

Chapter 1 Water Regulations.

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Section 6.1.10. General Provisions.

A. Fairfield, a municipal corporation of the State of Utah (the "Town"), is the owner of a culinary water distribution system for the purpose of furnishing culinary water to the residents of said Town under a system of facilities (the "System"); and whereas it is necessary and advisable to adopt an ordinance for the control of the System, which will supersede the existing ordinance or portions thereof that are inconsistent with this Ordinance which contains, without limitation, provisions for culinary water services and amends, and, where necessary, repeals water ordinances and regulations heretofore adopted in conflict with this document.

B. Fairfield Irrigation Company had fiduciary responsibility for forty-six (46) of the total hookups in the Town Culinary Water System at the time of the Town's purchase of said System; and the Town purchased said System in an "AS IS" condition, with full knowledge of Fairfield's Irrigation Company's requirements of perpetual responsibility for those same 46 hookups; and Fairfield will defer to Fairfield Irrigation Company in dealing with the aforementioned forty-six (46) hookups, to include hookup and application fees prior to January 1, 2011, and grandfathered contractual agreements. Fairfield Irrigation Company will defer to Fairfield in dealing with all hookups beyond the aforementioned forty-six (46) hookups to include infrastructure and water rights.

C. Culinary Water Utility System. The "Culinary Water Utility" of the Town of Fairfield (water utility) is hereby created. It shall manage, operate and maintain the system to:

1. To protect and provide for the public health, safety, and general welfare;
2. To provide adequate water service for present residents and future growth and development in Fairfield Town in accordance with the General Plan;
3. To protect the Towns water supply in case of fire, flood, and other geologic and natural hazards;
4. To provide adequate and efficient water facilities for current and future residents of the Town;

5. To establish reasonable standards of design and an orderly water system layout;
6. To ensure that water facilities are available with sufficient capacity to serve proposed development; and
7. To prevent pollution of streams and ponds, ensure the adequacy of drainage facilities, protect subsurface water, encourage the wise use and management of natural resources throughout the municipality, and preserve the integrity, stability, and beauty of the community and value of the land.

D. Title and Penalty. This Title shall be known, cited, and referred to as the Town of Fairfield Water Ordinance/Code. Any person violating any of the provisions of this Title shall be guilty of a Class C misdemeanor, and upon conviction, shall be punished in accordance with Utah State law.

Notwithstanding any provision or agreement to the contrary, the Town may terminate drinking water without notice where, in the Town's judgment, a clear emergency or serious health or safety hazard exists, for so long as such conditions exist, or where there is unauthorized use of, or connection to, the Town drinking water. No drinking water connection to any premises shall be installed or maintained by the Town unless the water supply is protected as required by Town, County, State, and Federal laws, regulations, codes, and this Title. Water service found to be in violation of this Title shall be discontinued after written notification and due process of the violation.

E. Director of Water. There is hereby created the position of "Director of Water" (Water Director) of the Culinary Water Utility.

F. Duties of the Director of Water. The Director of Water shall manage and supervise the system pursuant to the provisions of this Ordinance and pursuant to resolutions, rules, and regulations adopted by the Town Council from time to time describing his/her powers and duties and directing the manner and frequency with which he shall make reports to the Town Mayor or his designated appointee. (see job descriptions) The Director of Water for Fairfield Town is vested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this ordinance.

G. Rate Schedules and Connection Fees. The Town Council shall adopt and establish rate schedules, connection fees, rules, and regulations governing the water system. The Town Council shall, from time to time, affix, by agreement or resolution, such terms, and conditions as they deem proper, for the purpose of establishing special rates and conditions for users using exceptionally large amounts of water or making use of the System under exceptional circumstances. The Town Council is constituted as a Board of Equalization for water system rates to hear complaints and make corrections of any assessments deemed to be illegal, unequal, or unjust.

H. Conveyance of Water Rights- Requirements for Development. The following requirements pertain to new development within Fairfield Town. These requirements are intended to be in harmony with the requirements of the Fairfield Zoning Ordinance and Subdivision Ordinance. An applicant for development approval shall satisfy the following requirements:

1. It is the intent of Fairfield Town to assure each future lot owner reasonable access to adequate water to make that lot productive; and, to initiate a program to provide funding and adequate water resources for a more efficient water distribution system; and

2. All developers of subdivisions or landowners requesting a building permit within the boundaries of Fairfield Town shall provide adequate water to be distributed through Fairfield Town's drinking water system with appropriate easements along with a suitable grade by which to convey the water to each lot. Adequate water shall be assessed as follows, except as noted:
 - a. Well or subsurface rights which are capable of being transferred into the name of Fairfield Town.
 - b. Any other water right approved by the Town Council that is capable of being transferred into the name of Fairfield Town or adequately assigned to Fairfield Town through a warranty deed or other legal decree.
 - c. Those approved by the town council for a private culinary well do not need to transfer water rights to Fairfield town. However they still need to have the proper water rights.

I. Private Systems and Private Wells. Private water systems and the use of private wells to provide water services are **not allowed**. See exceptions in **Section 6.1.10. (J)** and **Section 6.1.20. (G)**.

J. Wells for Agricultural Purposes. A State-approved agricultural well permit does not convey or imply any right to a Fairfield culinary water connection. Wells drilled for agricultural purposes are allowed within Fairfield Town boundaries and must meet the following conditions:

1. The primary use for the water service will be for agriculture purposes only;
2. Lot size shall be ten (10) acres or more;
3. Must have adequate water rights for the agricultural purpose; and
4. Must comply with all state water regulations and have approval of all government agencies involved.

Section 6.1.20. Application for New Individual Culinary Water Connection.

A. Water Service Connection Application Requirements. Any person or entity, who desires or is required to secure a new service connection to the System, shall file with the Water Utility for each such service connection, a written and signed new service connection application. The applicant will be responsible for payment of all associated impact fees and connection fees. Fairfield Town will follow [Utah State Code 11-36a-601](#) and [Title 9.9 Impact Fees](#) in the accounting of these fees. The application must be submitted along with proof of the applicant's ownership of, or rights to transfer adequate water rights to serve the dwelling in an amount determined by the Fairfield Town Council, that amount being **1-acre-feet** of culinary water rights per residential service on 2 acre lots and under; 1.25 acre feet of culinary water rights per residential service on anything greater than 2 acre lots.

B. Transfer of Water. The applicant shall also be responsible to deed the water rights to the Town and obtain approval from the State Water Engineer to transfer the point of diversion for the water right to Fairfield Town's designated point of diversion. The water right is required to be a municipal or culinary water right.

C. Building Permits and Water Applications. Plans for the new service connection must be approved by the Town Council prior to construction and a pre-construction meeting between the developer, contractor, and the Town must be conducted before any water line construction begins.

D. Plans shall be submitted and approved prior to the pre-construction meeting and shall comply with the Fairfield design standards.

E. Once approved, the owner has the option to hire a contractor or pay the Town to take the requested new service connection from its water main to the property line where the new service meter shall be located. The Town will contract with a certified drinking water system contractor to install the water line from the existing mainline to the owner's property line. The cost of this installation will be borne by the new connection owner. If Fairfield Town deems the connection is a major extension of the system, the connection owner will secure the contractor to install the new line with Fairfield Town's approval of said contract, materials, and line size used.

F. No building permit will be issued without first completing an approved water rights transfer to the Town of Fairfield as follows:

1. If the applicant is drilling a well, proof of ownership of the required water rights shall be submitted to the Town and approved by the Town prior to issuing any building permit; and
2. There is a one (1) year time limit for completing the approval process of water transfer before the issuance of a building permit. If a water transfer is not completed within the one (1) year time limit then any reservation on said building permit for that property will be lost along with any deposit paid to hold the building permit.

G. Private Systems and Private Wells. Private water systems and the use of private wells to provide municipal water services are **not allowed** except at the discretion of the Town Council, in the following instances:

1. The applicant is constructing a home or place of business on a legal lot that lies farther than one thousand (1,000) feet from the current water system regardless of the actual building location on the property;
2. Allowance of the private system or private well is more compatible with the land use development goals of the Town Council (i.e. environmental preservation, construction of a necessary public facility significantly removed from the current water system, limitation of the number of dwelling units in a given area where connection to the municipal water system could result in more dwelling units than are desired by the Town Council). The Town Council is under no obligation to approve the use of a private system or private well and no precedent will be established by a previous Town Council decision;
3. The cost is prohibitive to expand the current municipal water system, connect to the current municipal water system, or create facilities capable of linking to the Fairfield Town water system;
or

4. Property lies within a zone greater than one (1) acre. An existing culinary well exists on the property prior to 2010
5. If a well is used for a culinary water supply it must reside on the same parcel of land as the structure

H. Water Main Line Extensions and Connections. Waterline extensions and connections must adhere to the following:

1. It shall be unlawful for any person to make any extension of any pipe or water fixture attached to the waterworks system without first obtaining a permit from the Water Department;
2. It shall be unlawful for any person other than duly authorized employees of the department to open or close any water gate valve in connection with the water system;
3. When an applicant desires or is required to install water connections and extensions for a subdivision or development, the applicant may voluntarily extend the water main line beyond the distance required for connection. The applicant for a project which requires the extension of a water main line shall pay the cost of the extension.
4. No person shall construct a water main line extension without first having plans for the mainline extension approved by the Town Engineer:
 - a. The applicant shall be bound by the rules, regulations, resolutions, or ordinances enacted now or hereafter by the Town applicable to the Town's System;
 - b. If an applicant installs a water mainline extension to serve a parcel of property, the mainline extension shall originate at the nearest adequate, existing water main and extend completely across the parcel of property being developed along all public street frontages;
 - c. Boring of pipelines under roadway is required unless the town Council deems it otherwise due to extenuating circumstances;
 - d. The applicable cost of an extension shall include replacement of all road surface damaged or removed for installation of new extensions in accordance with the Design Guidelines and Standard Specifications of Fairfield Town;
5. The main purpose for which the new water service connection will be used must be for culinary use. The location of the service connection will be decided solely by the Town. The Town must also approve the length of the addition to the System, pipe size, and the number of fire hydrants, isolation valves, and other appurtenances as necessary installed along the line before construction of said line begins. All work shall be performed by a licensed, bonded and insured Contractor, bonded with the Town. All work shall be performed and inspected according to Fairfield construction specifications. A utility easement extending the length of the property must be recorded with Utah County;
6. Any subdivider or developer who desires or is required to install water connections and extensions for a subdivision or development must enter into a Master Development Agreement

with the Town. Said agreement shall constitute an application for permission to make the extensions and connections and shall specify the terms and conditions under which the water extensions and connections shall be made. Said agreement shall also include any and all payments that shall be required. No precedent will be established by a previous Town Council agreement. Whenever an extension of a water line benefits property which is adjacent to the extension or extended from the end of an existing extension, other than that which is owned by the applicant, a Master Development Agreement may be entered into;

7. A Master Development Agreement shall include the excess capacity (if any), formula, and terms for any reimbursement. A Master Development Agreement will be identified prior to the beginning of construction. The Town will then enter a deferred credit on its books and records in the amount of the actual prorated cost of extension across the front of said benefited property and shall reimburse the applicant, his assignee or successor, upon collection by the Town of charges assessed against such benefited property as service connections are made; and
8. All such reimbursements shall extend for a period determined by the Town Council from the date of the completion of the extension and acceptance by the Town or until the initial prorated cost of the extension along the frontage not owned by the applicant shall have been refunded. The amount of an "Extension Charge " to benefited property shall be determined by the Town Council.

Section 6.1.30. Billing.

A. Payment of Bills. Billing for water use shall be rendered by the 5th day of each month. Water bills shall be due and payable on the last day of each month. Any payment received after the due date shall incur a late fee as listed on the Fairfield Town fee schedule. If bills are not paid within sixty (60) days of the due date, the Town may cause the water to be turned off. All delinquent water charges must be paid to the Town or arrangements must be made for their payment in a manner satisfactory to the Town before the water is turned on again. In addition to all delinquent water charges, the user shall pay any extra charges for turning the water on and off as the Town Council may have established by resolution. Furthermore, in addition to such payments and penalties, a delinquent user may be required to make and file a new application and deposit. The Director of Water is hereby authorized and empowered to enforce the payment of all delinquent water charges by an action of law in the name of the Town of Fairfield.

B. Rate schedule. A rate schedule will be set by the Town Council by resolution and will appear on the Town Fee Schedule

C. Return Check Policy. A return check fee will be charged, as stated and set by resolution, for any check submitted in payment to Fairfield's water utility that is returned by the bank unpaid.

D. Resuming Use after Turn-Off Prohibited. After the water has been turned off on the premises for non-payment of culinary water charges, or other violations of ordinances, rules, regulations, or resolutions pertaining to the water supply or the System, it shall be unlawful for any person to turn the water on or to allow the water to be turned on or used in any way without the authorization of the Water Director or the Town Clerk\Recorder. See Section 6.1.70.

E. Use Without Payment Prohibited. It shall be unlawful for any person, either by himself/herself or through his/her family, servants or agents to utilize the water system without paying, therefore, as herein provided. It shall also be unlawful for any person, without authority, to open any pipe, line, connection,

stopcock, valve or other fixtures, attached to the system unless it is done pursuant to proper application, agreement, permit, or resolution. A violation of this section shall constitute a Class C misdemeanor and may be punishable as such.

F Discontinuance of Service. Any customer desiring to discontinue service shall notify the Town in writing at least ten (10) days before the date when such service shall be discontinued. Any credit balance in favor of the customer as a result of an advance payment of bills or a deposit made will be refunded upon discontinuance of service.

Section 6.1.40. Water and Water Line Regulations and Restrictions.

A. Water Restrictions. The Mayor is hereby authorized and empowered during times of emergency in the Town to issue on behalf of the Town, and at the direction of the Town Council, an order restricting the use of water. The order shall be given by proclamation and signed by the Mayor.

B. Spring Protection Zone Concentrated. Sources of pollution, including, but not limited to, septic tanks, drain fields, garbage dumps, pit-privies, corrals, etc., shall not be allowed within the spring protection zones. Spring protection zones include all land within fifteen hundred (1500) feet of a spring collection area. Sewer lines may be permitted within spring protection zones at the discretion of the Town Engineer. Sewer lines shall be greater than three hundred (300) feet from a spring. The provisions of this Ordinance shall be superseded by State or Federal statutes.

C. Maintenance of Water Mains, Meters and Service Connections. The responsibility of maintenance of water mains and the property being serviced by the new water service line is borne by the applicant until the Town accepts, by dedication, the new water line. Service connections therefrom shall be as follows:

1. Once dedicated, all water mains and service connections which are located on public property shall be maintained by the Town, except that the Town will not maintain a service connection at any point between the meter and the facility it serves. Service lines from the meter to the facility shall be kept in good repair and free from leaks by the owner of the property serviced;
2. Water mains and service lines which are located on private property shall be maintained and repaired by the owner and not by the Town, provided, however, that water mains which are on private property, located within a utility easement, and part of the Town water distribution system shall be maintained and repaired by the Town. Water service to or through main lines or service lines on private property may be discontinued if the owner of the lines fails or refuses to repair the lines when reasonably requested by the Town; and
3. The Town shall maintain all water meters including those on private property. The Town shall have the right to enter private property to inspect, repair or replace water meters.

D. Service Line Connections Service. Line connections shall not be made to the Town water distribution system or to main water lines on private property without the authorization of the Water Director. The party making the connection shall be required to obtain a permit and pay the appropriate fees. Expense of trenching, line, meter set and container shall be borne by the applicant. This will include trenching from the new service location or building to the Town main. Inspection shall be by the Water Director who will give final approval of the installation. Water service connections including the main line

tap, service line, meter box, yoke, ring and lid, must be installed by a qualified and licensed plumber or a prequalified utility contractor at the expense of the owner. No tapping or connecting to water mains will be allowed in temperatures below forty (40) degrees Fahrenheit.

E. Separate Service Lines Required. Service lines must be arranged to supply each separate unit or premises with a separate meter placed near the street curb. Where water is now supplied through one service to one or more units or premises, the Town may either refuse to furnish water until separate services are provided, or continue to supply water on the condition one person shall be responsible to pay for all water used through the service.

F. Abandoned Service Lines. When a water service line is abandoned in favor of a different service line, the old service line shall be disconnected from the main line and the old service tap shall be plugged at the main line. The cost of all work shall be the responsibility of the owner of the property being serviced by the new water service line. Application for abandonment and new connections must be applied for. All work described in this chapter shall be inspected before backfilling.

G. Moving or Replacement of Water Lines. In the event that the Town Council determines that any component of the water system must be moved or replaced, and as a result of such a move or replacement, a customer's connection must be moved, the Town shall bear the cost of such a move or replacement which applies to main lines up to the property boundary of the customer and the cost of reconnecting or establishing such new branch or branches from the house of the customer to his property boundary.

H. Unauthorized Users. It shall be unlawful for any water service user to permit any person from other premises or any unauthorized person to use or obtain water service regularly from his premises or water facilities, either outside or inside his premises.

I. Cross Connections and Backflow Prevention. It shall be unlawful for any water user to intentionally or through negligence cause there to be a cross connection of Town culinary water with any other water source. The Town Building Official shall review all new construction plans to ensure that there are no unprotected cross connections.

Furthermore, a Town culinary water source shall not be connected by pipe, hose or submersion, or brought in contact with another water source. Whenever the Town deems that a service connection's water usage contributes a sufficient hazard to the water supply, installation of an approved backflow assembly shall be required. Backflow prevention assemblies shall be installed by the Town as deemed necessary. The Town shall test all backflow assemblies within ten (10) working days after initial installation in order to determine adequacy. All backflow prevention assemblies existing at the time this Ordinance/Code is adopted shall be subject to the periodic inspection and testing required by this Ordinance/Code.

J. Water Meters. When a new service line is installed connecting any unit or premises to an unmetered private line which is supplied water from Fairfield Town, or when a service pipe is connected directly to the water system of the Town, a water meter must be installed. Regulations, procedures for any water line connected to the Town system are as follows:

1. All water meters shall be installed in easily accessible locations selected by the Director of Water or the Town Engineer;

2. Water meters shall be furnished and installed by Fairfield Town;
3. Water meters shall not be installed until new main lines have been pressure tested, disinfected, and approved and service lines, including meter boxes and appurtenances, have been inspected and approved;
4. No meters shall be installed until all applicable fees have been paid including water connection fees and main line extension fees as appropriate;
5. If any meter malfunctions and fails to register, the water shall be charged for the time the meter is out of order at the average daily rate as registered by the meter for the previous meter reading period when the meter was in order;
6. It shall be unlawful for any person to tamper with, modify, or deface in any manner a water meter or meter box. Modifications or connections to piping inside the meter box are prohibited or at any point on the service line between the meter and the distribution main Any such connections shall be removed at the expense of the owner of the property being served;
7. Additionally, it shall be unlawful for any person or persons to deface, mutilate, tear down or in any way destroy any signs or markers erected by the department; and
8. All damages or injury to the lines, meters or other materials of the Town on or near the customer's premises caused by any act or neglect of the customer shall, at the discretion of the Town, be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including a reasonable attorney fee, which may arise or accrue equipment of the culinary water system or collect such costs from the customer.

K. Use of Unmetered Water. Use of un-metered water through any service line, main line, or fire hydrant is prohibited unless authorized by the Town Council. Use of a "jumper" in place of a meter to convey water through a service line is prohibited.

L. Water line installation. All water lines shall be installed and completed before a building permit is issued.

Section 6.1.50. Wasting of Water.

A. Using Water in a Wasteful Manner. Users of water from the Town water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the Director of Water or Town Engineer, or any of the officers of the Town, a user of culinary water who engages in practices which result in the needless waste of water and continues to do so after the notice to discontinue wastefulness has been given, the Director of Water or any officer may refer the matter to the Town Council.

B. Termination of Rights to Use Culinary Water. The Town Council may thereupon consider terminating the right of the individual to use culinary water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his water connection at least five (5) days prior to the meeting of the Town Council at which termination of water service is to be

considered. The notice shall inform him/her of the time and place of the meeting and of the charges which lead to the consideration of the termination:

1. A water user whose right to utilize culinary water is under review shall have opportunity to appear with or without counsel and present his/her reasons why his/her water service should not be terminated.
2. After due hearing, the Town Council shall make a determination. If the determination to terminate the water user's service connection due to wastefulness, the Council shall notify him of the decision to terminate and of the length of time for which the service will remain disconnected.
3. A violation of this chapter may be punishable as a Class C Misdemeanor.

Section 6.1.60. Sprinklers and Sprinkling Systems.

A. Systems Controlled by the Director of Water. Devices for sprinkling shall be regulated and controlled by the Water Utility through the Director of Water or designee of the System.

B. It shall be unlawful for any person to use such number of outlets simultaneously or to use such sprinklers or combinations of sprinklers or outlets as will, in the opinion of the Town Council, materially affect the pressure or supply of water in the municipal culinary water system or any part thereof, and the Town Council may from time to time, by resolution, specify combinations or numbers of outlets which may have such an effect on the pressure of the municipal culinary water system.

C. The Town Council shall, after determining that such improper use exists, notify the affected water user or the owner of the premises whereon such use occurs of such determination in writing, order such use discontinued and advise that such continued usage constitutes a violation of this part.

Section 6.1.70. Shutting Off Water.

A. Town Liability. Fairfield Town reserves the right, without notice, to shut off the water from its mains for the purpose of making repairs or extensions or for other purposes, and no claim shall be made against the Town, by reason of any breakage, or for any damage that may result from the shutting off of water for repairing, laying or relaying mains, hydrants, or other connections or for any other reason. In case of leaks or other accidents to service pipes, or other apparatus connected with the waterworks, licensed plumbers may shut off the water at the curb/meter box to make necessary repairs.

B. Termination without Notice. The Town of Fairfield may terminate water service without notice when, in its judgment, a clear emergency or serious health or safety hazard exists for so long as such conditions exist, or where there is unauthorized use of or diversion of water service or tampering with pipes, meters, or other equipment owned by the Town of Fairfield. The Town of Fairfield shall immediately attempt to notify the customer of the termination and the reasons therefore.

C. Notice of Proposed Termination. Any utility account more than 45 days past due will subject the party responsible for the account to service termination.

1. At least 10 (ten) calendar days prior to a proposed termination of water service, the Town of Fairfield shall give written notice of disconnection for nonpayment to the account holder by U.S mail. Upon the expiration of the ten (10) day period, the Town shall deliver a final twenty four (24) hour shutoff notice to the property address. If payment is not made by the conclusion of the

twenty four (24) hour period, the Town may terminate the water service.

2. Termination. Upon expiration of the notice of proposed termination, the Town of Fairfield may terminate water service. Except in cases of service diversion or for safety consideration, water and/or sewer service shall not be disconnected between Thursday at 4:00 p.m. and Monday at 9:00 a.m. or on legal holidays recognized by the State of Utah. Service may be disconnected only between the hours of 9:00 a.m. and 4:00 p.m.

3. Fees for water disconnect and reconnect shall apply. See FF Fee Schedule.

Section 6.1.80. Miscellaneous.

A. Access. Access shall, at all ordinary hours, be allowed to the Water Department or other authorized persons, to all places supplied with water from the Town water system, to examine the apparatus, the amount of water used, the manner of its use, and to make all necessary shut offs for vacancy, delinquency and violations of this Title.

B. Fire Service Line. Private fire service lines designed to provide fire protection to a building or buildings shall be constructed according to Town specifications at the expense of the owner of the building being serviced. Maintenance associated with such fire service lines shall also be at the expense of the owner.

C. Fire Hydrant Installation and Repairs. Installation and repairs of fire hydrants shall be made under the direction of the Town. All property owners shall grant the Town, upon demand, a right of way or easement to install and maintain such hydrants on their premises if the Town concludes that hydrants shall be installed for the protection of the residents of the Town.

D. Fire Hydrant Use. It is unlawful to use the Town of Fairfield fire hydrants without a permit issued by the Director of Water. See FF fee schedule.

E. Non Liability for Damages. The Town shall not be liable for any damages incurred by a water service user by reason of stoppage or interruption of his/her water supply service for any reason. This section shall not be construed to extend the liability of the Town beyond that provided in the Governmental Immunity Act.

F. Service or Connections Outside of Town Limits. Nothing herein contained shall be construed to require water connections or services outside the corporate limits of the Town, and such shall be discretionary with the Town Council, or as may be governed by other ordinances.

G. Pollution of the Water System. It shall be unlawful at any place supplied with water from the Town water distribution system to:

1. Install or use any physical connection or arrangement of piping or fixtures which may allow any fluid or substance not suitable for human consumption to come in contact with potable water in the Town water distribution system;
2. Connect the culinary water systems at any time; or
3. Install any connection, arrangement, or fixtures without using a backflow prevention

device or assembly designed to prevent backflow. Any such device or assembly must be approved for installation by the Town Engineer.

H. Open Ditch Irrigation. Open Ditch Irrigation must comply with the Fairfield Irrigation Company rules and regulations.

I. Generally. The Director of Water or Town Engineer shall cause this chapter to be enforced by the withholding of building, excavation, access or other appropriate permits and cause the institution or appropriate legal actions; they shall require such plans and make such inspections as are reasonably necessary to carry out the enforcement of this ordinance.

J. Penalty. Any person, firm or corporation violating or permitting the violation of any provision of this Ordinance shall be guilty of a Class B. misdemeanor and the Town Attorney may institute, in addition to other remedies provided by law, injunction, mandamus, abatement or other appropriate action to obtain compliance.

K. Disclaimer of Liability. Whether by reason of the issuance of a permit, the performance of inspections, the approval of any work authorized hereunder, or any other act or omission, the provisions of this Ordinance shall not be construed as imposing upon Fairfield Town or any official or employee thereof, any liability or responsibility for damages to any property or person harmed by the performance of work, or the utilization of any structure or location, or otherwise, for which an access permit is issued hereunder.

Section 6.1.90. Judicial Review. Legal Action. Any legal action challenging any decision of the Town Council, or other governmental body performing a function under this ordinance shall be filed in a court of competent jurisdiction within thirty (30) days of the action challenged.

Section 6.1.100. Severability. Severability of Section, Phrase, Sentence or Portion. If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 6.1.110. Conflict with Other Land Use Ordinances of the Town. Governing Ordinance. If any provision of this ordinance is in conflict with a provision of another ordinance of the Town, then the most stringent requirement shall govern.

Title 6. Public Utilities.

**Chapter 3
Road Regulations.**

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Section 6.3.200.	Conflict with Other Land Use Ordinances of the Town.
Section 6.3.210.	Maps.

Section 6.3.10. General Provisions.

A. Purpose. This title is designed and enacted for the purpose of promoting the safety and health of those persons using and traveling roads, rights of way and highways and for the purpose of protecting the roads, highways and rights of way themselves within the Town of Fairfield and for the purpose of preventing unauthorized and unnecessary crossings and excavations and for the supervising of

necessary crossings and excavations on said roads, rights of ways and highways and providing for the proper repair of rights-of-way and highways where necessary crossings must be made.

B. Department of Roads. There is hereby created a Department of Roads which shall have general supervision of roads, streets, sidewalks, bridges, and other public ways. The department shall be under the direction and control of the Director of Roads..

C. Powers and Duties of the Roads Department. The department shall:

1. Have charge of the construction, maintenance and repair of roads, sidewalks, bridges, curb gutters, culverts, drains, waterways and other public ways. It shall have control of all waters flowing on the roads, streets, sidewalks and public ways whether originating from storm, flood, drainage or irrigation waters;
2. Keep a record of and promptly investigate all complaints of defective roads, culverts, drains, ditches, sidewalks, and other public ways and, when proper, repair, replace or take such action as deemed best, and shall record the action taken on each complaint. Enforce the provisions of this chapter and all other ordinances relating to the maintenance and use of roads, culverts, drains, ditches, waterways, curbs, gutters, sidewalks and other public ways;
3. Repair, or cause to be repaired, all defects coming to the department's attention and take reasonable precautions to protect the public from injuries due to such defects pending their repair;
4. Coordinate the work of review engineers hired by the Town of Fairfield to review proposed subdivisions and other instances in which public or private infrastructure is constructed;
5. Inspect or have inspected the construction of all infrastructure improvements constructed in any subdivision or in any public right of way to insure construction conforms to the approved plans and specifications;
6. Provide for final acceptance by the Town of Fairfield of public infrastructure improvements; and
7. Authorize timely release of construction and warranty bonds issued to secure construction and proper function of infrastructure improvements.

6.3.20 Definitions.

See Title 12. Definitions.

6.3.30. Plats and Description.

Purpose. It shall be the duty of the Fairfield Town Planning Commission to determine all Town roads existing in the Town and to prepare and keep current plats and specific descriptions of the same and of such other roads as the commission may from time to time locate upon public lands, which shall be kept on file in the office of the Town Recorder.

6.3.40. Locating of Lines.

Location of Lines. Lines shall be defined as the distance from the center of any road not less than half of the surveyed and platted width of said road. No public roadway in the Town, being regarded as surveyed and platted, shall be less than fifty five (55) feet in width with the exception of partially deeded half roads.

6.3.50. Utilities.

Responsibilities of Utilities. Any person owning, managing or operating a utility within, under, along, over or across a Fairfield Town road, highway or right-of-way shall hereinafter have full responsibility for the repair, replacement or relocation of the utility where the utility is damaged or a relocation is needed as a result of a rebuilding, reconstruction or realignment of a Fairfield Town road, highway or right-of-way. Within five days after notice from Fairfield Town, the person owning, managing or operating such utility shall make all the necessary repairs and relocations at his own expense. If the person fails to do so, Fairfield Town may have the work done and the person shall be obligated to pay for it. Boring of pipelines under the road is encouraged. The applicable cost of an extension shall include replacement of all road surface damaged or removed for installation of new extensions in accordance with the **Design Guidelines and Standard Specifications of Fairfield Town.**

6.3.60. Obstructions and Encroachments.

A. Generally. If any person places, constructs, or maintains any approach, road, driveway, pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign or any other structure or object of any kind or character within the right of way of any Town road, without first obtaining the correct permit from the town

1. Remove such installation from the right-of-way or require such person to remove the same;
2. Give written notice to such person to remove such installation from the right-of-way; such notice may be served either by personal service or by mailing the notice to the person by registered mail and posting a copy thereof on such installation for a period of ten (10) days; and if such installation is not removed within ten (10) days after the notice is complete, the Town Council may remove the same at the expense of the person and recover costs and expenses, and also fined for each day the same remained within the right-of-way after notice was complete, in an action for the purpose; or (see Fairfield Fee Schedule).
3. If such person disputes or denies the existence of such installation, or refuses to remove or permit its removal, the Town Council may bring an action to abate the same as a nuisance; and if judgment is recovered by the Council there shall also be recovered, in addition to having the same abated, the costs of action and fined for every day such nuisance remained within the right-of-way after notice was given. (see Fairfield Fee Schedule)

B. Vehicles Obstructing Roads or Rights of Way. No person shall place or leave or cause to be placed or left, any wagon, automobile, or vehicle, or other thing, upon any public or other roadway in such a way as to obstruct travel or view or to endanger property or persons passing upon such roadway.

C. Obstructions and Impedances. Building material or other similar things may be placed temporarily on public roads in such a manner as not to impede, endanger or obstruct ordinary traffic, unless otherwise approved by the Town Council.

D. Gravel and Foreign Matter on Roads, Streets or Rights of Ways. It shall be unlawful for any person to operate a motor propelled vehicle or any other type of conveyance upon any public road, street or rights-of-way in the Town, from which vehicle or conveyance, sand, gravel, rocks or other materials fall or are discharged upon said public road, street or right-of-way, unless such person immediately stops and removes any and all such sand, gravel, rocks or other materials from the road, street or right-of-way; provided that this Section shall not apply to those situations where sand, gravel, rocks or any other materials are properly discharged or unloaded in connection with construction activities on said road, street or right-of-way by authorized persons.

E. Right of Way, Excavations, Structures and Objects Prohibited. No right-of-way of any Town road shall be dug up or excavated and no approach road, driveway, pole, pipeline, conduit, sewer, culvert or other structure or object of any kind or character shall be placed, constructed or maintained within any such right-of-way except as permitted by the Town Council.

F. Advertising. It shall be unlawful for any person to place any form of advertising along any Town road within three hundred (300) feet of such road except upon land in private ownership located in a zone which permits such advertising and situated along such road, without first receiving a permit to do so from the Town Council.

G. Tree Lines. On any Town road, regardless of width, it shall be unlawful to plant trees within the road right of way or within four (4) feet of said right of way boundary lines, except where approved specifically by resolution. It is hereby the duty of the Fairfield Town Roads Director to treat all trees as obstructions to all Town roads hereafter planted or placed in violation of these terms

H. Obstruction of View. It shall be unlawful for any person to place any form of obstruction that would make it difficult to see oncoming traffic. This may include but is not limited to fences, signs, motorhomes, trailers etc.

6.3.70. Poles, Posts and Fences.

A. Violations Deemed Obstructions. It is hereby made the duty of the Director of Roads/Engineer, to treat as obstructions to public roads under 6.3.60 of this title, all posts, poles, fences or other obstructions set or placed in violation of the terms of this section.

B. Restrictions on Location. It shall be unlawful for any person to set, place, keep or maintain any pole, post, fence or like obstruction upon or along any public road, avenue, lane alley, trail or sidewalk, in this Town, except as provided in this section.

C. Utility Poles. It shall be unlawful for any person to set or place any utility pole upon any road in Fairfield Town except in accordance with Town specifications established by the Town Council; and it is hereby made the duty of the Director of Roads/Engineer, to furnish such specifications to all persons upon request.

D. Permission Required. No telephone, telegraph, electric light or other pole for carrying wires or to convey electric current shall be set on any public road in the Town without permission or a grant of right of way first being obtained from the Town Council.

E. Mailboxes. All mailboxes should be 41-45 inches above the road surface and 6-8 inches from the face of the curb or road edge (as per USPS guidelines). Mailboxes shall be set in a manner that does not obstruct the street or view.

F. Signs. It shall be unlawful to place signs within the right-of-way of any highway in this Town except for official signs for traffic regulation control and instruction.

G. Fences. Fence posts may be set along a fence line, which is hereby designated as the distance from the center of any road not less than half of the surveyed and platted width of said road, no public highway in the Town being regarded as surveyed and platted less than fifty five (55) feet in width;

H. Where a street, driveway or any other road intersects a public street, no fence, wall berm, plant or other item which is taller than three (3) feet above grade and which screens more than twenty percent (20%) of the field of vision, shall be placed within a thirty (30) foot radius of the place of intersection.

I. Reservation of Town Use. It is hereby provided that any grant or permission hereafter given to set telephone, telegraph or electric light poles upon any of the public roads in the Town, shall be made subject to the reservation, whether or not said reservation is specifically set forth in the grant or permission, that whenever the Town shall deem it necessary for the public good or service, the Town shall have the right to place crossarms on said poles and to string one set of wires thereon, for furnishing electric current and light to the Town and to use and operate the same during the period of such grant or permission, with reasonable regard for the rights of said grantee.

6.3.80. Bridges, Ditches, Water and Waterways.

A. Violations Deemed Obstructions. It is hereby made the duty of the Director of Roads to treat as obstructions any bridges, flumes, pipes or ditches placed or constructed in violation of the terms of this section.

B. Restrictions on Location. It shall be unlawful for any person to construct, place, set, keep or maintain any bridge, sewer, well, spillway or like obstruction, upon, in, under or along any public road, street, avenue, lane, alley, trail or sidewalk in the Town, except as herein designated.

C. Bridges. Bridges shall be approved or disapproved by the Town Council as needed.

D. Location of Septic Systems. Septic Systems shall be laid in accordance with county specifications.

E. Ditches and Waterways. All ditches, canals or waterways constructed across, over or under any sidewalk or roadway shall be approved by the Town Council and the Fairfield Irrigation company and shall be placed under the direction of the Director of Roads.

F. Headgates. Headgates for the control of irrigation or other water shall be placed under the direction of the Fairfield Irrigation company.

G. Water Mains. Water mains for carrying water along or across any roadway may be laid by permission or upon order of the Town Council, at a sufficient depth to keep the roadway secure; and when laid along any road shall be located in accordance with Town Specifications and under the direction

of the Director of Roads. No excavation for laying water mains or pipes shall be made in any public road without first obtaining a permit to do so from the Town.

H. Water Upon Roads. It shall be unlawful for any person to permit water from any ditch, stream or well to run upon any public road in a manner to damage or interfere with the proper use of same, or to cause pools of water to stand thereon, to the annoyance or injury of the public.

6.3.90. Limitations on Use of Vehicles.

A. Prohibition of Road Damaging Vehicles. Any person driving any vehicle or object upon any Town road or street or structure shall be liable for all damages which said road or street or structure may sustain as a result of any illegal operation, driving or moving of such vehicle or object. Whenever such a driver is not the owner of such vehicle, object or contrivance, but is operating the same with the express or implied permission of said owner, then said owner and driver shall be jointly and severally liable for any such damage. Such damage may be recovered in a civil action brought by Fairfield Town. It shall be unlawful for any person to drive, operate or move any vehicle upon or across any road within Fairfield Town, if such vehicle has on the periphery of any of the road, wheels, any lug, flange, cleat, ridge, bolt or any projection of metal or wood which projects radially beyond the tread or traffic surface of the tire, unless the road is protected by putting down solid planks or other suitable material, or by attachments to the wheels so as to prevent such vehicles from damaging the road. The following exceptions are:

1. This prohibition shall not apply to tractors or tractor engines equipped with what is known as caterpillar treads, when such treads do not contain any projection of any kind that is likely to injure the surface of the roads.
2. It shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to slide or skid.

B. Road Repairs and Liability. All injuries to roads within Fairfield Town limits shall be immediately repaired at the expense of the person, company or corporation responsible for such injury: said repairs to be made under the supervision and to the satisfaction of Fairfield Town.

C. Vehicle Weight Limits. There is a weight limit hereby established on all Local road classifications within the Town limits. The maximum weight limit is restricted to Four 4 tons per axle with a weight limit of eighteen (18) tons per vehicle. Temporary permits for greater weight limits will be considered on a case by case basis by the Director of Roads or Town Council. All permit fees shall be set by a resolution adopted by the Town Council (see FF Fee Schedule)

6.3.100. Official Map Showing New Streets or Alterations to Present Streets.

A. Official Maps. Fairfield Town may, from time to time, adopt, pursuant to the law, an official map of the whole or any part or parts of Fairfield Town heretofore existing and established by law as public streets. Such an official map may also show the location of the lines of streets on plats of subdivisions which shall have been approved by the Planning Commission.

B. Fairfield Town may make, from time to time, other additions to or modifications of, the official map by placing thereon the lines of proposed new streets or street extensions, widenings, narrowings or

vacations which have been accurately surveyed and definitely located: provided, however, that before taking any such action, the Town shall hold a public hearing hereon. The placing of any street or street lines upon the official map shall not, in and of itself, constitute or be deemed to constitute the opening or the establishment of any street or the taking or acceptance of any land for land for street purposes.

C. The Planning Commission will update the Master Road Plan anytime a new road or roads are dedicated.

6.3.110. Winter Snow Removal.

A. Snow Removal From Fairfield Town Roads. It is the responsibility of Fairfield Town, through its road department, to remove snow from Fairfield Town roads. The snow shall be pushed off Fairfield Town roads and into the roadside drainage ditch channels or borrow pits. The snow shall be removed in accordance with an operation plan prepared by Fairfield Town with priority being given to public facilities, major private development with heavy user access and higher intensity residential and commercial areas.

B. Snow Removal From Private Driveways.

The removal of snow on private road approaches, driveways, and sidewalks and around mailboxes and garbage cans is the responsibility of the property owner. When clearing these approaches, the property owner shall not push or pile the snow onto or across any Fairfield Town road or highway right-of-way. Snow shall be placed on the same side of the street as the approach so as not to restrict traffic movement or create a hazardous condition. Property owners are responsible for keeping all foot traffic areas free of snow and ice.

C. Parking Vehicles on a Street During or After a Snow Storm. It is unlawful for any person to park or allow to remain parked, any motor vehicle upon any Town street anytime snow is present, so as to provide access to snow plows for snow removal.

Parking Enforcement. The County Sheriff or his deputies acting as the Town police department are authorized to issue a ticket or tow away any non-road, non-motorized, and/or junk vehicles, car or motor vehicle or other vehicle parked in violation of this part which prevents or obstructs snow removal from city streets. The owner of the vehicle is responsible for the towing fees.

6.3.120. Property Acquisition and Management.

A. Interpretation. For the purposes of this chapter, the words "road purposes" shall include, but shall not be limited to the following:

1. Right-of-way, including those necessary for State or County roads within the Town;
2. The construction, reconstruction, relocation, improvement and maintenance of the Town roads, streets and other such roadways as may be under the control of the Town;
3. Limited-access facilities, including rights of access, air, light and view, and frontage and service roads;
4. Adequate drainage in connection with any road, cuts, fills, channel changes and the maintenance thereof;

5. Road material sites, sites for the manufacture of road materials and access roads to such sites;
6. The maintenance of an unobstructed view of any portion of a road so as to promote the safety of the traveling public;
7. The placement of traffic signals , directional signs and other signs, fences, curbs, barriers and obstructions for the convenience of the traveling public;
8. The construction and maintenance of storm sewers, sidewalks and highway illumination;
9. The construction and maintenance of livestock roads.
10. The construction and maintenance of roadside rest areas adjacent to or near any road.

B. Contributions. The Fairfield Town Council is authorized to contribute real or personal property to the Town for Town road purposes.

C. Public Use Constitutes Dedication. A road shall be deemed to have been dedicated and abandoned to the use of the public when it has been continuously used as a public thoroughfare for a period of ten (10) years or more.

D. Acquisition of Property for Streets. The Town Council is authorized to acquire any real property or interests therein, deemed necessary for temporary, present, or reasonable future Town roads purposes by gift, agreement, exchange, purchase, condemnation, or otherwise. Whenever the Town Council determines that any real property or interest therein, heretofore or hereafter acquired for Town roadway purposes, is no longer necessary for such purpose, the Council may lease, sell, exchange or otherwise dispose of such real property or interest.

E. Road Dedication for a Public Street.

1. Road/street Dedications to Fairfield Town must run the length of the property. Corner lot will require dedication on all sides the public can access. Road dedication size and type will be determined by the following factors:
 - a.The amount of traffic generated by the development.
 - b. The impact the traffic will have on the community.
 - c.The minimum road standards for that zone.
 - d.Traffic flow patterns.
 - e.Current streets or roads

F. Existing Prescriptive Easement Right of Way. If an existing Prescriptive Easement Right of Way wholly or partially exists on a lot, the entire easement to the property line must be dedicated. In some

cases the entire width of street/road may need to be dedicated. The developer may be entitled to impact fee offsets.

6.3.125. Vacation of Public Street or Right of Way.

All petitions to vacate a public street or right-of-way shall follow the approval procedures outlined in the Utah State Code 10-9a-609.5 and shall require review and recommendation by the Planning Commission and, following a public hearing held by the Town Council, approval by the Town Council.

A. Each request to vacate a public street or right-of-way shall be made by application and by paying the fee set by the Town Council. An application and all required documents may be obtained from the Town Recorder. Applications shall include:

1. A written narrative describing the reason(s) for the proposed public street vacation;
2. An exhibit showing the portion of public street to be vacated, including:
 - a. North arrow;
 - b. Surrounding streets and buildings;
 - c. The acreage of the vacated street area;
 - d. The surveyed boundary of the vacated street area; and
 - e. The location of all adjacent properties and the ownership identified.
3. A petition to vacate some or all of a public street, right-of-way, or easement shall also include:
 - a. The name and address of each owner of record of land that is:
 - i. Adjacent to the public street, right-of-way, or easement; or
 - ii. Accessed exclusively by or within **three hundred** (300) feet of the public street, right-of-way, or easement; and
 - b. The signature of each owner under subsection (3)(a) who consents to the vacation; and

B. Application Submittal Procedures:

1. The applicant shall contact the Town Recorder before submitting plans electronically;
2. The applicant shall submit all required information electronically through The town website.
 - a. The completed application and all other required information, including a narrative;
 - b. For amendments to a recorded plat, a petition signed by all of the property owners with the affected plat.
3. The applicant shall provide a mailing list, and stamped and addressed #10 business envelopes, for all owners of record of land that is adjacent to the public street between the two nearest public

street intersections or accessed exclusively by or within three hundred (300) feet of the public street

a. It shall be the sole responsibility of the applicant to verify that the mailing list and envelopes are complete and accurate.

4. Proof of written notice to operators of utilities and culinary water or sanitary sewer facilities located within the bounds of the public street sought to be vacated.
5. The signature of each owner under subsection 3 who consents to the vacation.

D. Vacating Public Roads and Right-of-Way Application Process:

1. If a petition is submitted containing a request to vacate some or all of a public street, right-of-way, or easement, the Planning Commission, following review by Town departments, shall hold a public meeting to consider whether it will recommend to the Town Council whether good cause exists for the vacation and whether the public interest or any person will be materially injured by the proposed vacation.
2. The Planning Commission shall review the considerations in section 4 in their determination to recommend approval of a public street or right-of-way vacation;
3. The Planning Commission shall present to Fairfield Town Council a recommendation for the vacating of the public street or right-of-way
4. Upon receipt of a recommendation to approve or reject a petition to vacate a public street or right of way, the Town Council shall schedule a public hearing to be held following notice provided pursuant to Utah Code Section 10-9a-208, to determine whether good cause exists for the requested vacation and whether the public interest or any person will be materially injured by the proposed vacation. Following the public hearing, the Town Council may adopt an ordinance granting a petition to vacate some or all of a public street, right-of-way, or easement if the Town Council finds that:
 - a. The public street or right-of-way to be vacated, or a portion thereof, is unnecessary for the present or prospective public use;
 - b. The vacation conforms to the Town's General Plan, including the Road Master Plan;
 - c. The vacation serves the public interests to a degree greater than if the private use of the right-of-way was conferred by an easement or an alternate public use of the right-of-way;
 - d. Adequate consideration has been offered in exchange for vacating the publics' interest in the Affected right-of-way. The adequacy of the consideration is not limited to monetary remuneration and is to be determined on a case-by-case basis at the sole discretion of the Town Council. The Council may consider such factors as the appraised value of the vacated right-of-way, the use which the applicant is to make of the vacated right-of-way, and whether the loss of the publics' interest in the vacated right-of-way is offset by the increase in the publics' welfare, health or safety attributable to the applicants combined use of the vacated right-of-way and the properties contiguous to it.

e. The vacation shall not unreasonably interfere with the viability of the remaining right-of-way nor public service easements in proximity thereto.

f. To render any one or more of the findings in this section, the Council may impose conditions upon the vacation, including, but not limited to, the requirement of the applicant to:

i. Pay compensation;

ii. Release and indemnify the Town from liability, including environmental liability and liability which may relate to neighboring properties;

iii. Maintain the vacated property; and

iv. Vacation is subject to certain defined reservations and exceptions.

5. If the Town Council adopts an ordinance vacation some or all of a public street, right-of-way, or easement, the Town Council shall ensure that one or both of the following is recorded in the office of the recorder of the county in which the land is located:

a. A plat reflecting the vacation; and/or

b. An ordinance described in item number 2 above.

6. The action of the Town Council vacating some or all of a street, right-of-way, or easement that has been dedicated to public use:

a. Operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the Town's fee in the vacated street, right-of-way or easement; and

b. May not be construed to impair:

i. Any right-of-way or easement of any lot owner; or

ii. The franchise rights of any public utility.

E. **Effective Period of Approval.** The approval of a public street vacation shall be effective for a period of one (1) year from the date the vacation is approved by the Town Council, at the end of which time such, the vacated street property shall have been recorded in the office of the Utah County Recorder. If the vacated street property is not recorded within the one (1) year period of date of approval of the vacated street, approval shall be void, and the applicant shall be required to submit a new application for review and approval subject to the then existing provisions of this Code and General Plan.

This ordinance shall take effect upon its adoption and publication or posting by the Town Council of Fairfield Town, Utah on this days

6.3.130. Traffic Regulations.

A. Motor Vehicle Usage on Private or Public Property.

1. Gaining Entry Requires Permission. It shall be unlawful for any person to take down any fence, let down any bars, open any gate or to ride or drive upon the premises of another without the permission of the owner or occupant thereof;
2. Public Property. It is unlawful for any person to operate any type of motor vehicle, including but not limited to, motor motorcycles, dune buggies, motor scooters, jeeps, or any type of all terrain vehicle upon any public property except dedicated streets, highways or alleys, or other properties, without first obtaining the written permission of the public entity which is in possession of such property or if the property is unoccupied, the public entity which owns said property; and
3. Written Permission. Every person who operates any type of motor vehicle upon the private property of another or upon any public property, except as hereinabove provided, shall maintain in his possession written permission:
 - a. Exception for two (2) or more persons. If the same document grants permission to two (2) or more persons, a person named in said document need not have in his possession, while another person named in the said document riding in the same group, and not more than three hundred feet (300 ft.) from said person, has such document in his possession;
 - b. Exceptions for Certain Vehicles. This section shall not prohibit the use of such property by the following:
 - i. Emergency Vehicles;
 - ii. Vehicles of Commerce in the course of normal business operation;
 - iii. Vehicles being operated on property devoted to commercial or industrial purposes where such operating is in conjunction with the commercial or industrial use, and permission for such operations is implied or expressly given by the person in possession of said property;
 - iv. Vehicles operated on property actually used for residential purposes when such vehicles are there at the expressed or implied invitation of the owner or occupants; or
 - v. Vehicles being operated on public or private parking lots where permission to do so is implied or expressly given by the person in possession of such a lot.

B. Town Utility Trucks and Emergency Vehicles on Private Roads and Driveways. Town utility trucks and emergency vehicles may enter private roads and driveways as required for the public safety and to maintain Town facilities.

6.3.140. Traffic Control.

A. Uniform Traffic Code Adopted. The Utah traffic code, rules of the road, current edition, as compiled, prepared and published as a code in book form by the Utah department of public safety and the Utah municipal league (Utah league of cities and towns), one copy of which has been filed for use and examination by the public in the office of the Town Recorder, hereby is approved and adopted as the

traffic code for the Town, except as such code may be altered or modified by the ordinances of the town. (1976 Code § 11-321; amd. 2001 Code)

B. Definitions. Unless the context otherwise requires, all references in the traffic code to: Local Authorities. "Local Authorities" means the Town Council. (1976 Code § 11-322)

C. Prima Facie Speed; Designated Streets.

1. When appropriate traffic-control or regulatory signs giving notice of speeds are posted, the Prima Facie maximum speed limits designated upon said signs shall apply to the appropriate streets or portions of streets so posted. (1976 Code § 11-323)
2. In the absence of any speed limit sign designating a speed limit applicable thereto, the prima facie speed limit shall be twenty five (25) miles per hour. (1976 Code § 11-323; amd. 2001 Code)
3. Stop or Yield Entrances: When appropriate traffic-control or regulatory signs are posted at entrances to intersections identifying them as stop or yield entrances, such streets are hereby declared to be stop or yield entrances as designated by said signs. (1976 Code § 11-325)
4. Angle Parking: When appropriate traffic-control or regulatory signs are posted permitting angle parking, angle parking shall be permitted on the streets or parts of streets so posted at the angle designated by the sign. (1976 Code § 11-324)
5. Designation of Posting: The town council shall designate the places at which appropriate traffic-control devices or regulatory signs shall be placed relating to maximum speed limits, angle be subject to penalty as provided in state law. (1976 Code § 11-327; amd. 2001 Code)

6.3.150. Road Classifications.

A. Purpose. A road classification system for all streets and roads within the corporate limits of the Town of Fairfield is hereby established. All streets and roads shall be identified by one of the parking, through streets, stop and yield intersections and other regulations governing traffic. (1976 Code § 11-326)

B. Width of Roads. All roads in Fairfield Town will maintain a minimum standard of 56 feet (56) with ten (10) foot utility easements on both sides unless otherwise designated by the Town Council or this code.

C.. Types of Roads.

Table 1

CLASSIFICATION S	Right of way	Surface Width	Easements	Access Spacing Driveway	Snow removal	Weight limits
Local streets	56 feet	20 feet	10 feet both sides	50 Agriculture Is exempt	24 hrs. 4 inches	4 ton per axle with a weight limit of 18 tons per vehicle

Local collectors	56 -66 feet	20-30 feet	10 feet both sides	200	12 hrs. 4 inches	4 ton per axle with a weight limit of 18 tons per vehicle
Major Collector	56-70 feet	20-48 feet	10 feet both sides	330	24 hrs.4 inches	NA
Minor Arterial	66-74 feet	30-52 feet	10 feet both sides	330	24 hrs. 4 inches	NA
Major arterial	66-80 feet	48-58 feet	10 feet both sides	500	24 hrs. 4 inches	NA
Principal arterial	106 feet	81 feet	10 feet both sides	500	24 hrs. 4 inches	NA
Expressways	120 feet	91 feet	10 feet both sides	1000	24 hrs.4 inches	NA
Rural roads	56 feet	24 feet	10 feet both sides	50	48hrs. 6 inches	NA
Partial Roads Minimum Local road only	27.5 feet	27.5 feet	10 feet on one side	50	24 hrs. 4 inches	4 ton per axle with a weight limit of 18 tons per vehicle

ADT = Average Daily Traffic, defined as the average number of vehicles passing a specific point in a 24 hour period, if the roadway allows for two-way traffic ADT includes vehicles traveling in both directions

1. Local Streets. The primary function of local streets is to provide direct access to property with very limited traffic service Local streets have the lowest speeds and lowest traffic volumes (generally less than 1,500 ADT*).
2. Local Collectors. Local collectors provide a connection between local streets and the arterial street system. Lower speeds and moderate to low traffic volumes (generally about 2,500 to 5,000 ADT*) are common on local collectors. Direct access to single-family residential properties should be avoided..
3. Major Collectors. Roadways connect local streets with the arterial street system and provide traffic service to less intense developments like residential, schools, churches, parks and low intensity commercial developments. Lower speeds and moderate to low traffic volumes (generally less than 10,000 ADT*) are standard for collector streets. Collector streets provide an equal balance of both access and traffic movement. Direct access to nonresidential facilities frequently occurs, but direct access to single-family residential properties should be avoided.
4. Minor Arterials. Like major arterials, minor arterials also serve to connect activity centers, but they also serve less intense development areas like small retail centers, office centers and industrial/business parks. Minor arterials provide traffic service for moderate trip lengths.

Moderate speeds and moderate to high traffic volumes (approximately 10,000 to 25,000 ADT*) are typical characteristics of these facilities. While the primary function of minor arterials continues to be moving traffic, access becomes a slightly more important function.

5. Major Arterials. Roadways that serve as the primary streets within the city and connect areas of activity to one another. Major arterials connect to freeways/expressways that serve regional and interstate traffic. Trip lengths on major arterials are oftentimes several miles long. High speeds and high volume (above 20,000 ADT*) with limited access are typical characteristics of these facilities. The primary function of major arterials is to move traffic, with the provision of access to abutting properties being a secondary function.
6. Expressways. Roadways that serve mainly through traffic and connect the city with the surrounding area. Freeways/ Expressways are intended for longer trips and allow for higher travel speeds. Trip lengths are typically over 5 miles in length. Very high volumes of traffic (in some cases well over 100,000 ADT*) are common. The primary function of freeways/expressways is to move traffic. Access to adjacent property is not permitted from a freeway/expressway. Freeways and expressways are under the jurisdiction of the Utah Department of Transportation (UDOT).
7. Partial Roads. Partial road requirements are as follows:
 - a. Partial road width requires a total of twenty eight feet (28) of improvement;
 - b. Unpaved surfaces must be approved by the fire marshal;
 - c. Adequate storm water control should be constructed for non curbed roadside;
 - d. All improvements must be made on the developer's property; and
 - e. The Town Council may approve the building of partial roads under certain circumstances:
 - i. The Planning Commission has made a recommendation to the Town Council at which time the Council may approve, approve with conditions or deny the request;
 - ii. The road splits between two (2) different property owners;
 - iii. Temporary road which will no longer be needed in the future;
 - iv. Economic reasons due to unreasonable impact to developer; or
 - v. Other reasonable conditions not to require a full road.
8. Rural Roads. All rural unpaved roads will require fire marshal approval for emergency vehicle access.
9. All roads within a commercial zone require a minimum road width of sixty six (66) feet.
10. Phantom Roads. Phantom roads are road rights of way that were initially established on the original Fairfield plat map. These roads are unused at this time but remain the property of Fairfield Town. Fairfield Town may claim the use of these roads at any time.

11. Private Roads. Private Roads may be approved by the Town Council under the following conditions:
- a. Access. All properties must be accessed from improved public roads that comply with all public safety accessibility standards;
 - b. Commercial. Private roads are often quasi-public streets in that they provide circulation within a commercial development. Because these streets may travel through parking areas, speeds are typically slow. The purpose of these streets is to provide access to developments and consolidated access to the public street network;
 - c. Homeowner Associations. The Town Council may approve a private road as part of a home improvement association providing the association can show just cause why the road should be private. The association can demonstrate permanent easement, maintenance, and funding;
 - d. Private Road Approval. Private roads require Town Council approval and must meet the following criteria;
 - i. Private roads may only be approved where documentation of a permanent easement, maintenance, and funding plan is provided;
 - ii. Private roads may be permitted to access commercial or home owners association only (not residential or agriculture);
 - iii. No public improvements shall be approved for any private street or roadway;
 - iv. All private roads leaving an improved Fairfield Town road shall meet the road standards set forth for the zone;
 - v. Commercial drives being used as private roads shall have a minimum of twenty-four (24) feet of paved surface;
 - vi. All private roads require local fire department approval and must meet local fire department turn around standards;
 - vii. Driveways, drive aisles and parking drives may intersect with private roads without being considered private streets themselves;
 - viii. Additional fire hydrants along the private road shall not be required if such fire hydrants would not be required if the road was considered a driveway;
 - ix. Street layout shall be master planned to provide for future access and should coincide with the general plan and the Fairfield Town Master Road Plan; and
 - x. The maximum length of a private road should be one thousand five hundred (1,500) linear feet.
 - e. Fire Access. All roads shall follow Fire Apparatus Access Roads, Driveways Standards.
 - f. Zones. Roads in zones less than five (5) acres shall meet the local road standards. Zones that are five (5) acres or greater may qualify for rural road standards

- g. Driveways. All driveways and private lanes longer than one hundred fifty (150) feet shall have a turnaround, satisfactory to the Fire Chief. Town utility trucks and emergency vehicles may enter private roads and driveways as required for the public safety and to maintain Town facilities;
 - h. Homeowner Associations. All Homeowner Associations shall adhere to the following Regulations;
 - i. Homeowner Associations or other entities with assessment authority shall be established through subdivision covenants or other documents that will be responsible for the perpetual maintenance of the private lane or private access tract;
 - j. Upon approval of such subdivision covenants or other document by the Town Council, those portions of such covenants or other document which pertain to private road maintenance may not be amended without the prior written approval of the Town Council;
 - k. The plat shall include a plat note that will provide disclosure to all successors and assigns, as follows: "Note: the private lane or private access tract shown hereon lacks the right-of-way and travel surface required by the county for a public street, and therefore the private lane or private access tract cannot be dedicated to the Town for improvement or maintenance, but will remain the responsibility of the Homeowners Association in Perpetuity"; and
 - l. Fairfield Town may consider naming private driveways for address purposes under the following conditions:
 - i. Length of the driveway is greater than four hundred (400) feet from the main road; or
 - ii. The view of the residence is not visible from the public street.
12. Named private drives or lanes are considered private driveways and cannot be used to satisfy the frontage requirements for a residential building permit.
13. Street names are not allowed unless approved by the Town Council.

6.3.160. General Standards.

- A. Roads. Development of new roads shall follow the guidelines below:
 - 1. All crossroads in and adjacent to a subdivision must conform to the Fairfield Master Road Plan plan;
 - 2. Whenever possible roads should be split between property lines when both parties have the potential to benefit from said road improvements;
 - 3. The alignment and width of all through streets shall be preserved unless unusual topographical

conditions make a modification advisable. Where the Planning Commission determines that it is desirable to provide for street access to adjoining property in order to provide for an orderly development of a street system, proposed streets shall be extended by dedication to the boundary of such property;

4. Where a large subdivision abuts upon a major thoroughfare, the Commission may require marginal access streets to be included in the street plan;

5. Street width is to be measured from lot line to lot line. The minimum width of streets shall follow the Fairfield Town Master Road Plan, unless otherwise expressly permitted by the Town Council;

and

6. Access to State Road 73 shall follow UDOT regulations and requirements.

B. Construction Requirements. Any person or developer applying for a building permit in an undeveloped or unimproved area shall put in the road to the end of the developer's property line from an existing improved street.

C. Minimum Standards. All roads and driveways shall meet the minimum standards for emergency vehicles as reviewed and approved by the fire marshal.

D. Recoup of Expenses. Whenever an extension of a road benefits property which is adjacent to the extension or extended from the end of an existing extension, other than that which is owned by the applicant, a Master Development Agreement may be entered into. A Master Development Agreement will include the excess capacity, if any, and the formula and terms for any reimbursement. A Master Development Agreement will be identified prior to the beginning of construction. The Town will then enter a deferred credit on its books and records in the amount of the actual prorated cost of the extension across the front of said benefited property and shall reimburse the applicant, his assignee or successor, upon collection by the Town of charges assessed against such benefited property as service connections are made. All such reimbursements shall extend for a period determined by the Town Council from the date of the completion of the extension and acceptance by the Town or until the initial prorated cost of the extension along the frontage not owned by the applicant shall have been refunded. The amount of an extension charge to benefit property shall be determined by the Town Council.

E. Cul-de-Sacs. Cul-de-Sacs are currently not allowed. Temporary turnarounds are to be provided on all streets which are more than one (1) lot from intersections unless approved otherwise by the local fire chief. These are to be recorded on the plat as easements; 60 feet diameter. Temporary Cul-de-sacs must meet Fairfield road standards unless otherwise approved by the Town Council. All temporary turnarounds must be approved by the local fire chief or designee.

F. Motor Vehicle Access. Access to all lots and parcels of land having frontage on a public street shall be controlled as follows:

1. Access shall be by no more than two driveways from any one street with

2. Driveways shall be not closer to each other than twenty (20) feet with

3. Each driveway shall be not more than thirty (30) feet in width where it abuts a public street,

as measured at right angles to the centerline of the driveway, and

4. On corner lots (or road curves having a centerline radius of forty-five feet or less), no driveway shall be closer than fifty (50) feet to the point of intersection of the lot lines at the corner of the intersecting streets (or point of intersection of the inside tangent lines at the tightest point of the curve).

6.3.170. Enforcement.

A. Enforcements. The Utah County Sheriff's Department, acting as the Town police authority, is authorized to issue a ticket and tow away or have towed away by a commercial towing service, any junk, object, non-road, non-motorized, and/or junk vehicles, car or motor vehicle or other vehicle parked in violation of this part which prevents or obstructs the safe travel on Town roads. The owner of the vehicle is responsible for the towing fees.

B. Generally. The Director of Roads/designee shall cause this ordinance to be enforced by the withholding of building, excavation, access or other appropriate permits and cause the institution or appropriate legal actions; they shall require such plans and make such inspections as are reasonably necessary to carry out the enforcement of this ordinance.

C. Penalty. Any person, firm or corporation violating or permitting the violation of any provision of this Section shall be guilty of a Class B. misdemeanor and the Town Attorney may institute, in addition to other remedies provided by law, injunction, mandamus, abatement or other appropriate action to obtain compliance.

D. Disclaimer of Liability. Whether by reason of the issuance of a permit, the performance of inspections, the approval of any work authorized hereunder, or any other act or omission, the provisions of this Section shall not be construed as imposing upon Fairfield Town or any official or employee thereof, any liability or responsibility for damages to any property or person harmed by the performance of work, or the utilization of any structure or location, or otherwise, for which an access permit is issued hereunder.

6.3.180. Judicial Review.

Legal Action. Any legal action challenging any decision of the Town Council, or other governmental body performing a function under this ordinance shall be filed in a court of competent jurisdiction within 30 days of the action challenged.

6.3.190. Severability.

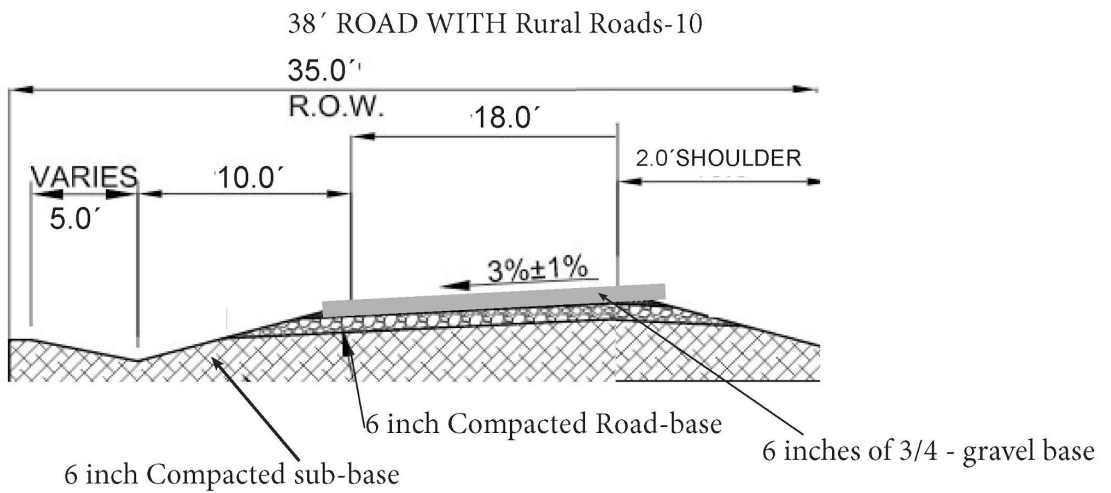
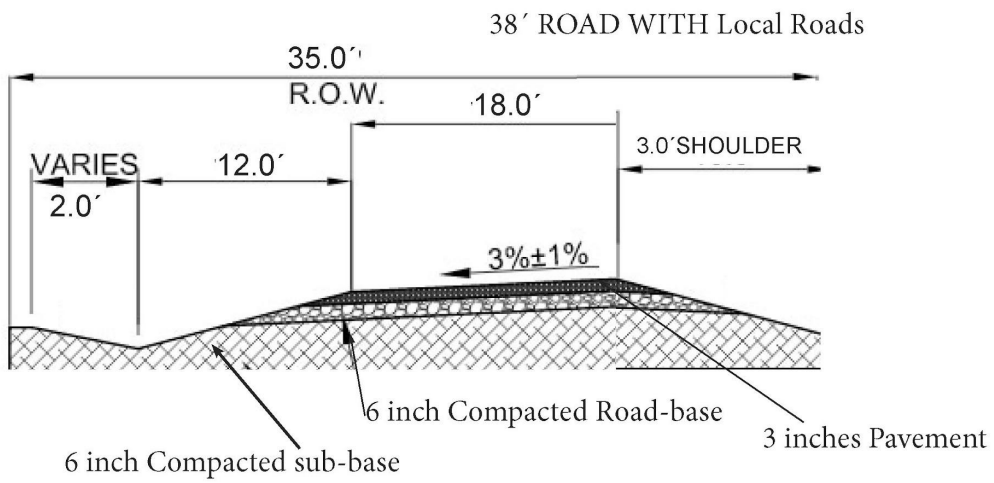
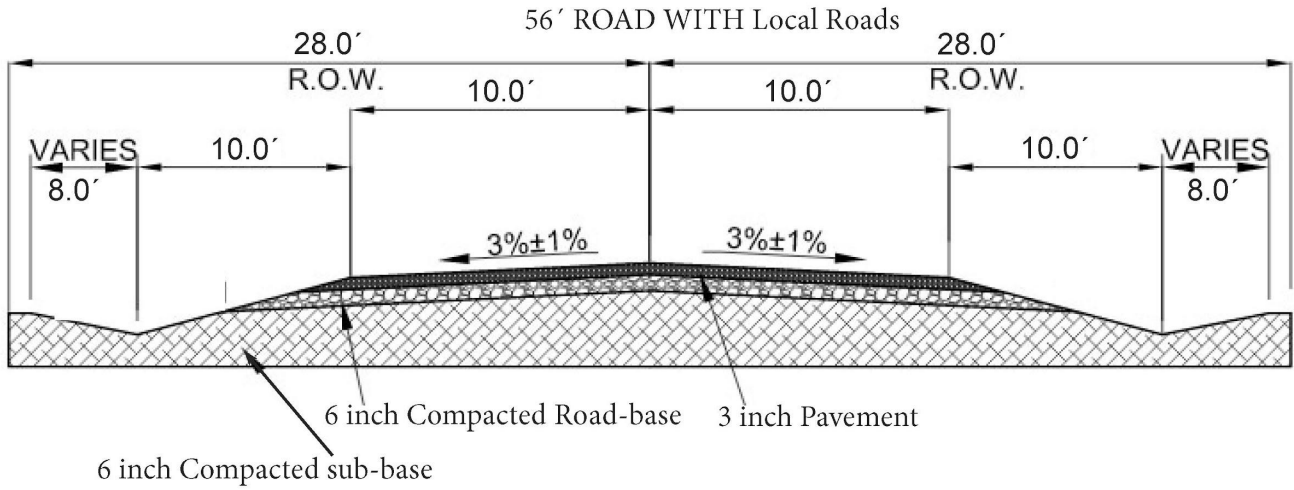
Severability of Section, Phrase, Sentence or Portion. If any section, phrase, sentence or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

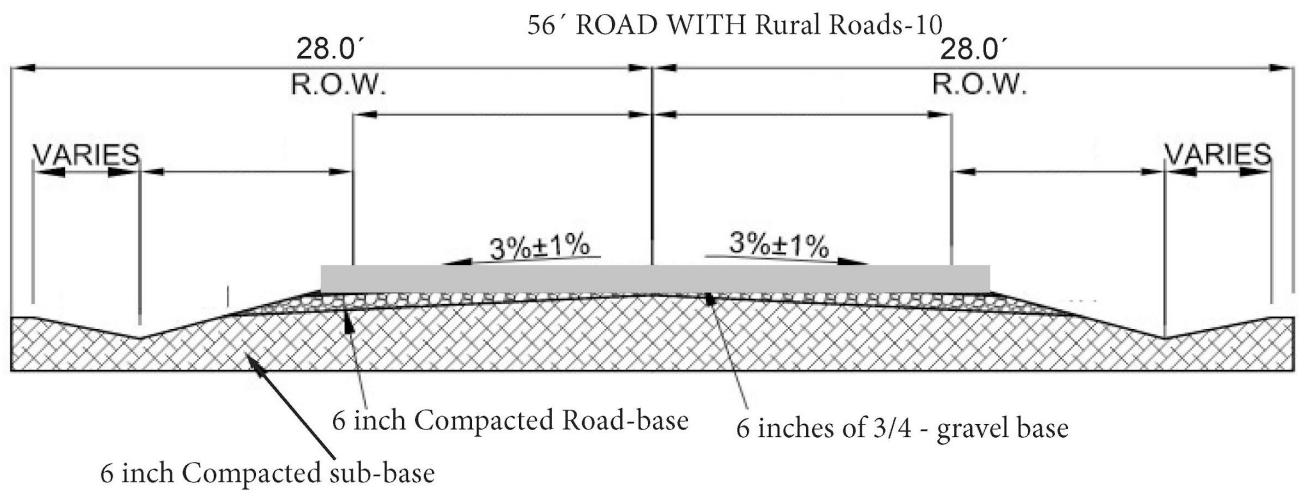
6.3.200. Conflict with Other Land Use Ordinances/Code of the Town.

Governing Ordinance/Code. If any provision of this ordinance/code is in conflict with a provision of another ordinance/code of the Town, then the most stringent requirement shall govern.

6.3.210 Maps.

Road Specifications Diagram.





Chapter 5 Telecommunications Regulations.

Section 6.5.10.	Declaration of Finding and Intent – Scope of Chapter.
Section 6.5.20.	Definitions.
Section 6.5.30.	Franchise required.
Section 6.5.40.	Compensation and Other Payments.
Section 6.5.50.	Franchise Applications.
Section 6.5.60.	Construction and Technical Requirements.
Section 6.5.70.	Franchise and License Non Transferable.
Section 6.5.80.	Oversight and Regulation.
Section 6.5.90.	Rights of Town - Enforcement and Remedies.
Section 6.5.100.	Obligation to Notify.
Section 6.5.110.	General Provisions.
Section 6.5.120.	Federal, State and Town Jurisdiction.

Section 6.5.10. Declaration of Finding and Intent – Scope of Chapter.

A. Findings Regarding Rights-of-Way. Fairfield Town finds that the rights-of-way within the Town:

1. Are critical to the travel and transport of persons and property in the business and social life of the Town;
2. Are intended for public uses and must be managed and controlled consistent with that intent;
3. Can be partially occupied by utilities and other public service entities delivering utility and public services rendered for-profit, to the enhancement of the health, welfare, and general economic well-being of the Town and its citizens; and
4. Are a unique and physically limited resource requiring proper management to maximize the efficiency and to minimize the costs to the taxpayers of the foregoing uses and to minimize the inconvenience to and negative effects upon the public from such facilities' construction, placement, relocation, and maintenance in the rights-of-way.

B. Finding Regarding Compensation. The Town finds that the right to occupy portions of the rights-of-way for limited times for the business of providing telecommunications services is a valuable use of a unique public resource that has been acquired and is maintained at great expense to the Town and its taxpayers, and, therefore, at such time that the Town deems it appropriate, provider shall pay compensation for use of the rights-of-way.

C. Finding Regarding Local Concern. The Town finds that while telecommunications systems are in part an extension of interstate commerce, their operations also involve rights-of-way, municipal franchising, and vital business and community service, which are of local concern.

D. Finding Regarding Promotion of Telecommunications Services. The Town finds that it is in the best interests of its taxpayers and citizens to promote the rapid development of telecommunications services, on a nondiscriminatory basis, responsive to community and public interest, and to assure availability for

municipal, educational and community services.

E. Finding Regarding Franchise Standards. The Town finds that it is in the interests of the public to franchise and to establish standards for franchising providers in a manner that:

1. Fairly and reasonably compensates the Town on a competitively neutral and nondiscriminatory basis as provided herein;
2. Encourages competition by establishing terms and conditions under which providers may use valuable public property to serve the public;
3. Fully protects the public interests and the Town from any harm that may flow from such commercial use of rights-of-way;
4. Protects the police powers and rights-of-way management authority of the Town, in manner consistent with federal and state law;
5. Otherwise protects the public interests in the development and use of the Town infrastructure;
6. Protects the public's investment in improvements in the rights-of-way; and
7. Ensures that no barriers to entry of telecommunications providers are created and that such franchising is accomplished in a manner that does not prohibit or have the effect of prohibiting telecommunication services, within the meaning of the Act.

F. Power to Manage Rights-of-Way. The Town adopts this chapter pursuant to its power to manage the rights-of-way, pursuant to common law, the Utah Constitution and statutory authority, and to the extent the Town deems it appropriate to receive compensation for the use of rights-of-way by providers as expressly set forth by Section 253 of the Act. (The Act means the Telecommunications Act of 1996, P.L. No. 104-104).

G. Scope of Chapter. This chapter shall provide the basic local scheme for providers of telecommunications services and systems that require the use of the rights-of-way, including providers of both the system and service, those providers of the system only, and those providers who do not build the system but who only provide services. This chapter shall apply to all future providers and to all providers in the Town prior to the effective date of the ordinance codified in this chapter, whether operating with or without a franchise as set forth in Section 6.5.30

H. Excluded Activity. The following activities shall be exempt:

1. Cable TV. This chapter shall not apply to cable television operators otherwise regulated by ordinance.
2. Wireless Service. This chapter shall not apply to personal wireless service facilities.
3. Provisions Applicable to Excluded Providers. Providers excused by other law that prohibits the Town from requiring a franchise shall not be required to obtain a franchise, but all of the requirements imposed by this chapter through the exercise of the Towns' police power and not preempted by other law shall be applicable.

Section 6.5.20. Definitions.

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 chapter, 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.

The following words and terms shall have the meanings ascribed to them in this chapter::

Act. “Act” means the Telecommunications Act of 1996 (P.L. No. 104-104).

Completion Date. “Completion Date” means the date that a provider begins providing services to customers in the Town.

Construction Costs. “Construction Costs” means all costs of constructing a system, including make-ready costs, other than engineering fees, attorney or accountant’s fees, or other consulting fees.

Section 6.5.30. Franchise required.

A. Non Exclusive Franchise. The Town is empowered and authorized to issue nonexclusive franchises governing the installation, construction, operation, use and maintenance of systems in the Town’s rights-of-way, in accordance with the provisions of this chapter. The franchise is granted through a franchise agreement entered into between the Town and provider.

B. Every Provider Must Obtain. Except to the extent exempted by federal or state law, every provider must obtain a franchise prior to constructing a telecommunications system or providing telecommunications services, and every provider must obtain a franchise before constructing an open video system or providing open video services via an open video system and shall be subject to the customer service and consumer protection provisions applicable to the cable TV companies. The fact that particular telecommunications systems may be used for multiple purposes does not obviate the need to obtain a franchise for other purposes. By way of illustration and not limitation, a cable operator of a cable system must obtain a cable franchise, and, should it intend to provide telecommunications services over the same system, must also obtain a telecommunications franchise.

C. Nature of Grant. A franchise shall not convey title, equitable or legal, in the rights-of-way. A franchise is only the right to occupy rights-of-way on a nonexclusive basis for the limited purposes and for the limited period stated in the franchise; the right may not be subdivided, assigned, or subleased, except as may be expressly provided in the franchise agreement. A franchise does not excuse a provider from obtaining appropriate access or pole attachment agreements before collocating its system on the property of others, including the Town’s property. This section shall not be construed to prohibit a provider from leasing conduit to another provider, so long as the lessee has obtained a franchise.

D. Current Providers. Except to the extent exempted by federal or state law, any provider acting without a franchise on the effective date of the ordinance codified in this chapter shall request issuance of a franchise from the Town within 90 days of the effective date of the ordinance codified in this chapter. If such a request is made, the provider may continue providing service during the course of negotiations. If a timely request is not made, or if negotiations cease and a franchise is not granted, the provider shall comply with the provisions of Section 6.5.90., Removal or Abandonment of Franchise Property.

E. Nature of Franchise. The franchise granted by the Town under the provisions of this chapter shall be a nonexclusive franchise providing the right and consent to install, operate, repair, maintain, remove and replace its system on, over and under the rights-of-way in order to provide services.

F. Regulatory Approval Needed. Before offering or providing any services pursuant to the franchise, a provider shall obtain any and all regulatory approvals, permits, authorizations, licenses or business licenses for the offering or provision of such services from the appropriate federal, state and local authorities, if required, and shall submit to the Town upon the written request of the Town evidence of all such approvals, permits, authorizations or licenses.

G. Term. No franchise issued pursuant to this chapter shall have a term of less than five years or greater than 15 years. Each franchise shall be granted in a nondiscriminatory manner.

Section 6.5.40. Compensation and Other Payments.

A. Compensation. As fair and reasonable compensation for any franchise granted pursuant to this chapter, a provider shall have the following obligations:

1. Application Fee. In order to offset the cost to the Town to review an application for a franchise and in addition to all other fees incurred on behalf of the Town, a provider shall pay to the Town, at the time of application, a nonrefundable application fee. A non refundable application fee shall also be paid when an amendment to an application is filed with the Town; see Fairfield Town Fee Schedule.
2. Franchise Fees. The franchise fee, if any, shall be set forth in the franchise agreement. The obligation to pay a franchise fee shall commence on the completion date. The franchise fee is offset by any business license tax or fee enacted by the Town; and
3. All excavation will require a permit.

B. Timing. Unless otherwise agreed to in the franchise agreement, all franchise fees shall be paid on a monthly basis within forty five (45) days of the close of each calendar month.

C. Fee Statement and Certification. Unless a franchise agreement provides otherwise, each fee payment shall be accompanied by a statement showing the manner in which the fee was calculated and shall be certified as to its accuracy.

D. Other Costs. A provider shall also pay to the Town or to third parties, at the direction of the Town, an amount equal to the costs and expenses that the Town incurs for the services of third parties (including, but not limited to, attorneys and other consultants) in connection with any grant, renewal or provider-initiated renegotiation, transfer, amendment or other modification of this chapter or a franchise; provided, however, that the parties may agree upon a reasonable financial cap at the outset of negotiations.

E. Taxes and Assessments. To the extent taxes or other assessments are imposed by taxing authorities other than the Town on the use of the Town property as a result of a provider's use or occupation of the rights-of-way, the provider shall be responsible for payment of its pro rata share of such taxes, payable annually unless otherwise required by the taxing authority. Such payments shall be in addition to any other fees payable pursuant to this chapter.

F. Interest on Late Payments. In the event that payment, if any, is not actually received by the Town on or before the applicable date fixed in the franchise, interest thereon shall accrue at 18 percent compounded daily until paid.

G. No Accord and Satisfaction. No acceptance by the Town of any fee shall be construed as an accord that the amount paid is in fact the correct amount, nor shall such acceptance of such fee payment be construed as a release of any claim the Town may have for additional sums payable.

H. Not in Lieu of Other Taxes or Fees. The fee payment is not a payment in lieu of any tax, fee, or other assessment except as specifically provided in this chapter, or as required by applicable law. By way of example, and not limitation, excavation permit fees and fees to obtain space on the Town-owned poles are not waived and remain applicable.

I. Continuing Obligation and Holdover. In the event a provider continues to operate all or any part of the system after the term of the franchise, such operator shall continue to comply with all applicable

provisions of this chapter and the franchise, including, without limitation, all compensation and other payment provisions throughout the period of such continued operation; provided, that any such continued operation shall in no way be construed as a renewal or other extension of the franchise, nor as a limitation on the remedies, if any, available to the Town as a result of such continued operation after the term, including, but not limited to, damages and restitution.

J. Costs of Publication. A provider shall assume and pay any publication costs associated with its franchise that may be required by law.

Section 6.5.50. Franchise Applications.

A. Franchise Application. To obtain a franchise to construct, own, operate, maintain or provide services through any system within the Town, to obtain a renewal of a franchise granted pursuant to this chapter, or to obtain the Town approval of a transfer of a franchise, as provided in Section 6.5.70, granted pursuant to this chapter, an application must be filed with the Town. Such application is hereby incorporated by reference.

B. Application Criteria. In making a determination as to an application filed pursuant to this chapter, the Town may, but shall not be limited to, request or consider the following:

1. Obtaining an order from the Public Service Commission granting a certificate of convenience and necessity, if any is necessary, for provider's offering of services within the state of Utah;
2. Certification of the provider's financial ability to compensate the Town for provider's intrusion, maintenance and use of the rights-of-way during the franchise term proposed by the provider; and
3. Certificate of insurance from an acceptable insurance company maintained in full force and effect at provider's sole expense, a comprehensive general liability insurance products/completed operations liability, personal injury liability, owner's and contractor's protective liability, broad form property damage, contractual liability, automobile liability (owned; non owned and hired automobiles), workers' compensation and employer liability. The policy or policies shall name as an additional insured the Town, and in their capacity as such, their officers, agents and employees. Policies of insurance shall be in the minimum single limit amount per occurrence as set in the FF Town Fee schedule. The insurance policy or policies shall contain contractual liability insurance naming provider, and shall insure against the types of liabilities covered by the indemnification and hold harmless provisions in the franchise agreement ("Indemnification by Provider") and shall provide for a deductible of no greater amount than is set in the FF Tow Fee Schedule per occurrence. The insurer or insurers shall be authorized to write the required insurance, approved by the Insurance Commissioner of the state of Utah. The policy or policies of insurance shall be maintained by provider in full force and effect during the entire term of the franchise. Each policy of insurance shall contain a statement on its face that the insurer will not cancel the policy or fail to renew the policy, whether for nonpayment of premium, or otherwise, and whether by the request of provider or for other reasons, except after 30 calendar days advance written notice mailed by the insurer to the Town recorder, and that such notice shall be transmitted postage prepaid, with return receipt requested.

C. Franchise Determination. The Town, in its discretion, shall determine the award of any franchise on the basis of these and other considerations relevant to the use of the rights-of-way, without competitive bidding.

Section 6.5.60. Construction and Technical Requirements.

A. General Requirement. No provider shall receive a franchise unless it agrees to comply with each of the terms set forth in this section governing construction and technical requirements for its system, in addition to any other requirements or procedures specified by the Town or the franchise, including requirements regarding collocation and cost sharing. A provider shall obtain an excavation permit.

B. Quality. All work involved in the construction, operation, maintenance, repair, upgrade and removal of the system shall be performed in a safe, thorough and reliable manner using materials of good and durable quality. If, at any time, it is determined by the FCC, or any other agency granted authority by federal law or the FCC to make such determination, that any part of the system, including, without limitation, any means used to distribute signals over or within the system, is harmful to the public health, safety or welfare, or quality of service or reliability, then a provider shall, at its own cost and expense, promptly correct all such conditions.

C. Licenses and Permits. A provider shall have the sole responsibility for diligently obtaining, at its own cost and expense, all permits, business licenses, or other forms of approval or authorization necessary to construct, operate, maintain, upgrade, or repair the system, including but not limited to any necessary approvals from persons and/or the Town to use private property, easements, poles, and conduits. A provider shall obtain any required permit, license, business license, approval, or authorization, including but not limited to excavation permits, pole attachment agreements, etc., prior to the commencement of the activity for which the permit, license, approval, or authorization is required.

D. Relocation of the System. When relocating a system, the following terms and conditions shall apply:

1. Town Authority to Move System. The Town may, at any time, in case of fire, disaster or other emergency, as determined by the Town in its reasonable discretion, cut or move any parts of the system and appurtenances on, over or under the rights-of-way of the Town, in which event the Town shall not be liable therefore to a provider. The Town shall notify a provider in writing prior to, if practicable, but in any event as soon as possible and in no case later than the next business day following any action taken and
2. Provider Required to Temporarily Move System. A provider shall, upon prior reasonable written notice from the Town or any person holding a permit to move any structure, and within the time that is reasonable under the circumstances, temporarily move any part of its system to permit the moving of said structure. A provider may impose a reasonable charge on any person other than the Town or its agents that provides services to the Town for any such movement of its system and
3. Rights-of-Way Change – Obligation to Move System. When the Town is changing rights-of-way and gives written notice of the same to providers, a provider shall move or remove its system from the rights-of-way, without cost to the Town. This obligation exists whether or not the provider has obtained an excavation permit.

E. Protect Structures. In connection with the construction, operation, maintenance, repair, upgrade or removal of the system, a provider shall, at its own cost and expense, protect any and all existing structures belonging to the Town. A provider shall obtain the prior written consent of the Town or other appropriate authority to alter any water main, power facility, sewage or drainage system, or any other municipal-type structure on, over or under the rights-of-way of the Town required because of the presence of the system.

F. No Obstruction. In connection with the construction, operation, maintenance, upgrade, repair or removal of the system, a provider shall not unreasonably obstruct the rights-of-way of fixed guideway systems, railways, passenger travel, or other traffic to, from or within the Town without the prior consent of the appropriate authorities.

G. Safety Precautions. A provider shall, at its own cost and expense, undertake all necessary and appropriate efforts to prevent accidents at its work sites, including the placing and maintenance of proper guards, fences, barricades, security personnel and suitable and sufficient lighting, and such other requirements prescribed by OSHA and Utah OSHA. A provider shall comply with all applicable federal, state and local requirements including but not limited to the National Electrical Safety Code.

H. Repair. Excavation, and after written notice to the provider, unless, in the sole determination of the Town, an imminent danger exists, any rights-of-way within the Town which are disturbed or damaged during the construction, operation, maintenance or reconstruction by a provider of its system may be repaired by the Town at the provider's expense, to a condition as good as that prevailing before such work was commenced. Upon doing so, the Town shall submit to such a provider a statement of the cost of repairing and restoring the rights-of-way intruded upon. The provider shall, within 30 days after receipt of the statement, pay to the Town the entire amount thereof.

I. System Maintenance. A provider shall:

1. Install and maintain all parts of its system in a non dangerous condition throughout the entire period of its franchise;
2. Install and maintain its system in accordance with standard prudent engineering practices and shall conform, when applicable, with the National Electrical Safety Code and all applicable other federal, state and local laws or regulations; and
3. At all reasonable times, permit examination by any duly authorized representative of the Town of the system and its effect on the rights-of-way.

J. Trimming of Trees. A provider shall have the authority to trim trees, in accordance with all applicable utility restrictions, ordinance and easement restrictions, upon and hanging over rights-of-way so as to prevent the branches of such trees from coming in contact with its system. For all trimming, the provider shall use generally accepted pruning standards of modern arboriculture in a manner which is least damaging to the health and aesthetic appearance of the trees, etc., being trimmed.

Section 6.5.70. Franchise and License Non Transferable.

A. Notification of Sale. The Town shall be notified of any sale, transfer, lease, assignments sublease or disposed of in whole or in part, either by forced or involuntary sale, or by ordinary sale, conditional or otherwise, whether obligated to inform or seek approval of the PSC or not.

B. PSC Approval. When a provider is the subject of a sale, transfer, lease, assignment, sublease or disposed of in whole or in part, either by forced or involuntary sale, or by ordinary sale, consolidation or otherwise, such that it or its successor entity is obligated to inform or seek the approval of the PSC, the provider or its successor entity shall promptly notify the Town of the nature of the transaction and, if applicable, request a transfer of the franchise to the successor entity. A request for a transfer shall include a certification that the successor entity unequivocally agrees to all of the terms of the original provider's franchise agreement.

C. Transfer of Franchise. Upon receipt of a request to transfer a franchise, the Town or its designee may send notice approving the transfer of the franchise to the successor entity. Such approval shall not be unreasonably withheld. If the Town has reason to believe that the successor entity may not comply with this chapter or the franchise agreement, it may require an application for the transfer. Such application shall comply with Section 6.5.50.

D. If PSC Approval is no Longer Required or is Not Required. If the PSC no longer exists, or if its regulations or state law no longer require approval of transactions described in Subsection A of this section, then the following events shall be deemed to be a sale, assignment or other transfer of the franchise requiring compliance with Subsection A of this section: (1) the sale, assignment or other transfer of all or a majority of a provider's assets to another person; (2) the sale, assignment or other transfer of capital stock or partnership, membership or other equity interests in a provider by one or more of its existing shareholders, partners, members or other equity owners so as to create a new controlling interest in a provider; (3) the issuance of additional capital stock or partnership, membership or other equity interest by a provider so as to create a new controlling interest in such a provider; or (4) the entry

by a provider into an agreement with respect to the management or operation of such provider or its system.

Section 6.5.80. Oversight and Regulation.

A. Insurance, Indemnity and Security. Prior to the execution of a franchise, a provider will deposit with the Town an irrevocable, unconditional letter of credit or surety bond as required by the terms of the franchise, and shall obtain and provide proof of insurance coverage and a certificate of insurance as provided in section 6.5.50.(A)(3). A provider shall also indemnify the Town as set forth in the franchise agreement.

B. Oversight. The Town shall have the right to oversee, regulate and inspect periodically the construction, maintenance, and upgrade of the system, and any part thereof, in accordance with the provisions of the franchise and applicable law. A provider shall establish and maintain managerial and operational records, standards, procedures and controls to enable a provider to prove, in reasonable detail, to the satisfaction of the Town at all times throughout the term, that a provider is in compliance with the franchise. A provider shall retain such records for not less than the applicable statute of limitations.

C. Maintain Records. A provider shall at all times maintain:

1. On file with the Town, a full and complete set of plans, records and as-built hard copy maps, and, to the extent the maps are placed in an electronic format, they shall be made in electronic format compatible with the Town's existing GIS system, of all existing and proposed installations and the types of equipment and systems installed or constructed in the rights-of-way, properly identified and described as to the types of equipment and facility by appropriate symbols and marks acceptable to the Town which shall include annotations of all rights-of-way where work will be undertaken. As used herein, "as-built maps" includes file construction prints. Maps shall be drawn to scale. As-built maps, including the compatible electronic format, as provided above, shall be submitted within thirty (30) days of completion of work or within thirty (30) days after completion of modification and repairs. As-built maps are not required of the provider who is the incumbent local exchange carrier for the existing system to the extent they do not exist; and
2. Throughout the term, a provider shall maintain complete and accurate books of account and records of the business, ownership, and operations of a provider with respect to the system in a manner that allows the Town at all times to determine whether a provider is in compliance with the franchise. Should the Town reasonably determine that the records are not being maintained in such a manner, a provider shall alter the manner in which the books and/or records are maintained so that a provider comes into compliance with this section. All financial books and records which are maintained in accordance with the regulations of the FCC and any governmental entity that regulates utilities in the state of Utah, and generally accepted accounting principles, shall be deemed to be acceptable under this section.

D. Confidentiality. If the information required to be submitted is proprietary in nature or must be kept confidential by federal, state or local law, upon written request by a provider, such information shall be treated as a protected record within the meaning of the Utah Government Records Access and Management Act ("GRAMA"), making it available only to those who must have access to perform their duties on behalf of the Town; provided, that a provider notifies the Town of, and clearly labels, the information which a provider deems to be confidential, proprietary information. Such notification and labeling shall be the sole responsibility of the provider.

E. Providers' Expense. All reports and records required under this chapter shall be furnished at the sole expense of a provider, except as otherwise provided in this chapter or a franchise.

F. Right of Inspection. For the purpose of verifying the correct amount of the franchise fee, the books and records of the provider pertaining thereto shall be open to inspection or audit by duly authorized representatives of the Town at all reasonable times, upon giving reasonable notice of the intention to inspect or audit the books and records. The provider agrees to reimburse the Town the reasonable costs of an audit if the audit discloses that the provider has paid ninety six (96) percent or less of the compensation due the Town for the period of such audit. In the event the accounting rendered to the Town by the provider herein is found to be incorrect, then payment shall be made on the corrected amount within 30 calendar days of written notice, it being agreed that the Town may accept any amount offered by the provider, but the acceptance thereof by the Town shall not be deemed a settlement of such item if the amount is in dispute or is later found to be incorrect.

Section 6.5.90. Rights of Town - Enforcement and Remedies.

A. Enforcement. The Town is responsible for enforcing and administering this chapter, and the Town or its designee is authorized to enforce the same and give notice required by law or under any franchise agreement.

B. Enforcement Provision. Any franchise granted pursuant to this chapter shall contain appropriate provisions for enforcement, compensation, and protection of the public, consistent with the other provisions of this chapter, including, but not limited to, defining events of default, procedures for accessing the bond/security fund, and rights of termination or revocation.

C. Force Majeure. In the event a provider's performance of any of the terms, conditions or obligations required by this chapter or a franchise is prevented by a cause or event not within a provider's control, such inability to perform shall be deemed excused and no penalties or sanctions shall be imposed as a result thereof. For the purpose of this section, causes or events not within the control of a provider shall include, without limitation, acts of God, strikes, sabotage, riots or civil disturbances, failure or loss of utilities, explosions, acts of public enemies, and natural disasters such as floods, earthquakes, landslides, and fires.

D. Extended Operation and Continuity of Services.

1. Continuation after Expiration. Upon either expiration or revocation of a franchise granted pursuant to this chapter, the Town shall have discretion to permit or require a provider to continue to operate its system or provide services for an extended period of time not to exceed six months from the date of such expiration or revocation. A provider shall continue to operate its system under the terms and conditions of this chapter and the franchise granted pursuant to this chapter; and
2. Continuation by Incumbent Local Exchange Carrier. If the provider is the incumbent local exchange carrier, it shall be permitted to continue to operate its system and provide services without regard to revocation or expiration, but shall be obligated to negotiate a renewal in good faith.

E. Removal or Abandonment of Franchise Property.

1. Abandoned System. In the event that (a) the use of any portion of the system is discontinued for a continuous period of 12 months, and 30 days after no response to written notice from the Town to the address of provider as set forth in the franchise; (b) any system has been installed on the rights-of-way without complying with the requirements of this chapter or franchise; or (c) the provisions of Section 6.5.30. are applicable and no franchise is granted; a provider, except the provider who is an incumbent local exchange carrier, shall be deemed to have abandoned such system;
2. Removal of Abandoned System. The Town, upon such terms as it may impose, may give a

provider written permission to abandon, without removing, any system, or portion thereof, directly constructed, operated or maintained under a franchise. Unless such permission is granted or unless otherwise provided in this chapter, a provider shall remove within a reasonable time the abandoned system and shall restore, using prudent construction standards, any affected rights-of-way to their former state at the time such system was installed, so as not to impair their usefulness. In removing its plant, structures and equipment, a provider shall refill, at its own expense, any excavation necessarily made by it and shall leave all rights-of-way in as good or better condition as that prevailing prior to such removal without materially interfering with any electrical or telephone cable or other utility wires, poles or attachments. The Town shall have the right to inspect and approve the condition of the rights-of-way cables, wires, attachments and poles prior to and after removal. The liability, indemnity and insurance provisions of this chapter and any security fund provided in a franchise shall continue in full force and effect during the period of removal and until full compliance by a provider with the terms and conditions of this section;

3. Transfer of Abandoned System to Town. Upon abandonment of any system in place, a provider, if required by the Town, shall submit to the Town a written instrument, satisfactory in form to the Town, transferring to the Town the ownership of the abandoned system;
4. Removal of Above-Ground System. At the expiration of the term for which a franchise is granted, or upon its revocation or earlier expiration, as provided for by this chapter, in any such case without renewal, extension or transfer, the Town shall have the right to require a provider to remove, at its expense, all above-ground portions of a system from the rights-of-way within a reasonable period of time, which shall not be less than 180 days. If the provider is the incumbent local exchange carrier, it shall not be required to remove its system, but shall negotiate a renewal in good faith; and
5. Leaving the Underground System. Notwithstanding anything to the contrary set forth in this chapter, a provider may abandon any underground system in place so long as it does not materially interfere with the use of the rights-of-way or with the use thereof by any public utility, cable operator or other person.

Section 6.5.100. Obligation to Notify.

Publicizing Work. Before entering onto any private property, a provider shall make a good faith attempt to contact the property owners in advance, describe the work to be performed, and obtain the owner's consent.

Section 6.5.110. General Provisions.

A. Conflicts. In the event of a conflict between any provision of this chapter and a franchise entered pursuant to it, the provisions of this chapter shall control.

B. Severability. If any provision of this chapter is held by any federal, state or local court of competent jurisdiction to be invalid as conflicting with any federal or state statute, or is ordered by a court to be modified in any way in order to conform to the requirements of any such law and all appellate remedies with regard to the validity of the chapter provision in question are exhausted, such provision shall be considered a separate, distinct, and independent part of this chapter, and such holding shall not affect the validity and enforceability of all other provisions hereof. In the event that such law is subsequently repealed, rescinded, amended or otherwise changed, so that the provision which had been held invalid or modified is no longer in conflict

with such law, the provision in question shall return to full force and effect and shall again be binding on the Town and the provider; provided, that the Town shall give the provider 30 days, or a longer period of time as may be reasonably required for a provider to comply with such a rejuvenated provision, written notice of the change before requiring compliance with such provision.

C. **New Developments.** It shall be the policy of the Town to liberally amend this chapter, upon application of a provider, when necessary to enable the provider to take advantage of any developments in the field of telecommunications which will afford the provider an opportunity to more effectively, efficiently, or economically serve itself or the public.

D. **Notices.** All notices from a provider to the Town required under this chapter or pursuant to a franchise granted pursuant to this chapter shall be directed to the officer as designated by the mayor or as designated in the franchise with a copy to the town attorney. A provider shall provide in any application for a franchise the identity, address and phone number to receive notices from the Town and shall supplement the same in the franchise. A provider shall immediately notify the Town of any change in its name, address, or telephone number.

E. **Exercise of Police Power.** To the full extent permitted by applicable law either now or in the future, the Town reserves the right to adopt or issue such rules, regulations, orders, or other directives that it finds necessary or appropriate in the lawful exercise of its police powers.

Section 6.5.120. Federal, State and Town Jurisdiction.

A. **Construction.** This chapter shall be construed in a manner consistent with all applicable federal and state statutes.

B. **Chapter Applicability.** This chapter shall apply to all franchises granted or renewed after the effective date of the ordinance codified in this chapter. This chapter shall further apply, to the extent permitted by applicable federal or state law, to all existing franchises granted prior to the effective date of the ordinance codified in this chapter and to a provider providing services, without a franchise, prior to the effective date of the ordinance codified in this chapter.

C. **Other Applicable Ordinances.** A provider's rights are subject to the police powers of the Town to adopt and enforce ordinances necessary to the health, safety and welfare of the public. A provider shall comply with all applicable general laws and ordinances enacted by the Town pursuant to its police powers. In particular, all providers shall comply with the Town zoning and other land use requirements.

D. **Town Failure to Enforce.** A provider shall not be relieved of its obligation to comply with any of the provisions of this chapter or any franchise granted pursuant to this chapter by reason of any failure of the Town to enforce prompt compliance.

E. **Construed According to Utah Law.** This chapter and any franchise granted pursuant to this chapter shall be construed and enforced in accordance with the substantive laws of the State of Utah.

Title 6. Public Utilities.

**Chapter 7.
Cemetery District.**

Section 6.7.10.	Name And Purpose.
Section 6.7.20.	Definitions.
Section 6.7.30.	Cemetery Board.
Section 6.7.40.	Sexton.
Section 6.7.50.	Cemetery General Provisions.
Section 6.7.60.	Conveyance; Descent and/or Inheritance.
Section 6.7.70.	Burial Permits and Fees.
Section 6.7.80.	Ordering a Grave Opening.
Section 6.7.90.	Burial Hours/Designated Days and Scheduling.
Section 6.7.100.	Interment Allowed in One Grave.
Section 6.7.110.	Cremation Plots.
Section 6.9.120.	Vaults.
Section 6.7.130.	Grave Markers and Memorials.
Section 6.7.140.	Conduct and Access.
Section 6.7.150.	Exhumation.
Section 6.7.160.	Severability.

Section 6.7.10. Name And Purpose.

The Town's burial grounds shall be known and designated by the name "Fairfield Town Cemetery". This cemetery is provided and reserved exclusively for the interment of human remains. It shall be unlawful for any person to inter human remains within the city limits, except in the Fairfield Town Cemetery or other state approved endowment cemetery.

Section 6.7.20. Definitions.

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 chapter, 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.

The following words and terms shall have the meanings ascribed to them in this chapter:

Burial. "Burial" means the interment of human remains.

Burial Vault. "Burial Vault" means a structure used to hold a casket or container of cremated remains.

Certificate of Burial. "Certificate of Burial" means a certification, or other means of conveyance of burial rights from the Town to a purchaser. Cremation Plot. "Cremation Plot" means a designated parcel that is two (2) feet wide by (2) feet long within the Town Cemetery for purposes of containing the cremated remains of the dead.

Cremated Remains. "Cremated Remains" means the ashes of an incinerated, deceased person.

Disinterment/Exhumations. "Disinterment/Exhumation" means the removal of a burial vault and/or casket from a plot.

Funeral Flowers. "Funeral Flowers" means flowers placed on the grave at time of burial.

Grave. "Grave" means an excavation in the ground for burial purposes.

Lot. "Cemetery Lot" means a group of eight (8) contiguous plots.

Memorials. "Memorials" means items placed on a grave as a remembrance. Temporary memorials include, but are not limited to, potted plants, flags, floral wreaths, flowers in vases. Semi-permanent memorials include, but are not limited to perennial flowers.

Monument/ Grave Marker. "Monument/Grave Marker" means a marker that is used to identify the person buried in a plot.

Non-Paid Town Official. "Non-Paid Town Official" means any individual that has served as Mayor or on the Town Council or in any capacity as an elected or appointed official for four (4) years without compensation.

Plot. "Plot" means a designated parcel that is five (5) feet wide by ten (10) feet long within the Town Cemetery for purposes of containing the remains of the dead.

Resident. "Resident" means any member of a household whose primary place of residence is within the Town of Fairfield which 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.

Sexton. "Sexton" means a person who is appointed to oversee the daily operation of the cemetery, sell and assign plots, and oversee burials and services..

Veteran. "Veteran" means a person recognized by the Veterans Administration as having veteran's status.

Section 6.7.30. Cemetery Board.

Powers and Duties. The Cemetery Board, under the direction of the Town Council, has the entire charge of the cemetery and is authorized to enforce the rules and regulations pertaining thereto. They may take such action as may be necessary, though not expressly set forth herein, in order to protect the property of grave and plot certificate holders, and the cemetery, from damage, and to preserve the peace, economy and good order of the cemetery. It shall be the duty of the Cemetery Board to keep the cemetery plat and related records up to date. The Town Recorder shall keep records of charges and payments made pursuant to this cemetery. The sexton or appointed representative of the Cemetery Board shall attend every interment in the cemetery and shall register the names and ages of all persons interred therein, and the place of their interment. One member shall supervise the opening and closing of graves.

Section 6.7.40. Sexton.

Powers and Duties. The Cemetery Sexton shall be responsible for the orderly and lawful operation of the cemetery. The Sexton shall also be responsible for all duties as described in the cemetery sexton job description.

Section 6.7.50. Cemetery General Provisions.

A. Location of Cemetery. The Fairfield Cemetery is located in Section 29 of the Utah County survey, and shall be known as the Fairfield Town Cemetery.

B. Rights of Burial. Each lot contained therein shall contain eight (8) plots. Purchasers of plots within the cemetery shall acquire the rights of burial in each plot in perpetuity, subject to the rules and regulations herein prescribed.

C. Purchase of Burial Rights. The Cemetery Sexton is hereby authorized to sell burial rights in the Town Cemetery for burial purposes only. The Cemetery Sexton shall keep a complete record of all sales, which record shall describe the location of the plot purchased and the price paid therefore. The Cemetery Sexton shall deliver to each purchaser a Certificate of Burial Rights for each plot purchased, which certificate shall, among other things, describe the location of the plot, grave number, and purchase price. The purchaser must provide the names of those persons for whom burial rights have been purchased, and those names must be entered into the Town Cemetery Records. Purchasing requirements of burial plots are as follows:

1. Only one certificate per individual shall be sold at the resident price;
2. Current residents may purchase a burial plot at the resident price. All non residents shall purchase burial plots at the non resident price;
3. Burial plots may be transferred in accordance with Town policy as stated on the reverse side of the Burial Right Certificate;
4. Any individual that has served as Mayor or on the Town Council or in any capacity as an elected or appointed official for four (4) years or more without compensation may purchase two (2) burial plots at a reduced fee; and
5. See Fairfield Fee Schedule for burial plot pricing.

D. Nature of Title to Graves. The legal title to all property in the cemetery shall reside with the Town. The purchasers of any grave site or plot within the cemetery shall acquire only the right to be buried or bury the remains of other persons and to have said grave site or plot cared for in accordance with Town policies and rules with respect to the care and maintenance of the cemetery.

E. Plot Improvements. No improvements, changes, or modifications, shall be made on any plot by any person including the certificate holder or his/her heirs.

F. Monies Collected for the cemetery will be used for the upkeep, maintenance and operation of the cemetery.

Section 6.7.60. Conveyance; Descent and/or Inheritance.

A. Abandonment Through Non-Use. Any plot or burial space that has remained empty without burial use for a period in excess of ninety-nine (99) years will be presumed to have been abandoned by the lot purchaser.

B. Burial Rights, Transfers and Replacements. Certificates of Burial Rights may be transferred from the original purchaser to a new owner. The original certificate must be signed and notarized by the certificate holder or his/her executor whereupon the Cemetery Board will issue a new certificate. Proof of executor will be required. A transfer fee in such amount as established by the Fairfield Town Fee Schedule, shall be paid for the processing and issuing of a new certificate.

C. Resale, Transfer Restrictions. The Certificate of Burial Rights of a cemetery plot vests the purchaser the right to use such plot for burial purposes only, for themselves, their heirs, or any such person(s) as they may choose to permit, provided that such transfer is free of charge and without compensation, *and that the purchaser has the names of those persons for whom permissions for burial rights have been given entered into the Town Cemetery Records.* A certificate of transfer must take place in accordance with section 6.7.60. (B)

D. Replacement of Lost Certificate. A replacement certificate will be issued upon proof of ownership based upon Fairfield Cemetery records.

Section 6.7.70. Burial Permits and Fees.

A. Permits. No body shall be interred, or remains received, unless a burial report is received from a licensed mortician and mortuary's obligation to pay for the burial, or unless the burial charges have been paid in advance to the Town Recorder and receipt thereof is presented to the cemetery sexton who then will issue a Certificate of Burial. The Certificate of Burial shall reflect the full name of the deceased, the date and the place of birth, the date and place of death and the name and address of the person responsible for the interment. No body shall be interred, or remains received, without a Fairfield Town Certificate of Burial.

B. Fees.

1. The Town Recorder is hereby authorized and required to collect the required fees.
2. Fees shall be in such amounts as established by resolution in the Fairfield Town Fee Schedule.

3. For any other service rendered, the Town shall collect a reasonable fee to be determined in advance.
4. Disinterment shall be of casket only. There shall be no disinterment of the vault.

Section 6.7.80. Ordering a Grave Opening.

Arrangements for a grave opening (preparing a grave site for burial) must be made with the cemetery Sexton by the funeral director, the relatives, or person having charge of the deceased. The Town of Fairfield will be responsible for the opening of the grave for the burial and closing of the grave after the services. The required certificates need to be filled out and fees paid. The Fairfield Town Sexton MUST be contacted prior to excavating for burial to verify proper location and to certify that payment has been made for that plot or gravesite. No private contractors are allowed to open/close graves. Failure to do so will result in a penalty and criminal trespass charges will be pursued.

Section 6.7.90. Burial Hours/Designated Days and Scheduling.

A. Sundays or Holidays. No graveside service or interment shall be allowed in the cemetery on Sunday or on any of the holidays officially observed by the Town.

B. All Other Days and Hours. On all other days, graveside services or interments shall be allowed between the hours of ten (10) o'clock a.m. and four (4) o'clock p.m.

C. Scheduling of Services or Interment. All graveside services and interments must be arranged through the sexton at least forty eight (48) hours in advance of the time set and if there is an intervening holiday or Sunday, arrangements must be made at least seventy two (72) hours in advance. Any exception to the provisions of this chapter shall be by the approval of the Cemetery Board only and will result in the payment of additional fees.

Section 6.7.100. Interment Allowed in One Grave.

A. One interment only shall be allowed in a casket except for the following:

1. A parent with their infant child;
2. Two (2) children who are buried at the same time; or
3. For the addition of one cremated remains placed in the casket at the time of burial.

B. Double depth burials shall not be permitted in the Fairfield Cemetery.

C. No more than one (1) casket shall be allowed in a grave plot, except that;

1. Two (2) cremation vaults shall be no less than two (2) feet below the surface of the ground.

D. No cremation vault shall be placed in the same plot as a regular burial vault. A grave plot may contain either one (1) full size vault or two (2) cremation vaults.

Section 6.7.110. Cremation Plots.

A. A separate section of the cemetery shall be designated for Cremation plots.

B. Cremation plot size shall be 2 ft. by 2 ft.

C. Interments in the section designated for cremations shall run in consecutive order, starting on the south east corner and running east to west..

Section 6.7.120. Vaults.

A. Construction of Vaults. Before a casket is accepted for burial, it must be housed within a concrete vault having a fixed top and side panel, edged restraints incorporated into the construction, and having a strength capable of uniformly withstanding a stress of seven and one-half (7 ½) pounds per square inch. If a particular type of construction of a vault is rejected by the sexton, the mortician or party utilizing the vault shall bear the burden of proving compliance with these strength requirements.

B. Vaults for Cremated Remains. Cremated remains must be placed in a cremation vault made of fiberglass, concrete or metal with a strength deemed adequate by the sexton. Cremation vault shall be no larger than 12 in. x 12x in. x 12 in.

C. The top of the cremation vault shall be at least twelve (12) inches below ground level.

D. Cremation burials shall not be allowed when the frost level is greater than four (4) inches.

Section 6.7.130. Grave Markers and Memorials.

A. Identification of Graves. All graves shall be identified by a marker or monument made of metal, stone or cement and placed at the head of the grave. All markers or monuments shall face east. No more than one (1) monument or marker shall be permitted for each grave, except as provided for in this Chapter of this code, or where a traditional military marker is appropriate in addition to another monument. Where burial of the remains of more than one (1) person in a single plot is permitted by this code, either a joint, combined monument or small individual markers may be used, provided they can be adequately accommodated within the limits of the plot, but, in any event, the form and size of the monument or marker shall be within the discretionary approval of the Cemetery Board.

B. Monument Placement. The monument shall be placed upon a flat concrete foundation at the head of the grave, not less than four (4) inches nor more than six (6) inches deep having a cement lawn strip extending beyond each side of the upright portion of the monument a distance of six (6) inches.

C. Monument Size. Single headstone monuments shall not be more than 30 in. wide by 4 ft. long including the concrete foundation. Double headstone monuments shall not be more than 30 in. wide by 5 ft. long, including the concrete foundation. No monument shall be more than six (6) ft. in height.

D. Cremation Monument Size and Placement. Monuments inside the area set aside for cremation burials, shall not be more than 1 ft. x 1 ft. and shall be placed in the center of the plot.

E. No Monument or Marker on Grave. In the event the Certificate of Burial Rights holder of a plot, or relatives of a deceased person buried in such plot do not place a monument or marker with the name of the deceased plainly inscribed thereon upon the grave within ninety (90) days after interment, the sexton shall have the right to do so with a minimal stone or cement marker at the expense of the person responsible for the interned within said plot. No grave will be dug without proof of monument purchase.

F. Semi-Permanent Memorials and Vegetation. No person shall have the right to plant shrubs, flowers or other semi-permanent memorial items on a plot without the approval of the Sexton. No grave in the cemetery shall be filled, refilled or sodded, except under the direction of the sexton. Approval will be based on the following criteria:

1. Plant maintenance requirements;
2. landscape value and hardiness;
3. interference with other plots;
4. plants and mowing operations;
5. consistency with landscape design; and
6. Trees shall be planted along the entry road into the cemetery with a plaque noting family name and associated grave location. Plaques furnished by families shall be approximately one (1) foot square.

G. Temporary Memorials Prior to Headstone. All temporary memorials shall be removed ten (10) days after the setting of the monument.

H. Memorials. All temporary memorials shall be placed in a raised, adjustable receptacle that is either in the monument or in the concrete border that surrounds the monument. Temporary memorials shall be removed without notice by the sexton or cemetery employees when they become withered, discolored, torn, broken or vandalized. Funeral flowers will be allowed to remain for three (3) business days after interment, after which the sexton or designee may remove them based on the above criteria. Other temporary memorial items such as glass containers, sticks, iron rods, pegs, ceramic pots or other containers that may pose safety hazards will be removed by cemetery employees.

Section 6.7.140. Conduct and Access.

A. Conduct. Cemetery grounds are sacredly devoted to the interment and repose of the dead. Strict observance of decorum due such a place is expected of all persons. Loitering is expressly prohibited.

B. Location and Access. Access to the Fairfield Cemetery is restricted to daylight hours.

C. Traffic Rules, Driving and Parking. The following provisions of the municipal traffic ordinances relative to the operation of vehicles and shall be in effect in the cemetery, except as herein otherwise modified by this ordinance:

1. It shall be unlawful for any person to drive a motorized vehicle or other equipment within the municipal cemetery at a speed greater than ten (10) miles per hour;
2. Vehicles must only drive on designated travel lanes within the cemetery except for authorized personnel;
3. Motorcycles and all terrain vehicles (ATVs) are permitted in the cemetery but are subject to the same policies and procedures as motorized vehicles;

4. Bicycles are permitted, but are subject to the same policies and procedures as motorized vehicles; and
5. Cutting corners and driving on the lawns is prohibited; and

D. Animals in Cemetery. Horses, dogs, or other types of pets or livestock are not permitted on the cemetery grounds unless part of a procession unless allowed by State or Federal regulations.

E. Children in Cemetery. Children under the age of twelve (12) years shall not be allowed in the cemetery unless accompanied by their parents or other adults, except for the purposes of attending authorized funerals or, in the company of adults, placing flowers on the grave of a deceased relative or friend, or performing any other customary evidence of respect in accordance with their religious principles.

Section 6.7.150. Exhumation.

Disinterments are regulated by Utah County. No disinterment shall be allowed in the Fairfield Cemetery without first securing a disinterment permit from the County and also a disinterment permit from Fairfield Town. All Town fees associated with the disinterment shall be paid before the Town disinterment permit is issued. see Fairfield Town Fee Schedule. All disinterment arrangements shall be coordinated through the Fairfield Town Sexton.

All disinterments shall be of the casket only and shall not include the vault. Vaults shall not be disinterred.

Section 6.7.160. Severability.

If any provision of this chapter is held by any federal, state or local court of competent jurisdiction to be invalid as conflicting with any federal or state statute, or is ordered by a court to be modified in any way in order to conform to the requirements of any such law and all appellate remedies with regard to the validity of the chapter provision in question are exhausted, such provision shall be considered a separate, distinct, and independent part of this chapter, and such holding shall not affect the validity and enforceability of all other provisions hereof. In the event that such law is subsequently repealed, rescinded, amended or otherwise changed, so that the provision which had been held invalid or modified is no longer in conflict with such law, the provision in question shall return to full force and effect and shall again be binding on the Town and the provider; provided, that the Town shall give the provider thirty (30) days, or a longer period of time as may be reasonably required for a provider to comply with such a rejuvenated provision, written notice of the change before requiring compliance with such provision.