

# TITLE 12 DEFINITIONS.

Title 12

## Chapter 1.

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### **Chapter 12.1.00. Intent.**

It is the intent of this section to more fully set forth the meaning of certain terms and phrases utilized within the zoning ordinance in order to facilitate understanding of said terms and phrases in the sense intended by the Fairfield Town Council.

For purposes of this Code, the following terms, phrases, words, and their derivatives shall have the meanings set forth in this section, unless the context clearly indicates that another meaning is intended. Words used in the present tense include the future tense, words in the single number include the plural number, words in the plural number include the singular. The words "shall" and "will" are mandatory, and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

### **Section 12.1.10. A.**

**Abandoned Mobile Home/Campers/Trailers.** Means a mobile home, camper or trailer that has been rendered useless from the condition of which it was manufactured.

**Abstain.** Means the practice of exercising discretion to relinquish the right to vote when necessary to avoid needless conflict (see conflict of interest).

**Accessory Building.** Means a detached building which is incidental, subordinate and exclusively devoted to a main building or use, located on the same lot.

**Accessory Dwelling Unit (ADU).** Means a habitable living unit that may be added to, created within, or detached from a primary single-family dwelling and contained on one lot.

**Accessory Dwelling Unit, Internal.** Means an accessory dwelling unit created within a primary dwelling, within the footprint of the primary dwelling for the purpose of offering a long-term rental of 30 consecutive days or longer.

**Accessory Structure.** Means a subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

**Administrative Agency.** Means the Fairfield Planning Commission, which consists of the appointed Planning Commissioners.

**Administrative Officer.** Means the Planning and Zoning Chairman or any of his/hers duly appointed designees.

**Ad Valorem Tax.** Means a tax based on the assessed value of an item, such as real estate or personal property. The most common ad valorem taxes are property taxes levied on real estate. However, ad valorem taxes may also extend to a number of tax applications, such as import duty taxes on goods from abroad. (also known as "property tax".

**Agriculture.** Means an area which is used for the commercial production, keeping, or maintenance for sale of plants and domestic animals typically found in Utah County, or lands devoted to a soil conservation management program, but excluding the keeping of prohibited animals, Commercial Plant Nursery, as defined herein, Concentrated Animal Feeding Operation, as defined by the U.C.A., 1953, as amended, and subject to the Utah Pollutant Discharge Elimination System (UPDES), or similar activities.

**Agricultural Building.** Means any structure used for agriculture.

**Agricultural Business.** Means an enterprise involving agricultural products as opposed to agricultural production, including, but not limited to, greenhouses for wholesale or retail sales but does not include the processing or packing plants.

**Alcoholic Beverage Package Agency.** Means a liquor location operated under contractual agreement with the Department of Alcoholic Beverage Control, by a person other than the State, who is authorized by the Utah Alcoholic Beverage Control Commission to sell package liquor for consumption off the premises of the agency.

**Alcoholic Beverage State Liquor Store.** Means a facility for the sale of packaged liquor on premises owned or leased by the State of Utah and operated by State employees. This term does not apply to restaurants, private clubs, or package agencies.

**Anchor Location.** Means the Fairfield Town Office in Fairfield Utah or such other location designated in the agenda for the meeting.

**Ancillary Use.** Means a use that:

1. is clearly incidental to and found in connection with a principal or main use;
2. is subordinate to and serves a principal or main use;
3. is subordinate or less than in extent, area, or purpose to the principal or main use;
4. is located on the same lot as the principal or main use; and
5. contributes to the comfort, convenience, or necessity of occupants, business, or industry of the principal or main use; and
6. Home Occupations are deemed an ancillary use.

**Animal Hospital (large), Large Veterinary Office.** Means an establishment at which all types of farm animals (large, medium, or small) or household pets may be treated or boarded.

**Animal Hospital (small), Small Veterinary Office.** Means an establishment at which small farm animals only or household pets are treated or boarded within a completely enclosed building, and large animals such as horses are not treated or boarded.

**Apiary.** Means a place in which a colony or colonies of bees are kept, such as a stand or shed for beehives or a bee house containing a number of beehives.

**Appeal Authority.** Means the Authority designated by code or ordinance to decide an appeal of a decision of a land use application or a variance.

**Applicant.** Means the owner of land proposed to be developed, or the owner's duly authorized agent if that agent has written authorization from the owner, who submits a complete application for consideration by the Town; and includes an individual or entity who is under contract to purchase land proposed to be developed so long as the individual or entity closes on the project before any land use application is brought before the Planning Commission for consideration at a public meeting or hearing.

**Application, Telecommunications.** Means the process by which a provider submits a request and indicates a desire to be granted a franchise to utilize the rights-of-way of all, or a part, of the Town. An application includes all written documentation, verbal statements and representations, in whatever form or forum, made by a provider to the Town concerning: the construction of a telecommunications system over, under, on or through the rights-of-way; the telecommunications services proposed to be provided by the Town by a provider; and any other matter pertaining to a proposed system or service.

**Approved Topsoil.** Means soil that does not exceed 41 ppm (total) arsenic representatively sampled and analyzed in accordance with the Resource Conservation and Recovery Act.

**Area of Special Flood Hazard.** Means the land in the Town of Fairfield area subject to a one percent (1%) chance of flooding in any given year.

**Arts and Crafts Sales.** Means an establishment that produces articles for sale of artistic quality or effect or handmade workmanship; and includes candle making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and their associated activities.

**Automotive Refueling Station.** Means a retail building or premise used primarily for the sale of gasoline, diesel, natural gas, or electricity to customers for the purposes of refueling customers' vehicles. Such premises may also include the sale of food, drinks, or household products..

**Automotive Rental and Leasing Agency.** Means rental of passenger vehicles, light trucks, and vans, including incidental parking and servicing of vehicles for rent or lease.

**Automotive Repair, Major.** Means an establishment, not meeting the definition of Automobile Repair, Minor, primarily engaged in the major repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including paint, body and fender, major engine and engine part overhaul, and tire

repair and sales, provided it is conducted within a completely enclosed building.

**Automobile Repair Minor.** Means an establishment that is primarily engaged in the minor repair or minor maintenance of motor vehicles, trailers, and similar mechanical equipment, including brake, muffler, tire repair and change, lubrication, oil changes, tune-ups, safety inspections and emissions testing, and detailing, is conducted entirely within a completely enclosed building, and does not include paint work, body and fender work, or major engine and engine part overhaul. "Minor repair" or "minor maintenance" is defined as a routine service that requires no more than 8 total hours of service.

**Automobile Sales.** Means the premises on which new or used passenger automobiles, non-motorized trailers, or trucks in operating condition are displayed in the open for sale or trade.

**Section 12.1.20 . B.**

**Bakery, Commercial.** Means a place for preparing, cooking, baking, and selling of products intended for off-premise distribution only.

**Bakery, Retail.** Means an establishment primarily engaged in the retail sale of baked products for human consumption. It may include bakery products prepared either on or off site, be an incidental food service or be considered a general retail use.

**Base Flood.** Means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

**Basement House.** Means a one-story dwelling of which fifty percent (50%) or more of the floor area is below the finished grade.

**Bed and Breakfast.** Means a transient lodging establishment, generally in a single family dwelling or detached guesthouses, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation. (Also called a

**Bid.** Means a formal quotation based on common specifications, for the provision of goods or services. Opened at a public meeting for consideration and award.

**Billboard.** Means a sign which meets any one or more of the following criteria:

1. A permanent structure sign which is used for the display of off-site commercial messages;
2. A permanent structure sign which constitutes a principal, separate or secondary use, as opposed to an accessory use, of the parcel on which it is located;
3. An outdoor sign used as advertising for hire, e.g., on which display space is made available to parties, other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when such space is on the same parcel as the sign), in exchange for a rent, fee or other consideration; or
4. An off-site outdoor advertising sign on which space is leased or rented.

**Block.** Means the land surrounded by streets and other rights-of-way, other than alleys; or land which is designated or shown as a block on any recorded subdivision plat or official map or plat adopted by the Town.

**Bond.** Means a document that complies with the standards contained in this Title and the Utah Code and binds the parties thereto to take certain action if particular conditions are not met. The terms "Performance Bond" and "Warranty Bond" are more specifically defined in this section.

**Bond Agreement.** Means an agreement between the developer and the Town, on forms approved by the Town, wherever a performance bond or warranty bond is required by this Title to install improvements secured by an escrow agreement with funds on deposit in a reputable, federally-insured financial institution, a cash bond deposited with the Town, or a letter of credit from a reputable, federally-insured

financial institution in an amount as specified in this Title.

**Bookstore.** Means a retail establishment whose primary purpose is the sale of books and periodicals.

**Buildable.** Means that portion of a building lot not included within any required yard or open space upon which a main building may be located; an area that must be defined on subdivision plats in areas of thirty percent slope or less.

**Buildable Area.** Means an area of a lot or parcel which is outside of any required setback areas and outside of any other areas regulated by this Code.

**Building.** Means a structure having a roof supported by columns or walls, intended or used for the shelter, housing, or enclosure of any person, animal, chattel, or property of any kind that has a foundation.

**Building Code.** Means the codes adopted by the Town by ordinance/code.

**Building Height or Structure Height.** Means the vertical distance from the natural grade surface to the highest point of the building or structure.

**Building Inspector.** Means an individual appointed by the Town of Fairfield to enforce the provisions of the building code.

**Building Lot.** Means a parcel of land which is of such dimensions as to comply with the minimum requirements of this Title for area, width, and depth applicable to the zone in which it is located; and having frontage on a public or approved private street which shall be extended the full required frontage of the lot and improvements installed as required by the Town. No building lot shall utilize any part of the temporary end or dead end of a street for frontage.

**Building Material Sales (with outdoor storage).** Means a facility where building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other building products are stored and sold.

**Building Official or Town Building Official.** Means the appointed official or consultant who is responsible for the building and development functions of the Town as described in the Code and other policies of the Town.

**Building, Public.** Means a building owned and operated or owned and intended to be operated by a public agency of the United States of America, or the State of Utah or any of its subdivisions including counties and municipalities, in connection with a public use. It does not include buildings primarily used as warehouses, public garages, and equipment sheds.

**Business.** Means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.

**Business, Trade, Profession or Calling.** Means any enterprise carried on for the purpose of gain or economic profit, except the acts of employees rendering services for employers.

**Business Use.** Means any property used for the purpose of conducting business. This would include the square footage of outbuildings including storage and yard space.

**Bus Lot.** Means any lot or land area used for the storage or layover of passenger buses or motor coaches.

**Section 12.1.30. C.**

**Camping.** Means recreational or temporary activity which involves staying overnight in the open, in a tent, or in a trailer, camper, or other recreation vehicle.

**Campground and/or Campsite Facility.** Means a location where camping occurs which has one or more recreational vehicle pads, tent sites, or other campsites established on the premises. Also, a campground may include one or more of the following ancillary facilities: automobile parking spaces, driveways, tables, water faucets or fixtures, electrical lights or hookups, fire pits or fireplaces, play fields and outdoor recreational facilities, and restrooms or other sewage disposal facilities.

**Carport.** Means a roofed-over structure which is not completely enclosed by walls and which is designed and/or used for the storage of automobiles and trailers.

**Car Wash (full service).** Means a car wash with facilities for the washing or waxing of automobiles, light trucks, and vans, which may include drying equipment, vacuums, and other incidental uses. Full service car washes shall not include open self-service bays.

**Car Wash (self service).** Means a business establishment which provides car cleaning services where part or all of the cleaning is performed by the patron for a fee.

**Catch Basin.** Means An inlet designed to intercept and redirect surface waters.

**Cemetery.** Means the use or intended use of land for the burial of the dead and dedicated for cemetery purposes, including a columbarium, crematorium, mausoleum, and mortuary when operated in conjunction with and within the boundaries of such a cemetery.

**Cemetery, Private.** Means a burial place for deceased persons which is maintained by a private individual, corporation, or other non-public agency.

**Cemetery, Public.** Means a burial place for deceased persons which is owned and maintained by a cemetery district or other public agency.

**Certificate of Occupancy.** Means a document granting permission to occupy or use a building or land and certifying that the structure or use conforms to the requirements set forth in applicable code and ordinances.

**Change Order.** Means a written order signed by the purchasing agent, directing the contractor to suspend work or make changes, which the appropriate clauses of the contract authorize the purchasing agent to order without the consent of the contractor or any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity or other provisions of any contract accompanied by mutual action of the parties to the contract.

**Child Care Center.** Means a non-residential building or structure where care, protection, and supervision are provided for children on a regular schedule, for a fee.

**Church.** Means a building, together with its accessory buildings and uses, where persons regularly assemble for worship and that is maintained and controlled by a religious body organized to sustain public worship.

**Clear View Area.** Means areas at intersecting streets and driveways where unobstructed vision is maintained, as required by this code.

**Cluster Development.** Means a design that locates buildings in specific areas of a site to allow the remaining land to be used, but not limited to, recreation, open space, and preservation of sensitive land

areas.

Code. Means the Town of Fairfield Municipal Code, as adopted.

Codification code. Means any or all ordinances of a municipality which have been enacted that are compiled, consolidated, revised, indexed and arranged in a comprehensive manner.

Colony. Means bees in any hive including queens, workers, or drones.

Commercial and Industrial Laundries. Means an establishment which launders or dry cleans articles on site and where all articles are dropped off on the premises by multiple laundry services and not the individual customers.

Commercial Center. Means a development which contains at least twelve acres of commercial land and at least 100,000 square feet of commercial floor space.

Commercial Plant Nursery. Means a use wholly, or partially, contained within one or more greenhouses where trees, shrubs, flowers, or vegetable plants are grown and sold to retail or wholesale customers.

Commercial Recreation. Means any commercial enterprise which receives a fee in return for the provision of some recreational activity including racquet clubs, health facilities, and amusement parks, but not including amusement centers.

Commercial Vehicle. Means a motor vehicle, vehicle, trailer or semi trailer used or maintained for business, compensation or profit to transport passengers or property on a highway, if the commercial vehicle:

1. Has a manufacturer's gross vehicle weight rating or gross combination weight rating of ten thousand one (10,001) or more pounds;
2. Is designed to transport more than fifteen (15) passengers, including the driver; or Is used in the transportation of hazardous materials and is required to be placarded in accordance with 49 CFR (Code of Federal Regulations) part 172, subpart F.

Common Area. Means an area designed to serve two (2) or more dwelling units in separate ownership or tenure.

Commuter/Light Rail Station. Means a place designated for commuter or light rail trains or cars to stop to allow for boarding of passengers including park-and-ride stations and transfer stations.

Computation of Time. Means the time within which an act is to be done; computed by excluding the first and including the last day, and if the last day falls on a Saturday, Sunday or legal holiday, that shall be excluded.

Comprehensive Plan. See "General Plan".

Concept Plan. Means a sketch or concept application created prior to the preliminary plat for subdivisions or prior to a site plan for non residential development to enable the Town to verify that the developer is in general compliance with the Town's ordinances and development regulations and policies.

Conditional Use. Means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

**Conditional Use Permit.** Means a permit issued by Fairfield Town outlining the requirements of approval for a conditional use and including written conditions, as well as final, approved development plans, if applicable.

**Condominium.** Means the ownership of a single unit in a multi-family structure or a structure combined with an undivided interest in the common areas and facilities of the property and that meets all requirements of the Utah Condominium Ownership Act.

**Condominium Project.** Means a real estate condominium project; a plan or project whereby two (2) or more units, whether contained in existing or proposed apartments, commercial or industrial buildings or structures or otherwise, are separately offered or proposed to be offered for sale.

**Condominium Unit.** Means a separate physical part of the condominium project property intended for any type of independent use, including one (1) or more rooms or spaces located in one (1) or more floors (or part or parts of floors) in a building or a time period unit, as the context may require.

**Conflict of Interest.** Means a term used in connection with a public official's relationship to matters of private interest or personal gain and which prohibits participation in the discussion under decision.

**Constitutional Taking.** Means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the Fifth or Fourteenth Amendment of the Constitution of the United States or Utah Constitution Article I, Section 22.

**Construction Equipment.** Means any equipment or device designed and intended for use in construction, or material handling, including but not limited to: hammers, saws, drills, augers, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors, rollers, pumps, concrete mixers, graders, or other material handling equipment;

**Continuous Sound.** Means any sound that exists essentially without interruption for a period of 10 minutes or more.

**Control or Controlling Interest.** Means a shareholder, or a group acting in kind, that holds a majority of a company's voting stock.

**Construction Yard.** Means any parcel of ground used for the storage of construction equipment or supplies.

**Contract.** Means any Town agreement for the procurement or disposal of supplies, services or construction.

**Contract Construction Services Establishments.** Means establishments or places of business primarily engaged in retail or wholesale sales, from the premises of; materials used in the construction of buildings or other structures.

**Contract Services Office.** Means an enclosed space containing the permanent business office for a landscape, plumbing, painting, construction, or similar contractor, and used for the housing and operating of company machinery, the provision of services, the storage of materials and equipment, and the maintenance of company equipment, but that does not include outdoor storage other than the parking of company and passenger vehicles. Equipment such as backhoes and front loaders are considered as equipment, not vehicles.



Convenience Store. Means a building or use which is primarily engaged in the provision of frequently needed, day to day retail goods including gasoline, food, and non-food products.

Convenience Store/Fast Food Combination". Means a building that houses a convenience store and either a fast food (restaurant, casual) establishment or a restaurant (sit-down).

Copy Center. Means a retail establishment that provides duplicating services using photocopying, blueprint, and offset printing equipment and may include the collating and binding of booklets and reports.

Corner Lot. Means a lot that abuts two (2) intersecting streets, where the interior angle of intersection or interception does not exceed one hundred thirty-five (135) degrees.

Corral. Means a place or pen where livestock is held.

Correctional Institution. Means a government owned and operated institution for the Court ordered, twenty-four hour, involuntary, secure confinement of adults and juveniles in jails, prisons, detention centers, secure confinement centers, etc., for criminal conduct or conduct which would be a crime if committed by an adult.

Council. Means The Town Council of the Town of Fairfield.

Crematory/Embalming Facility. Means a building used for the cremation and/or embalming of deceased persons or animals but not including facilities for burial, internment, body viewing, or funeral services.

Critical Acceleration. Means the minimum amount of ground acceleration during seismically induced ground.

Critical Age of Repose. Means the maximum slope or angle at which material such as soil or loose rock remains stable.

Critical Facilities. Means communication, utility and transportation lines (including their appurtenant structures which are essential to make the system function, such as switching stations, transformers and monitoring gauge houses); emergency facilities such as fire stations, police stations, ambulance facilities, and hospitals; unique or large structures whose failure might be catastrophic, such as dams holding over ten (10) acre feet of water, petroleum refineries, and buildings where explosive, toxic or radioactive materials are manufactured, stored or handled; high occupancy buildings which are designed to accommodate fifty (50) or more people, such as schools, hotels and offices.

Cyclically Varying Noise. Means any sound that varies in sound level so that the same level is obtained repetitively at successive, relatively uniform levels over time. Example: Back-up beeper on heavy equipment.

#### **Section 12.1.40. D.**

Dairy. Means a farming operation for the production of milk in commercial quantities and which is required to be regularly inspected by the State Department of Agriculture or its cooperating agencies; and includes the raising of the natural increase to the dairy herd but does not include the feeding and fattening of livestock for slaughter in conjunction therewith.

De Minimis. Means lacking significance or importance: so minor as to merit disregard.

Debris Flow. Means a mass of rock fragments, soil, and mud which, when wet, moves in a flow-like fashion. Debris flows will follow a confined channel, but may alter course if present on an alluvial/debris fan surface.

**Decibel (dB).** Means a unit of measure used to express intensity of noise.

**Density.** Means the number of dwelling units or sleeping rooms per acre of land.

**Depth.** Means, when measuring an inside lot, the distance from the front lot line and rear lot line as measured from the center line; or when measuring a corner lot, means the horizontal distance between opposite boundaries of the lot when measured along the lot's centerline.

**Destination Oriented Development.** Means a building or group(s) of buildings with facilities to accommodate the needs of residents, visitors, or tourists with large portions of the site devoted to recreational opportunities.

**Detached.** Means freestanding with open space on all four sides.

**Developer.** Means any person or organization that develops, or intends to develop or sell property for the purpose of future development subject to the provisions of this Code., or other Land Use Ordinances.

**Development Activity.** Means any of the following:

1. Any man-made change to improved or unimproved lands, including but not limited to buildings or structures, mining, dredging, filling, grading, paving, excavation or drilling operations;
2. Any construction, reconstruction, or expansion of a building, structure, or use;
3. Any change in the use of a building or structure;
4. Any change in the use of land that creates additional demand and need for public facilities or services;
5. The act of subdividing; or
6. The act, process or result of developing.

**Development Agreement.** Means a written agreement or amendment to a written agreement between a municipality and one or more parties that regulates or controls the use or development of a specific area of land.

**Development Review Committee (DRC).** Means an informal committee or group of Town staff or Town consultants whose responsibility is to review all development requests, process all development applications, and make recommendations with respect to development applications to the Planning Commission, Town Council, applicants, and Mayor. The DRC's membership includes the Town Mayor, Town Engineer, Planning Department, Town Fire Chief, Town Building Official, Town Attorney, and any other person or agent that the Town Mayor deems appropriate to function as a member of the committee.

**Development Site.** Means the perimeters and total area of a tract, lot, or parcel of land intended to be used for a development activity.

**Development Standards.** Means established regulations concerning lot areas, yard setbacks, building height, lot coverage, open space and any other special regulations deemed necessary to accomplish the purpose of this Ordinance or other Land Use Ordinances.

**Device.** "Device" means a mechanism that is intended to produce, or that actually produces, noise when operated or handled.

**Dog Kennels/Sanctuary.** Means premises where four (4) or more dogs older than four (4) months are kept for commercial boarding, breeding or sale.

**Double Access.** Means driveway access on public streets from the front and the rear. This definition does not apply to corner lots.

**Driveway, Shared.** Means a private roadway that is owned and maintained by one or more than one property owner and provides direct vehicular access between a public or private roadway and a parking area, garage, or other structure to serve more than one dwelling or on more than one lot or parcel.

**Driveway, Single.** Means a private roadway that is owned and maintained by one property owner and provides direct vehicular access between a public or private roadway and a parking space, garage, dwelling, or other structure on a single lot or parcel.

**Dry Cleaner.** Means an establishment which launders or dry cleans articles dropped off on the premises directly by the customer; or where articles are dropped off, sorted, and picked up, but where laundering or cleaning is done elsewhere.

**Dwelling.** Means a structure designed for and occupied by one (1) family, including provisions for living, sleeping, eating, cooking, and sanitation. This definition does not include hotels, apartment hotels, boarding houses, rooming houses, and tourist courts.

**Dwelling, Above Commercial.** Means a building which contains dwellings located above the ground floor of a commercial, office, or retail use.

**Dwelling, Caretakers.** Means a dwelling which is occupied by an individual or family whose function it is to operate, manage, or protect a business, or industry.

**Dwelling, Farm Caretaker.** Means a manufactured home, one-family dwelling, or unit of a duplex or multiple-family dwelling having not more than 4 dwelling units, which is associated with a farm, and where the chief source of income comes from the farm unit.

**Dwelling, Multi-Family.** Means a building or buildings sharing common walls or common interior floors and containing three or more dwellings.

**Dwelling, Primary.** Means a single family dwelling that is detached and is occupied as the primary residence of the owner of record.

**Dwelling, Single Family.** Means a residential dwelling not attached to any other dwelling; on a single lot that is arranged for, designed for, and occupied by not more than one family (as defined herein); and containing at least one bathroom, at least one kitchen, and living and sleeping facilities.

**Dwelling, Two-Family.** Means a single residential building under a continuous roof, the structure containing only two dwellings sharing common interior walls or common interior floors.

**Dynamic Braking Device.** Means a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purposes of braking without the use of wheel brakes, commonly referred to as “Jacob’s Brake” or “Jake Brake.”

**Section 12.1.50. E.**

**Easement.** Means that portion of a property reserved for present or future use under, on, or above the property by a person or agency other than the legal fee owner or owners of the property.

**Edge Use.** Means a use allowed on the outside boundary of a specific land use zone that also has frontage on the collector or arterial roadway.

**Educational Center.** Means an institution for the teaching of children or adults, including colleges, professional schools, dance schools, business schools, trade schools, and art schools.

**Electric Power Distribution.** Means the final stage in the delivery of electric power; it carries electricity from the substation to individual consumers. Primary distribution lines carry this medium voltage power to distribution transformers located near the customer's premises.

**Electric Power Transmission Line.** Means a system of structures, wires, insulators and associated hardware that carry electric energy from one point to another in an electric power system.

**Electronic Meeting.** Means a public meeting of the public body convened and conducted by means of a telephonic conference device or other electronic means, allowing each member of the Council to call, video conference, or otherwise participate concurrently with all other members of the public body in conduct of the meeting. No more than three (3) members of the public body may participate in the meeting by electronic means at one time. There must always be at least two (2) public body members at the anchor location unless a written determination is made by the chair of the public body that determines an anchor location presents a substantial risk to the health and safety of those who may be present at an anchor location as described in Utah state Code 52-4-207

**Electronic Sales and Repair.** Means a retail establishment that deals in the sale and repair of electronics.

**Emergency.** Means a situation or occurrence which, in the opinion of the mayor or agent of the mayor, may present an imminent threat to the health, safety or welfare of any person, place or property.

**Emergency Vehicle.** Means an automobile or truck suitable for use on conventional public streets, which is operated by police, fire, ambulance, health department, building inspection, or business regulations personnel.

**Emergency Work.** Means work required to restore property to a safe condition following a public calamity or to protect persons or property from an imminent exposure to danger.

**Enclosed Parking.** Means a fully-enclosed attached or detached residential accessory building designed or used for the storage of private passenger automobiles owned and used by the occupants of the building to which it is accessory. A private garage designed and constructed as an architectural and integral part of the main building shall be subject to all the requirements of this Code applicable to main buildings.

**Engaging in Business.** “Means the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property, and the rendering of personal services for others for consideration by persons engaged in any profession, trade, craft, business, occupation or other calling, except the rendering of personal services by an employee to an employer under any contract of personal management. “Engaging in Business” also includes agricultural industries, but not farming or ranching.

**Engineer, Town.** Means the appointed official or consultant who is responsible for the Engineering functions of the Town as described in this chapter and other ordinances and policies of the Town.

**Equestrian Center.** Means an establishment engaged in the boarding, feeding, or general care of horses or other large animals for personal or commercial purposes; and includes uses such as agriculturally oriented gatherings, assemblies and shows, and the sale of feed, tack, and other agricultural products.

Equipment Sales and Service. Means an establishment located no closer than three hundred (300) feet (as measured from the property lines) to any residential zone that is primarily engaged in the sale or rental of tools, lawn and garden equipment, including outdoor storage and incidental maintenance.

Equivalent Residential Unit (ERU). Means a unit of measurement used to measure and evaluate development impacts on public infrastructure such as water, sewer, storm drainage, parks, roads, and public safety of proposed residential and non-residential land uses; and is intended to represent the equivalent impact on public infrastructure of one single family residence.

Established Grade. Means the measured grade of a piece of land at time of subdivision or site plan approval, shown on the final subdivision plat or site plan, and from which the height of future structures will be measured.

**Section 12.1.60. F.**

Fairfield Town Council. Means the elected officials of the Town Council of Fairfield, State of Utah.

Fairfield Town Road. Means all roads commonly used as a means of travel within Fairfield Town which have been designated as Fairfield Town roads by the Town of Fairfield or by the State Highway Commission or by any dedication duly and properly recorded, or have been used as public roads within the past ten years or as a result of long accustomed usage. The term "roads" shall include both hard surfaced and any other surfaces. The roads in this instance shall include the surfaced travel portions of the shoulders, barrow pits and any and all properties within the right-of-way of said road.

Fairfield Town Road Right of Way. Means any right of way owned by the Fairfield Town, whether as a result of a deed or other formal conveyance or as a result of long accustomed usage.

Family. Means a person or persons living together in a single family dwelling. "Family" does not include any group of individuals whose association is temporary or seasonal in nature or who are in a group living arrangement because of criminal offenses.

Family, Single Family Limit Designation. Means the number of individuals allowed to occupy each residential unit that is recognized by a land use authority in a zone permitting occupancy by a single family. A municipality may not adopt a single-family limit that is less than three (3), if the municipality has within its boundary a state university, or a private university with a student population of at least 20,000 or four (4) for each other municipality. (Ut. St. Code 10-9a-505.5) 5/5/2021.

Farm. Means a business enterprise, or personal family use in which land is used for the growing of food, feed, or fiber for sale in commercial quantities.

Farm Animals. Means animals kept or raised primarily for, or incidental to, livestock or agricultural operations, which are grouped into the following categories:

Large Farm Animals: Large farm animals include the following:

Cow;

Horse (mule-ass, pony, or similar species not listed);

Ostrich (or other similar sized or closely related species);

Llama or other similar species not listed; and

Other animals of similar size.

Medium Farm Animals: Medium farm animals include the following:

Sheep;

Emu;

Goat;

Turkey;

Geese;  
Peacock; and  
Other animals of similar size.

Small Farm Animals: Small farm animals include the following:

Chicken;  
Rabbit;  
Ducks;  
Pheasants; and  
Other animals of similar size (excluding mink)

Farmers Market. Means a group of entities engaged in the temporary seasonal selling of homemade goods, homegrown vegetables, and other similar items in an open air market.

FCC. Means the Federal Communications Commission, or any successor thereto.

Feedlot. See "Livestock Feed Yard".

Fee Schedule. Means the list or appendix of fees, also known as the Fairfield Town Fee Schedule, adopted periodically by the governing body which sets forth various fees charged by the Town.

FEMA. Means Federal Emergency Management Agency.

Fence. Means an artificially constructed barrier to identify a property boundary or enclose a space.

Fence, Barbed Wire. Means a fence with one or more strands of wire or other material having intermittent or continuous sharp points that may puncture, tear, cut, or snag. This does not include razor wire.

Fence, Private / Privacy. Means a fence constructed to prevent views through the fence.

Fence, Semi Private. Means a fence with a regular pattern that permits views through a minimum of thirty percent (30%) of the fence when viewed perpendicular to the plane of the fence.

Fence, Wire. Means an open mesh fence made of woven wire, or any other fence where the majority of construction consists of wire, including chain link, no climb, and other agricultural style wire fences but not including razor wire.

Festival (including Bazaars or Fairs). Means an activity or event that may only include shows, games, non-mechanical rides, concessions, or any combination thereof.

Final Plat. Means a map of a subdivision which is prepared for final approval and recordation, which has been accurately surveyed so that streets, alleys, blocks, lots, and other divisions thereof can be identified as meeting any other requirements of this Ordinance or State or County Statutes.

Financial Institution. Means an establishment whose principal purpose is the handling of monetary affairs for members, clients, or the public at large; includes banks, credit unions, savings and loans, mortgage offices, investment companies, trust companies, and similar entities; and does not include Non-Depository Institutions.

Finished Surface Grade. Means the elevation of the finished ground surface adjacent to and measured along all exterior walls.

Fire Code. Means the International Fire Code adopted by the Town by ordinance.

**Fire Authority.** Means the department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.

**Fire Department.** Means the Cedar Valley Fire Department and any member working for the department.

**FIRM.** Means Flood Insurance Rate Maps.

**Fitness Center.** Means a facility where members or nonmembers use equipment or space for the purpose of physical exercise.

**Flag Lot.** Means a lot that is so named because of the long, slender strip of land resembling a flag pole that extends from the typically rectangular main sections of these lots, or the "flags", out to the street. All lots require frontage and each "flag pole" typically provides just enough frontage for vehicle access and is often shared by several neighbors.

**Flood Channel.** Means a natural or artificial water course with the definite bed and banks to confine and conduct flood water.

**Flood Insurance Rate Map.** Means, in abbreviated style in this chapter, FIRM.

**Flood Insurance Study.** Means the most current official report provided by the Federal Insurance Administration entitled "Flood Insurance Study, Fairfield, Utah, Incorporated Areas" wherein flood profiles, a flood boundary - floodway map, and the water surface elevation of the base flood are contained.

**Flood or Flooding.** Means a general and temporary condition of partial or complete inundation of normally dry land area from the overflow of inland waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Plain.** Means a land area subject to being inundated by water from any source and is generally defined as a "zone A" (100 year flood area) area as defined in FEMA's Flood Insurance Rate Maps of the Town of Fairfield.

**Floodway Map.** Means the publication entitled "Floodway Flood Boundary and Floodway Map, Fairfield, Utah", wherein the Federal Insurance Administration has delineated the boundaries of the floodways in the unincorporated portion of Fairfield Town.

**Floor Area.** Means the sum of the gross horizontal area of the several floors of the building or buildings, measured from the exterior faces of the exterior walls.

**Floral Sales.** Means a retail business whose principal activity is the selling of plants and flowers which are not grown on the site and where business is conducted within an enclosed building.

**Foster Care Home.** Means a building containing a dwelling unit and associated group quarters wherein room, board, care, and a family environment are provided by the resident family to not more than six (6) minor children who are not related to such family. Such children may not include delinquent, problem, or troubled youth (see "youth group home" use), but youth placed in the home for their own protection and care. To qualify, the home must be approved for such use and operate under the supervision of the State Department of Social Services.

**Franchise.** Means the rights and obligations extended by the Town to a provider to own, lease, construct, maintain, use or operate a system in the rights-of-way within the boundaries of the Town. Any such authorization, in whatever form granted, shall not mean or include:

1. Any other permit or authorization required for the privilege of transacting and carrying on a business within the Town required by the ordinances and laws of the Town;
2. Any other permit, agreement or authorization required in connection with operations on rights-of-way or public property including, without limitation, permits and agreements for placing devices on or in poles, conduits or other structures, whether owned by the Town or a private entity, or for excavating or performing other work in or along the rights-of-way.

**Franchise Agreement.** Means a contract entered into in accordance with the provisions of this chapter between the Town and a franchisee that sets forth, subject to this chapter, the terms and conditions under which a franchise will be exercised.

**Front.** Means the front of the lot shall be defined as the same side as the road used for frontage and primary access no matter what direction the building is facing.

**Frontage.** Means the distance between the two side lot lines of a parcel measured along the street, or streets of a corner lot, which the parcel is allowed to access. State or Federal highways, to which no access is allowed, shall not be considered as frontage. For purposes of this Title neither temporary turn-arounds nor dead ends of roadways shall be used as frontage. On cul-de-sacs, frontage may be measured at the front building setback lines.

**Front of the Lot.** Means the same side as the road used for frontage and primary access no matter what direction the building is facing.

**Front Yard.** See "Yard, Front".

**Fueling Station.** Means that portion of the property where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles.

**Fueling Station, Cardlock Facility.** Means an automated vehicle fuel sales facility without an attendant.

**Funeral Home.** Means a building used for the preparation and embalming of deceased persons for viewing, burial, and cremation of deceased persons and the conducting of rituals connected therewith before burial or cremation; and may include a chapel for the conducting of funeral services, areas for funeral services and gatherings, and areas for the display of funeral equipment.

#### **Section 12.1.70. G.**

**Garage Commercial.** Means a building or portion thereof designed and used for storage, repair or servicing of motor vehicles or boats as a business.

**Garage Residential.** Means an attached or detached residential building designed or used for the storage of private passenger automobiles that is ancillary to the use of the residence. A garage shall be designed and constructed as an architectural and integral part of the main building and shall be subject to all the requirements of this Title applicable to the main building.

**Garbage.** Means any non-putrescible solid wastes, including ashes consisting of both combustible and noncombustible wastes, such as paper, cardboard, metal containers, glass, bedding, crockery, bags, rags, and demolished materials.

**General Fund.** Means the general operating fund of the municipality used to account for all financial resources except those required to be accounted for in a special fund.

**General Plan.** Means a plan within the meaning of sections of 10-9a-103, 10-9a-301, and 10-9a-302 of the Utah Code Annotated 1953, which has been recommended by the Planning Commission and adopted by the Fairfield Town Council to set forth general guidelines for the proposed future development of land. The plan may include elements concerning land use, transportation, the environment, public services, redevelopment, economics, plan implementation and other topics. The plan, however, is only



an advisory guide for land use decisions.

**Geologist.** Means the Town Geologist or contracted firm.

**Golf Course.** Means a parcel of land laid out for at least three holes for playing the game of golf and improved with trees, greens, fairways, and possible hazards, and which may also include a clubhouse, shelter, or other associated buildings that are incidental to the parcel of land dedicated to the game of golf.

**Grade.** Means, when related to buildings, the average elevation of the ground adjacent to the building; when used for streets and driveways, grade shall mean the ratio of vertical distance to horizontal distance along such a street or driveway expressed in either percentage or degree.

**Grading.** Means the excavation or removal of earth material by artificial means, the filling or deposition of earth material by artificial means, or the combination thereof.

**Grading Permit.** Means a permit issued by the Town to remove or excavate large portions of a parcel or parcels in preparation for development activity or construction of infrastructure or buildings.

**Grazing.** Means the act of eating herbage growing from the ground.

**Grocery Store.** “Means a store where most of the floor area is devoted to the sale of food products for home preparation and consumption; that typically also offers other home care and personal care products; and that is substantially larger and carries a broader range of merchandise than convenience stores.

**Gross Revenue.** Means all revenues of a provider that may be included as gross revenue within the meaning of Title 11, Chapter 26, Utah Code Annotated 1953, as amended. In the case of any provider not covered within the ambit of Title 11, Chapter 26, Utah Code Annotated 1953, the definition of “gross revenue” shall be set forth in the franchise agreement.

**Group Quarters.** Means a dwelling such as a lodge, dormitory, or barracks which contains a large bedroom, several sleeping rooms, or other sleeping facilities for the use of unrelated individuals or several family members (who may or may not be related).

**Section 12.1.80. H.**

**Hair Salon.** Means a retail business whose principal activity is the cutting, coloring, and styling of hair; and that may provide other services such as nail painting and wax treatments.

**Hardware and Home Improvement Retail.** Means an establishment providing the sale or rental of building supplies, construction equipment, or home fixtures and accessories; and includes a lumber yard or a contractors’ building supply business and may include outdoor storage or tool and equipment sales or rental.

**Hard Surfaced.** Means covered with concrete, brick, asphalt, or other impervious material.

**Health Department.** Means the Utah County Health Department and any member working for the Department.

**Highways.** Means roadways owned by the State of Utah or Utah County. It shall include both hard surfaces and other surfaces. The highways shall include the surfaced travel portions of the shoulders, barrow pits and any and all properties within the right of way of said road.

**Historical Monument.** Means a commemorative plaque, sign, or stone pillar placed by the Utah State Historical Society or other governmental entity, or placed under its sponsorship, on a site listed in the National Register of Historic Places or State Register of Historic Places.

**Home Based Business.** Means any type of commercial activity, commercial storage, or any business conducted primarily out of a residence for the purpose of economic gain in any area of Fairfield Town which meets the criteria found in Chapter 17.65 of Fairfield Town Ordinance, Home Businesses.

**Home, Manufactured.** Means a transportable factory built housing unit constructed on or after June 15, 1976, according to the HUD Code, in one or more sections, that: in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet and is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and include the plumbing, heating, air conditioning and electrical systems. Utah State Code 15A-1-302

**Manufacturing.** "Manufacturing" means the assembling, altering, converting, fabricating, finishing, processing, or treatment of a product. This word is used interchangeably with Industrial.

**Home, Mobile.** Means a transportable factory built housing unit built before June 15, 1976, in accordance with a state mobile home code which existed prior to the HUD Code.

**Home, Modular.** Means a structure built from sections that are manufactured in accordance with the State Construction Code and transported to a building site and the purpose of which is for human habitation, occupancy or use.

**Home Occupation.** Means an occupation or business activity which results in a product or service that is conducted in whole or in part in the dwelling unit (including garage or workshop in the dwelling unit) or in a detached garage or workshop on the same lot as the dwelling unit and is subordinate to the residential use of the dwelling unit and must obtain a business license.

**Home Office.** A home office is a space designated in a person's residence for official business purposes. It provides a space for those that are self-employed or work remotely for an employer.

**Hospital.** Means an institution licensed by the State of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians and/or properly licensed practitioners. Any medical clinic or professional office which offers inpatient or overnight care, or operates on a twenty-four hour basis, shall be considered a hospital. A hospital may include integral support service facilities such as laboratories, outpatient units, training facilities and offices necessary to the operation of the hospital. This definition includes both general, acute and specialty hospitals and must be licensed by the Utah Department of Health pursuant to the Health Care Facility Licensing and Inspection Act.

**Hotel.** Means a building containing guest rooms in which lodging is provided for compensation to transient or permanent guests or both.

**Household Pet.** Means any animal, which is normally domesticated and customarily kept for personal use or enjoyment in a residential zone. For purposes of this code, ordinary household pets shall include, but not be limited to: domesticated dogs, cats, small mammals, birds, fish, reptiles, and rodents. Not included in this definition are wild animals, domesticated livestock, poultry, and those animals whose ownership is prohibited by the state of Utah, the United States government, or other portions of this code.

**Human Occupancy (occupied by humans).** Means a house, office building, assembly hall, restaurant, retail store, manufacturing plant, employment site or other fixed site that is used or developed for use by

humans to sleep, work, or stay for extended periods (periods where the human occupancy lasts 4 or more hours per day, including facilities wherein the days of use are sporadic or seasonal).

Hunting Preserve. Means an area especially managed or intended for the hunting of wild game, as contrasted with a "Shooting Range".

**Section 12.1.90. I.**

Ice Cream Parlor. Means an establishment whose primary business is the sale of ice cream and other types of food or beverages for customer consumption that are not considered a complete meal, such as candy, soda, or coffee.

Ice Cream Vendor or Snow Shack. Means a seasonal business that serves ready-to-eat single-servings of ice cream, snow cones, and similar frozen treats from a self-contained unit that may be motorized or in a trailer on wheels, or in a temporary structure affixed to the ground for the duration of the sales period.

Illegal Building/Structure. Means a building or structure, or portion thereof, established without securing the necessary approvals, permits, or licenses, as required by this Ordinance, the adopted Building Code, or their prior enactments.

Illegal Lot. Means a lot created that has not received the necessary approvals, permits, or licenses, as required by the Town's Land Use Ordinances.

Illegal Use. Means a use established without receiving the necessary approvals, permits, or licenses, as required by the Town's Land Use Title/Ordinances.

Impact Analysis. Means a determination of the potential effect(s), including but not limited to environmental, fiscal, social, matters, etc. upon the Town or a section of the Town.

Impact Fee. Means a payment of money imposed under Utah Code 11-36a. Set-aside fees collected from developers/builders causing infrastructure adjustments to the community. Monies to be used as the development further impacts the municipality.

Impervious Material or Surface. Means material that is impenetrable by water.

Impound Yard. Means a facility that is used for the storage of wrecked motor vehicles, and vehicles impounded by law enforcement, kept for a period of time not exceeding fourteen days. This definition does not allow for the sale of parts.

Impulse Noise. Means a noise with a duration of two (2) seconds or less. Example: a gunshot.

Industrial Outdoor Storage. Means the storage of merchandise, goods, inventory, equipment, raw or unfinished materials, materials for Recycling, or other materials, construction related vehicles, or similar items principally for storage purposes or other items which are not intended for immediate sale, located outside.

Infrastructure Provider. Means a person providing to another, for the purpose of providing telecommunication services to customers, all or part of the necessary system which uses the rights-of-way.

Inhabited. Means being present in or occupied in any manner or form (of a person or group) lived in or occupied (a place or environment).

**Inoperable or Abandoned Vehicles.** Means motor vehicles, which by reason of dismantling, disrepair, lack of licensing or other cause are either incapable of being propelled under their own power or are prevented by law from being so propelled.

**Institutional Use.** Means a public, nonprofit, or quasi-public use providing service to the public, such as a public or private school, civic building, library, hospital, or government owned or government-operated structure.

**Intermittent Noise.** Means a noise similar to a cyclically varying noise but with an irregular interval and a continuous duration of six (6) minutes or less for high level sound levels. Example: a motor vehicle passing a fixed location.

**Invitation for Bids.** Means all documents, whether attached or incorporated by reference, used for soliciting bids.

**ISO.** (Insurance Service Office) Fire insurance charges for individual structures are determined by classification and the ISO grade (1 being the best, 10 being the worst).

### **Section 12.1.100. J- K.**

**Junk.** Means, by way of example and not limitation of the term, used or salvaged metals and their compounds or combination, used or salvaged rope, rubber, tires or car parts, and used or discarded furniture and household appliances.

**Junk Dealer.** Means a person, firm or corporation engaged in the business of buying and selling junk approved by the Town under its Zoning Ordinance. All discarded metals, scrap metals, iron, glass, paper, wood, building materials, plastics, fiberglass which may have value second hand but not in its present condition, unused or discarded bicycles, tricycles or other recreational vehicles or parts therefore, waste paper products, unused or discarded building materials, machinery or machinery parts, lumber, accumulations of dirt, gravel, ashes, or fire remains, or any inoperable or abandoned vehicles, parts, or any other waste materials.

**Junk Yard (Salvage Yard).** Means a place where scrap, waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, handled, or stored; including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including places where salvaged materials are kept incidental to manufacturing operations conducted on the premises.

**Kennel.** Means any lot, building structure, enclosure or premises whereupon or wherein four (4) or more dogs and/or cats over six (6) months of age are kept or maintained for any purpose, including boarding, breeding, buying, grooming, letting for hire, training for fee, or selling.

**Kennel, Breeding.** Means a kennel lawfully located on a premises one acre or more in size zoned for such use and where no more than ten dogs, registered with a nationally recognized registration organization, over the age of six months are owned, kept, or harbored for the purpose of breeding purebred or pedigreed dogs; provided, however, this definition shall not apply to zoos or to animal hospitals operated by veterinarians duly licensed under the law.

**Kennel, Commercial .** Means an establishment where four (4) or more dogs, older than four (4) months, are kept for the purpose of boarding, breeding, raising or training dogs for a fee or on a nonprofit basis.

**Kennel, Private.** Means the keeping, breeding, raising, showing, or training of four or more dogs over four months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

**Section 12.1.110. L.**

**Land Use Authority.** Means a person, board, commission, agency, or other body designated by ordinance/code to act upon a land use application.

**Land Use Element of the General Plan.** Means the comprehensive, long range strategic plan for the future of the Town and includes elements such as future land uses, transportation, housing, storm drainage, culinary water, secondary water, economic development, capital facilities plan, and intergovernmental coordination, adopted as the Land Use Element of the General Plan by the Town Council.

**Land Use Ordinance.** Means all regulations adopted by the Town of Fairfield relating to the development and use of real property within the Town.

**Landscape Park.** Means a parcel of land which is developed using an aesthetically arranged combination of trees, shrubs, ground cover, or other natural vegetative material and/or incidental structural landscaping features (i.e. fountains, reflecting pools, sculpture, play apparatus, benches, and tables) and which is maintained as a place of ornamentation and recreation.

**Landscape Park Recreational Facility.** Means a play field, building or other structure or area which is located in an approved landscape park as an ancillary feat and which is shown on the park's approved plan. Such facilities shall be recreational in nature, such as a slide, swing set, picnic pavilion, swimming pool, gymnasium, golf course, tennis court or ball field. The facilities shall not include sleeping or living facilities, nor uses that produce noise, dust or light that will conflict with neighboring residences or businesses.

**Landscaping.** Means the installation of any combination of the following items to produce an aesthetic effect of to enhance and preserve natural features of the site: plant materials, such as lawn, annual and perennial flowering plants, native vegetation, vines, shrubs, and trees, but not including weeds or noxious plants; ground cover, such as mulch, bark, and decorative rocks; ponds, fountains, falls, and streams; and statuettes, outdoor artwork, benches and tables, earth berms, pots, and planters.

**Landslide.** Means a general term for the downslope movement of a mass of soil, surficial deposits, or rock. Landslides may be rotational or translational.

**Large Scale Development.** Means a development or subdivision which has been recommended for approval, approval with conditions, or denial by the Planning and Zoning Commission, and approved by the Fairfield Town Council and which consists of several buildings and structures planned and developed under unified control as a single unit or project, including a planning unit development, a planning subdivision, a mountain home development, a recreational resort, and a mobile home park.

**Laundromat.** Means a facility where patrons, or individuals employed by the laundromat, wash with soap and water in coin-operated machines (or other means of payment), and/or dry with coin-operated machines (or other means of payment) clothing or other fabrics. A laundromat does not include dry cleaning or dry cleaners.

**Library.** Means a public facility containing printed information, electronic information, and/or pictorial material for the public use and purpose of study, reference, and recreation.

**Licensing Official.** Means a person in charge of issuing and revoking licenses. The Town Recorder is the licensing official for Fairfield Town.

**Light Manufacturing.** Means the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing.

**Livestock.** Means domestic animals, such as meat and dairy cattle, horses, pigs and poultry, raised for home use or for profit.

**Livestock Auction Yard.** Means a farm animal exchange company and includes livestock pens, auction facilities and structures, and public and transport parking for the sale of domestic livestock only.

**Livestock Feed Yard.** Means a feedlot or feed yard is a type of animal feeding operation (AFO) which is used in intensive animal farming for finishing livestock, notably beef cattle, but also swine, horses, sheep, turkeys, chickens or ducks, prior to slaughter. Livestock feed yards are not allowed within the boundaries of Fairfield Town in any zone.

**Lot.** Means a tract of land, regardless of any label, that is created by and shown on a subdivision plat that has been recorded in the office of the county recorder. A parcel of land that is a legal unit.

**Lot Coverage.** Means the portion of a lot that is occupied by buildings or structures including accessory uses.

**Lot, Interior.** Means any lot other than a corner lot.

**Lot Layout.** Means a plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing buildings, and buildings to be erected; the location of the lot and abutting streets; and any further requirements as described in this Code.

**Lot Line.** Means a boundary line of a parcel of land.

**Lot Line.** Means a line dividing one lot from another, or from a street or any public place.

**Lot Line Adjustment.** Means a plat by which one or more lot(s) or tract lines are moved or removed.

**Lot Line, Front.** Means any street right-of-way line of record or established by use, which forms one or more boundaries of a lot.

**Lot Line, Front Lot Line for Flag Lot.** Means the lot line nearest to a dedicated public street and at the end of the staff.

**Lot Line, Primary.** See Primary Lot Line.

**Lot Line, Rear.** Means a lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.

**Lot line, Rear for Corner Lot.** Means that interior lot line which has been designated as the rear lot line as determined by the direction the house faces.

**Lot Line, Rear for Interior Lot.** Means the interior line lying opposite of the front lot line.

**Lot Line, Side.** Means a lot line that is neither a front or rear lot line. On a corner lot, the longer lot line which abuts a street is a side lot line.

Lot Line, Side for Corner Lot. Means any interior lot line for multi-frontage lot; or, for other corner lots, that interior lot line which has been designated as the side lot line by the lot owner, unless designated on the plat.

Lot Line, Side for Interior Lot. Means those interior lines lying opposite each other, running between the front and rear lot lines; or in the case of a multi-frontage lot, those interior lines which run between the two front lot lines.

Lot Line, Side Street. Means a lot line that is both a side lot line and a street lot line.

Lot Line, Street. Means a lot line, or segment of a lot line that abuts a street. A street lot line does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. A street lot line can include front lot lines and side lot lines.

Lot Width. Means frontages at the required setback.

Lot Width, for Corner Lot. Means the width of the lot as measured along both street frontages at the required setback; and in the case of an interior , means the horizontal distance between the side lot lines measured along a line lying at right angles to the centerline of the lot at the point of the required setback..

Lot Width, for Interior Lot. Means the horizontal distance between the side lot lines measured along a line lying at right angles to the centerline of the lot at the point of the required setback.

**Section 12.1.120. M.**

Maintain. Means to provide such maintenance, repair and, to the extent necessary and appropriate, replacement, as may be needed to keep the subject property in good condition and repair.

Main Building. Means the principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing the principal use upon the lot; and includes all of the appendages constructed as an architectural and integral part thereof.

Maintain. Mans to provide such maintenance, repair and, to the extent necessary and appropriate, replacement, as may be needed to keep the subject property in good condition and repair.

Major Collector. See "Collector street (major and minor)".

Major Grading Permit. See "Grading Permit, Major".

Manufactured Homes. Mobile homes built in the United States since June 1976, legally referred to as **manufactured homes**, are required to meet FHA certification requirements and come with attached metal certification tags and are mortgageable through VA, FHA and Fannie Mae.

Marina. Means a public or private dock or basin providing secure moorings for boats and often offering supply, repair, and other facilities.

Metes and Bounds. Means a method of describing the boundaries of land by directions and distances from a known point of reference.

Meeting Administrator. Means the Town Recorder or other employee of the Town specifically assigned and designated to operate the telephonic or electronic conference equipment at the anchor location to assure that all members of the public body are continuously able to participate in the meeting and to

advise the party conducting the meeting of the initiation, recess, if appropriate, or adjournment of the meeting.

**Mill.** Means a term used to express the property tax rate. (one mill is one-tenth of a cent. Thus ten mills equal one cent or one percent).

**Mining.** Means all or any part of the process involved in the mining of minerals by removing overburden and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger method, dredging and quarrying, underground mining, and surface work incidental to an underground mine.

**Mixed Use.** Means a tract of land or building or structure developed for two (2) or more different uses such as, but not limited to residential, office, retail, and other possible compatible uses approved by the Town Council.

**Mixed Use Development.** Means a building or group of buildings designed to encourage a diversity of compatible land uses, which include a mixture of two (2) or more zoning uses that are approved by the Town Council.

**Mobile Food Vendor.** Means a business that serves food and / or beverages from a self-contained unit either motorized or in a trailer on wheels, conducts all or part of its operations on premises other than its own, and is readily movable, without disassembling, for transport to another location. The term "mobile food vendor" shall not include snow shacks or ice cream vendors.

**Mobile Home.** A mobile home built in the United States before June 15, 1976 is a movable or portable dwelling built on a chassis, located on jacks or other temporary foundations, connected to utilities, designed without permanent foundation, and intended for year round living; Mobile homes permanently installed on owned land are rarely mortgageable.

**Model Home.** Means a dwelling temporarily used as a sales office for a residential development under construction, and not for general real estate business.

**Modular Homes.** Means factory built dwelling units, transportable in one or more sections, which are designed as year-round dwelling units and shall be placed on a permanent foundation or basement. The manufactured dwelling units shall bear a label certifying that such units were built in compliance with the latest Manufactured Home Safety Construction and Safety Standards adopted by the U.S. Dept. of Housing and Urban Development for manufactured homes. The Uniform Building Code shall apply to modular homes. Modular Homes means any dwelling that is designed in more than one unit and is designed to be made mobile on a temporary basis, on a perimeter wall foundation and constructed or manufactured to Building Code Standards to provide a permanent residence for one or more persons, but does not include a mobile home, recreational travel trailer or recreational motor vehicle as defined herein.

**Mortgage/Farm Preservation Lot Subdivision.** Means a subdivision that allows one (1) parcel to be split off of a larger piece of acreage for the purpose of getting a mortgage

**Motel.** Means a building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room, which includes automobile courts, tourist courts with more than one building, and motor lodges.



**Motor Vehicle.** Means any vehicle that is self-propelled by mechanical power, including, but not limited to, passenger cars, trucks, truck trailers, semi-trailers, campers, motorcycles, mini bikes, go-karts, snowmobiles, ATV's/UTV's and racing vehicles.

**Muffler.** Means an apparatus or device used for reducing sound.

**Municipal Roadway.** Means a street or road which has been dedicated to and accepted by the municipality including utility easements.

**Municipality.** Means, unless otherwise indicated, Fairfield Town, Utah.

**Section 12.1.130. N.**

**Natural Hazard.** Means a naturally occurring geologic condition or phenomenon that may present a potential danger to life and property. Natural hazards which are treated in the NHO Zone of this ordinance are limited to surface fault rupture, rock fall, landslides, and debris flows. Natural hazards include the above-listed conditions even though they are aggravated or induced by man.

**Neighborhood Grocery Store.** Means a store that is 25,000 square feet or less, where most of the floor area is devoted to the sale of food products for home preparation and consumption; that typically also offers other home care and personal care products; and that is substantially larger and carries a broader range of merchandise than convenience stores.

**New Construction, for the Purpose of Determining Insurance Rates.** Means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM [Oct. 15, 1982] or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by the community and includes any subsequent improvements to such structures.

**Noise.** Means any sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings.

**Noise Disturbance.** Means any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace or safety of another person(s).

**Noise, Plainly Audible.** Means any noise for which the information content of that noise is unambiguously transferred to the listener, including, but not limited to, the understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.

**Noise Source.** Means any instrument or device for amplifying sound, or anything which produces, reproduces, or amplifies sound. The term shall include multiple sources of sound.

**Non Commercial Vehicle.** Means the following vehicles are not considered a "commercial vehicle" for purposes of this Code; Equipment owned and operated by the United States department of defense when driven by any active duty military personnel and members of the reserves and national guard on active duty, including personnel on full time national guard duty, personnel on part time training, and national guard military technicians and civilians who are required to wear military uniforms and are subject to the code of military justice; firefighting and emergency vehicles, operated by emergency personnel, not including commercial tow trucks; City, Town or County commercial vehicles being used in the servicing of adjacent properties or streets; and recreational vehicles that are driven solely as family or personal conveyances for noncommercial

**Nonconforming Building Lot.** Means a parcel of land of record that was lawfully subdivided and in compliance with all laws at the time of division and no longer meets the minimum requirements for a building lot in the zone where it is located because of a subsequent amendment to the applicable land use ordinance.

**Nonconforming Lot of Record.** Means a lot which does not conform to the area and/or width requirements of this ordinance for a zoning lot, but which was shown continuously on the records of the County Clerk or Recorder as an independent parcel since before the effective date of this ordinance.

**Nonconforming Use.** Means a use of land that legally existed before its current land use designation; has been maintained continuously since the time the land use ordinance regulation governing the land change; and, because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land. To qualify as "legally existing," the use shall have been properly issued a permit prior to the enactment of this ordinance or, alternatively, the use shall have been legally commenced prior to the first enactment of zoning in Utah County on November 16, 1942, and thus used continuously thereafter.

**Nonconforming, When Used in the Context of a Building or Structure.** Means a building or structure meeting the definition contained in Utah Code § 10-9a-103 (44) for a Non Complying Structure.

**Non Depository Institution.** Means a financial business, other than a depository institution such as a bank, credit union, mortgage lender, or savings and loan association, that is registered by the State of Utah pursuant to the Check Cashing Registration Act or the Title Lending Registration Act, which includes the following defined businesses: a check cashing business; a payday loan business; a title loan business; a deferred deposit lender.

**Nuisance.** Means doing any act or omitting to perform any duty, which act or omission either annoys, injures, endangers or is unsightly, which includes, but is not limited to, keeping or depositing on or scattering over the premises any of the following: lumber, junk, trash or debris, abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans, containers or other discarded items not currently in use and any other object or animal that threatens the comfort, repose, health and safety of the public or offends public decency. "Nuisance" also has the meanings as defined in Utah Code Annotated sections 78B-6-1101, 76-10-803, and 76-10-801.

**Nursery.** Means buildings, land, and other structures and facilities for the cultivation of plants for subsequent replanting or harvesting, including hydroponics operations.

**Nursing Home.** Means a building containing group quarters wherein room, board, care, and supervision are provided to two or more persons who, because of illness, age, or physical deformity, cannot properly care for themselves. The building may also include a dwelling unit to house the supervisory personnel. To qualify, the home must be approved for such use by the Utah State Division of Health.

**Section 12.1.140. O.**

**Oath.** Means an affirmation in all cases in which, by law, an affirmation may be submitted for an oath and in such cases the word "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

**Occupant.** Means, as applied to a building or land, any person who occupies a property.

**Off Site.** Means land or areas which are not included in the land or area defined as on-site.

**Off Street Parking.** Means the space within a building, lot, or parking lot, but not within any portion of any public street right-of-way, for the temporary parking of one vehicle.

any part of such building or land, whether alone or with others.

**Offense.** Means any act forbidden by any provision of this code or the omission of any act required by the provision of this code.

**Office, High Intensity.** Means an office in which business uses are conducted which typically require more than 6 employees per 1000 sq. ft., and in which no goods or merchandise are stored, displayed, or sold. An example would include call-centers.

**Office, Medical and Health Care.** Means offices or clinics which provide services for the treatment and care of illness or injury, including only medical, dental, and chiropractic offices; or offices devoted to the healing arts so long as licensed and accredited, including massage therapists and licensed physical therapists; and may include a pharmacy or drugstore intended to serve patients of medical or dental professionals.

**Office, Office Structure.** Means a room, suite of rooms, or building used for conducting the affairs of a business, profession, service industry, or government.

**Office, Professional.** Means a place intended for the conduct of administration or services by a business enterprise and in which no goods or merchandise are stored, displayed or sold.

**Officers, Departments, Commissions, Boards, Councils and Employees.** Means, when referred to in this code, officers, departments, commissions, boards, councils and employees of Fairfield Town Utah, unless the context clearly indicates otherwise.

**Open Space.** Means an open, landscaped, and improved area that is unoccupied and unobstructed by residential or commercial buildings, setbacks between buildings, parking areas, and other hard surfaces that have no recreational value; provides park or landscaped areas that meet the minimum recreational needs of the residents of the subdivision; includes parks, recreational areas, gateways, trails, buffer areas, berms, view corridors, entry features, or other amenities that facilitate the creation of more attractive neighborhoods; may include hard surfaced features such as swimming pools, plazas with recreational value, sports courts, fountains, and other similar features with recreational value, as well as sensitive lands with recreational value, subject to the limitations stated in the definition of sensitive lands, within a development that have been designated as such at the discretion of the Planning Commission and Town Council; and may not include surplus open space located on another lot unless such surplus open space was previously approved as part of an overall site plan, development agreement, or plat approval.

**Open Video Service.** Means any video programming services provided to any person through the use of rights-of-way by a provider that is certified by the FCC to operate an open video system pursuant to Section 651, et seq. of the Act, regardless of the system used.

**Open Video System.** Means the system of cables, wires, lines, towers, wave guides, optic fiber, microwave, laser beams, and any associated converters, equipment, or facilities designed and constructed for the purpose of producing, receiving, amplifying or distributing open video services to or from subscribers or locations within the Town.

**Operator.** Means any person who provides service over a telecommunications system and directly or through one or more persons owns a controlling interest in such system, or who otherwise controls or is responsible for the operation of such a system.

**Overlay Zone.** Means a zone which is created and intended to restrict and regulate property and property usage in addition to other zoning requirements.

Outdoor Seasonal Sales. Means a type of temporary use that includes outdoor retail operations such as Christmas tree lots, pumpkin patches, fireworks stands, or other similar seasonal retail uses but not including mobile food vendors, ice cream vendors, or snow shacks.

Outdoor Vending Machines. Means any self-contained or connected appliance, machine, or storage container located outside or in a non-enclosed space that dispenses or provides storage of a product or service; and does not include newspaper racks, phones, and automatic teller machines.

Owner. Means, when applied to a building or land, any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of any part of such building or land.

**Section 12.1.150. P.**

Parcel. Means the entire legal description of the property.

Parcel of Land. Means a contiguous quantity of land in the possession of, or owned by, or recorded as the property of, the same owner.

Parking Lot. Means an open area, other than a street, used for the temporary parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

Parking, Off-Street. See "Off-Street Parking".

Parking Space. Means a space not less than fifteen (15) feet in length nor less than seven and one-half (7.5) feet in width for compact auto spaces and not less than eighteen (18) feet in length, nor less than eight and one-half (8.5) feet in width for full size auto spaces. Compact auto spaces may comprise no more than thirty five percent (35%) of the total parking provided.

Parking Strip. Means the strip of land located within the public right of way between the edge of a lot or parcel and the curb and gutter, or the edge of the sidewalk and the curb and gutter, whichever measurement is farther from the curb.

Pasture. Means an enclosure for animals in which no feed is provided except that which the animals obtain by grazing.

Parks, Playgrounds or Community Recreation. Means any of the following recreational land uses, which are easily accessible to residents depending on the local needs:

1. Areas of natural quality set aside for outdoor recreation such as viewing, sitting, and picnicking
2. Arenas
3. Athletic fields
4. Community centers
5. Golf courses
6. Parks
7. Playgrounds
8. Recreation center buildings
9. Sports facilities
10. Swimming pools
11. Tennis courts
12. Walking and jogging tracks and
13. Any similar public use areas or buildings that provide recreational opportunities.

**Pawn Shop.** Means an establishment primarily engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the sale of such property.

**Pending Ordinance.** Means a Town Code, Zoning Map, or General Plan amendment that has been reviewed by the Planning Commission in an open and public meeting and a recommendation has been forwarded to the Town Council; or been first reviewed by the Town Council and has been included or attached to a resolution indicating the Council's intent to initiate proceedings to amend. A pending ordinance or change to the code is binding on any land use application or building permit application filed with the Town prior to final approval of the pending ordinance by the Town Council. If the town's actions meet this definition, the town's actions shall satisfy the requirements of Utah Code § 0-9a-509 as initiating a formal proceeding to amend this Title.

**Performance Bond.** Means a document meeting the requirements of the code and guaranteeing completion of any improvements required by the town and accompanied by a Bond Agreement; in an amount as specified in the code; on forms approved by the Town; and having the form of an escrow bond with funds on deposit in a reputable, federally-insured financial institution, a cash bond deposited with the Town, or a letter of credit from a reputable, federally-insured financial institution.

**Person.** Means an individual, public or private corporation, government, partnership, organization, trust, unincorporated association, or any other legal entity.. See Ut. St.. Code. 76-1-601(11, 10-9a-103(48).

**Personal Service Establishment.** Means an establishment which offers specialized goods and services to consumers including barbershops, beauty shops, massage facilities, garment repair, pressing, tailoring, shoe repair, and other similar establishments.

**Personal Services.** Means establishments primarily involved in providing personal grooming and related services; and includes, but is not limited to, barbershops, beauty parlors, and tailors, but does not include laundries or dry cleaners.

**Personal Wireless Services Facilities.** Means the same as definition as provided Section 704 of the Act, which includes what is commonly known as cellular and PCS services that do not install any system or portion of a system in the rights-of-way.

**Phantom Roads as referred to by Fairfield Town.** Means all roads that were on the original Fairfield plat map and were held in trust by the United States government until Fairfield became a town. Fairfield maintains rights of ownership of such roads.

**Place of Business.** Means a location maintained or operated by a person within the Town limits from which a business activity is conducted or transacted.

**Planned Performance Development.** Means a development that is encouraged to use imaginative, efficient utilization of land as well as consolidation of open spaces and clustering of the dwelling units. Density in the Planned Performance Development is determined by additional amenities and open space.

**Planning Commission.** Means the Town of Fairfield Planning Commission.

**Planning Director.** Means the employee, contractor, individual, or firm responsible for all municipal planning activities including long-range land use planning, ordinance preparation, administration and enforcement of the land development code, land use interpretation, development review, coordination with the Town Planning Commission, and any other responsibilities required by the Town relating to planning and development. Currently being taken care of by the Planning and Zoning Commissioner.

**Plant and Tree Nursery.** Means a facility used for the growing and the wholesale or retail sale of plants, trees, shrubs, flowers, ground covers, etc. and may also include sales of related products, including fertilizers, mulch, landscape decoration, etc.

**Plat.** Means a map or other geographical representation of lands being laid out and prepared in accordance with LUDMA.

**Plat, Final.** Means a drawing prepared in accordance with the Land Use Ordinances showing the final design of a land division and complying with all standards and requirements of best surveying practice and in a form required by the Utah County Recorder's Office for recordation.

**Postal Center.** Means a facility that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

**Preliminary Plat.** Means the initial formal plat of a proposed land division or subdivision containing the information required by this Code.

**Premises.** Means a lot, together with any buildings and structures located thereon.

**Premises Occupation.** Means a domestic manufacturing, artistry, or service business (but not the sale of goods produced off-site) which is carried on in an accessory building on the same lot as a residence by persons residing on the premises.

**Preschool.** Means a preschool, also known as nursery school, pre-primary school, or play school, is an educational establishment or learning space offering early childhood education to children for a fee before they begin compulsory education at primary school.

**Primary Building.** Means the principal building located on a lot, parcel, or tract of land and designed or used to accommodate the primary use.

**Primary Lot.** Means the lot on which the residence will be built.

**Primary Use.** Means the principal purpose for which a lot, parcel, tract, or building is designed, arranged or intended, or for which it is occupied or maintained.

**Printing, Lithography and Publishing Establishment.** Means any commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including offset printing, lithography, web offset, flexography, and screen process printing.

**Private Improvements.** Means any open space, park space, club house, pool, tot lot, gazebo, picnic area, trails, or any other privately owned and maintained improvement provided in connection with subdivision, Conditional Uses, or site plan approval.

**Private Road.** See "Road, Private."

**Procurement.** Means buying, purchasing, renting, leasing with an option to purchase, or otherwise acquiring any supplies, services or construction.

**Produce Stand.** Means a temporary roadside building or structure used for the seasonal retail sales of unprocessed fresh fruits, vegetables, flowers, herbs, plants, and other unprocessed agricultural food products. May also include cottage products produced from these agricultural food products such as honey, jam, and applesauce.

**Prohibition of Unlawful Noise.** Means it is unlawful for any person to produce, continue, or cause to be produced or continued, any noise disturbance (as defined in this chapter) within the limits of the Town.

**Project Plan.** Means a map prepared by a licensed Engineer, Surveyor, Landscape Architect, or Architect that illustrates the basic components of a proposed development; and submitted with Conditional Use applications in cases where the submittal of a Site Plan is not required.

**Property.** Means any lot, parcel, or tract of land, including improvements thereon, and recorded as real property in the Office of the Utah County Recorder.

**Property Boundary.** Means an imaginary line extending perpendicular to the ground surface, and its above-ground vertical extension, that identifies the line between the real property owned by one person or entity and that adjoining property owned by another.

**Property Line.** Means the boundary line of a lot, parcel, or tract.

**Property Owner.** Means the owner in fee simple of real property as shown in the records of the Utah County Recorder's Office and includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, trust, private corporation, limited liability company, public or quasi-public corporation, other entities authorized by the State of Utah, or any combination of the foregoing.

**Protected Open Space.** Means open space that is either placed in a conservation easement or listed as unbuildable on the recorded plat.

**Provider.** Means an operator, infrastructure provider, resaler, or system lessee.

**PSC.** Means the Public Service Commission, or any successor thereto.

**Public.** Means that which is under the ownership or control of the United States Government, Utah State or any subdivision thereof, Utah County, or the Town of Fairfield (or any departments or agencies thereof).

**Public Body.** Means the Town Council, Planning Commission, Cemetery Board or any other public board, commission or committee that the Town Council may create.

**Public Building or Facilities (Town owned).** Means uses which may be housed in separate buildings or which may occupy a space within a building that are operated by the Town of Fairfield to serve public needs; and public uses such as police, jail, fire service, ambulance, judicial court, government offices, library, cultural facility, recreation center, senior center, public utility stations, and maintenance facilities.

**Public Hearing.** Means a hearing at which citizens, land owners and other interested parties are provided a reasonable opportunity to express their position on specific issues, both pro and con, as mandated by either statute or by order of proper authority after due notice.

**Public Improvement.** Means any street dedications, installations of curb, gutter, sidewalk, road base and asphalt, water, sewer, and storm drainage facilities, or other utility or service required to provide services to a lot, parcel, building, or structure.

**Public Meeting.** Means a meeting that is required to be open to the public under State Code Title 52, Chapter 4, Open and Public Meetings Act.

**Public Park.** Means a landscape park which is owned or leased by a federal or state agency, a town or town government, or county government and which is operated under the aegis of such agency or government for public use.

**Public/Private Utility Building or Facility.** Means a building or structure used or intended to be used by any public or private utility, including any:

1. Gas treatment plant reservoir, tank, or other storage facility;
2. Water treatment plant, well, reservoir, tank, or other storage facility;
3. Electric generating plant, distribution, or transmission substation;
4. Telephone switching or other communications plant, earth station, or other receiving or transmission facility;
5. Storage yard for public or private utility equipment or vehicles; and any parking lot for parking vehicles or automobiles to serve a public or private utility.

**Public Record.** Means any record retained by a government body as further defined by statute and open to inspection.

**Public Right-of-Way.** Means a road, street, alley, lane, court, place, viaduct, tunnel, culvert, or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in any action by the subdivision of real property, and includes the entire area within the right-of-way.

**Public Street.** See Street, Public.

**Public Thoroughfare.** Means any Town street; county, state or interstate road; or other road upon which the public has a right to travel.

**Public Use.** Means a use operated exclusively by a public body or quasi-public body, such use having the purpose of serving the public health, safety, or general welfare, and including streets, parks, recreational facilities, administrative and service facilities.

**Public Works Representative.** Means the individual over the Roads Department.

**Purchase Description.** Means the words used in a solicitation to describe the supplies, services or construction to be purchased, and includes specifications attached to or made a part of the solicitation.

**Purchasing Agent.** Means the person duly authorized by the Town Council to enter into and administer contracts and make written determinations with respect thereto.

**Section 12.1.160. Q- R.**

**Reception Center.** Means an establishment with facilities that are rented for either private or public gatherings which may also provide catering or entertainment services.

**Recreation Center.** Means an establishment providing a variety of commercial recreation activities that are enclosed within a structure along with outdoor activities including one or more of the following: bowling, roller or ice skating, arcade games, billiards, miniature golf, amusement rides, slides and swimming pools, and related amusements; and may include ancillary uses, such as the preparation and serving of food or the sale of equipment related to the enclosed uses.

**Recreation Rentals.** Means an establishment that specializes in the rental of outdoor recreation equipment or similar items and accessories.

**Recreational Camps and Resorts.** Means cabin sites and commercial outdoor recreation establishments.



**Recreational Resort.** Means a type of large scale development providing accommodations for owners and guests, which include some of the following activities (but not limited to): skiing, hunting, fishing, golfing, horseback riding, swimming, sight-seeing, dining, and lodging.

**Recreational Vehicle" or "RV".** Means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel or seasonal use that either has its own motive power or is mounted on, or towed by, another vehicle. The basic types of RV entities are: camping trailer, fifth wheel trailer, motor home, park trailer, travel trailer, truck camper, and tiny house trailer which are individually defined as follows:

**Recreational Vehicle Court/Park.** Means an area or tract of land used to accommodate two or more recreational vehicles or camper units for a short period of time (less than 45 days).

**Recreational Vehicle Sales.** Means an establishment that sells motor homes, all-terrain vehicles, snowmobiles, watercraft, and other similar vehicles and accessories.

**Recycling Facility.** Means a location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled, including scrap metals, paper, rags, tires, bottles, and other such materials.

**Request for Proposals.** Means all documents, whether attached or incorporated by reference, used for soliciting proposals.

**Research and Development.** Means an establishment which conducts research, development, or controlled production of high technology electronic, industrial, or scientific products or commodities for sale; or laboratories conducting educational or medical research or testing. Research and development uses, including medical or electronic assembly and manufacturing; any use engaged in research and development, testing, assembly, repair, and manufacturing in the following industries: biotechnology, pharmaceuticals, medical instrumentation or supplies, communications and information technology, electronics and instrumentation, and computer hardware and software; and includes as part of this use any offices, warehousing, wholesaling, and distribution of the finished products produced at the site

**Reseller.** Means any person that provides local exchange service over a system for which a separate charge is made, where that person does not own or lease the underlying system used for the transmission.

**Resident.** Means any member of a household whose primary place of residence within the Town of Fairfield meets the Utah State standard defining a resident. Excepting therefrom any health impaired individuals who resided in the Town of Fairfield immediately prior to moving into a care facility due to varying factors and must live in a care facility, including family members homes, outside the Town of Fairfield.

**Residential Day Care Center.** Means a building containing a dwelling unit and associated facilities wherein ordinary board, care and supervision are provided during customary daytime periods by the resident family to not more than six (6) people who are not related to such family. To qualify, the center must be approved for such use by the State Department of Social Services.

**Residential Density.** Means the average number of dwellings on one acre of land in a given area. Net residential density is determined by dividing the total number of dwellings in a defined area by the total acreage of all parcels of land within the area that are used exclusively for residential and accessory purposes. Gross residential density is obtained by dividing all land in a defined area used for residences, streets, sidewalks, park strips, landscaped islands, local schools, local parks, and local shopping facilities, into the total number of dwellings in said area.

**Residential Facility for Elderly Persons.** Means housing that provides a program of independent or assisted services to deal with the activities and instrumental activities of daily living for the elderly.

**Residential Facility for Persons with a Disability.** Means a residence that meets the definition of Utah Code Section 10-9a-103; b. treats persons with a "disability" as defined in Utah Code Section 10-9a-103;

**Restaurant, Casual.** Means an establishment where foods or beverages are prepared for consumption that occurs in the building, on the premises, within a motor vehicle parked on the premises, or off-premises; and whose operation includes one or more of the following characteristics: food or beverages are served to the occupants of a motor vehicle (e.g., drive-through window or drive-in); and food and beverages are usually served over a general service counter whether or not there is a seating area within the restaurant.

**Restaurant, Deli.** Means a shop, store, or business no larger than 2,000 square feet selling primarily meats, cheeses, and sandwiches with limited onsite seating and more than 50% of business typically consisting of take-out.

**Restaurant, Sit Down.** Means an establishment that provides, as a principal use, foods and beverages prepared for consumption within or without the establishment with no drive-up or drive-through window or drive-in and whose operation includes the following characteristics: customers are customarily served their food or beverage by a restaurant employee at the same table or counter at which said items are consumed; and a restaurant employee customarily clears the table of trash and food; and take-out service may be provided so long as it is not the principal business of the establishment and no drive-up or drive-through window, or drive-in, is utilized.

**Restrictive Covenant.** Means a limitation on the use of land usually set forth in the deed. (Restrictive covenant usually runs with the land and is binding upon subsequent owners of the property).

**Retail.** Means the sale of commodities or goods in small quantities to ultimate consumers; A place of business devoted in whole or in part to the sale, rental or servicing of goods or commodities which are normally delivered or provided on the premises to a consumer.

**Retail, Big Box.** Means a singular retail or wholesale use, which occupies no less than 50,000 square feet of gross floor area, that may require high parking to building area ratios; have a regional sales market; and include regional retail or wholesale sales; and membership warehouse clubs that emphasize bulk sales, discount stores, and department stores

**Retail, Specialty.** Means retail operations that specialize in one type or line of merchandise; and may include apparel stores, jewelry stores, bookstores, shoe stores, stationary stores, antique stores, and similar establishments.

**Retail, Tobacco Specialty Store.** Means a commercial establishment in which the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment; food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and the establishment is not licensed as a pharmacy under Utah Code Title 58, Chapter 17b, Pharmacy Practice Act.

**Retail, Variety Store.** Means a store retailing a diversified offering of several categories of goods.

**Riding Arena, Commercial.** Means commercial roping and riding arenas (unlighted), as well as commercial roping and riding arenas (lighted) which may or may not be totally enclosed within a structure.

**Riding Arena, Private.** Means an animal enclosure included within a barn or in an open corral, for the purpose of carrying out activities related to the training of horses, riding schools, and other equestrian

skills, but not including any use for commercial entertainment.

Rights-of-way. Means the surface of and the space above and below any public street, sidewalk, alley, or other public way of any type whatsoever, now or hereafter existing as such within the Town.

Road, Private. Means a thoroughfare, held in private ownership and controlled by one or more persons, firms or corporations, and used or held for use primarily as a means of access to adjoining properties.

Roadside Stand. Means a temporary stand or structure for retail sales.

**Section 12.1.170. S.**

Salvage Yard. "See "Junk Yard".

Sanitary Landfill. See "Solid Waste Disposal Site".

School, Charter. Means a school licensed in accordance with Utah Code Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act. A charter school is considered to be a public school in this Title for the sole purpose of determining whether it is a permitted or conditional use. A charter school shall meet all applicable federal, state, and local laws, including this Title and all Town land use ordinances. This definition shall not be interpreted to limit, restrict, or alter in any way the requirements of charter schools under Utah Code § 10-9a-305 to follow this Title and all Town land use ordinances.

School, Private or Quasi - Public. Means a school that is operated by a private or quasi-public organization or individual, excluding charter schools and public schools, which includes an academic curriculum recognized as satisfying the requirements of elementary, secondary, or higher education in the State of Utah and is accredited by an accrediting agency recognized by the State of Utah.

School, Public. Means an educational facility operated by a public school district as defined in the Utah State Code.

School, Trade or Vocational. Means a post high school educational or vocational training facility.

Sealed Container. Means a covered, closable container which is rodent-proof, fly-proof and watertight such as garbage cans with properly fitting tops or plastic garbage bags which have been closed or twisted shut.

Seasonal Home Development. Means a type of development which is approved for the purpose of providing sites for vacation dwellings for temporary use by families which have permanent residences elsewhere and which occupy the dwelling intermittently, primarily during weekends or vacation periods; the development was not intended to get the normal governmental services (school bus service, mail service, snow removal, etc.) that are customary for permanent residences.

Secondary Water System. Means a system which is designed and intended to provide, transport, or store water used for watering of crops, lawns, shrubbery, flowers, and other non-culinary uses.

Sensitive Lands. Means land and natural features including canyons and slopes in excess of 30%, ridge lines, natural drainage channels, streams or other natural water features, wetlands, flood plains, landslide prone areas, detention or retention areas, debris basins, and geologically sensitive areas.

Septic Tank. Means a watertight underground cistern and the attached underground drain pipes used to dispose of sewage into the soil.

Septic Tank Drain Field. Means the plot of land in which drain lines of a septic tank are located.

**Setback.** Means the shortest horizontal distance permitted in each zone, as set forth in the Town's zones, between the identified boundary lines of a lot and a building, structure, or part thereof.

**Sexually Oriented Business.** Means a business which depicts, portrays, or describes "specified sexual activities" or "specified anatomical areas," or instruments, devices, or paraphernalia which are designated or used in connection with specified sexual activities, including but not limited to adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, or nude or seminude model studio.

**Shooting Range, Indoor or Outdoor.** Means an area or structure specially designed for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm for the purpose of sport-shooting or military/law enforcement training. May also include archery, and may or may not be open to the general public.

**Sidewalk.** Means a passageway for pedestrians, excluding motor vehicles.

**Sign.** Means any medium, including its structure, symbols, and other component parts, which is used or intended to be used to attract attention to the subject thereon.

**Sign, Accessory.** Means a sign which is located on the premises and which directs attention to a business or profession which is conducted on the premises.

**Signal.** Means any transmission or reception of electronic, electrical, light or laser or radio frequency energy or optical information in either analog or digital format.

**Single Source Provider.** Means purchases from one selected supplier, even though there are other suppliers that provide similar products. If your company decides to buy only Dell computers then that is a single source provider.

**Site Plan.** Means a schematic, scaled drawing of a lot, parcel, or tract which indicates, as may be required by this Ordinance, including but not limited to the placement and location of buildings, setbacks, yards, property lines, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, trash containers, streets, sidewalks, curbs, gutters, signs, lighting, fences and other features of existing or proposed use, activity, building or structure.

**Slaughter House.** Means an animal processing plant where cattle or other livestock are killed preparatory to butchering and consumption.

**Sleeping Apartment.** Means a room or specific space for sleeping and living quarters which may not contain cooking facilities. In a suite of interconnected bedrooms (motel rooms) which have no cooking facilities, each three bedrooms (motel rooms) shall be considered a "sleeping apartment". A dormitory, lodge, barrack, or other quarters that provide bedrooms (each bedroom may not exceed five hundred (500) square feet in total floor area that connect by hallway or central court shall be considered one "sleeping apartment" for each ten (10) bedrooms or for each twenty (20) persons, whichever is less.

**Slope.** Means the average grade of the surface of land expressed in either percentage or in degrees.

**Soil Breakthrough.** Means soil migrating through the fabric and cap in a manner that exposes the public and shall be deemed in violation of this Ordinance.

**Soil Ordinance Boundary.** Means all land that lies within the boundaries of Fairfield Town.

**Solar Panel.** Means a panel designed to absorb the sun's rays as a source of energy for

generating electricity or heat.

**Solid Waste Disposal Site (MSW Landfill).** Means a garbage dump, recycling center, or landfill operation utilizing solid wastes which meets all Health Department standards for approval.

**Sound.** Means an audible temporal and spatial oscillation in pressure, or other physical quantity with interval forces that cause compression or rarefaction of the medium, and that propagates a finite speed to distant points.

**Sound Pressure Level.** Means the sound level measured with a sound level meter using the A weighting network. The standard notation or abbreviation is “dBA”.

**Stable.** Means a building in which horses are sheltered, which may be accessory to a residential or other use or a freestanding principal use.

**Stationary Noise Source.** Means any device, fixed or moveable, that is capable of creating a noise level at the property upon which it is regularly located.

**Stockyards.** Means an enclosure with pens, sheds, etc. where cattle, hogs, sheep, or horses are kept temporarily before slaughtering or shipment:

**Storage, Outdoor.** Means a location where a business keeps equipment, supplies, and other business related materials in an outdoor area fully enclosed by a minimum six (6) foot opaque wall or fence. Outdoor storage does not include wrecking yards, dumps, and other debris storage.

**Storage, Self-Storage or Mini-Storage Units.** Means a building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include refrigerated or climate-controlled facilities.

**Storage, Vehicle.** Means a location where recreational vehicles, cars, trucks, and other vehicles are stored in an enclosed structure, or in an outdoor area fully enclosed by a minimum six (6) foot opaque wall or fence. Vehicle Storage does not include sales.

**Story.** Means that portion of a building included between the surface of a floor and the ceiling next above it, but not to include underfloor crawl space or attic space without floor decking or without the required height.

**Street.** Means all roads, alleys, lanes, highways, courts, places, squares, trails, bridges and sidewalks laid out or erected as such by the public, abandoned or dedicated to the public, or made public by any means whatsoever;

Collector - A street which collects traffic from local streets and connects with a minor and major arterial.

Cul-de-sac - A street with a single common ingress and egress and with a turn-around at the end; not a through street.

Dead End - A street with a single common ingress and egress.

Major Arterial - A street with access control, channeled intersections, restricted parking and which collects and distributes traffic.

Minor Arterial - A street with signals at important intersections and stop signs on the side streets which collects and distributes traffic to and from collector streets.

- Highway- A street that is the entire width between the boundary lines of every public way that is maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- Local - A street which provides for direct access to abutting land and for local traffic movement.
- Public- A tract of land which is an existing state, county, or municipal roadway, or is shown on a plat duly filed and recorded in the office of the county recorder, or has been accepted by the town council as part of a development project, and is for public use, to provide a thoroughfare for public use that is primarily for vehicular travel, an access to abutting properties, the installation of public utility service lines or pipes; and drainage facilities and other public works and appurtenances for the convenience and welfare of the public.

Structure. Means anything constructed or erected on the ground, or attached to something located on the ground, including buildings, radio and wireless telecommunication equipment, sheds, swimming pools, tennis courts and sport courts, gazebos, decks (two feet six inches (2'-6") or above in grade), and retaining walls.

Structure, Totally Enclosed. Means a building capable of being sealed on all sides such as a house, garage or storage shed with a roof, floor and walls or closable doors around its perimeter.

Subdivider. Means a person who, having interest in land, causes it, directly or indirectly, to be divided into a subdivision; directly or indirectly sells, leases, develops, or advertises for sale, lease or development, any interest, lot, parcel, site, dwelling, unit, or plat in a subdivision; or engages directly or through an agent in the business of selling, leasing, developing, or offering for sale the lease or development of a subdivision.

Subdivision. A subdivision is any land that is divided, re-subdivided or proposed to be divided into two (2) or more lots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of parcel or lot; and except as provided in subsection (65)(c) of Uah State Code, Section 10-9a-103, divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

Subdivision, Improved. Means subdivided lots that meet all zoning and building permit requirements.

Subdivision, Unimproved. Means an undeveloped lot that has no or little improvements.

Substantial Damage. Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Substantial Improvement. Means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or, any alterations of a "historic structure", provided that the structure continues to be designated as a "historic structure" following the improvement.

Swimming Pool. Means constructed pool, any part of which is above or below grade; and prefabricated pool, any part of which is below grade, or a prefabricated pool that is completely above grade and has a capacity of five thousand (5,000) gallons) or more, used for swimming or bathing.

Swimming Pool, Community. Means a pool that is open to a limited public through membership, such as an HOA or club.

Swimming Pool, Private. Means a pool on an individual residential lot intended for primary use by the occupants of that lot.

Swimming Pool, Public. Means a pool that is open to the general public, with or without a fee.

System Lessee. Means any person that leases a system or a specific portion of a system to provide services.

**Section 12.1.180. T.**

Tattoo Parlor. Means a business establishment that operates tattoo equipment to inject ink or otherwise modify human skin for the purposes of decoration, which may include body piercing; however, establishments that engage in ear piercing and no other activities in this definition shall not be considered tattoo parlors.

Telecommunications. Means the transmission, between or among points specified by the user, of information of the user's choosing (e.g., data, video, and voice), without change in the form or content of the information sent and received.

Telecommunications Service or Services. Means any telecommunications or communications services provided by a provider within the Town that the provider is authorized to provide under federal, state and local law, and any equipment and/or facilities required for and integrated with the services provided within the Town, except that these terms do not include "cable service" as defined in the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992 (47 USC 521, et seq.), and the Telecommunications Act of 1996. "Telecommunications services" or "services" also includes an open video service.

Telecommunications System or Systems. Means all conduits, manholes, poles, antennas, transceivers, amplifiers and all other electronic devices, equipment, wire and appurtenances owned, leased, or used by a provider, located in the rights-of-way and utilized in the provision of services, including fully digital or analog voice, data and video imaging and other enhanced telecommunications services. "Telecommunications system" or "system" also includes an open video system.

Temporary Sales Trailers. Means trailers for use by home builders or developers for the purpose of sales within subdivision projects, which are subject to the regulations in Title 10 of this Code.

Temporary Use. Means a use that is associated with a holiday or special event for a limited duration of time, including but not limited to outdoor seasonal sales.

Theater. Means a building used primarily for the presentation of movies projected upon a screen or the presentation of live stage productions or performances, which may include ancillary uses such as arcade games and concession areas.

Tobacco Product. Means any cigar, cigarette, or electronic cigarette as defined under Utah Code Section 76-10-101; a tobacco product as defined under Utah Code Section 59-14-102, including chewing tobacco; any substitute for a tobacco product, including flavoring or additives to tobacco; and tobacco paraphernalia as defined under Utah Code Section 76-10-104.1.

Town. Means Fairfield Town, Utah.

Town Street. Means a street or road which has been dedicated to and accepted by the Town or municipality, including utility easements, as a public street.

Trail. Means a dedicated path, improved or unimproved, for the passage of pedestrians, non-motorized vehicles, or equestrian related uses.

Transit-Oriented Development (TOD). Means a form of development that maximizes transit infrastructure by concentrating the most intense types of development around transit stations and along transit lines. Development in such areas is designed to make transit use as convenient as possible.

Travel Trailer. Means a non-motorized, vehicular portable structure built on a chassis for temporary use as living quarters during travel or vacation periods; it is fabricated for towing on medium-duty roads and has a body size not to exceed eight (8) feet in width and forty (40) feet in length.

**Section 12.1.190. U - W.**

Undue influence. Means influence by which a person is induced to act otherwise than by their own free will or without adequate attention to the consequences.

Unreasonable Hardship. Means a general restriction placed upon a lot with respect to setback or area where, by reason of exceptional narrowness, shallowness, shape, or topography of such lot, a literal enforcement of the general restrictions would result in an unfairness to the owner compared to the owners of other lots in the same zone and which literal enforcement would be unnecessary in order to achieve the intent of the zone.

Urban Design Committee. Means a committee made up of architects, planners, builders, or other persons whose primary responsibilities are to review architectural plans for commercial, industrial, and multi-family developments; and make recommendations to the Planning Commission regarding architectural style, urban design, and exterior building materials for all types of developments.

Utility. Means any ditch, pipe, wire, way or right of way owned by any person which crosses, goes along, over or under a Fairfield Town road or right of way.

Utilities. Means culinary and secondary water lines and systems, pressure and gravity irrigation lines and ditches, sanitary sewer lines, storm drain lines, subdrains, electric power, natural gas facilities, cable television, telephone transmission lines, data transmission lines, underground conduits and junction boxes, and other services deemed to be of a public utility nature by the Town.

Variance. Means an authorization by the Appeal Authority relative to a specific parcel of land for a modification of a zone's standard height, bulk, area, width, setback, or separation requirement; as distinguished from a special exception (conditional use), the allowing of a use not listed as permitted in a zone, or any other change in zoning requirements.

Vehicle. Means an automobile, trailer, boat or other device in which a person or thing is (or has been or may be, according to the context) transported from one place to another along the ground, through the air, and/or over the water.

Vehicle, Obsolete. Means a used vehicle which lacks a current license and state registration, or a used vehicle which is not in running order without adding parts or repairs. (Exception to the "current license and state registration" standard: a type of vehicle which is not required under Utah State law to be registered and have a license to be operated on public roads, such as a trailer under 750 pound gross unladen weight.)



**Warranty Bond.** Means a document that meets the requirements of this Title; warranting any improvements required in this Title; accompanied by a Bond Agreement in an amount as specified in this Title on forms approved by the Town; and having the form of an escrow bond with funds on deposit in a reputable, federally-insured financial institution, a cash bond deposited with the Town, or a letter of credit from a reputable, federally-insured financial institution.

**Water Source, Culinary.** Means a well, spring, stream, or municipal-type piping system (as opposed to water bottles or holding units filled by carried-in water from a source elsewhere).

**Water Transmission Line.** Means a pipe, ditch, canal, aqueduct or other conduit used or designed to be used to carry water to a particular place; not a natural watercourse.

**Waterways.** Means those areas, varying in width, along streams, creeks, springs, gullies, or washes which are natural drainage channels as determined by the Town Council, as shown on the Town master drainage plan, or as designated by FEMA, and in which no structure or building construction or placement is permitted.

**Width of Lot.** Means a measurement of the distance between side property lines.

**Windmill.** Means a structure utilizing wind power for the pumping of water for agricultural use on the parcel of property on which the windmill is located, or for electrical power generation for a residence and other permitted structures and uses located on the subject parcel of property. [This definition shall not preclude a windmill which generates its primary electrical power for use on the premise from selling the surplus to an electrical utility provider; provided that the design of the windmill is only to provide required electrical power for use on the subject parcel of property, and not for commercial electrical power generation. Any other wind generated electrical power facility shall be classified as an electrical power generation plant, not a windmill.]

**Wire.** Means fiber optic telecommunications cable, wire, coaxial cable, or other transmission medium that may be used in lieu thereof for similar purposes.

**Wireless Telecommunication Equipment.** Means a structure intended for transmitting or receiving television, radio, data, telephone, or other wireless communications.

**Section 12.1.200. X - Z.**

**Xeriscape.** Means a landscaping practice that uses plants that grow successfully in arid climates and a landscaping design intended to conserve Town water resources.

**Yard.** Means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward except as otherwise provided in this Code.

**Yard, Front.** Means a yard between the front lot line and the front façade of the main building and extends for the full width of the lot.

**Yard, Rear.** Means a yard between the rear lot line and the rear facade of a main building, extending across the full width of interior lots; or, for corner lots, a yard between the rear lot line and the setback line of the building and extending between the interior side lot line and the front yard or side street yard lying opposite thereto..

**Yard, Side.** Means a yard between the interior side lot line and the side facade of a main building, extending from the front yard to the rear yard, and street side yard; yard between the street side lot line and the side façade of a main building on a corner lot, extending from the front yard to the rear lot line.

Zoning. Means an area of the Town that has been given a designation which regulates the construction, reconstruction, alteration, repair, or use of buildings or structures, or the use of land as set forth in this Ordinance.

Zoning Map. Means a map, adopted as part of a land use ordinance, that depicts land use zones and overlay designations for all properties located within the Town of Fairfield.