

!TITLE! 6

PUBLIC WAYS AND PROPERTY

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## CHAPTER 1

## PARKS AND FACILITIES USAGE

## SECTION:

- 6-1-1: Parks And Grounds
- 6-1-2: Rodeo Grounds
- 6-1-3: Buildings And Facilities; Use And Scheduling
- 6-1-4: Rules For Use Of Buildings, Meeting Areas And Facilities
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## 6-1-1: PARKS AND GROUNDS:

## A. Exclusive Use; Permit Required; Commercial Sales Prohibited:

1. Any person, group or organization desiring to use a park, or any portion thereof, on an exclusive basis, or any person, group or any organization desiring to use the park equipment for a public gathering to the exclusion of other persons or for the purpose of holding meetings, either public or private in nature, shall do so only after obtaining a reservation permit from the authorized agency and, when required, upon payment of an appropriate fee for the privilege of reserving the area for a given period of time.

2. It is unlawful to sell anything in a county park, county building or county facilities, or to engage in any commercial activity in a county park, whether for profit or otherwise, without the prior written consent of the county commission.

3. Any violation of this provision shall be punished as a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code.

## B. Unlawful Acts:

1. It is unlawful for any person or persons to scratch, cut, injure or deface any of the buildings, fences, structures, or any other improvement, or to cut or injure flowers, flower beds, trees or shrubs within the parks, or for the owner of any dog to allow the same to run at large within the parks and grounds of the county.

2. Any violation of this provision shall be punished as a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code.

## C. Parking Regulations:

1. It is unlawful to park any vehicles within the public property in such away as to block the roads provided for public traffic; or where public parking is provided to park other than in the public parking areas.

2. Any violation of this provision shall be punished as an infraction and, upon conviction, subject to penalty as provided in section 1-4-1 of this code.

D. Possession Or Consumption Of Alcoholic Beverages:

1. It is unlawful to possess or consume beer, liquor or any other alcoholic beverage within a county park or county building or facility, unless duly licensed by the county to possess, consume or sell any alcoholic beverage at that specific event. An application and law enforcement background check is required prior to approval by the commission.

2. Any violation of this provision shall be punished as a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code.

E. Park Curfew:

1. It is unlawful for any person to be in a county park between the hours of twelve o'clock (12:00) midnight and five thirty o'clock (5:30) A.M., unless prior written approval is properly obtained from the authorized agent managing the county parks and facilities.

2. Any violation of this provision shall be punished as a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code.

F. Overnight Camping:

1. No overnight camping or overnight stays will be allowed on county lands, in county parks, buildings or facilities, unless approved by the commission or unless the county develops an area especially for camping or overnight stays.

2. Any violation of this provision shall be punished as a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. (Ord. 07-10, 5-1-2007; amd. 2017 Code)

6-1-2: RODEO GROUNDS:

The provisions of section 6-1-1 of this chapter dealing with parks and grounds shall apply to the rodeo arena and facilities, except as otherwise specifically provided herein. (Ord. 07-10, 5-1-2007)

6-1-3: BUILDINGS AND FACILITIES; USE AND SCHEDULING:

A. Scheduling: Proper scheduling is essential to maintain order and control and to avoid conflicting use. The first priority for all facilities and buildings and rooms is for use by the county and its departments and officials for the conduct of county business. At times when the facilities are not needed for county business, facilities can be scheduled by calling the county clerk. All scheduling requests shall be submitted on a county building use application form as far in advance as possible. Schedules cannot be confirmed in any event more than one hundred eighty (180) days in advance and on facilities or rooms that may be needed for county business, scheduling cannot be confirmed until it is determined that it will not conflict with a use required by the county or any of its departments.

B. Department Use: The individual departments of the county are provided office and support space for their departmental use. In addition, other facilities are available to county officials and departments on a scheduled basis for county functions and business. When meeting rooms, conference rooms, and other facilities are not being used to accommodate county needs, they may be made available to other users and the public. All users are expected to treat the facilities properly. Each county employee is expected through their department to watch for inappropriate behavior or use in the buildings and facilities. Problems should be reported immediately to the county clerk or the sheriff's department.

C. Commission Responsibility: The county commission is ultimately responsible for proper maintenance, care and use of the buildings and facilities and the scheduling and use of those buildings and facilities.

D. Security: The sheriff's department is assigned responsibility for security of all county buildings and facilities, unless otherwise specifically designated. (Ord. 07-10, 5-1-2007)

6-1-4: RULES FOR USE OF BUILDINGS, MEETING AREAS AND FACILITIES:

A. Generally:

1. Proper conduct is required of all participants and guests using

county facilities. No smoking or drug use is allowed. Alcohol beverages are not allowed. County facilities shall not be used for commercial purposes, such as selling products or charging entrance fees.

2. Time for preparation and cleanup must be scheduled as part of the time reserved for meetings and activities.

3. Preparation, setup and cleanup are the responsibility of the party reserving the facility.

4. Meetings and activities must be conducted in a manner to avoid any damage to the buildings and its furnishings. Users will be billed for actual labor and material costs of damages.

5. Participants and guests are to remain in the area of the building that has been reserved for the meeting activity. Playing in halls, restrooms or other unreserved areas by children is prohibited. The party reserving the facility is responsible for the conduct of all participants and guests.

6. Meetings and activities shall end on time. Sufficient time shall be given for cleanup within the scheduled time for the reservation so that back to back events may be scheduled.

7. Lights should be turned off in the scheduled room at the conclusion of the activity.

8. Pets or animals are not allowed in the buildings.

B. Supervision Of Children: Children attending meetings or activities in county facilities must be supervised at all times by adults. If children are unwilling to be supervised, they shall be invited to leave or be referred to security. Children shall not be allowed to play in halls or restrooms. Children shall not be left unattended in the parking lots, on the grounds or in other unreserved areas during meetings or activities.

C. Tables And Chairs: The county has a limited number of tables and chairs for use with meetings and activities within the building only. Arrangements for tables and chairs should be made at the time the facility is reserved. If tables or chairs are brought into the building by the user, they shall have nonmarking feet and shall be delivered to and removed from the building using the service entrances. Outside tables and chairs are not to be in the building prior to or after the time of the reservations.

D. Other Equipment: Arrangements for equipment should be made at the

time of reservation for meetings and activities held in county buildings. Equipment brought into the building from the outside must be delivered and removed using service entrances. Equipment cannot be stored in the building prior to the start of the reservation time or be left after the conclusion of the reservation time.

E. Safety:

1. Applicable county safety laws and regulations are to be observed in county buildings. All users of county buildings are obligated to keep the buildings safe for building tenants, other users and the general public. Activities that jeopardize the buildings, furnishings or occupants shall not be permitted.

2. If water, drinks or food items are spilled on the floor, they shall be cleaned up immediately.

3. Hallways, stairways, exits and traffic areas are to remain free of tables, chairs, boxes and other items at all times.

F. Fire Codes:

1. County fire codes apply in all county buildings. Fire extinguishers are provided at strategic locations in the buildings in case of emergency. Fire extinguishers are not to be removed unless they are used to put out a fire. Fire exits are available and are clearly marked with exit signs. Emergency exits are equipped with crash hardware for immediate exit in case of emergency.

2. Portable electric heaters are not allowed in the buildings. Only one electrical appliance or lighting fixture is to be used on each outlet. Extension cords, if needed, should be 3-wire variety (#14 3-wire). Care should be taken not to overload electrical circuits.

G. Emergency Procedure:

1. Should an emergency occur while the building is occupied, users should sound the alarm and alert everyone in the building. Everyone should be instructed to immediately evacuate building in an orderly manner. Panic should be avoided. The sheriff's office and fire authorities should be notified as soon as possible. Those who are educated in the use of fire extinguishers may attempt to contain small fires until firefighters arrive. The designated meeting place during an emergency is the parking lot of the building.

2. In an earthquake emergency, care should be taken to stay in doorways or under furniture rather than exiting the building.

H. Contracts For Outside Use: Use of county facilities, for noncounty functions, requires a signed contract (14 days processing time) with the county commission. Standard forms of contract for various types of events are available for review.

I. Insurance: Noncounty users are required to purchase event insurance for their use of county facilities. Attach proof of liability insurance in the amount of one million dollars (\$1,000,000.00) naming the county as additional insured. If you are unable to provide proof of insurance, the county does have a tenant users insurance program available for charge which is rated per event. (Ord. 07-10, 5-1-2007)

6-1-5: FEE SCHEDULE:

A. Rodeo Grounds: The rodeo grounds will be scheduled on approval of the county commission. Any fee for the use of the facility will be determined by the county commission.

B. Other County Facilities: The park, pavilion, courtroom, commission chambers, Dutch John community center and jury room shall be scheduled for public use free of charge, when the event involves less than fifty (50) people. (Ord. 07-10, 5-1-2007)

C. Deposits: The park, pavilion, courtroom, commission chambers, Dutch John community center and jury room shall be scheduled for a refundable deposit, as established by the board of county commissioners when the event involves more than fifty (50) people. The deposit will be returned at the end of the event if the facilities are in order, not requiring cleanup or repair. (Ord. 07-10, 5-1-2007; amd. 2017 Code)

## CHAPTER 2

## EXCAVATIONS OF COUNTY ROADS

## SECTION:

- 6-2-1: Purpose
- 6-2-2: Definitions
- 6-2-3: Permits Required
- 6-2-4: Surety Bond Or Cash Deposit
- 6-2-5: Moratorium On Newly Constructed Roads
- 6-2-6: Appeals
- 6-2-7: Violation; Penalty !2R!

## 6-2-1: PURPOSE:

The purpose of this chapter is to establish procedures for permitting, cutting or disturbance of roads or road surfaces owned or maintained by the county and to provide appropriate fees and to provide for a moratorium on any disturbance or cutting of road surfaces on newly constructed or resurfaced roads. This chapter does not apply to work done by the county road department or the county special improvement district. (Ord. 04-15, 6-1-2004)

## 6-2-2: DEFINITIONS:

!DEF! COUNTY ROADS: All roads in the unincorporated area of Daggett County which are owned or maintained by Daggett County as shown on the Daggett County road maps.

MANAGEMENT COSTS: The reasonable direct and actual costs the county incurs in exercising authority over roads and highways in its jurisdiction.

PAVED ROAD: A road that has had applied to it, asphalt, oil, concrete or other similar substances (see definition used for state BD road classification).

UNPAVED ROAD: See definition used for state BD road classification. (Ord. 04-15, 6-1-2004; amd. 2017 Code) !DEFEND!

## 6-2-3: PERMITS REQUIRED:

A. Permitting Official: The permitting official shall be the county clerk.



B. Unlawful Acts: No person or entity may:

1. Dig or excavate within the right of way of any county road; or
2. Place, construct or maintain any approach road, driveway, pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, or any other structure or object of any kind or character within the right of way except as provided in this chapter or as otherwise specifically authorized by state law.

C. Permitted With Compliance: The county may allow excavating, installation of utilities and other facilities or access to county roads and rights of way in compliance with the terms and conditions set forth in this chapter and applicable federal and state law.

D. Application For Permit: Any person or entity wishing to excavate or install utilities and other facilities within the right of way of any county road must apply for and obtain a permit for any such excavation or installation and pay the fee and post the bond required pursuant to this chapter.

E. Fee To Accompany Application: The application for a permit for excavation or installation shall be accompanied by the fee established herein.

F. Bond To Accompany Application: The application for any excavation or installation shall be accompanied by a bond or other security as required by this chapter.

G. Plans And Specifications Required: Prior to the issuance of any permit to change, alter, cut or disturb any roadway or conduct any installation or excavation in any county road right of way, plans and specifications prepared by a licensed engineer, together with plans and specifications which provide for the replacement of the road surface with appropriate compaction and restructuring shall be provided to the permitting officers. The plans and specifications prepared by the licensed engineer shall also include the licensed engineer's estimate of the cost of restoring the surface and repairing any damage done to the road surface or within the road right of way.

H. Restoration Guarantee: As a condition of any permit, the applicant must guarantee the restoration of such surface to a condition equal to or better than the condition existing prior to the disturbance of the surface and must guarantee the repair work for a period not less than twelve (12) months. (Ord. 04-15, 6-1-2004)

I. Evaluation Fee: A permit and plan evaluation fee, as established by the board of county commissioners, is required for each permit issued pursuant to this chapter. (Ord. 04-15, 6-1-2004; amd. 2017 Code)

J. Costs Of Services: If the excavation or installation requires on site supervision or inspection or evaluation by the county road department or the county engineer, the costs of providing those services shall be assessed as management costs pursuant to the provisions of Utah Code Annotated section 72-7-102, as amended. It is intended that the management costs referred to herein shall be revenue neutral, such that the costs assessed shall, as nearly as possible, equate to the management costs incurred by the county related to the permitted work. (Ord. 04-15, 6-1-2004)

6-2-4: SURETY BOND OR CASH DEPOSIT:

A. Required: The application for a permit shall be accompanied by a corporate bond issued by a company authorized and licensed to do business in the state, or a cash deposit in an amount equal to one hundred twenty five percent (125%) of the engineer's estimated cost of repair and restoration work to the road, roadway, road surface and road right of way.

B. Form Approved: The corporate surety bond must be on a form approved by the county attorney. The amount of the bond shall be one hundred twenty five percent (125%) of the estimated costs of restoration of the surface and subsurface by the applicant's engineer, or one hundred twenty five percent (125%) of the estimated costs established by the county engineer, whichever is greater.

C. Liability For Additional Costs And Expenses: If a permittee fails to make the repairs or otherwise violates the terms of the permit and the amount of the bond or cash deposit is insufficient to reimburse the county for the costs of the repair or restoration work, the permittee shall be liable for all such additional costs and expenses incurred. Any person engaging in any disturbance or excavation or installation work within a county road right of way without a permit shall be liable to the county for all costs of restoration and remediation.

D. Refund: The bond or cash deposit shall be refunded not less than one year after the completion of the repair and restoration of the road surface or damage to the road right of way, upon satisfactory proof that the repairs have been accomplished in accordance with the specifications in the permit and the road surface repairs are and remain in good condition.

E. Forfeiture: If the person or entity obtaining the permit fails to comply with the terms and conditions of the permit or fails to repair and maintain the road or road right of way required by the permit, the bond shall be immediately forfeited. (Ord. 04-15, 6-1-2004)

6-2-5: MORATORIUM ON NEWLY CONSTRUCTED ROADS:

A. Term Specified: When a county road or roadway has been reconstructed or rebuilt by increasing the base, resurfacing or changing the grade, it shall be unlawful for any person, firm or entity to cut, alter, change or disturb said newly constructed road for a period of five (5) years.

B. Notice Required: Prior to any such reconstruction, rebuilding or resurfacing, the county shall post a notice, in three (3) public places, of said proposed work describing the roads to be improved and shall, to the extent reasonably practical, provide written notice at least thirty (30) days in advance to owners of property adjacent to said roads and to utilities having facilities within the road right of way of the intended work and the impending moratorium. Failure to provide notice as set forth herein or of an owner or utility to receive said notice shall not prevent enforcement of the provisions of this section.

C. Work By Utility Or Property Owner Prior To Resurfacing: Any utilities and property owners that may have the need within the following five (5) years to do any work within the road right of way should complete that work prior to the resurfacing, rebuilding or reconstruction of the identified road. (Ord. 04-15, 6-1-2004)

6-2-6: APPEALS:

Any person grieved by the denial of a permit or by the terms and conditions of the permit or the fee assessed may, within fifteen (15) business days of said action by the permitting official, file a written appeal of the decision to the county commission. Said written appeal shall set forth in detail and with specificity the issues in dispute and all facts and information supporting the applicant's position. The decision of the county commission shall be final. (Ord. 04-15, 6-1-2004)

6-2-7: VIOLATION; PENALTY:

A. Work Without Permit: Any cutting of a road surface or any excavation or installation within the road right of way of a county road without a permit and the posting of a bond is a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code, and each separate event or each day that said violation continues is a separate and independent offense.

B. Violations: Any violation of this chapter is a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code, and each separate event of disturbance of the newly reconstructed, resurfaced or rebuilt road or road right of way shall be a separate offense. (Ord. 04-15, 6-1-2004; amd. 2017 Code)

C. Recover Damages: In addition to any fines and imprisonment imposed, the county shall be entitled to recover, as restitution and/or in a separate civil action, all damages caused by said violation, including the costs of any resurfacing that may be necessary to completely restore and resurface the affected county road. (Ord. 04-15, 6-1-2004)

## CHAPTER 3

## CATTLE GUARDS

## SECTION:

- 6-3-1: Permit Required
- 6-3-2: Plat Required
- 6-3-3: Installation And Maintenance By Permittee Or Owner
- 6-3-4: Maintenance By County
- 6-3-5: Removal By County For Abandonment Or Hazardous Condition
- 6-3-6: Penalty !2R!

## 6-3-1: PERMIT REQUIRED:

Except as provided for herein, cattle guards shall not be installed within roads maintained by the county without first obtaining a permit and submitting the required fees and bond for the same from the county clerk. (Ord. 90-3, 6-19-1990; amd. 2017 Code)

## 6-3-2: PLAT REQUIRED:

Any person, firm or corporation desiring to install a cattle guard in a county maintained road, shall first file a plat with the county clerk showing: (Ord. 90-3, 6-19-1990; amd. 2017 Code)

- A. The proposed location of the cattle guard.
- B. The installation of the cattle guard will not create a hazard for the public.
- C. The cattle guard shall conform to the directional and grade of the road.
- D. The same shall be an approved design of the United States department of the interior, bureau of land management, drawing no. 02-881-4, or a design as indicated on the Utah department of transportation drawing no. 760-1, which is attached to the ordinance codified herein and made a part hereof by reference.
- E. That proper caution signs shall be placed to indicate the presence of a cattle guard and livestock on the right of way when circumstances require. (Ord. 90-3, 6-19-1990)

## 6-3-3: INSTALLATION AND MAINTENANCE BY PERMITTEE OR OWNER:

The permittee or owner shall be responsible to install and maintain the physical structure of the cattle guard in a safe and operable condition as determined by the county clerk to help ensure safety for the public. (Ord. 90-3, 6-19-1990; amd. 2017 Code)

6-3-4: MAINTENANCE BY COUNTY:

Keeping the cattle guard clean of debris shall be considered as part of the normal road maintenance performed by the county road department. (Ord. 90-3, 6-19-1990)

6-3-5: REMOVAL BY COUNTY FOR ABANDONMENT OR HAZARDOUS CONDITION:

If, at any time, the owner abandons his responsibility of maintaining the cattle guard and it becomes a hazard to the public, as determined by the county commissioners, the county shall have the right to remove the cattle guard and repair the road, at which time county has the right to compensation. (Ord. 90-3, 6-19-1990)

6-3-6: PENALTY:

Violation of this chapter shall be punishable as a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. (Ord. 90-3, 6-19-1990; amd. 2017 Code)

CHAPTER 4

EASEMENTS FOR UTILITY LINES

SECTION:

6-4-1: Easement, Plat And Bond Required

6-4-2: Burial Depth; Compliance Required !2R!

6-4-1: EASEMENT, PLAT AND BOND REQUIRED:

Any entity or public utility desiring to construct or place utility lines within the county or public rights of way located in the county, shall first obtain an easement from the county. The entity shall also provide to the county a plat showing the proposed location of the line and a bond to ensure the repair of any damage to the right of way. (Ord. 82-2, 6-2-1982)

6-4-2: BURIAL DEPTH; COMPLIANCE REQUIRED:

The entity will also bury the line to a depth of at least thirty inches (30") and shall comply with all other ordinances, rules, regulations and requests of the county. (Ord. 82-2, 6-2-1982)

## CHAPTER 5

## USE OF PUBLIC WAYS

## SECTION:

- 6-5-1: Camping
- 6-5-2: Closed Areas
- 6-5-3: Lands Closed To Vehicles
- 6-5-4: Roads And Trails Closed To Vehicles
- 6-5-5: Parking In Posted Areas
- 6-5-6: Penalty !2R!

## 6-5-1: CAMPING:

It shall be unlawful for any person to camp in areas signed or posted "No Camping" within the county. (Ord. 78-4, 6-7-1984; amd. 2017 Code)

## 6-5-2: CLOSED AREAS:

It shall be unlawful for any person to occupy areas signed or posted "Closed" within the county. (Ord. 78-4, 6-7-1984; amd. 2017 Code)

## 6-5-3: LANDS CLOSED TO VEHICLES:

It shall be unlawful for any person to operate a vehicle on any public or private land within the county which is posted "Closed To Vehicles", unless a permit has been obtained first. (Ord. 78-4, 6-7-1984; amd. 2017 Code)

## 6-5-4: ROADS AND TRAILS CLOSED TO VEHICLES:

It shall be unlawful for any person to operate a vehicle on any trail or road within the county which is posted "Closed To Vehicles". (Ord. 78-4, 6-7-1984; amd. 2017 Code)

## 6-5-5: PARKING IN POSTED AREAS:

It shall be unlawful for any person to park or leave unattended any vehicle in areas which are posted "No Parking" within the county. (Ord. 78-4, 6-7-1984; amd. 2017 Code)



6-5-6: PENALTY:

Any person who violates any provisions of this chapter shall be guilty of an infraction and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. (Ord. 78-4, 6-7-1984; amd. 2017 Code)

CHAPTER 5

USE OF PUBLIC WAYS

ARTICLE A. FLOTATION DEVICES REQUIRED

SECTION:

6-5A-1: Definitions

6-5A-2: Flotation Devices Required

6-5A-3: Penalty !2R!

6-5A-1: DEFINITIONS:

As used in this article, unless the context clearly requires a different meaning, the following definitions shall apply:

! DEF! OPERATOR: A person who navigates or otherwise uses a motorboat or a vessel.

PERSON: An individual, partnership, firm, corporation, association or other entity.

VESSEL: Every description of watercraft, other than a sea plane, on the water used or capable of being used as a means of transportation on water. (Ord. 80-3, 11-19-1980) !DEFEND!

6-5A-2: FLOTATION DEVICES REQUIRED:

Any operator of a canoe, kayak, sport yak, dory, skiff, paddle craft, inflatable raft or similar vessel, with or without a motor, while on any river or body of water in the county, shall require all persons aboard that vessel to wear either a type I life preserver, type II buoyant vest, type III special purpose water safety buoyant device, or type V white water vest. If carrying passengers for hire, shall have a type I life preserver available for all to wear, and shall require all passengers to wear a type V white water vest; however, a rowing boatman has the option to wear a type II or type III personal flotation device, provided the required type I or type II personal flotation device is readily accessible. (Ord. 80-3, 11-19-1980; amd. 2017 Code)

6-5A-3: PENALTY:

Violation of this chapter shall be punishable as an infraction and,

upon conviction, shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 80-3, 11-19-1980; amd. 2017 Code)

## CHAPTER 6

## DISPOSITION OF COUNTY REAL AND PERSONAL PROPERTY

## SECTION:

- 6-6-1: Authorized
- 6-6-2: Disposal Of Property Authorized
- 6-6-3: Personal Property
- 6-6-4: Real Property In Public Use
- 6-6-5: Real Property Not In Public Use
- 6-6-6: Approval By Commission; Recordkeeping
- 6-6-7: General Rules
- 6-6-8: No Rights Created In Third Parties !2R!

## 6-6-1: AUTHORIZED:

Real and personal property shall be disposed of as provided in this chapter. (Ord. 09-17, 10-20-2009; amd. 2017 Code)

## 6-6-2: DISPOSAL OF PROPERTY AUTHORIZED:

The board of county commissioners may dispose of, or control the disposition of, any county property, real or personal (including lost or abandoned property, and property whereby the county has any legal or equitable interest), the disposition of which is determined to be in the public interest and in accordance with good property management. The disposition of property, or any interest therein, may be by public or private sale, exchange, exchange and sale, option to purchase, lease, lease with an option to purchase, rental, trade in, public auction, public advertisement for sealed bids, or any other lawful manner or means. Such disposition shall not be for less than a full and adequate consideration unless otherwise permitted by law, and such consideration may be other than monetary. (Ord. 09-17, 10-20-2009)

## 6-6-3: PERSONAL PROPERTY:

The power to dispose of surplus, obsolete or unusable personal property held by the county is vested in the county auditor, and such disposition may be made in any manner consistent with county policy. The county auditor shall have discretion, subject to the best interests of the county and its residents, and in accordance with good property management techniques, over the disposition and manner of disposition of surplus, obsolete or unusable personal property.

However, no such disposition shall be final without the approval of the commission. (Ord. 09-17, 10-20-2009)

6-6-4: REAL PROPERTY IN PUBLIC USE:

A. Recommendation Of Planning Commission; Approval Of Commission; Hearing Required: The disposition of real property that is in the public use, regardless of the value thereof, shall be made only with the approval of the commission and after receiving a recommendation from the appropriate planning commission where the property is situated and the holding of a public hearing with proper notice.

B. Included Real Property:

1. Real property in public use is deemed to be significant real property for purposes of state law, and includes, but is not limited to, realty and improvements thereon in actual current use as governmental offices or other public buildings, courthouses, jails, police stations, fire stations, developed parks or other recreational or entertainment facilities, utilities, cemeteries, animal control facilities, hospitals or other health facilities, facilities for the welfare of the indigent, sanitary landfills, or any other realty or improvement thereon held for the benefit or advantage of the general public and not confined to use by privileged or particular individuals, without regard to whether that use may be classified as governmental or proprietary.

2. In addition to subsection B1 of this section, real property is deemed to be significant real property for purposes of state law if it larger than ten (10) acres, or has an estimated value, as determined by the board of county commissioners, of more than one hundred thousand dollars (\$100,000.00).

C. Public Hearing; Notice: The commission shall call and hold a public hearing concerning disposition of realty under this section, which hearing may be at any special or regularly scheduled meeting of the commission. All interested persons may appear and be heard at the hearing. Public notice shall be given of the hearing, which shall contain the date, time and place thereof, a statement of the purpose of the hearing, and a description of the property or the interest therein to be disposed of. Such notice shall be published at least once prior to the hearing in a newspaper of general circulation in the county, and the hearing shall be held no sooner than fourteen (14) days after the publication of the notice thereof. (Ord. 09-17, 10-20-2009)

6-6-5: REAL PROPERTY NOT IN PUBLIC USE:

A. Included Real Property: Realty not in public use includes, but is not limited to, realty or improvements thereon existing as vacant lands; real property with vacant or unused buildings, structures or other improvements thereon; buildings used as maintenance or repair facilities and not open to the general public; buildings rented or leased by the county to private entities; or any other realty or improvements thereon not held for the benefit or advantage of the public, nor open to the general public or to a substantial portion thereof.

B. Approval By Commission: The commission shall approve the sale of such realty during any special or regularly scheduled meeting of the commission. No public hearing is required.

C. Disposal Of Property: Where property is acquired by the county for a specific purpose (such as in the case of transfers of development rights), said property may be disposed of by the county for that purpose under this section as real property not in public use. The commission may delegate the authority to dispose of this classification of property to an administrative official of the county. (Ord. 09-17, 10-20-2009)

6-6-6: APPROVAL BY COMMISSION; RECORDKEEPING:

A. Approval: No disposition of real or personal property, in public use or otherwise, shall be finalized until the commission, at a special or regularly scheduled commission meeting, shall have reviewed and approved the disposition by motion (personalty) or resolution (realty), manner of disposition, and consideration benefiting the county; except that the commission may, on a case by case basis, preauthorize the final disposition of surplus property subject to such restrictions, if any, as it may deem appropriate. If such final disposition is authorized by the commission, the results of the final disposition shall be submitted to the commission for approval and ratification.

B. Records: The county auditor shall maintain permanent public records for conveyances of real property and transactions involving personal property greater than five thousand dollars (\$5,000.00). Such records must reflect a description of the property sold or otherwise conveyed, an appraisal of the real property conveyed, the manner of disposition, the consideration received by the county, the identity of the person to whom such property was sold or otherwise disposed of, the date of disposition, the date of approval by the commission, and the nature of the county's use of the property prior

to disposition. (Ord. 09-17, 10-20-2009)

6-6-7: GENERAL RULES:

A. Condemnation: If real property was acquired by condemnation, the county shall give the original owner the right of first refusal prior to the disposition thereof.

B. Abandonment: Where the county has acquired real or personal property by dedication for a specific purpose, it may abandon its interests to such only through a vacation proceeding. In the case of all other assets, the vacation is enacted by resolution of the county commission at a public meeting which has been properly noticed in accordance with the open meeting laws. Once the county's interest in the property has been vacated, the ownership of the property shall inure to the original owner who dedicated such to the county in the case of personal property or wholly dedicated land, or to the current owner where the county merely acquired a right of way interest to the land.

C. Tax Sale: Where the county has acquired real property through delinquent taxes, the tax sale requirements and procedures of Utah Code Annotated section 59-2-1301 et seq., shall apply. (Ord. 09-17, 10-20-2009)

6-6-8: NO RIGHTS CREATED IN THIRD PARTIES:

This chapter is not intended to, nor shall it be construed to, create any rights, claims or causes of action in third parties. (Ord. 09-17, 10-20-2009)