

Chapter 1 Building.

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Section 9.1.10. Permit Required.

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the Building Code, or to cause any such work to be performed, shall first make application to the Fairfield Building Department and obtain the required permit. Permits shall not be required for work exempt from a permit as outlined in the adopted codes. Work exempted from a permit does not deem to grant authorization for work to be done in any manner in violation of the Building Code. A homeowner may be subject to a Class B Misdemeanor if work requiring a permit is performed without first securing the permit(s) required. Anyone who received payment or equivalent value to perform work requiring a permit may be subject to a Class C Misdemeanor if the work is performed without first securing the permit(s) required.

Section 9.1.20. Application For Permit.

A building permit shall be secured from the Building Department through submission of an application accompanied by all required documents and fees.

Section 9.1.30. Site Plan and Document Requirements.

A. Upload stamped site plan and required documents in PDF format to the Towns website. The site plan must include the following:

1. Dimensions and setbacks of proposed structure;

2. Location of propane tank (if applicable);
3. location of septic system including tank and drain field.;
4. Location of power lines and meter;
5. Location of the nearest fire hydrant in feet (if over 700 feet an estimate may be used);
6. Location of the nearest Fairfield water line in feet to the property line. If over twelve hundred (1200) feet ,an estimate may be used. Contact water Fairfield Water Department.
7. An appropriate descriptive legend, including north arrow, scale, legal description;
8. Name and contact information of architect or engineer responsible for the preparation of the site plan;
9. The existing (or proposed) zoning;
10. Dimensions, setbacks and height of all existing structures located on property;
11. Measured dimensions of all recorded lot lines;
12. Location of all existing and proposed drives and parking areas including types of surfacing, parking layout, and dimensions;
13. Show all road width, rights-of-way and dedications (see Road Ordinance);
14. Show all existing easements, vacated easements and rights-of-way. A ten (10) foot utility easement along all roads must be shown;
15. Must meet all required minimum setbacks;
16. Locations, sizes, and types of existing trees over six (6) inches in diameter (before and after proposed development);
17. All proposed fences, screens and freestanding architectural walls, including typical cross-sections and the heights above ground;
18. Stormwater engineering (upon request) including existing and proposed grading of the site, the location of existing and proposed utilities, stormwater calculations for a one hundred (100) year storm, the detention area on site that will detain the one hundred (100) year storm; and
19. Any other information required by the Planning Commission, Building Officials, Fire Department, or Town Council.

B. Documents Required:

1. Warranty Deed of Trust for property;
2. Proof of Fairfield acceptable culinary water transfer or well permit. State approved culinary water transfer and point of diversion change, or well permit acceptable to the Town of Fairfield;
3. Septic system plan approved and signed by Utah County;
4. Copy of the Record of Survey filed with the Utah County Surveyor's office;
5. Signed Cedar Valley Fire department approval;
6. Boundary line agreement, if applicable;
7. Contractors Hold Harmless Agreement;
8. Arsenic report; and
9. Any other documents required by the Planning Commission, Building Heads, Fire Department, or Town Council pertinent to the proposed development or building.

Section 9.1.40. Approval of Site Plan Procedure.

- A. The Site Plan approval process shall include the following:
1. Submit Application to Fairfield Town. (www.fairfieldtown.org/);
 2. Upload site plan and other required documents (PDF ONLY);
 3. The Building Department will check that all required plans and documents have been submitted;
 4. The Planning Commission will require a recorded survey and subdivision plat if applicable;
 5. The Planning Commission will review the site plan at the next regular meeting; and
 6. The Planning Commission shall review the site plan and building elevations. The Planning Commission shall confirm compliance with architectural design, zoning and any other standards for buildings and structures to assure compliance with the general plan and with the Towns generally applicable policies and regulations.
- G. Once the Planning Commission is satisfied that all requirements have been met, they will approve the site plan. The applicant may then apply for a building permit.

Section 9.1.50. Approval of Building Permit Procedure.

- A. Submit building permit application to Fairfield Town. (www.fairfieldtown.org/);

- B. The Building Department will check that all plans, deeds, dedications and any other required documents needed have been submitted and approved and that the Planning Commission has approved the site plan.
- C. Pay estimated building fees to Fairfield Town.
- D. The Building Department will submit plans and documents to a contracted engineer for plan review and inspections.
- E. Once plans have been approved, Fairfield Town will evaluate if any other building permit fees need to be paid at this time.
- F. The Building Department will issue a building permit along with name and numbers for inspections.
- G. Once all inspections are completed by the contracted engineer the building department will do a final review and inspection.
- H. Once final review and inspection is completed and any remaining fees are paid then an occupancy permit will be issued.
- I. The Building Department may revoke at any time a permit which has been issued for any building constructed or being constructed or which would be or result, if constructed, in a violation of the Building Code or any Ordinance of this municipality.

Section 9.1.60. Time Limits for Use and Building Permit Approval.

All use approvals, and all building permit approvals, shall be valid for a maximum period of one hundred eighty (180) days from the date of approval. If work has not commenced, or a use or building established within one hundred eighty (180) days from date of approval, the approval, permit or license, as required and approved, shall be void and a new application, approval, permit or license shall be required.

Section 9.1.70. Variations of Building Plan Prohibited Without Approval.

No material, plan modification or use variation from the approved plan shall be allowed unless such variations shall first have been approved in writing by the Building Department or designee.

Section 9.1.80. Temporary Dwelling and Storage Structures.

A. Temporary Dwellings incident to the Property. The Building Department may approve the use of a temporary dwelling incidental to the construction of a one-family dwelling for a maximum of one year while building a home to live in on the same lot, provided;

1. A bond in lawful money equal to the cost of removing the temporary dwelling but not less than \$1,000.00, is first posted with the Town of Fairfield to guarantee the timely removal of the temporary dwelling.
2. The owner(s) of the lot and temporary dwelling agree to remove said temporary dwelling within the time of the bond to obtain a full refund of the bond or otherwise to allow the Town to enter and remove the temporary dwelling using the bond to defray costs.

3. The owner(s) has obtained a building permit for a permanent residential building
4. The temporary dwelling shall remain on the lot no longer than the current term of the building permit for the single-family dwelling; the completion date of the conventional dwelling or 365 days, whichever is less. Exception: The Planning Commission may grant one extension period of an additional 365 days upon finding that the construction of the permanent dwelling is being carried out diligently toward completion.
5. The temporary dwelling unit shall be self-contained and the owner must obtain a temporary dwelling permit to ensure that the temporary dwelling is in compliance with the County Health Department, building code, and with the Fairfield Town's requirements.

B. Temporary Storage Structures. Temporary buildings and yards for the storage of construction materials and equipment in any zone may require a temporary use permit by the Planning Commission for a temporary office and buildings and/or yards for storing vehicles, materials and equipment incidental to a construction project. The permit shall be valid for a period of not more than one (1) year, the permit may be renewable throughout the length of the project. The buildings shall be removed and the yard restored to its original state upon completion of the project and expiration of the permit.

C. Public Park Host Trailer. In any zone, the Planning Commission may issue a temporary use permit for a host trailer provided:

1. The host trailer is located on the same parcel of land as a publicly owned and/or Town approved park site;
2. The host trailer is removed from the park site when the terms of the temporary use permit have expired;
3. A permit must be obtained during each calendar year by the public agency of the park; and
4. The host trailer shall be self contained or approvals for water and sanitary sewer shall be obtained from the County or State Health Department. See 9.1.80.(E).

Section 9.1.90. Permit Fees.

A fee for each building permit, electrical permit, plumbing permit and fire permit shall be paid to the building official or Town recorder in such amount as shall be established from time to time by resolution duly enacted by the Town Council. Until such a resolution is adopted as to building permit fees, the building permit fees set forth in the uniform building code shall remain applicable. The administrative and enforcement provisions of the uniform building code relating to building permit fees shall be deemed to apply to the electrical and plumbing permit fees, unless otherwise provided by resolution of the Town Council.

Section 9.1.100. Stop Work Order.

The Building Department or designee shall have the power to order all work stopped on construction, alteration or repairs of buildings in the municipality when such work is being done in violation of any provisions of any Utah State adopted construction codes, any ordinance relating thereto, or in violation of the subdivision or zoning ordinance. Work shall not be resumed after the issuance of such order except

on the written permission of the inspector. If the stop work order is an oral one it shall be followed by a written order within one hour. Such a written stop work order may be served by any peace officer or other authorized person.

Section 9.1.110. Entry Powers.

The Building Department or designee shall have the power to enter into any building or the premises where the work of altering, repairing or constructing any building or structure is being performed, for the purpose of making inspections at any reasonable hour, pursuant to any of the provisions of this Code.

Section 9.1.120. Adoption of Building Code.

In accordance with Section 15A-1-204 of the U.C.A., Fairfield Town shall adhere to the State Construction Code and recognize the construction codes as amended by Utah Title 15A-3.

Section 9.1.130. Successor Codes.

The adoption of any and all codes, as established herein, as the adopted codes of the city, shall also adopt any replacement or successor codes as they become adopted by the state and shall become effective by the Town immediately upon passage by the state legislature

Section 9.1.140 Construction Mitigation.

The Building Department, or designee, has the power to assess sites where construction has taken place or will take place and at their discretion to require mitigation measures to ensure the safety of the public, property, and community.

Section 9.1.150. Automatic Fire Sprinkler Systems.

A. The Town hereby finds and determines that under certain conditions, an automatic fire sprinkler system shall be installed in structures built in accordance with the requirements of the international residential code, as adopted in the state construction code, when any of the following subsections apply:

1. The structure is located in an urban wildland interface area, as provided in the Utah wildland urban interface code, adopted as a construction code under the state construction code; and does not meet the requirements described in Utah Code Annotated section 65A-8-203(3)(a) and the Utah administrative code section R652-122-200, minimum standards for wildland fire ordinance.
2. The structure is in an area where a public water distribution system with fire hydrants does not exist as required in Utah administrative code section R309-550-5, water main design.
3. The only fire apparatus access road has a grade greater than ten percent (10%) for more than five hundred (500) continual feet.
4. The water supply to the structure does not provide at least five hundred (500) gallons fire flow per minute for a minimum of thirty (30) minutes, if the total square foot living space of the structure is equal to or less than five thousand (5,000) square feet.
5. The water supply to the structure does not provide at least seven hundred fifty (750) gallons per minute fire flow for a minimum of thirty (30) minutes, if the total square foot living space exceeds five thousand (5,000) square feet, but is equal to or less than ten thousand (10,000) square feet.

6. The water supply to the structure does not provide at least one thousand (1,000) gallons per minute fire flow for a minimum of thirty (30) minutes, if the total square foot living space exceeds ten thousand (10,000) square feet.

Section 9.1.160. Violations; Penalty.

A. Violation. No person, whether as owner, lessee, sublessee, or occupant shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the applicable sections of the codes adopted pursuant to this chapter or of any order issued by the building official thereunder.

B. Penalty. Any person failing to comply with the provisions of this chapter shall be guilty of a class B misdemeanor, and upon conviction therefore, shall be subject to penalty. In all instances where the violation of this chapter is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues.

Chapter 3

Fairfield Outdoor Lighting Standards.

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Section 9.3.10. Purpose.

It is the purpose and intent of this chapter to balance the goals of providing efficient and practical lighting for residents and business in Fairfield Town, maintaining the Town's rural character, minimizing light pollution that may interfere with the enjoyment, health, safety, and welfare of Fairfield Town citizens and visitors or with the adjacent military activity, and reducing energy consumption.

Section 9.3.20. 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 Code, the following terms, phrases, words, and their derivatives shall have the meanings set forth in this section, unless the context clearly indicates that another meaning is intended. Words used in the present tense include the future tense, words in the single number include the plural number, words in the plural number include the singular. The words "shall" and "will" are mandatory, and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

Direct Illumination. "Direct Illumination" means illumination resulting from light emitted directly from a lamp, luminary, or reflector and is not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

Display Lot or Area. "Display Lot or Area" means outdoor areas where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required. To qualify as a display lot, one of the following specific uses must occur: automobile sales, boat sales, tractor sales,

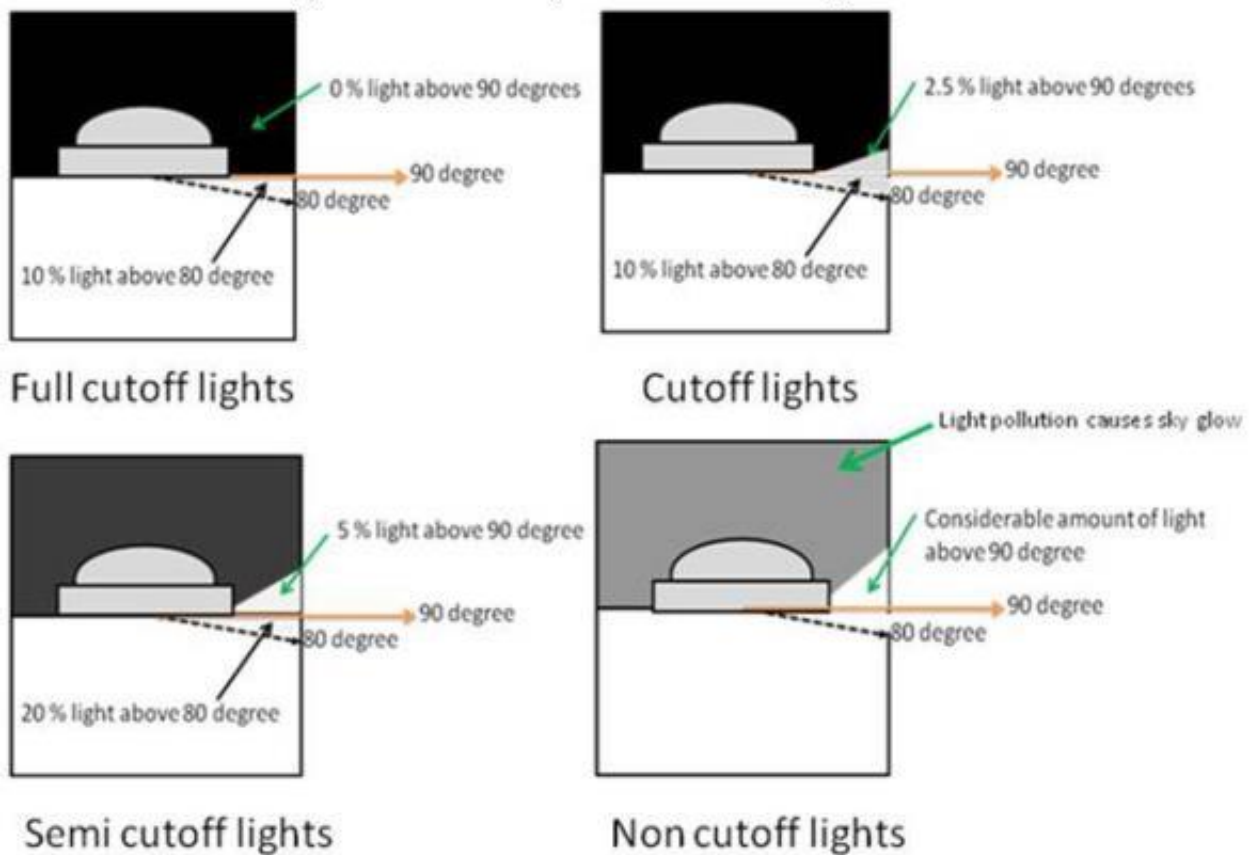
building supply sales, gardening or nursery sales, and assembly lots. Uses not on this list may be approved as display lot uses by the planning director or designee.

Foot-candle. "Foot-candle" means one lumen per square foot; unit of illuminance. It is the luminous flux per unit area in the imperial system. One (1) foot-candle equals approximately one-tenth (0.093) lux.

Full Cutoff Light Fixture. "Full Cutoff Light Fixture" means fixtures that are independently certified by the manufacturers, and do not allow light to be emitted above the fixture, and the fixture reduces glare by limiting the light output to less than ten (10) percent at and below ten (10) degrees below the horizontal.

Fully Shielded Light Fixture. "Fully Shielded Light Fixture" means a light fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. The term "full cutoff" is often substituted for the term "fully shielded." The terms are not equivalent. Fully shielded luminaires emit no direct uplight, but have no limitation on the intensity in the region between eighty (80) degrees and ninety (90) degrees.

Figure 17.56.1 Example of Full Cutoff Light Fixture



Glare. "Glare" means the sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of glare depends on such factors as the size, position, and brightness of the source, and on the brightness level to which the eyes are adapted.

Installed. "Installed" means a light fixture attached or fixed in place, whether or not connected to a power source, of any outdoor light fixture.

Light Pollution. "Light Pollution" means any adverse effect of manmade light.

Light Trespass. "Light Trespass" means light spill falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

Lumen. "Lumen" means a unit used to measure the actual amount of visible light which is produced by a lamp as specified by the manufacturer.

Luminary. "Luminary" means the complete lighting assembly, less the support assembly.

Motion Sensing Security Lighting. "Motion Sensing Security Lighting" means any fixture designed, and properly adjusted, to illuminate an area around a residence or other building by means of switching on a lamp when motion is detected inside the area or perimeter, and switching the lamp off when the detected motion ceases.

Net Acreage. "Net Acreage" means the remaining ground area of a parcel after deleting all portions for proposed and existing public rights-of-way and undeveloped area.

Nit. "Nit" means the standard unit of brightness for electronic and digital signage. It is a measure of the light being emitted by the sign, in contrast to foot-candles which measure the brightness of the surface area or object that is being lighted.

Non Essential Commercial Exterior Lighting. "Non Essential Commercial Exterior Lighting" means any signs, parking lot lighting, display lighting, exterior building lighting, directional lighting or landscape lighting that is primarily for aesthetic or advertising purposes and does not directly contribute to the safety or security of the premises.

Outdoor Light Fixture. "Outdoor Light Fixture" means an outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement. Such devices shall include, but are not limited to, lights used for:

1. Buildings and structures;
2. Recreational areas;
3. Parking lot lighting;
4. Landscape lighting;
5. Architectural lighting;
6. Signs (advertising or other);
7. Street lighting;
8. Product display area lighting;
9. Building overhangs and open canopies;
10. Security lighting.

Outdoor Recreation Facility. "Outdoor Recreation Facility" means an area designed for active recreation, whether publicly or privately owned, including, but not limited to, parks, baseball diamonds, soccer and football fields, golf courses, tennis courts, and swimming pools.

Partially Shielded Light Fixture. "Partially Shielded Light Fixture" means a fixture shielded in such a manner that no more than 10 percent of the light emitted directly from the lamp or indirectly from the

fixture is projected at an angle above the horizontal, as determined by a photometric test or certified by the manufacturer. Luminaries mounted under canopies or other structures such that the surrounding structure effectively shields the light in the same manner are also considered partially shielded for the purposes of this code.

Seasonal Decorations. “Seasonal Decorations” means strings of holiday lights, uplighting or internally lit inflatable or plastic decorations, or other lighting of holiday or seasonal decorations.

Security Lighting. “Security Lighting” means lighting designed to illuminate a property or grounds for the purpose of visual security.

Unshielded Fixture. “Unshielded Fixture” means any fixture that allows light to be emitted above the horizontal directly from the lamp or indirectly from the fixture or a reflector.

Uplighting. “Uplighting” means lighting that is directed in such a manner as to shine light rays above the horizontal plane.

Watt. “Watt” means the unit used to measure the electrical power consumption (not the light output) of a lamp. (Exhibit A)

Section 9.3.30. Conformance with Applicable Codes.

All outdoor lighting and lighting fixtures shall be installed in conformance with the provisions of this chapter and the applicable building codes currently in effect in the Town. (Exhibit. A)

Section 9.3.40. Conflict Regulations.

Where any provision of federal, state, county, or town statutes, codes, or laws conflicts with any provision of this chapter, the most restrictive shall govern unless enforcement will result in a violation of the federal, state, county or town statutes, codes, or laws. (Exhibit. A)

Section 9.3.50. Applicability.

A. New Lighting. All outdoor lighting installed after the effective date of the ordinance codified in this chapter shall conform to the standards established in this chapter.

B. Existing Lighting. All lighting installed prior to the effective date of the ordinance codified in this chapter shall not be subject to the requirements of this chapter, except that any existing lighting that is directly impacted as part of a project that requires an application for a Fairfield Town site plan or building permit is required to be brought into conformance with this chapter. All lighting shall be upgraded to conform to this chapter prior to the issuance of certificate of occupancy or final inspection.

C. Public Roadways. This chapter does not apply to lights owned or maintained by the Town, state or federal government which are within any road rights-of-way or used for traffic or safety purposes. (Exh. A)

Section 9.3.60. General Outdoor Lighting Standards.

A. Lamp and Shielding. All permanent light fixtures are required to be full cutoff fixtures with the light source fully shielded for all uses and directed downward, including single-family and multifamily residential uses.

B. Low Pressure Sodium Lighting. Due to their high energy efficiency, long life and spectral characteristics, low pressure sodium (LPS) lamps are the preferred illumination source throughout the Town. Their use is encouraged for outdoor illumination whenever it would not be detrimental to the use of the property.

C. Light Trespass Standard. All light fixtures, including security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the source. Particular care is to be taken to ensure that the direct illumination does not fall onto or across any public or private street or road. Motion sensing light fixtures shall be fully shielded and properly adjusted, according to the manufacturer's instructions, to turn off when detected motion ceases.

D. Total Outdoor Light Output Standards. Nonresidential total outdoor light output shall not exceed one hundred thousands (100,000) lumens per net acre for all development except single-family residential uses. This cap is not intended to be achieved in all cases or as a design goal. Instead, design goals should be the lowest levels of lumens necessary to meet the lighting requirements of the site.

E. Total Outdoor Light Output Standards for Single-Family Residential Uses. Outdoor lighting for single-family residential uses is not subject to a lumens per net acre cap, but is subject to the lamp fixture and shielding requirements.

F. Height. Any lighting fixture attached to a structure shall be placed below the eave or parapet, whichever is lower. Different height restrictions may be imposed as a condition of approval by the Planning Commission or Town Council.

G. Commercial Lighting Time Limitations. All nonessential commercial exterior lighting shall only continue in operation until 11:00 p.m. or for as long as the business is open or area is in active use and shall remain off until the business reopens or until daylight the following day. (Exh. A)].

Section 9.3.70. Outdoor Lighting Standards by Type.

A. Parking Lot Standards. Parking lot lighting poles shall be sized in such a manner that the top of any fixture does not exceed seventeen (17) feet above adjacent grade. Parking area lights are encouraged to be greater in number, lower in height and lower in light level, as opposed to fewer in number, higher in height and higher in light level. Low pressure sodium (LPS) lamps are encouraged. Alternatively, in industrial areas, parking lot lighting poles may be allowed to a height of 30 feet above adjacent grade provided full-cutoff light fixtures with built-in motion sensors for each pole are used. Motion sensors must reduce the light level to fifty (50) percent when no motion is detected for thirty (30) minutes.

B. Luminaire Mounting Height. Freestanding luminaires within a residential zone, except street lights, shall be mounted at a height no greater than twelve (12) feet from ground level to the top of the luminaries.

C. Landscape and Accent Lighting. Subject to the approval of the planning director or designee or designee, ground-mounted lighting may be allowed to accent unique features of a building and/or

surrounding landscaping (such as outstanding architectural features, specimen trees with dense year-round foliage or large native shrub masses). Architectural lighting is allowed; provided that a full cutoff light fixture is used, and the source of illumination is directed downward.

D. Flagpoles. Uplighting for flags is permitted, provided the flag is of a government and the maximum lumen output is 1,300 lumens.

E. Signs. See Title 10.21.(10)(20)(30) Fairfield Town Sign Regulations and Sign Permits.

Section 9.3.80. Prohibited Lighting.

A. Searchlights, laser source lights, strobe or flashing lights, illusion lights or any similar high intensity light shall not be permitted except in emergencies by police and fire personnel or for approved special events.

B. Uplighting. Except as specifically allowed in this chapter and Title 9.3.80, uplighting is prohibited.

Section 9.3.90. Special Uses.

A. Outdoor Recreational Facilities. Lighting for outdoor recreation facilities that does not comply with this chapter may be approved with the project site plan based on the following:

1. When the proposed lumens per acre exceed the lumens per net acre limits, the installation shall be designed to achieve no greater than the minimum illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).
2. Every such lighting system design shall be certified by a Utah registered engineer as conforming to all applicable restrictions of this code.
3. Such lighting shall not include any light trespass as determined by the Fairfield Building Department or designee.
4. Full cutoff light fixtures shall be required for fields designed for amateur, recreational or nonprofessional sports activity. For professional level sports facilities where full cutoff fixtures are not utilized, acceptable luminaires shall include those which:
 - a. Are provided with internal or external glare control louvers, or both, and installed so as to minimize uplight and off-site light trespass as determined by the planning director or designee; and
 - b. Are installed and maintained with aiming angles that permit no greater than two percent of the light emitted by each fixture to project above the horizontal.

B. Outdoor Display Lots. Outdoor display lots shall adhere to the following requirements:

1. All such lighting shall utilize full cutoff fixtures;
2. When the proposed lumens exceed the per acre limits, the installation shall be designed to achieve no greater than the minimum illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA);

3. Such lighting shall not include any light trespass as determined by the planning director or designee or designee; and
4. Every such lighting system design shall be certified by a Utah registered engineer as conforming to all applicable restrictions of this code.

B. Service Station Canopies. All service station canopies shall comply with the following:

1. Shielding. All luminaires shall be flush with the lower surface of canopies and utilize flat glass or plastic covers; and
2. Total Under-Canopy Output. The total light output used for illuminating service station canopies, defined as the sum of under-canopy initial bare-lamp outputs in lumens, shall not exceed forty (40) lumens per square foot of canopy. All lighting mounted under the canopy, except internally illuminated signs, shall be included in the total. Fifty (50) percent of the total lumen output of all lamps mounted within or under a canopy shall be included in the lumen per acre cap.

C. Other Special Use Lighting. Lighting for special uses that are not specified in this chapter must be approved by the Planning Commission through a conditional use permit or along with a site plan application. (Exhibit A.)

Section 9.3.100. Exemptions and Nonconforming Lights.

- A. Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt from all requirements of this code for as long as the emergency exists.
- B. Spotlights are permitted for single-family residential, provided they are fully shielded and directed downward.
- C. Swimming pool and decorative water fountain lighting. Underwater lighting used for the illumination of swimming pools and decorative water fountains is exempt from the lamp type and shielding standards, though they must conform to all other provisions of this code.
- D. Seasonal decorations. Seasonal decorations are exempt from this chapter. (Exhibit. A)].

Section 9.3.110. Plan Submittal and Evidence of Compliance.

- A. Plan Submittal. Whenever a person is required to obtain a permit for outdoor lighting or signage, a conditional use permit, subdivision approval or any development plan approved by the Town, including all Town projects, or a building permit, the applicant shall, as part of the application process, submit sufficient information to enable the Town designee to assess whether or not the plan is in conformance with this lighting ordinance.
- B. Applications. All applications may be subject to review. All applications shall include the following:
 1. A site plan indicating the location of all lighting fixtures, both proposed and any already existing on the site;

2. A description of each illuminating device, fixture, lamp, support and shield, both proposed and existing. The description shall include, but is not limited to, manufacturer's catalog cuts and illustrations (including sections where required); lamp types, wattages and initial lumen outputs; and
3. Such other information that the town staff or designee may determine is necessary to ensure compliance with this code.

C. Plan Approval. If the town staff determines that any proposed lighting does not comply with this code, the permit shall not be issued or the plan approved.

D. Lamp or Fixture Substitution. Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the planning director or designee or designee for approval, together with adequate information to assure compliance with this code, which must be received prior to substitution.

E. Certification of Installation. For all projects where the total initial output of the proposed lighting equals or exceeds 100,000 lamp lumens, certification that the lighting, as installed, conforms to the approved plans shall be provided by a certified engineer before the certificate of occupancy is issued. Until this certification is submitted, approval for use of a certificate of occupancy shall not be issued for the project. (Exhibit A)

Section 9.3.120. Approved Materials and Methods of Construction or Installation/ Operation.

A. Approval of Alternatives. The provisions of this code are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed by this code, provided any such alternative has been approved by the Building Department or designee. The Building Department or designee may approve any such proposed alternate if it:

1. Provides at least approximate equivalence to that applicable specific requirement of this code; and
2. Complies with the intent of this code. (Exhibit. A).

Section 9.3.130. Violations, Legal Actions and Penalties.

A. Violations and Legal Actions. If, after investigation, the planning director or designee finds that any provision of this chapter is being violated, the planning director or designee shall give notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or occupant of such premises, demanding that the violation be abated within 30 days of the date of hand delivery or of the date of mailing of the notice. The Planning Department Staff shall be available to assist in working with the violator to correct said violation. If the violation is not abated within the 30-day period, the planning director or designee may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this chapter and to collect penalties for such violations.

B. Penalties. A violation of this chapter, or any provision thereof, shall be punishable by a civil penalty of \$75.00 per day and each day of violation after the expiration of the 30-day period shall constitute a separate offense for the purpose of calculating the civil penalty. (Exhibit. A)

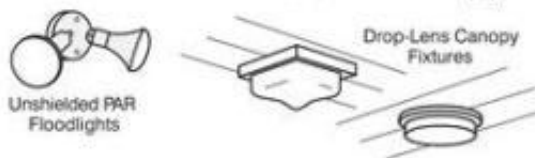
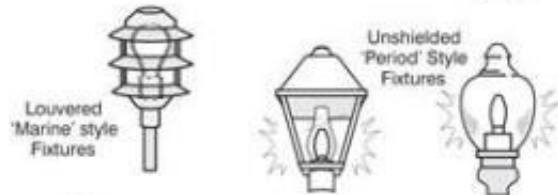
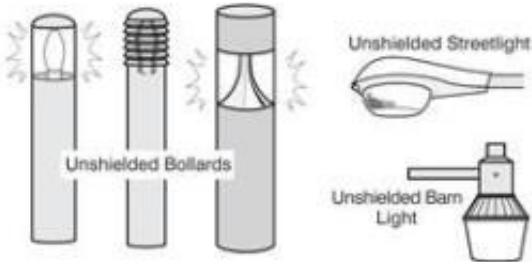
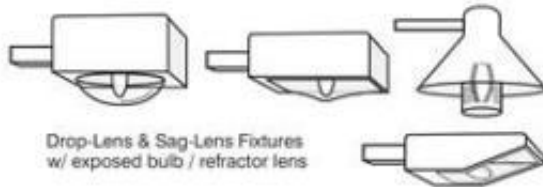
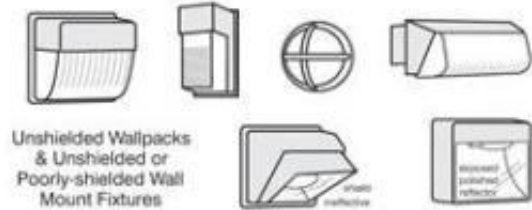
Section 9.3.130. Tables and Information Sheets.

The figures and information sheets attached to the ordinance codified in this chapter shall be incorporated into this chapter as guidelines for the public and the Town. The Town does not endorse or discriminate against any manufacturer or company that may be shown, portrayed or mentioned by the examples. (Exhibit. A)

Examples of Acceptable / Unacceptable Lighting Fixtures

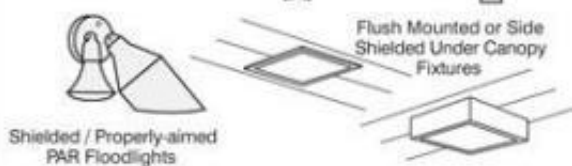
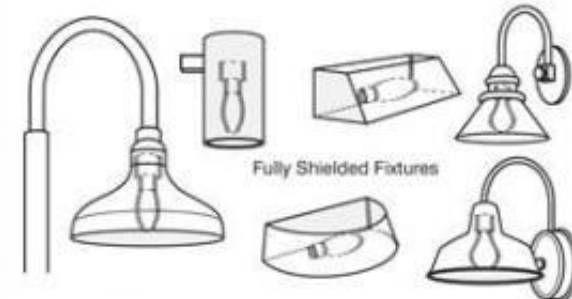
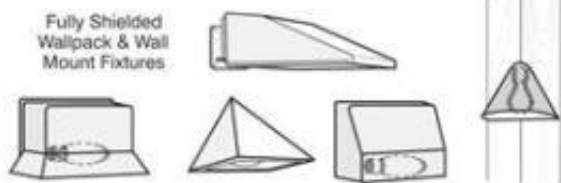
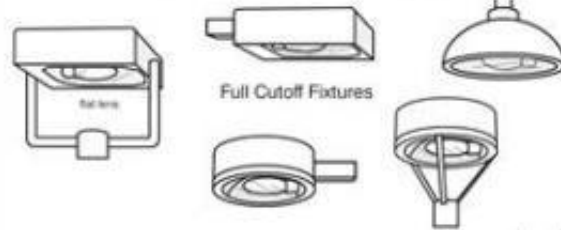
Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



(Exhibit A)

Chapter 5 Growth Management Ordinance.

Section 9.5.10.	Findings.
Section 9.5.20.	Applicability of the Development Control System.
Section 9.5.30.	Administration.
Section 9.5.40.	Establishment of Annual Building Permit Percentage.
Section 9.5.50.	Building Permit Application.
Section 9.5.60.	Building Permit Evaluations.
Section 9.5.70.	Development Allotment Awards.

Section 9.5.10. Findings.

The People of the Town of Fairfield find and declare as follows:

- A. The Town has adopted ordinances and a general plan relating to the regulation for residential development.
- B. The Town is experiencing a period of residential development which is adversely affecting the capacity of the streets to meet traffic demands, the capacity to provide fire services and water, the capacity of the area school to absorb children in an orderly way, the historic character of the community, the quality of life which had characterized this community, and the cost to households for utilities and municipal services.
- C. It is the intent of the people of the community to achieve a steady rate of residential growth each year rather than a fluctuating, overly rapid rate, in order that the services provided by the Town and area schools, parks, utilities and service agencies operating in the Town and surrounding region, can be properly and effectively staged in a manner which will not overextend existing facilities, and in order to bring existing services up to necessary standards while minimizing the avoidable cost of short sighted facility expansion, by means of long term planning.
- D. It is the intent of the people of the Town to establish control over quality, distribution, and rate of growth of the Town in the interest of:
 1. Preserving the character of the community;
 2. Protecting the open space of the community;
 3. Protecting the quality of life in the Town;
 4. Ensuring the adequacy of Town facilities, school facilities, recreation and park facilities, and services;
 5. Ensuring the adequacy of fire protection; and
 6. Ensuring an adequate water supply for current and future residents.

E. It is the purpose of this ordinance to augment the policies of the town as recorded in the general plan and other town ordinances relating to regulating development.

F. In order to facilitate purposes, the town must be able to control the rate, distribution, quality and economic level of the proposed development. Control systems for the town codified in this ordinance shall be in effect after its effective date until amended.

G. It is furthermore the intent of the people of the Town that the awarding of building permit allotments pursuant to this ordinance be accomplished in accordance with the criteria set forth herein, fairly, impartially, and without discrimination against any particular parcel of land, development project, or developer.

H. This ordinance shall regulate the time or rate of development, based on existing zoning or other land use approvals applying to a particular parcel of land or development.

Section 9.5.20. Applicability of the Development Control System.

The system set out in this ordinance shall apply from the effective date. This ordinance shall apply to all residential development in the Town of Fairfield, including single family residential units on a single existing lot, but not rehabilitation or remodeling of an existing dwelling.

Section 9.5.30. Administration.

The Planning Commission shall administer the system set forth in this ordinance.

Section 9.5.40. Establishment of Annual Building Permit Percentage.

A. The number of new residential building permits issued each year in the Town of Fairfield will be a maximum of ten percent (10%) of the existing dwellings within the Town.

B. The annual allotment shall be continuously applicable to the Towns jurisdictional boundaries and shall include any additional territory annexed.

C. For purposes of the ordinance, a year shall be the calendar year. If the annual allotment of building permits for a given year is not allotted, it cannot be carried over to a subsequent year.

Section 9.5.50. Building Permit Application.

A. The owner/builder of proposed projects may apply for a building permit as set forth, and as in other Town ordinances.

B. The Building Department shall examine each application for its relation to or impact upon local public facilities and services, and shall evaluate each development or lot on the criteria set forth below:

1. The capacity of the water system to provide for the needs of the proposed development must comply with Fairfield Code 6.1.00;
2. The capacity of the drainage facilities to adequately dispose of the surface runoff of the proposed development;
3. The ability of the fire department to provide fire protection according to the established response standards of the town without the necessity of requiring additional major equipment or housing facilities;
4. How the site and architectural design quality may be adversely affected by modification to topography, grading, cut of fill of natural slopes, and weather;

5. How the proposed buildings and related construction will visually disturb ridge lines and natural community vistas;
6. Absence of deleterious impact on farmland; and
7. Absence of deleterious impact on historical or cultural landmarks.

Section 9.5.60. Building Permit Evaluations.

- A. The Planning and Zoning Commission shall approve building permits on a “first come first serve” basis until all available permits are issued each year in accordance with Fairfield Code 9.5.00. This assumes that the applicants have satisfied all of the criteria of this and the other applicable Town ordinances including, but not limited to, Zoning and Water Ordinances. Incomplete or erroneous applications will be returned to the applicant and be removed from consideration until returned totally complete.
- B. A Building Permit must be obtained (and fees paid) within sixty (60) days of the plan review approval of the building permit application by the Planning and Zoning Commission.
- C. Building permit applications will only be accepted on or after the first day of each calendar year for permits allocated in that year.
- D. A fifteen hundred dollar (\$1500) cashier’s check made out to the Town of Fairfield is required as a deposit at the time of submission of a building permit application package. If the fifteen hundred (\$1500) deposit was paid to reserve a building permit allotment for that given year, that deposit can be transferred to the building permit application fee. This total deposit fee will be deducted from the approved building permit cost at the time all the fees are paid for the entire cost of the approved building permit. All fees including Impact fees must be paid in full in order to obtain an approved buildable permit. If for any reason a building permit cannot be obtained after the application deposit was made, the deposit fee will not be returned.
- E. Building Permits are issued in order of applications received with paid, non refundable application fee.

Section 9.5.70. Development Allotment Awards.

- A. The number of dwelling units for which development allotments can be issued shall not exceed the number established in Fairfield Code 9.5.40.
- B. No single developer shall, in any one (1) year, be issued development allotments for dwelling units except as submitted as individual requests.
- C. Should an applicant fail to initiate construction within twelve (12) months after award of the building permit allotment, the Planning and Zoning Commission will rescind the allotment.

Chapter 7 Right to Farm.

Section 9.7.10.	General Provisions.
Section 9.7.20.	Analysis.
Section 9.7.30.	Minimum Mitigation.
Section 9.7.40.	Conflict Minimization.

Section 9.7.10 General Provisions.

Purpose. The Town of Fairfield values its rich agricultural heritage and considers agricultural uses as a component of the Town's community fabric, quality of life amenities, and contributions to the Town's economic base. Fairfield Town places great importance on its agricultural areas and the protection and preservation of agricultural land and agricultural activities within the Town.

Section 9.7.20 Analysis.

A. Right to Farm Analysis Required. The Planning Commission, with the recommendation of the building official, may impose restrictions on any development in order to protect:

1. An existing agricultural area or activity;
2. An agricultural or irrigation right-of-way or easement;
3. An agricultural open space or agricultural preservation area;
4. A zone that permits agriculture or large animals such as sheep, horses, or cattle; or
5. Any property located within Fairfield Town Boundaries.

Section 9.7.30. Minimum Mitigation.

A. Requirements. For any new development that is not located in an agricultural use area, the following will be required, at a minimum, to mitigate the effects of new development on the existing or potential agricultural uses:

1. For all sides of the development adjacent to the agricultural property, there is a minimum fencing requirement of a six (6) foot high non-climb agricultural fence, defined as a closely woven two (2) inch by four (4) inch vertical mesh with square deal knot fastening. Fencing must include one and seven eights ($1 \frac{7}{8}$) inch schedule 40 or equivalent posts with a one and five sixteenths ($1 \frac{5}{16}$) inch schedule 40 or equivalent top rail;
2. In order to provide adequate buffering, the Planning Commission and Town Council may, on a case-by-case basis, require an upgrade to the fencing and/or appropriate landscaping when the development activities will directly interfere with the operations of the agricultural use;

3. Where there is a difference in the grade of the properties on either side of the required fence, the height of the fence shall be measured from the grade of the property upon which the new development is located;
4. The fencing requirements of this chapter may be modified if the developer obtains a written statement from the adjacent property owner indicating that they are willing to modify or waive the fencing requirements, as well as approval from the Planning Commission following review by the reviewing department;
5. For any new development that allows large animal rights that is located adjacent to a development or zone that does not allow large animal rights, fencing will be the responsibility of each individual lot owner to ensure that their animals are properly contained;
6. Any fencing required by this chapter shall be privately owned by the developer or subsequent owner of the property upon which the fence is installed. After one year of the installation of the fence by the developer and acceptance of the fence by the Town, the existence, maintenance, and repair of the fence shall be a private issue between or among adjacent property owners, similar to any other private fence, and not a matter for enforcement by the Town;
7. A note shall be placed on the final plat that states: "This area is subject to the normal, everyday sounds, odors, sights, equipment, facilities, pests, and any other aspects associated with an agricultural lifestyle. Future residents shall also recognize the risks inherent with livestock";
8. A written statement shall be provided from the appropriate agency regarding any irrigation channels, ditches, head gates, and piping, or any other mitigation required;
9. Exterior access shall be provided for all irrigation head gates as directed by the applicable irrigation company. This may require relocation;
10. During construction, access to all irrigation ditches and the integrity of timely deliverance of irrigation water through all ditches shall be coordinated with the applicable irrigation company; and
11. Adequate berming to retain irrigation tail water shall be provided.

Section 9.7.40. Conflict Minimization.

A. Requirements:

1. The Planning Commission, and/or Town Council may consider other actions and site planning options to minimize conflicts between the proposed new uses, buildings and structures, and the existing or potential agricultural operations. The goal of the Town is to minimize or eliminate, to the fullest extent possible, all potential conflicts and to assure a continuation of a right to farm for the existing agricultural use without undue burden on the proposed new development;
2. The following issues shall be used to identify potential incompatibilities and actions to minimize conflicts:

- a. Protection of irrigation access and maintenance of ditches and canals;
- b. Safety and protection of the public from ditches, canals, ponds, and drainage systems;
- c. Safety and protection of livestock and farm equipment movement corridors;
- d. Existing and proposed fencing on all agricultural property adjacent to the proposed development;
- e. Erosion and soil protection and conservation concerns;
- f. Drainage of any development, including subdivisions, will be designed to minimize the discharge or impact on agricultural lands and soils, weeds, pests, and household pet controls in subdivision areas;
- g. Provisions, acknowledgments, and understandings by new property owners of farm work hours and that farm operations may contribute to objectionable noises and odors;
- h. Screening provisions and landscaping to reduce noise, odors, pests, or visual impacts for adjoining uses; and
- i. Any other provisions Planning Commission and/or Town Council consider necessary to protect the right to farm for agricultural uses, operations, and areas.

Chapter 9 Impact Fees.

9.9.10.	Purpose.
9.9.20.	Impact Fees Imposed.
9.9.30.	Definitions.
9.9.40.	Service Area.
9.9.50.	Time of Collection.
9.9.60.	Offsets Against the Impact.
9.9.70.	Legal Challenges and Arbitration.
9.9.80.	Accounting, Expenditure and Refund of Impact Fees.
9.9.90.	Severability.

9.9.10. Purpose.

This impact fee policy is promulgated pursuant to the requirements of the impact fees act, [Utah Code Annotated section 11-36a](#) et seq. (the "act"). A local government may require dedication of property (this requirement is called an "exaction") as a condition to approving a development provided that:

- (a) an essential link exists between a legitimate governmental interest and each exaction, and
- (b) each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

9.9.20. Impact Fees Imposed.

Impact fees are hereby imposed as a condition of the issuance of a building permit by the Town for any development activity which creates additional demand and need for public facilities for the culinary water system; wastewater collection and treatment system; public safety facilities including police, fire and rescue; roadway or transportation facilities; storm water drainage and flood control facilities; and municipal power facilities.

9.9.30. Definitions.

As used in this Chapter, terms shall have the same meaning as the definitions provided in the Utah Impact Fees Act, [Utah Code Ann. § 11-36a-102](#), et seq., except as otherwise provided herein.

9.9.40. Service Area.

The entire area of the Town and any areas outside of the Town serviced by such public facilities are hereby designated and established as one service area for purposes of the public facilities for which impact fees are being imposed under the provisions of this ordinance.

9.9.50. Time of Collection.

Unless otherwise recommended by Town staff and approved by the Town Council, impact fees shall be payable prior to and as a condition of the issuance of a building permit by the Town.

9.9.60. Offsets Against the Impact.

Fees that would otherwise be due for a development activity may be approved by the Town building department with the approval of the department head (roads, water parks, etc) and the Mayor in accordance with the following provisions:

A. An offset shall be granted for qualifying improvements that are required to be made by a developer as a condition of development approval.

B. Offsets shall be allowable and payable only to offset impact fees otherwise due for the same category of improvements. Unless otherwise expressly agreed to in writing by the Town, offsets shall not result in reimbursement from the Town or constitute a credit against future fees, and shall not constitute a liability of the Town for any deficiency in the offset.

C. Offsets shall be given only for the value of any construction of improvements or contribution or dedication of land or money by a developer or his predecessor in title or interest for qualifying improvements of the same category for which an impact fee was imposed.

D. The value of land dedicated or donated shall be based on:

1. The Town Fee Schedule which would be updated yearly to reflect the value of the improvement.
2. By appraisal. The person applying for an offset shall be responsible for providing and paying for appraisals of land and improvements, construction cost figures, and documentation of all contributions and dedications necessary to the computation of the offset claimed. The director of building shall not grant offsets to any person who cannot provide such documentation in such form as the The director of building may reasonably require.

E. The value of land dedicated or donated shall be based on the appraised land value of the parent parcel on the date of transfer of ownership to the city.

F. Offsets provided for qualifying improvements meeting the requirements of this section shall be valid from the date of approval until ten (10) years after the date of approval or until the last date of construction of the project, whichever occurs first.

G. The right to claim offsets shall run with the land and may be claimed only by owners of property within the development area for which the qualifying improvement was required.

H. Any claim for offsets must be made in writing, not later than the time of submittal of a building permit application or an application for another permit subsequent to development approval that is subject to impact fees. Any claim not so made shall be deemed waived

9.9.70. Legal Challenges and Arbitration.

A. Any person or entity required to pay an impact fee who believes the fee does not meet the requirements of law may file a written request for information with the Town as provided by the Act. Within two weeks of the receipt of the request for information, the Town shall provide the person or entity with the written analysis required by the Act and any other relevant information relating to the impact fee.

B. Application. Any person or entity that has paid an impact fee pursuant to this article may challenge or appeal the impact fee by filing a written notice of appeal with the city manager within thirty (30) days of the date that the fee was paid

C. Hearing. Upon receiving the written notice of appeal, the city council shall set a hearing date to consider the merits of the challenge or appeal. The person or entity challenging or appealing the fee may appear at the hearing and present any written or oral evidence deemed relevant to the challenge or appeal. Representatives of the city may also appear and present evidence to support the imposition of the fee

D. Decision. The hearing panel, which shall consist of the city council or such other body as the city shall designate, shall hold a hearing and make a decision within thirty (30) days after the date the challenge or appeal is filed.

9.9.80. Accounting, Expenditures and Refund of impact Fees.

A. The impact fees collected pursuant to this enactment shall be deposited into a separate interest-bearing ledger account and may only be used for capital improvements to the public facilities for which the fees were collected. The accounting, expenditure and refund of all such impact fees collected shall be handled in accordance with the provisions of the Act.

B. Any impact fee offset will be detailed in the building permit.

9.9.90. Severability.

If an action, paragraph, sentence, clause, or phrase of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.