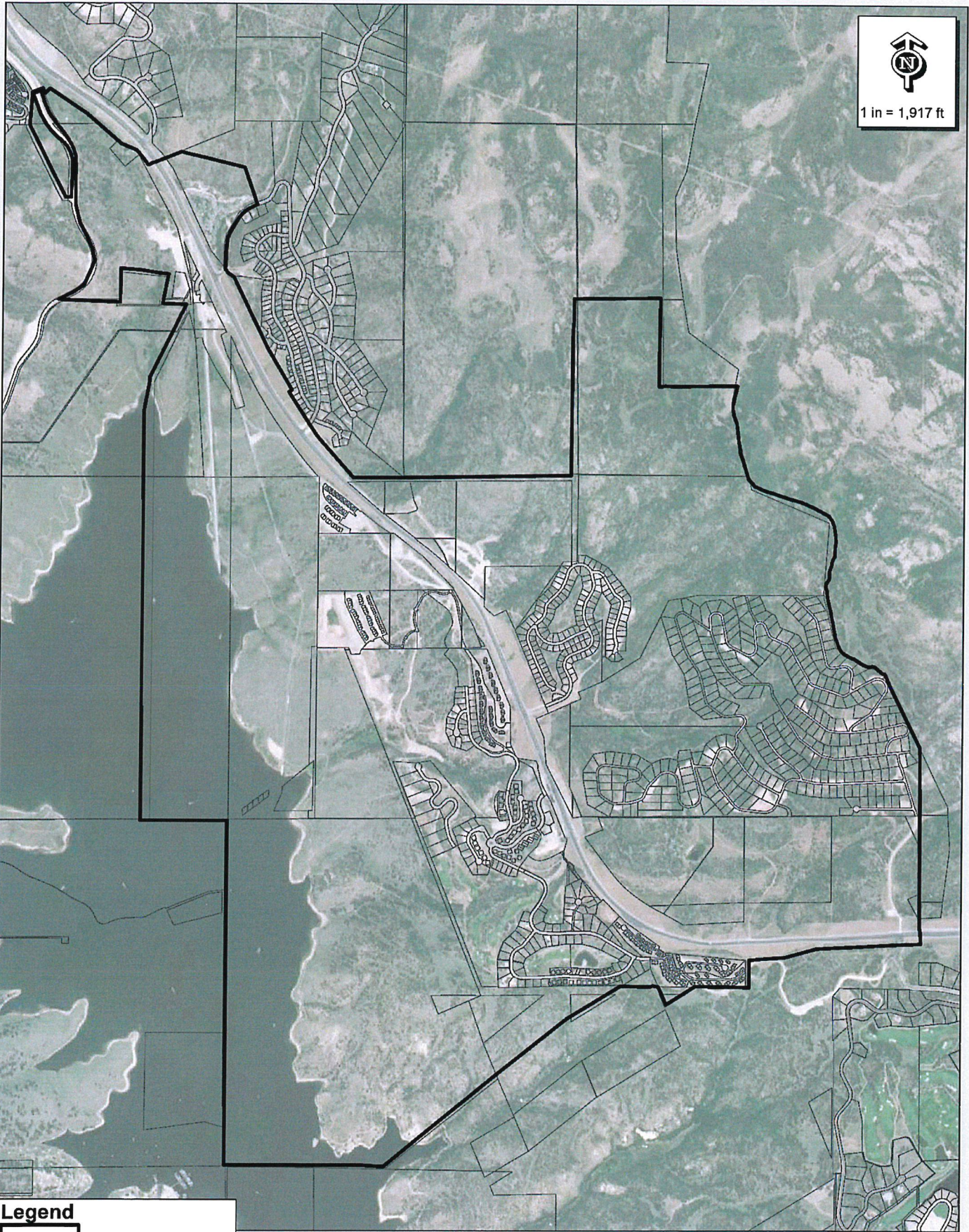
You have requested guidance from me as to your historical environmental conditions as they may impact your legislative bodies' evaluation of fireworks restrictions this season.

As the Municipality is located entirely within a wildland interface area or the type of area described in Utah Code §15A-5-202.5(1)(b)(1), and in or adjacent to US Forest Service lands, both historical and expected conditions present extreme hazardous fire potential during this fireworks season. The entire area of the Municipality has experienced these extremely hazardous environmental conditions in two of the last five years.



Given the history, factors, and conditions, Wasatch Fire District has determined that hazardous environmental conditions historically and currently exist that necessitate the controlled use of ignition sources in the entirety of Hideout. These conditions have existed in perpetuity given the location (mountainous, brush covered, forest covered, etc.) and as the Fire Code Official for Wasatch Fire District, we recommend that your entity restrict ignition sources, including fireworks, and prohibit their use throughout the Municipality.

Please feel free to contact our office should you have any questions

Wasatch Fire District



Legend

-  Town Boundary
-  Parcels

TOWN OF HIDEOUT

DATE: 4/14/2022



Document Path: P:\19016896_GIS\Hideout\Zoning\Zoning.mxd

ORDINANCE #2022-O-04

ORDINANCE AMENDING TITLE 6 CHAPTER 08 SECTION 050 “PROHIBITED ACTS AND ACTIVITIES”

WHEREAS, the Town Council finds that it is in the public interest to address fire ignition sources due to environmental issues (weather conditions and dry fuel loads), topographical considerations (mountainous terrain, wildland interface, brush covered areas throughout the city), public safety concerns (people, structures, waterways, washes, and property), etc. in Hideout, Utah; and

WHEREAS, Utah Code §§ 53-7-225, 15A-5-202.5 authorize a municipality to restrict ignition sources in areas with hazardous environmental conditions, and

WHEREAS, the fire official for Town of Hideout (“Hideout”) has found that existing hazardous environmental conditions have existed within Hideout before July 1 of at least two of the preceding five years. (see Letter From Fire Marshal dated April 4, 2022, attached as Exhibit A);

WHEREAS, the Town of Hideout contains significant amounts of property containing hazardous environmental conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF HIDEOUT TOWN COUNCIL OF, UTAH, THAT:

SECTION I: Title 6 Chapter 08 Section 050 “Prohibited Acts and Activities” is amended as follows:

6.08 FIREWORKS AND IGNITION SOURCES**6.08.050 PROHIBITED ACTS AND ACTIVITIES**

A. It shall be unlawful to discharge fireworks:

- 1- Within one hundred feet (100') of any place where fireworks are sold or offered for sale;
- 2- Within three hundred feet (300') of any church, hospital, rest home, retirement center, school building or similar institution;
- 3- In such a manner that the fireworks project over or onto the property of another person without the consent of the person owning or controlling such property; or
- 4- In any public park.

B. It shall be unlawful to ignite, discharge or throw any fireworks from or into any motor vehicle, or at or near any person.

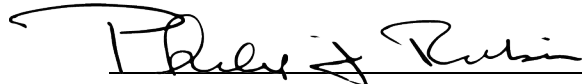
C. It shall be unlawful to make, sell, or offer to sell or to discharge any type of homemade fireworks.

- D. It shall be unlawful to sell or to offer to sell fireworks:
- 1- Without a permit;
 - 2- In violation of any requirement of this chapter or any regulations adopted by the Utah fire prevention board;
 - 3- At a location not specified in the permit application;
 - 4- Without the insurance coverage required in the permit application; or
 - 5- In violation of HMC 6.08.030 Paragraph B.
- E. It shall be unlawful to discharge fireworks, even when otherwise permitted under Utah Statute or Town Code, when:
- 1- When the fire code official determines that existing or historical hazardous environmental conditions necessitate controlled use of any ignition sources.
 - 2- In areas designated by the Council as containing hazardous environmental conditions.
- F. The use of ignition sources including but not limited to open fires, solid fuel fire pits, lighters, matches, sky lanterns, open barbeques, and smoking materials is prohibited under the following circumstances:
- 1- From May 1st through November 30th of each year.
 - ~~1-2-~~ When the fire code official of Hideout determines that existing or historical hazardous environmental conditions necessitate controlled use of any ignition sources.
 - ~~2-3-~~ In areas designated by the Council as containing hazardous environmental conditions.
 - ~~4-~~ When the use of open fires, fire pits, lighters, matches, sky lanterns, barbeques, smoking materials, or other ignition source that produces embers and/or is negligent.
- Enclosed grills and gas fire pits are not prohibited with proper clearance from flammable materials.
- G. Except as provided in HMC 6.08.010, it shall be unlawful for any person, firm or corporation to at any time own, possess, control, sell or offer to sell any fireworks other than as set forth in Utah Code § 53-7-222.

Section II: Effective Date. This Ordinance shall take effect upon publication.

PASSED AND APPROVED by the Town of Hideout Town Council, Utah, this 14th day of April in the year 2022.

TOWN OF HIDEOUT


Phil Rubin, Mayor

ATTEST:


Alicia Fairbourne, Town Clerk





WASATCH FIRE DISTRICT

10420 N. Jordanelle Blvd. Heber City, UT 84032
435-940-9636

April 4, 2022

Hideout Town Council,

You have requested guidance from me as to your historical environmental conditions as they may impact your legislative bodies' evaluation of fireworks restrictions this season.

As the Municipality is located entirely within a wildland interface area or the type of area described in Utah Code §15A-5-202.5(1)(b)(1), and in or adjacent to US Forest Service lands, both historical and expected conditions present extreme hazardous fire potential during this fireworks season. The entire area of the Municipality has experienced these extremely hazardous environmental conditions in two of the last five years.

Given the history, factors, and conditions, Wasatch Fire District has determined that hazardous environmental conditions historically and currently exist that necessitate the controlled use of ignition sources in the entirety of Hideout. These conditions have existed in perpetuity given the location (mountainous, brush covered, forest covered, etc.) and as the Fire Code Official for Wasatch Fire District, we recommend that your entity restrict ignition sources, including fireworks, and prohibit their use throughout the Municipality.

Please feel free to contact our office should you have any questions

Wasatch Fire District