

APPROVED

**CACHE COUNTY
COUNCIL MEETING
MINUTES
MARCH 24, 2015**

**COUNTY COUNCIL MEETING
March 24, 2015**

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CACHE COUNTY COUNCIL MEETING
March 24, 2015

The Cache County Council convened in a regular session on March 24, 2015 at 5:00 p.m. in the Cache County Council Chamber at 199 North Main, Logan, Utah.

ATTENDANCE:

Chairman: Kathy Robison
Vice Chairman: G. Gregory Merrill
Council Members: David Erickson, Jon White, Cory Yeates & Gordon Zilles.
Val Potter absent
County Executive: Craig "W" Buttars
County Clerk/Auditor: Jill N. Zollinger
County Attorney: Tony Baird

The following individuals were also in attendance: Janeen Allen, Lance Anderson, Steve Baugh, Merrill Bird, Ted Black, Lee Edwards, Bart Esplin, Chief Rod Hammer, Blain Hamp, Alton Hebdon, Sharon L. Hoth, Emily Johnson, Ethan Johnson, Evan Johnson, Sherilyn Johnson, Dave Nielsen, Travis Peterson, Tim Rawlings, Director Josh Runhaar, Dianna Schaeffer, Mike Young, **Media:** Shannon Nielsen (Herald Journal), Jennie Christensen (KVNU).

OPENING REMARKS AND PLEDGE OF ALLEGIANCE

Council member White gave the opening remarks and led those present in the Pledge of Allegiance.

REVIEW AND APPROVAL OF AGENDA

ACTION: Motion by Council member Zilles to approve the agenda as written. Yeates seconded the motion. The vote was unanimous, 6-0. Potter absent.

REVIEW AND APPROVAL OF MINUTES

ACTION: Motion by Council member Yeates to approve the minutes of the March 10, 2015 Council meeting as written. Erickson seconded the motion. The vote was unanimous, 6-0. Potter absent.

REPORT OF THE COUNTY EXECUTIVE: CRAIG "W" BUTTARS

APPOINTMENTS: Cory Wood Cache Valley Visitors Bureau Board
Cleve Burns Cache County Deputy Attorney

ACTION: Motion by Council member Yeates to approve the recommended appointments. Merrill seconded the motion. The vote was unanimous, 6-0. Potter absent.

WARRANTS: Warrants for the period 03-07-2015 to 03-13-2015 were given to the Clerk for filing.

OTHER ITEMS:

- ❑ **University Interns** – Executive Buttars stated he will discuss the possibility of departments using interns from Utah State University at the Department Head meeting next month.
- ❑ **Fire Training Tower** – Chief Rod Hammer invited the Council to come to the Training Tower, put on gear and participate in some of the training. Hammer suggested Tuesday, April 7, 2015 at 5:00 p.m. for the visit. The Council accepted the invitation.
- ❑ **Ambulance in Hyrum** – Executive Buttars stated Cache County has been renting space in Hyrum for the ambulance for \$1,000.00 a month. Hyrum City wants to use the space and has agreed to donate other property for the County to construct a new building for the ambulance. Buttars will have details by the April 14, 2015 Council meeting.
- ❑ **Jim Gass – CCEMS** – Vice Chair Merrill observed that Jim Gass is retiring.

ITEMS OF SPECIAL INTEREST

- **Proposed Amendment to Wildland Urban Interface Ordinance – Ted Black, State Fire Marshal’s Office**, reviewed the proposed amendment changes. The changes have been approved by the State Forester and State Fire Marshal. Cache County can approve some or all of the proposed amendments.

Chairman Robison responded that the Council will consult with Cache building and fire officials before approving the amendments.

Chief Hammer indicated the proposal looks good; however, he wants time to review it.

- **Proclamation – National Service Recognition Day – April 7, 2015** – Executive Buttars indicated he has signed the proclamation and it is presented here for the Council’s information.

(Attachment 1)

PUBLIC HEARINGS, APPEALS AND BOARD OF EQUALIZATION MATTERS

ACTION: Motion by Council member Yeates to convene as a Board of Equalization. White seconded the motion. The vote was unanimous, 6-0. Potter absent.

THE COUNCIL CONVENED AS A BOARD OF EQUALIZATION

- **Property Tax Exemption Request – Whittier Community Center** – Executive Buttars said Whittier is seeking a 90% exemption based on hours of usage of nonprofit tenants. However, state law requires that if any portion of the facility is used by for profit, it needs to be taxed at full rate. Assessor Howell recommends a 70% exemption based on income. Deputy Auditor Schaeffer said hours of usage is harder for the county to verify than income. *(Details are on file in the office of the Cache County Clerk/Auditor.)*

ACTION: Motion by Council member White to approve a 70% property tax exemption for the Whittier Community Center. Zilles seconded the motion. The vote was unanimous, 6-0. Potter absent.

ACTION: Motion by Council member Yeates to adjourn from Board of Equalization. Zilles seconded the motion. The vote was unanimous, 6-0. Potter absent.

THE COUNCIL ADJOURNED FROM THE BOARD OF EQUALIZATION.

UNIT OR COMMITTEE REPORTS

- **Fairgrounds and RAPZ Tax Projects – Bart Esplin** reported on the following:
 - **Where RAPZ dollars have gone in the past year:**
 - Infield improvements:
 - 1400 feet of water line installed
 - 300 linear feet of pipe rail fence built
 - Curb, gutter and sidewalk along 700 South
 - Developed two new access points into the Fairgrounds from the south end for parking
 - Rodeo Arena Improvements:
 - Replaced wood planking on walkway
 - Installed new chain link fence
 - Installed new panel fence
 - Replaced outdated racetrack gates
 - Added new surface material to practice arena.
 - Cache arena Improvements:
 - Replaced doors
 - Added awning
 - Replaced metal siding on south side of rabbit and poultry building.
 - Other projects:
 - Disc golf course
 - **2015 Request:**
 - Chip/seal gravel drives; concept and cost estimate for new 30,000sf exhibit building; replace wood seats and planks on main grandstand area of rodeo arena

ITEMS OF SPECIAL INTEREST

- **Update and 6f Conversion of Cache Recreational Complex – Lance Anderson** reported that when the agreements for the Complex were approved by the County Council, they were subject to the cities' approvals. Anderson has all approvals except North Logan's which will be received in two more weeks. Anderson said all but two of the city properties have been identified and are under contract to purchase. The environmental assessment has been submitted to the National Park Service and Utah State Lands. Because the cities are using their money to purchase the properties, most won't be putting in RAPZ applications this year.

INITIAL PROPOSAL FOR CONSIDERATION OF ACTION

- **Ordinance No. 2015-03-Amendments to Title 17 of the Cache County Ordinance regarding Kennels-Titles 17.07, Definitions, 17.09, Uses, and 17.10, Development Standards** – Chairman Robison reminded the Council that the ordinance was discussed in detail at the March 10, 2015 Council meeting and asked if there were any questions. There were none. Council members commended Runhaar on the amendments.

(Attachment 2)

ACTION: Motion by Council member Erickson to waive the rules and approve Ordinance No. 2015-03-Amendments to Title 17 of the Cache County Ordinance regarding Kennels-Titles 17.07, Definitions, 17.09, Uses, and 17.10, Development Standards. White seconded the motion. The vote was unanimous, 6-0. Potter absent.

- **Ordinance No. 2015-04 – Amending Ordinance No. 2014-10** – Executive Buttars explained changes were needed for renumbering of chapters and other language that was added for tracking purposes.

(Attachment 3)

ACTION: Motion by Council member Yeates to waive the rules and approved Ordinance No. 2015-04-Amending Ordinance No. 2014-10. White seconded the motion. The vote was unanimous, 6-0. Potter absent.

- **Ordinance No. 2015-05 – Purchasing, Public Improvements, and Contracts** – Director Josh Runhaar explained the amendments related to updates, clarifications, the purchase order process and travel requests. Chairman Robison asked if the travel request portion is in harmony with the County Policy Manual. Runhaar feels it is.

(Attachment 4)

ACTION: Motion by Council member Yeates to waive the rules and approve Ordinance No. 2015-05 – Purchasing, Public Improvements, and Contracts. White seconded the motion. The vote was unanimous, 6-0. Potter absent.

- **Ordinance No. 2015-06 – Amendments to Title 8.28 – Weed Control** – Director Runhaar remarked the ordinance Title 8.28 was based on was very outdated which created a noncompliance situation for the County. These amendments correct the problem. Runhaar noticed a line needs to be added to the headings - 8.28.070 ACCESS TO PROPERTY AND SETBACKS – which was inadvertently left out.

(Attachment 5)

ACTION: Motion by Council member Yeates to waive the rules and approve Ordinance No. 2015-06 – Amendments to Title 8.28-Weed Control – with the heading added as indicated by Director Runhaar. Zilles seconded the motion. The vote was unanimous, 6-0. Potter absent.

- **Review of Deferral Agreements** – Executive Buttars reported there are three different individuals who have deferral contracts and are in default. Buttars wants the Council's direction on dealing with deferrals found in default. How many times should the County amend deferral agreements? The current individuals are willing to work out another agreement or sell property to pay off taxes.

Chairman Robison and Council members White, Zilles, Merrill and Erickson feel a year is sufficient.

Deputy County Auditor Schaeffer interjected that there is nothing in state code that limits the County to one year on deferral agreements. Some may have a huge debt and it is not economically feasible to pay it off in one year.

After some discussion, it was decided Executive Buttars will contact the individuals asking for a revision of their deferral agreements to tell them the County is going to proceed with the tax sale.

- **Cache County Roads Review – Deputy County Attorney Tony Baird** reviewed the history of road law and county road policy and implementation. Baird updated the Council on what has occurred thus far in the Davenport Road issue and concluded that since similar cases have been in litigation for over ten years, he doesn't expect it to be resolved any sooner than that. The litigation is costly (probably over \$100,000.00 to this point), but worth it because the public should have access to the road.

OTHER BUSINESS

- ✓ **Joint Council Meeting with Logan City – Tuesday, March 31, 2015 at 5:30 p.m. – Logan City Council Chambers** – Agenda items include:
 - *Landfill Update/Garbage Collection/Sewage
 - *Local Option for Sales Tax for Transportation
 - *Fairgrounds Ownership Separation
 - *Trails
 - *Tour of Utah
- ✓ **2015 UAC Management Conference – April 29, 30, May 1, 2015 – Utah Valley Convention Center** – Buttars, Yeates and Wood will be attending
- ✓ **Health Days Parade – Saturday, May 9, 2015 at 10:00 a.m.** – Buttars, Potter, Merrill and Robison will attend.

COUNCIL MEMBER REPORTS

David Erickson was in Sevier County and took pictures of the building they have built that Bart Esplin referred to in his report. Sevier County said they wish their building had more various-sized rooms for meetings and conferences.

Gordon Zilles thanked Attorney Baird for the road presentation and commended Director Runhaar. Zilles received a call from a citizen who told him Runhaar's office was extremely helpful.

Cache County Council
03-24-2015

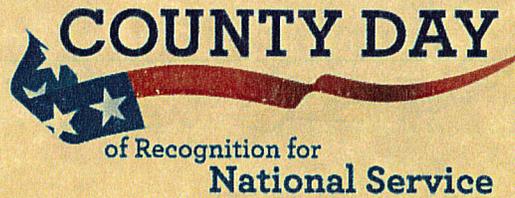
Cory Yeates would like a congratulatory letter sent to the County's high schools commending them on their successful basketball seasons.

ADJOURNMENT

The Council meeting adjourned at 7:50 p.m.

ATTEST: Jill N. Zollinger
County Clerk

APPROVAL: Kathy Robison
Chairman



PROCLAMATION

2015

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's county executives are increasingly turning to national service and volunteerism as a cost-effective strategy to meet county needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our cities and counties, from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 60,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with county executives nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, City of Service, and mayors across the country to recognize the impact of service on the County Day of Recognition for National Service on April 7, 2015.

THEREFORE, BE IT RESOLVED that I, Craig Buttars, Executive of Cache County, Utah, do hereby proclaim April 7, 2015, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our county; to thank those who serve; and to find ways to give back to their communities.

A handwritten signature in blue ink that reads "Craig Buttars".

Cache County Executive Craig Buttars

ORDINANCE NO. 2015-03

CACHE COUNTY, UTAH

AMENDMENTS TO TITLE 17

AN ORDINANCE AMENDING AND SUPERSEDING CHAPTERS 7, 9, AND 10 OF TITLE 17 OF THE CACHE COUNTY ORDINANCE REGARDING KENNELS

WHEREAS, the State of Utah has authorized Cache County to adopt Land Use Ordinances and Maps, and;

WHEREAS, the purpose of this ordinance is to provide fair, consistent, and equitable land use regulations for all land owners, and;

WHEREAS, the purpose of this ordinance is to provide clarity and ease of use of the County's Zoning Ordinance for all citizens, and;

WHEREAS, on October 2, 2014 at 6:15 P.M., the Planning Commission held a public hearing for the amendments to Title 17, which meeting was preceded by all required legal notice and at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed rezone, and;

WHEREAS, on February 5, 2015, the Planning Commission recommended the approval of said amendments and forwarded such recommendation to the County Council for final action, and;

WHEREAS, the County Council caused notice of the hearing and the amendments to Title 17 of the Cache County Ordinance to be advertised at least ten (10) days before the date of the public hearing in *The Herald Journal*, a newspaper of general circulation in Cache County, and;

WHEREAS, on March 10, 2015, at 5:30 P.M., the County Council held a public hearing to consider any comments regarding the proposed amendments to Title 17 of the Cache County Ordinance. The County Council accepted all comments, and;

WHEREAS, the Cache County Council has determined that it is both necessary and appropriate for the County to amend and implement these ordinances.

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Cache County that Chapters 7, 9, and 10 of Title 17 of the Cache County Ordinance are hereby amended and superseded as follows:

1. STATUTORY AUTHORITY

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-27a Part 1 and Part 3 (1953, as amended to date).

Disclaimer: This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.

2. PURPOSE OF PROVISIONS

The purpose of this ordinance is to amend and supersede Chapters 7, 9, and 10 of Title 17 of the Cache County Ordinance regarding kennels, and to insure compatibility with surrounding land uses, conformity with the Cache County Comprehensive Plan, consistency with the characteristics and purposes stated for the zones, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.

3. FINDINGS

- A. The amendments to Title 17 of the Cache County Ordinance are in conformity with Utah Code Annotated, §17-27a Part 5 (1953, as amended), which requires compliance with standards set forth in an applicable ordinance.
- B. The amendments to Title 17 of the Cache County Ordinance are necessary to establish accurate standards for kennels.
- C. It is in the interest of the public and the citizens of Cache County that the proposed amendments to Title 17 of the Cache County Ordinance be approved.

4. EXHIBITS

- A. Chapters 7, 9, and 10 of Title 17 of the Cache County Ordinance are amended as follows: See Exhibit A

5. PRIOR ORDINANCES, RESOLUTIONS, POLICIES AND ACTIONS SUPERSEDED.

This ordinance amends and supersedes Chapters 7, 9, and 10 of Title 17 of the Cache County Ordinance, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

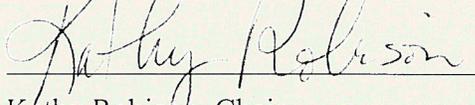
6. EFFECTIVE DATE.

This ordinance takes effect on April 8, 2015. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

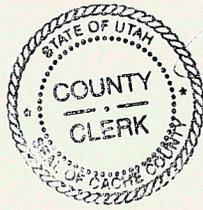
APPROVED AND ADOPTED this 24th day of March, 2015.

	In Favor	Against	Abstained	Absent
Potter				X
Erickson	X			
White	X			
Merrill	X			
Robison	X			
Yeates	X			
Zilles	X			
Total	6			1

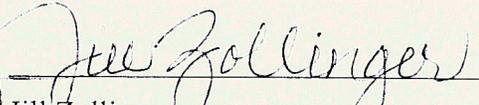
CACHE COUNTY COUNCIL:



Kathy Robison, Chair
Cache County Council



ATTEST:



Jill Zollinger
Cache County Clerk

Publication Date:

April 8th, 2015

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Ordinance 2015-03: Amendments to Chapters 7, 9, and 10 of Title 17 Regarding Kennels

17.07.030: Use Related Definitions

Delete:

~~6150 ANIMAL SHELTER: A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.~~

Add/Amend:

~~7200 ANIMAL BOARDING FACILITY: A series of stables, barns, paddocks, and/or other shelters and exercising facilities in which farm animals are fed, exercised and/or cared for on a short or long term basis for a fee.~~

~~1. Kennel: Any establishment at which four (4) or more dogs are bred or raised for sale, boarded, or cared for.~~

BOARDING FACILITY: A series of stables, barns, paddocks, and/or other shelters and exercise facilities in which livestock, including cattle, sheep, goats, swine, horses, mules, poultry, etc., are fed, exercised, and/or cared for on a short or long term basis for a fee.

7210 HOUSEHOLD PET: Animals ordinarily kept in a dwelling for personal use and not for commercial purposes. This includes up to six (6) adult dogs.

7220 HOME BASED KENNEL: Any establishment, accessory to a dwelling unit and/or adjacent to a neighboring parcel under the same ownership, at which seven (7) or more adult dogs are boarded, groomed, bred, raised, and/or otherwise kept. This excludes a single, incidental litter in a 12 month period. A home based kennel must comply with the following requirements:

1. A home based kennel shall consist of no more than 12 adult dogs. More than 12 dogs may be permitted as a home based kennel if it is otherwise shown by the applicant that:
 - a. Impacts can be mitigated by distance, vegetation, geography, and/or structures.
 - b. The kennel is secondary to the home and not primarily for commercial purposes.
2. All kennel facilities must be a minimum of 50 feet from the property boundary.
3. Noise levels from the kennel shall not exceed 10 decibels (dBA) above the ambient noise levels at the property line. A sound level impact and assessment report prepared and signed by a qualified professional must be provided at the time of application to support the same.

7230 COMMERCIAL KENNEL/ANIMAL SHELTER: Any establishment at which the boarding, grooming, breeding, raising, and/or otherwise keeping of 13 or more adult dogs or cats is the primary use of a legal parcel as determined by the Director or Planning Commission, or the requirements of a home based kennel cannot be met. A commercial kennel/animal shelter must comply with the following requirements:

1. All kennel facilities must be a minimum of 50 feet from the property boundary and a minimum of 20 feet from a Caretaker's Residence.

Ordinance 2015-03: Amendments to Chapters 7, 9, and 10 of Title 17 Regarding Kennels

2. Noise levels from the kennel shall not exceed 10 decibels (dBA) above the ambient noise levels at the property line. A sound level impact and assessment report prepared and signed by a qualified professional must be provided at the time of application to support the same.

17.07.040: General Definitions

Add:

DOG, ADULT: A dog is considered an adult when it is six (6) months of age or older.

CAT, ADULT: A cat is considered an adult when it is six (6) months of age or older.

Delete:

~~ANIMAL CONFINEMENT: Any structure used to house animals or restrict their habitation to a particular area. (This term is also used in 17.10.050[A][2], which is to be deleted)~~

17.09.030 Schedule of Uses by Zoning District

Add/Amend/Delete/Reserve:

Reserve 6150

Delete Animal Shelter

Amend Schedule of Uses for 6150

Amend Schedule of Uses for 7200 Boarding Facility ME Overlay Zone

Add 7210 Household Pet and Schedule of Uses

Add 7220 Home Based Kennel and Schedule of Uses

Add 7230 Commercial Kennel/Animal Shelter and Schedule of Uses

Index	Description	Base Zone							Overlay Zone	
		RU2	RU5	A10	FR40	RR	C	I	ME	PI
6150	Animal Shelter Reserved	N	N	N	N	N	C	C	N	-
7200	Boarding Facility	C	C	C	N	C	C	N	N	-
7210	Household Pet	P	P	P	P	P	P	P	-	-
7220	Home Based Kennel	C	C	C	N	C	C	N	-	-
7230	Commercial Kennel/Animal Shelter	N	N	N	N	N	C	C	-	-

Delete:

~~17.10.050 [A][2]: Supplemental Standards~~

~~2. Animal Confinement:~~

~~a. All areas used for animal confinement shall be set back fifty feet (50') from any natural waterway. (Setback is already set by 17.18.050 [A][3][a])~~

~~b. All areas used for animal confinement shall be set back twenty feet (20') from any dwelling unit. (Added to 7230 Commercial Kennel/Animal Shelter)~~

**CACHE COUNTY
ORDINANCE NO. 2015-04**

**AN ORDINANCE OF THE COUNTY COUNCIL OF CACHE COUNTY, UTAH,
AMENDING CACHE COUNTY ORDINANCE 2014-10 WHICH ESTABLISHED
POLICY RELATING TO REAL PROPERTY TAX PAYMENT PROCEDURES**

WHEREAS, Cache County Ordinance No. 90-08 created Title 3 Chapter 60 of the Cache County Code (“Real Property Tax Settlements and Deferrals”), not including Section 3.60.070(C.), which was created by Cache County Ordinance No. 2013-09 and subsequently amended by Cache County Ordinance No. 2014-10; and

WHEREAS, Cache County Code 2014-09 repealed Cache County Ordinance No. 90-08; and

WHEREAS, Section 3.60.070(C.) needs to be renumbered and further amendments made in order to establish reasonable and efficient procedures relating to the processing of real property tax payments received by the Cache County Treasurer; and

WHEREAS, the Cache County Council finds that it is in the best interest of Cache County and its citizens,

NOW, THEREFORE, The County Legislative Body of Cache County ordains as follows: That pursuant to the statutory authority granted under Utah Code Ann. §17-53-201 and §17-53-223 the Cache County Council amends CACHE COUNTY ORDINANCE 2014-10, as provided in EXHIBIT “A,” which is entitled “Property Tax Procedures,” and attached hereto. This Ordinance shall take effect immediately upon adoption and publication, in the manner provided by Utah Code Ann. §17-53-208(6).

PRIOR ORDINANCES, RESOLUTIONS, POLICIES AND ACTIONS SUPERSEDED
This ordinance amends and supersedes all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

PASSED BY THE COUNTY COUNCIL OF CACHE COUNTY, UTAH THIS
MARCH 24, 2015.

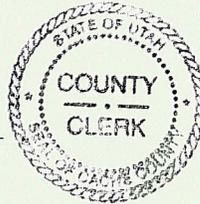
	In Favor	Against	Abstained	Absent
David L. Erickson	X			
Val K. Potter				X
Greg Merrill	X			
Kathy Robison	X			
Jon White	X			
Cory Yeates	X			
Gordon A. Zilles	X			
Total	6			1

CACHE COUNTY

By: *Kathy Robison*
Kathy Robison, Chairman

ATTEST:

Jill N. Zollinger
Jill N. Zollinger, County Clerk / Auditor



Publication Date: April 8, 2015

EXHIBIT "A"

REAL PROPERTY TAX PROCEDURES

Sections:

3.60.010 Purpose.

The purpose of this Chapter is to provide for reasonable and efficient procedures relating to the processing of real property tax payments received and/or processed by the Cache County Treasurer and Auditor.

3.60.070(C.)020 Waiver or Reduction of Real Property Tax Penalty and/or Interest by County Auditor or Treasurer.

- (1) The Cache County Auditor or the Cache County Treasurer, with the approval of the Cache County Executive, may process a waiver or reduction of penalty and/or interest up to an amount not to exceed \$50.00 per parcel or \$250.00 cumulative. Such waivers or reductions shall be documented and reported as a cancellation on the "Parcels with Abatements" report form or with another equivalent reporting procedure as deemed appropriate which is presented annually to the County Council for approval.
- (2) The Cache County Treasurer may process an amount referred to in subsection (1) without approval of the Cache County Executive if it is less than ten dollars (\$10). Such transaction shall be documented and reported annually to the County Council for approval.

ORDINANCE NO. 2015-05

CACHE COUNTY, UTAH

AMENDMENTS TO TITLE 3

AN ORDINANCE AMENDING AND SUPERSEDING CHAPTERS 8, 12, AND 16 OF TITLE 3 OF THE CACHE COUNTY ORDINANCE REGARDING PURCHASING, PUBLIC IMPROVEMENTS, AND CONTRACTS

WHEREAS, the State of Utah has authorized Cache County to adopt financial procedures and ordinances within the Uniform Fiscal Procedures Act for Counties, and;

WHEREAS, the purpose of this ordinance is to provide clear, effective, efficient, consistent, and equitable fiscal procedures for Cache County Corp., and;

WHEREAS, the County Council caused notice of the amendments to Title 3 of the Cache County Ordinance to be advertised in *The Herald Journal*, a newspaper of general circulation in Cache County, and;

WHEREAS, the Cache County Council has determined that it is both necessary and appropriate for the County to amend and implement these ordinances.

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Cache County that Chapters 8, 12, and 16 of Title 3 of the Cache County Ordinance are hereby amended and superseded as follows:

1. STATUTORY AUTHORITY

The statutory authority for enacting this ordinance is the Uniform Fiscal Procedures Act for Counties, Utah Code Annotated §17-36 (1953, as amended).

2. PURPOSE OF PROVISIONS

The purpose of this ordinance is to amend and supersede Chapters 8, 12, and 16 of Title 3 of the Cache County Ordinance regarding purchasing procedures, public improvements, and contracts is to provide for efficient and effective government and the promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.

3. FINDINGS

- A. The amendments to Title 3 of the Cache County Ordinance are in conformity with the Uniform Fiscal Procedures Act for Counties, Utah Code Annotated §17-36 (1953, as amended).
- B. The amendments to Title 3 of the Cache County Ordinance are necessary to establish effective and efficient fiscal procedures.
- C. It is in the interest of the public and the citizens of Cache County that the proposed amendments to Title 3 of the Cache County Ordinance be approved.

4. EXHIBITS

- A. Title 3, Chapters 8, 12, and 16 of the Cache County Ordinance is amended as follows: See Exhibit A.

5. PRIOR ORDINANCES, RESOLUTIONS, POLICIES AND ACTIONS SUPERSEDED.

This ordinance amends and supersedes Chapters 8, 12, and 16 of Title 3 of the Cache County Ordinance, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

6. EFFECTIVE DATE.

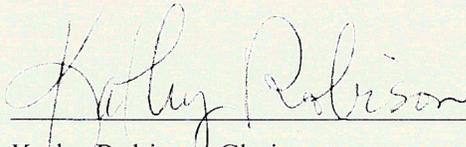
This ordinance takes effect on April 08, 2015. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

APPROVED AND ADOPTED this 24th day of March, 2015.

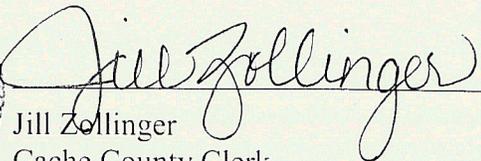
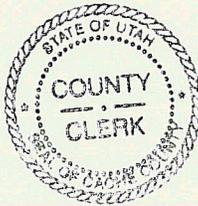
	In Favor	Against	Abstained	Absent
Potter				X
Erickson	X			
White	X			
Merrill	X			
Robison	X			
Yeates	X			
Zilles	X			
Total	6			1

CACHE COUNTY COUNCIL:

ATTEST:



Kathy Robison, Chair
Cache County Council



Jill Zollinger
Cache County Clerk

Publication Date: April 8, 2015

**Chapter 3.08
PURCHASING****3.08.010: DEFINITIONS****3.08.020: PURCHASE POLICY****3.08.030: PURCHASING PROCEDURES****3.08.040: QUOTE REQUIREMENT EXEMPTIONS****3.08.050: EMERGENCY PROCUREMENT****3.08.060: TRAVEL EXPENSES****3.08.070: PROFESSIONAL SERVICES****3.08.010: DEFINITIONS**

OPEN MARKET PROCEDURES: Purchasing goods or services from the open market by, whenever possible, obtaining at least three (3) quotes. This quotes solicitation can be done by department heads, division managers, or their designees. The goal of open market procedures is to obtain substantially equal goods and services at the best value (price, timing, quality, service, etc.).

3.08.020: PURCHASE POLICY

- A. As a general policy, and to the degree reasonable, the county shall endeavor to make all purchases locally; provided, that the items or services purchased are available in the required quantity, quality, and within a reasonable time.
- B. Bids for public improvements and construction projects shall be made in accordance with state law and the provisions of chapter 3.12 of this title.
Purchases shall not be split within the course of a budget year to avoid complying with the provisions of this chapter.

3.08.030: PURCHASING PROCEDURES

The following procedures shall be used with respect to all purchases unless otherwise exempt as set forth in 3.08.040:

- A. Basic Purchase: For individual purchases in an amount equal to or less than two thousand dollars (\$2,000) for single items or five thousand dollars (\$5,000) of collective value for all items, departments may purchase the item(s) and submit the invoice for payment. Such purchases must be approved by the department head and not exceed their respective budget allotment unless approved by the County Executive.
- B. Purchase Orders: All services, contracts, supplies, materials, and equipment in excess of the Basic Purchase limits shall be purchased with the authority of a written purchase order. Written documentation of compliance with Open Market Procedures must accompany all purchase orders unless specifically exempt in this Title.
 1. The department head shall file with the Finance Department a request for a Purchase Order including required agreements/contracts, quotes, bids, sole source justification, or other documentation to ensure compliance with this title. Any proposed agreements or contracts that accompany the Purchase Order request shall be executed in compliance with this Title.
 2. The Finance Department shall review the documents as submitted by the department head for compliance with this Title.
 - a. If additional information is required, such information shall be provided by the Department Head requesting the Purchase Order.

- b. If the request complies with the requirements of this title and the established budget allocation for the department, the Purchase Order shall be issued.
- C. The following are exempt from the requirements of Open Market Procedures (a purchase order is still required):
1. Sole Source Purchases: A purchase may be made without following open market procedures when the department head determines in writing that there is only one source for the required service or item. In that event, although quotes will not be necessary, all other procedures as set forth in this title are required.
 2. Approved Vendor: Approved vendors may be established for standard goods and services ordered periodically by one or more departments throughout a fiscal year. Regular and consistent purchases of such items as vehicle parts, pipe, fencing material, gravel, asphalt, etc., are applicable.
 - a. Approved vendors are established by:
 - i. The Finance Director, individual Department Head, and County Executive and are valid for purchases made during that fiscal year.
 - ii. Purchases from State of Utah approved vendors may also qualify as approved vendors without the need for further review.
 - b. Items available for purchase from approved vendors shall allow for some discretion in individual smaller units, generalization of items, and minor variations in cost (market changes up to 5% per year).
 - c. Annual Purchase Orders for approved vendors may be obtained by departments for a fiscal year time period. Annual purchase orders are not for specific items or orders, but are rather eligible to be opened for set amounts of budget for recurring purchases.
 3. Purchases from Utah state central stores, federal or state agencies, or Utah state surplus.
 4. Purchases from vendors specified in the Utah state approved contract or vendor list.
 5. Purchases from GSA vendors (US General Services Administration approved vendors)

3.08.040: PURCHASE ORDER REQUIREMENT EXEMPTIONS

The following type of purchases or acquisitions shall be exempt from the open market and purchase order procedure requirements of this chapter regardless of the expenditure amount:

- A. Regular utility bills.
- B. Salaries, benefits and compensation to and for county employees.
- C. Negotiated contracts encumbered and as provided for in a line item of the general county budget to a single vendor. (Fuel and vehicle fluid purchases by the road/weed departments or sheriff's office)
- D. Seminars, conferences, or other training and reimbursement for travel and per diem expenses.
- E. Professional services unless the county elects to require bidding in compliance with 3.08.070.
- F. Advertising in print or digital media.

3.08.050: EMERGENCY PROCUREMENT

- A. Under emergency conditions where there exists a threat to public health, welfare, safety or property, the county executive, or in the event of his absence or the inability to contact him, the department head in charge of the affected area, may make or authorize an emergency procurement without following open market procedures or obtaining bids, so long as they make reasonable efforts to follow the procedures set forth in this chapter.

- B. Emergency procurement shall be made with as much competition as practicable under the circumstances.
- C. A written determination of the basis for the emergency, for the selection of the particular vendor or contractor, and for the actions of the person making the purchase shall be submitted to the county executive for the purchase to be reviewed.

3.08.060: TRAVEL EXPENSES

All requests for travel to, conventions, seminars and/or conferences to locations that are both out of state and farther than 250 miles from Cache County must be approved by the employee's department head and the county executive in advance.

3.08.070: PROFESSIONAL SERVICES

- A. It is the policy of the county to:
 - 1. Publicly announce all requests for professional services with a projected value of more than \$100,000 unless a contract for services already exists;
 - 2. The County Executive or designee shall be enabled to authorize the issuance of Requests for Proposals (RFPs) on any project.
 - 3. Negotiate contracts for professional services on the basis of:
 - a. Demonstrated competence; and
 - b. Demonstrated qualification for the type of service required; and
 - c. Fair and reasonable prices.
- B. The county executive may designate a selection committee for professional services contracts and such committee shall evaluate the response to requests for proposals (RFPs). The selection committee shall consider no fewer than three (3) firms, unless fewer RFPs are submitted, and then shall make recommendations therefrom of the most highly qualified to provide the services and submit that recommendation to the county executive.
- C. In awarding a contract for professional services, the county executive shall consider the estimated value, the scope, complexity and professional nature of the services to be rendered and shall award the contract only to a qualified firm.
- D. The county executive, in his discretion, is authorized to select alternative methods of procurement of construction contracting management for a particular project as provided for in the Utah Procurement Code. The following rules are hereby adopted to implement this subsection, as follows:
 - 1. The county executive shall select the appropriate method of construction contracting management for a particular project. In connection with the selection of the method, the county executive shall include in the contract file a written statement setting forth the facts which led to the selection of a particular method of construction contracting management for each project.
 - 2. Before choosing a construction contracting management method, the county executive shall consider the following factors:
 - a. When the project must be ready to be occupied;
 - b. The type of project;
 - c. The extent to which the requirements of the procuring agencies and the ways in which they are to be met are known;
 - d. The location of the project;
 - e. The size, scope, complexity, and economics of the project;
 - f. The source of funding and any resulting constraints necessitated by the funding source;

Chapter 3.12
PUBLIC IMPROVEMENTS

3.12.010: DEFINITIONS:**3.12.020: COUNTY PROVISION OF MATERIALS AND SERVICES:****3.12.030: PLANS AND SPECIFICATIONS:****3.12.040: BIDS:****3.12.050: CONTRACTS:****3.12.060: BONDS:****3.12.070: COMPLIANCE WITH LAW:****3.12.080: SUPERVISION:****3.12.090: EMERGENCIES:****3.12.010: DEFINITIONS:**

PUBLIC IMPROVEMENT PROJECT: The planning, construction, repair and maintenance of any public improvement.

PUBLIC IMPROVEMENT: Means and includes the construction or reconstruction of buildings, bridges, roads and other structures or improvements owned, operated, planned or constructed by the county or any other public entity. This does not include standard maintenance activities that are completed by County crews.

3.12.020: COUNTY PROVISION OF MATERIALS AND SERVICES:

Unless specifically required otherwise by the provisions of any applicable state law, the county may provide materials and services for the construction, repair and maintenance of any public improvement as may be reasonable, necessary and feasible to reduce the costs of any public improvement project and the need for private contractors.

3.12.030: PLANS AND SPECIFICATIONS:

- A. No public improvement project may be undertaken without adequate and reasonable detailed plans and specifications.
- B. All plans and specifications shall be prepared by a licensed and qualified engineer or surveyor and reviewed by the appropriate County staff.

3.12.040: BIDS:

Subject to the foregoing sections and applicable state and federal laws, rules, regulations and contract requirements, and unless provided directly by the county, all public improvements shall be erected or repaired by contract and after the completion of the bid process provided by this title. Awards for public improvements shall be let to the lowest responsible bidder who has complied with the requirements of this title.

- A. **Formal Competitive Bidding:** If the purchase price exceeds one hundred fifty thousand dollars (\$150,000.00), formal competitive bidding procedures shall be used. The purchasing agent shall call for competitive bids by giving reasonable notice of the county's intent to receive sealed bids, describing therein the requested property or services needed, and the place where bid blanks and specifications may be obtained as well as the place, date and time when bids will be received and/or opened.
 1. **Publication Of Notice:** Unless otherwise required by state law, bids may be invited by one or more of the following: a single publication in a local newspaper (minimum of twice at least five (5) days in advance of the bid opening), by mailing invitations to interested qualified

- bidders, electronic notification (e-mail) to interested vendors, posting of the bid or proposal package on the county website, or posting of the bid or proposal package on an online procurement notification system selected by the purchasing agent. A minimum of three (3) bidders, where applicable, will be solicited. Bids are accepted in a manner determined by the purchasing agent.
2. Firm Bids: All bids submitted to the county shall be open for acceptance for a period of ten (10) days following bid openings.
 3. Rejection of Bids: The county may reject any or all bids including the apparent lowest bidder. A written statement must accompany each or all rejected bids with the reasoning for rejection of the bid.
 4. Payment and Performance Bonds: Before entering into a contract the county may require a payment and performance bond from the successful bidder. The bond must be furnished to the county upon awarding of a contract. A payment and performance bond shall be required on public works construction projects.
 5. Bid Bonds: The county may require as a condition of bidding a bid bond or a cashier's check in lieu thereof in the amount of five percent (5%) of the amount bid. A bid bond shall be required on public works construction projects.
 6. Award Of Bids: Except as otherwise provided in this chapter the county shall accept the bid of the lowest responsible bidder.
 7. Award To Other Than Low Bidder: When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the department head and submitted to the county and filed with the other documents relating to the transaction.
 8. Noncompliant Purchases: Purchases that are not in compliance with the purchasing system must be documented in writing. The documentation must include the reason for the noncompliance and must be signed by the department head, and the county executive. Failure to follow the purchasing system may result in disciplinary action.
 9. Bidder Eligibility: Bidders who are involved in a pending claim or litigation or have threatened same against the county may be disqualified from doing business with the county when determined to be in the best interest of the county. This disqualification may apply to a bidder or a subcontractor or supplier of the bidder.
- B. Notwithstanding the foregoing, alternate methods of procurement of construction contracting management may be utilized at the discretion of the county executive for a particular project as provided in subsection 3.08.070(D) of this title.

3.12.050: CONTRACTS:

- A. All contracts shall be made and entered into subject to the provisions of this title.
- B. All project contracts shall be prepared by the county attorney, unless it is deemed feasible to use documents obtained from other sources or the other contracting party.
- C. All public improvement project contracts shall include copies of specific plans and specifications attached thereto.

3.12.060: BONDS:

- A. Bid bonds or securities shall be required as a condition for the acceptance and approval of any bid for a public improvement project and must comply with the provisions of Utah Procurement Code, and shall be subject to the provisions of that statutory provision.

- B. Performance bonds and payment bonds shall be required as a condition for the approval and entering of any public improvement contract and subject to the provisions of Utah Procurement Code.

3.12.070: COMPLIANCE WITH LAW:

- A. No public improvement or public improvement project may be undertaken or completed, except in full compliance with applicable state and federal laws, rules, regulations and contract provisions, and any applicable codes, such as, but not limited to, the building code, the electrical code, the plumbing code, and fire code as adopted by county ordinance.
- B. No public improvement contract may be entered into which violates the provisions or obligations of any outstanding bonds, contracts or other obligations of the county, or which exceed any debt limits provided by the Utah constitution or state law.

3.12.080: SUPERVISION:

- A. The county executive shall cause all public improvement projects to be managed and supervised by the affected department head and/or a licensed professional retained by the county for the project.
- B. The county executive shall make reports of the progress on any public improvement project to the county council.

3.12.090: EMERGENCIES:

- A. In the event of an emergency (a condition which requires that emergency assistance be provided to save lives and protect property within its jurisdiction in response to a disaster, or to avoid or reduce the threat of a disaster), the county executive or his designee, may contract for repairs, construction, removal, debris removal or maintenance of public improvements or public improvement projects that may be reasonable and necessary as the result of the emergency in order to alleviate the emergency or its consequences without obtaining the prior approval of plans and specifications, bids or bonds, subject to the following:
 - 1. Emergency contracts shall be made with as much competition as practicable under the circumstances.
 - 2. A written determination of the basis for the emergency and the selection of the particular contractor shall be submitted to the county executive as soon as may be reasonably be possible thereafter.

**Chapter 3.16
CONTRACTS****3.16.010: CONTRACTING PARTY:****3.16.020: SIGNATURES:****3.16.030: WRITING:****3.16.040: RECORDS:****3.16.050: APPROVAL:****3.16.060: COUNTY COUNCIL:****3.16.070: RESTRICTIONS:****3.16.080: COMPLIANCE WITH LAW:****3.16.090: CONTENTS:****3.16.100: INTERLOCAL AGREEMENT:****3.16.010: CONTRACTING PARTY:**

All contracts involving the county or any department or agency of the county shall designate "Cache County" as the contracting party. No county contract shall be in the name of any county department, agency or officer.

3.16.020: SIGNATURES:

All county contracts shall be executed by the county executive or designee before becoming effective.

3.16.030: WRITING:

All county contracts shall be in writing in order to be effective. (Ord. 90-16)

3.16.040: RECORDS:

- A. The original fully signed contract shall be filed with, indexed and maintained by the Cache County clerk.

3.16.050: APPROVAL:

No contract shall be entered or signed unless and until:

- A. It has been reviewed and approved by the county attorney (or designee) as to proper form and compatibility with state law.
- B. The budget has been amended by resolution of the county council, if necessary, for expenditures pursuant to any contract not previously provided for in the applicable budget.
- C. All agreements must be signed by the county executive or designee to become effective.
- D. The executed agreement shall be placed in the custody of the county clerk.

3.16.060: COUNTY COUNCIL:

- A. No contract requiring the approval of the county council shall be executed prior to the approval of the county council, with the advice of the county attorney.
- B. No interlocal cooperation agreement may be entered or executed without the adoption of a resolution of approval by the county council.

3.16.070: RESTRICTIONS:

- A. All contracts of an executor nature, i.e., those requiring future performance or payment by the county, must contain a provision to the effect that the contract and any payments thereunder are subject to and conditioned upon future legislative allocation of funds by the county council.
- B. All county contracts must be for a clearly articulated and lawful public purpose.

- C. No county contract may:
 - 1. Be ultra vires (outside the legal authority to act);
 - 2. Bind the county to mandatory arbitration;
 - 3. Limit or delegate any legislative or sovereign powers of the county, the county council, or any county officer;
 - 4. Be contrary to public policy;
 - 5. Be in violation of any applicable state or federal law or county ordinance;
 - 6. Allow or provide for the county to exceed its constitutional or statutory debt limit;
 - 7. Cause the county to violate any existing contract or bond obligations.

3.16.080: COMPLIANCE WITH LAW:

- A. All county contracts shall be made and entered into in compliance with the state constitution and laws, federal laws and county ordinances.
- B. Specifically and in addition to the foregoing, no contract may be entered into which either violates or is not in compliance with the provisions of the Utah County Officers and Employees Disclosure Act or Utah Public Officers and Employees Ethics Act.

3.16.090: CONTENTS:

Every county contract shall contain at least the following:

- A. Names of contracting parties.
- B. Public purpose of the contract.
- C. Duration.
- D. Contract price and method of payment.
- E. Provisions required by county ordinance or state law.
- F. Effective date.
- G. Specific obligations of the parties.

3.16.100: INTERLOCAL AGREEMENT:

No interlocal agreement may be entered by the county except in compliance with the provisions of the Utah Interlocal Cooperation Act.

ORDINANCE NO. 2015-06

CACHE COUNTY, UTAH

AMENDMENTS TO TITLE 8.28

AN ORDINANCE AMENDING AND SUPERSEDING CHAPTER 28 OF TITLE 8
OF THE CACHE COUNTY ORDINANCE
REGARDING WEED CONTROL

WHEREAS, the State of Utah has required Cache County to enforce the Noxious Weed Act, and;

WHEREAS, the purpose of this ordinance is to provide clear ordinances and procedures for the enforcement of the Utah Noxious Weed Act, and;

WHEREAS, the County Council caused notice of the amendments to Title 8 of the Cache County Ordinance to be advertised in *The Herald Journal*, a newspaper of general circulation in Cache County, and;

WHEREAS, the Cache County Council has determined that it is both necessary and appropriate for the County to amend and implement these ordinances.

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Cache County that Chapter 28 of Title 8 of the Cache County Ordinance is hereby amended and superseded as follows:

1. STATUTORY AUTHORITY

The statutory authority for enacting this ordinance is the Utah Noxious Weed Act, Utah Code Annotated §4-17 (1953, as amended).

2. PURPOSE OF PROVISIONS

The purpose of this ordinance is to amend and supersede Chapter 28 of Title 8 of the Cache County Ordinance regarding weed control to ensure compliance with the Utah Noxious Weed Act.

3. FINDINGS

- A. The amendments to Title 8.28 of the Cache County Ordinance are in conformity with the Utah Noxious Weed Act, Utah Code Annotated §4-17 (1953, as amended).
- B. The amendments to Title 8.28 of the Cache County Ordinance are necessary to establish effective weed control procedures.
- C. It is in the interest of the public and the citizens of Cache County that the proposed amendments to Title 8.28 of the Cache County Ordinance be approved.

4. EXHIBITS

- A. Title 8 Chapter 28 of the Cache County Ordinance is amended as follows: See Exhibit A.

ORDINANCE NO. 2015-06

CACHE COUNTY, UTAH

AMENDMENTS TO TITLE 8.28

5. PRIOR ORDINANCES, RESOLUTIONS, POLICIES AND ACTIONS SUPERSEDED.

This ordinance amends and supersedes Chapter 28 of Title 8 of the Cache County Ordinance, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

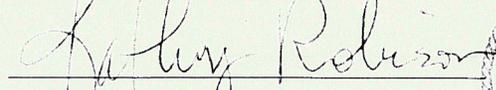
6. EFFECTIVE DATE.

This ordinance takes effect on April 8, 2015 Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

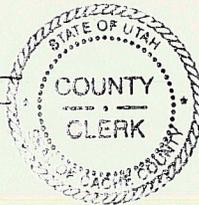
APPROVED AND ADOPTED this 24th day of March, 2015.

	In Favor	Against	Abstained	Absent
Potter				X
Erickson	X			
White	X			
Merrill	X			
Robison	X			
Yeates	X			
Zilles	X			
Total	6			1

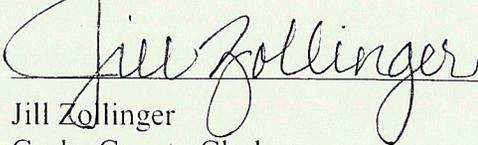
CACHE COUNTY COUNCIL:



Kathy Robison, Chair
Cache County Council



ATTEST:



Jill Zollinger
Cache County Clerk

Publication Date:

April 8, 2015

Chapter 8.28 WEED CONTROL

8.28.010: DEFINITIONS:

8.28.020: POWER OF COUNTY WEED SUPERVISOR:

8.28.030: NOTICE AND CONTROL OF WEEDS:

8.28.040: APPEAL OF NOXIOUS WEED NOTIFICATION:

8.28.070: ACCESS TO PROPERTY AND SETBACKS:

8.28.010: DEFINITIONS:

“Supervisor” means Cache County weed control supervisor(s) which are employed by Cache County consistent with the Utah Noxious Weed Act.

“Noxious Weeds” means any plant as identified and adopted by either the State of Utah or by Cache County as a noxious weed.

“County Weed Board” means a board appointed by the County Council, in compliance with the Utah Noxious Weed Act, that helps to enforce the Utah Noxious Weed Act and county weed policy.

8.28.020: POWER OF COUNTY WEED CONTROL SUPERVISOR(S):

Supervisors’ powers and duties are as provided by the Utah Noxious Weed Act.

8.28.030: NOTICE AND CONTROL OF WEEDS:

The County shall follow the requirements as established within the Utah Noxious Weed Act for the enforcement of all noxious weeds within the County. More specifically, the process for notification and enforcement of the Utah Noxious Weed Act shall be as follows:

- A. The county weed control board shall post a general notice of adopted noxious weeds prior to May 1 of each year:
 1. In at least three public places within the County; and
 2. Publish the notice on at least three occasions in a newspaper or other publication of general circulation and as required by the Utah legal notice publication requirements.
- B. Supervisors shall patrol the county to determine the location and severity of infestation for noxious weeds on private and public ground, rights-of-way, easements, and any other real property. Supervisors are authorized to perform other duties as allowed by the Utah Noxious Weed Act.
- C. If noxious weeds are present, supervisors shall send initial notices to the property owner (additional copies may be sent to lessees, easement or rights-of-way owners, etc.) which indicate what noxious weeds exist on their property and what options are available to them for control of noxious weeds. Property owners shall have 15 days from the issuance of the initial notice to respond to the initial notice indicating a preferred method of control.
- D. If there is no response or a failure to control noxious weeds within 15 days from the issuance of the initial notice, supervisors shall send a final notice providing an additional 15 days from the issuance of the final notice to respond to the final notice of noxious weeds.
- E. If the notified property owner fails to respond or to appropriately control noxious weeds, supervisors shall forward the subject property to the county weed board for review. The county weed board may then declare the property a public nuisance and properly notify the land owner of said declaration.
 1. The county weed board may require weed control by supervisors consistent with the Utah Noxious Weed Act after declaration of public nuisance and proper notification.

2. Any expense incurred by the county in controlling the noxious weeds shall be paid by the property owner of record or the person in possession of the property pursuant to the Utah Noxious Weed Act.

8.28.040: APPEAL OF NOXIOUS WEED NOTIFICATION:

Any landowner of property issued a notice of noxious weeds may appeal the notice or the requirements therein in compliance with the Utah Noxious Weed Act.

8.28.070: ACCESS TO PROPERTY AND SETBACKS:

- A. Each purchaser, occupier, owner of the premises or those possessing an easement or right of way across the property shall provide access for treatment of noxious weeds along irrigation canals. Except as provided herein, no building, tree or accessory structure, equipment, or other structure or property interfering with the continuous unobstructed access shall be located within ten feet (10') of the top inside edge of any irrigation canal bank where maintenance, repair, upkeep, etc., is provided or serviced by a canal company or others other than the individual property owner.
- B. Notwithstanding the above, a fence may be constructed across a right of way or easement, provided an adequate operable gate of no less than ten feet (10') in width is maintained for continual access along the canal bank. (Ord. 79-11)