PUBLIC NOTICE

Notice is hereby given that the Tooele City Council and the Redevelopment Agency (RDA) of Tooele City will meet in a Work Meeting, on Wednesday, October 4, 2023, at 5:30 p.m. The meeting will be held in the Tooele City Hall Council Chambers, located at 90 North Main Street, Tooele, Utah. The complete public notice is posted on the Utah Public Notice Website www.utah.gov, the Tooele City Website www.tooelecity.org, and at Tooele City Hall. To request a copy of the public notice or for additional inquiries please contact Michelle Pitt, City Recorder at (435)843-2111 or michellep@tooelecity.org

*We encourage you to join the City Council meeting electronically by visiting the **Tooele City YouTube Channel**, at **https://www.youtube.com/@tooelecity** or by going to YouTube.com and searching "Tooele City Channel".*

AGENDA

1. **Open City Council Meeting**

2. **Roll Call**

3. **Mayor's Report**

4. **Council Members' Report**

5. **Discussion Items**

   a. **Proposed Amendment** to Tooele City Code 7-14, Table 5, of the In-Fill Overlay Zones Regarding Minimum Lot Sizes
   Presented by Andrew Aagard, Community Development Director

   b. **Ordinance 2023-40** An Ordinance of Tooele City Amending Tooele City Code Section 11-1-12 Regarding Camping
   Presented by Adrian Day, Police Chief

6. **Closed Meeting**
   ~ Litigation, Property Acquisition, and/or Personnel

7. **Adjourn**

_____
Michelle Y. Pitt, Tooele City Recorder

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations should notify Michelle Y. Pitt, Tooele City Recorder, at 435-843-2111 or Michellep@Tooelecity.Org, prior to the meeting.

Ordinance, General Plan, & Master Plan Text Amendment Application

Community Development Department
90 North Main Street, Tooele, UT 84074
(435) 843-2132 Fax (435) 843-2139
www.tooelecity.org

Tooele City
Est. 1853

Notice: The applicant must submit copies of the text amendment proposal to be reviewed by the City in accordance with the terms of the Tooele City Code. Once a text amendment proposal are submitted, the proposal is subject to compliance reviews by the various city departments and may be returned to the applicant for revision if the proposal is found to be inconsistent with the requirements of the City Code and all other applicable City ordinances. All submitted text amendment proposals shall be reviewed in accordance with the Tooele City Code. Submission of a text amendment proposal in no way guarantees placement of the application on any particular agenda of any City reviewing body. It is **strongly** advised that all applications be submitted well in advance of any anticipated deadlines.

Project Information

23-1076

Date of Submission:	Applicant Name: Robert W Jalbert	
Address: 429 S Coleman St		
Phone: (435) 830-7869	Alternate Phone:	Email: JaffeyJaffa@hotmail.com
Proposed for Amendment: ☑ Ordinance ☐ General Plan ☐ Master Plan: _____		

Brief Summary of Proposal:

This application is a request for approval to amend the In-Fill area overlay to consider a reduction in lot size.

*The application you are submitting will become a public record pursuant to the provisions of the Utah State Government Records Access and Management Act (GRAMA). You are asked to furnish the information on this form for the purpose of identification and to expedite the processing of your request. This information will be used only so far as necessary for completing the transaction. If you decide not to supply the requested information, you should be aware that your application may take a longer time or may be impossible to complete. If you are an "at-risk government employee" as defined in *Utah Code Ann.* § 63-2-302.5, please inform the city employee accepting this information. Tooele City does not currently share your private, controlled or protected information with any other person or government entity.

Note to Applicant:

Ordinances, the General Plan, and other master plans are made by ordinance. Any change to the text of the ordinance or plan is an amendment the ordinance establishing that document for which the procedures are established by city and state law. Since the procedures must be followed precisely, the time for amending the text may vary from as little as 2½ months to 6 months or more depending on the size and complexity of the application and the timing.

For Office Use Only 2231177			
Received By:	Date Received: 9/15/23	Fees: 2000.00	App. #: 594155

Attachment to the Ordinance Text Amendment Application – Robert Jalbert

Tooele Code 7-14 Table 5 page 7-55.4

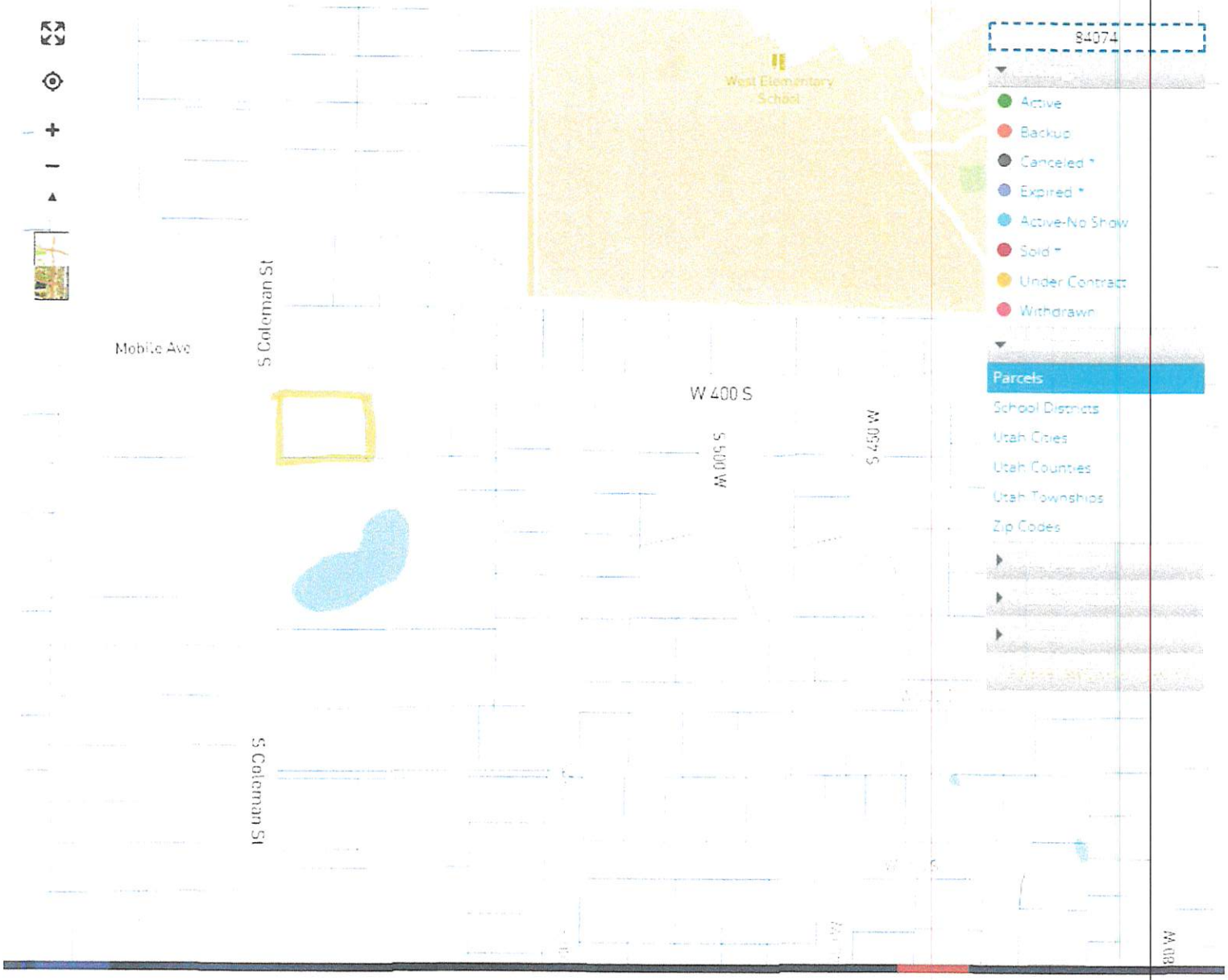
Amend Table 5 to add a line for 'Minimum Lot Size', that would read 'May reduce to 80% of underlying zoning district'.

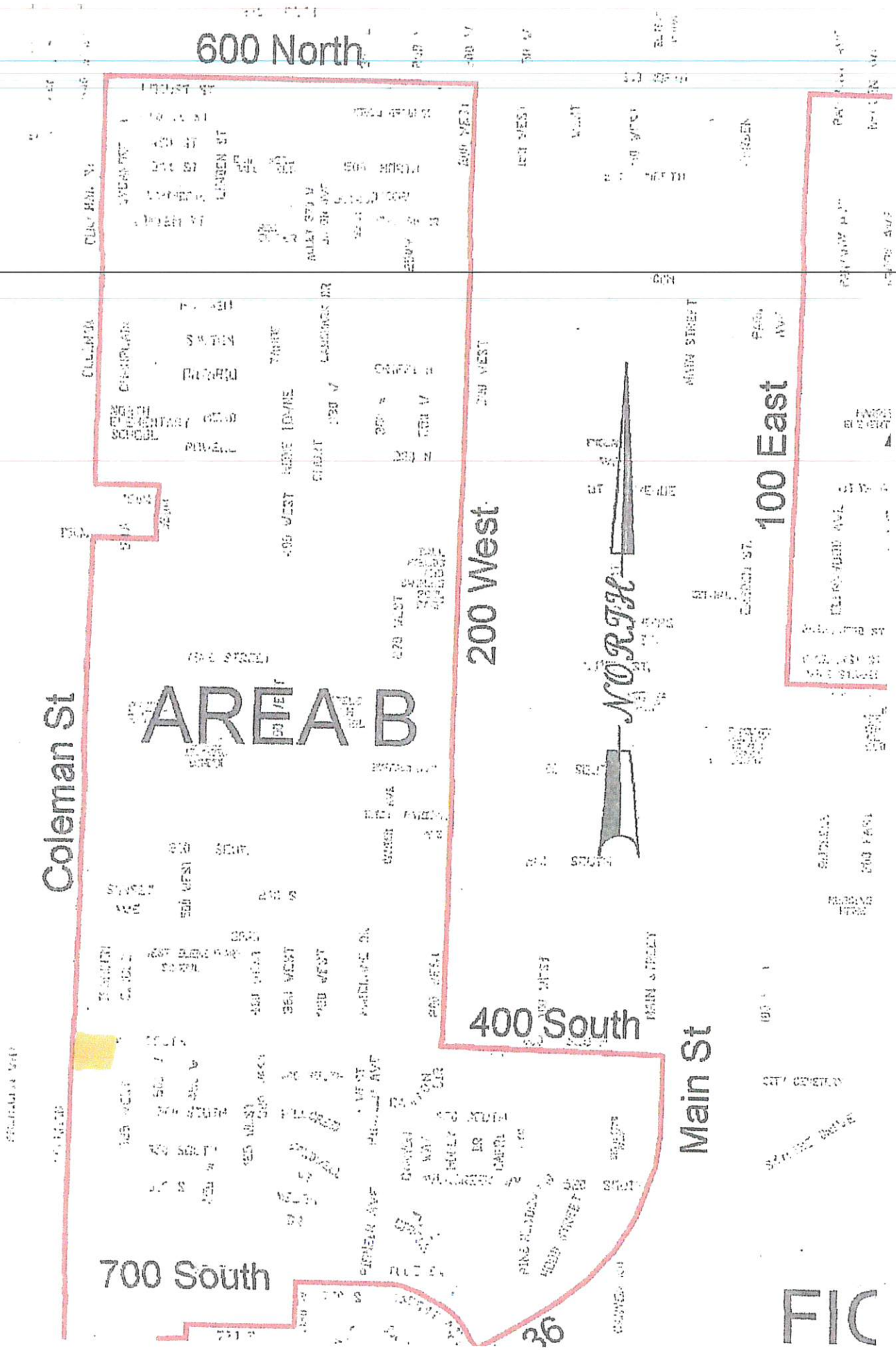
By permitting 80% of the minimum lot size requirement for lots within the In-Fill Overlay, it will enable greater flexibility for larger lots to subdivide and enable greater development opportunities for properties within the In-Fill area. In addition to generating additional property taxes, this will also help with the Tooele City goal of encouraging development of lots and parcels within the In-Fill Overlay Area by utilizing land that has existing public infrastructure and services.

The amendment is necessary to allow my parcel # 02-075-0-0003 (in Geographic Area B) which is 0.28 Acres to be divided into two 0.14 acre lots. These 2 new lots (0.14ac. each) would then be the same size and more uniform with six of the neighboring lots which are all also 0.14 Acres each (see Interactive Parcel Map). The current requirement for is 0.16 Acres for a lot.

Interactive Parcel Map Layer Search

Interactive Parcel Map Layer Search




600 North
200 West
100 East
Coleman St
AREA B
NORTH
400 South
Main St
700 South

36

FIC

TOOELE CITY CORPORATION

ORDINANCE 2023-40

AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE SECTION 11-1-12 REGARDING CAMPING.

WHEREAS, Utah Constitution, Article XI, Section 5 directly confers upon Utah's charter cities, including Tooele City, "the authority to exercise all powers relating to municipal affairs, and to adopt and enforce within its limits, local police, sanitary and similar regulations not in conflict with the general law"; and,

WHEREAS, Utah Code Section 10-8-84 enables Tooele City to "pass all ordinances and rules, and make all regulations . . . as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city"; and,

WHEREAS, Tooele City Code Sections 7-1-5 and 7-14-3 and Chapter 7-14 Table 1 define and regulate the land use of "campground"; and,

WHEREAS, camping is intended for recreation purposes, not as a means of habitation or housing; and,

WHEREAS, allowing camping on public properties at all, and on private properties for habitation, is contrary to the public interest in that it creates public health, sanitation, and safety risks, and well as the appearance of blight; and,

WHEREAS, allowing camping on public properties like streets, sidewalks, buildings, grounds, and parks is contrary to the public interest in that it discourages the use of those properties by the general public for their intended uses, e.g., obstructing pedestrian traffic on sidewalks; and,

WHEREAS, the City Council acknowledges the principle of private property rights and allowing property owners to use their properties as the owners desire, but must exercise their fiduciary duty to the public to regulate the use of private property when uses create public health, sanitation, and safety risks, as well as blight; and,

WHEREAS, on October 20, 2021, the City passed Ordinance 2021-36 and enacted TCC Section 11-1-12, to prohibit camping on public property except as permitted by the City, and to prohibit longer-term habitational camping on private property, as a way of balancing a respect for private property rights and the need to preserve the public health, safety, and welfare; and,

WHEREAS, the City Administration proposes to expand and clarify the definition of camping in order to better achieve the purposes and policies set forth in Ordinance 2021-36 and this ordinance:

NOW, THEREFORE, BE IT ORDAINED BY TOOELE CITY that Tooele City Code Section 11-1-12 regarding Unlawful Camping is hereby amended, as shown in Exhibit A.

This Ordinance shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this ____ day of _____, 2023.

TOOELE CITY COUNCIL

(For) (Against)

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved) (Disapproved)

_____ _____

ATTEST:

_____
Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form: _____
Roger Evans Baker, City Attorney

Exhibit A

Proposed TCC Section 11-1-12
Unlawful Camping

authorized representative of the entity, to allow a minor to enter any portion of the business premises which is closed to minors pursuant to the requirements of this chapter; the standard of care imposed is negligence.

(e) It shall be unlawful for any adult person having care, custody, or control of a minor, or any adult person directly accompanying a minor, to knowingly permit the minor to enter any portion of a business which is closed to minors pursuant to the provisions of this chapter.

(f) It shall be unlawful for the owner or lessor of any real property to knowingly allow the property to be used in violation of any part of this chapter.

(g) It shall be an affirmative defense to prosecution under this chapter that the minor produced state-issued, picture identification which indicated that the minor was nineteen or older, and after examining the identification and observing the minor, a reasonable person would have concluded that the minor was nineteen or older; a person or entity may not reasonably rely upon any form of identification which readily appears to have been altered or fraudulently used.

(h) The prosecution shall not be required to introduce expert testimony or scientific evidence to establish a community standard with respect to minors and harmful material.

(i) A violation of any portion of this subsection shall be a class B misdemeanor with a minimum fine of $400 for each separate offense. Upon a second conviction and all subsequent convictions, the minimum fine shall be $600. Each day that a violation continues shall constitute a separate offense.

(5) Severability.

In the event that any provision of this Chapter is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in effect.
(Ord. 1999-18, 06-16-1999)

11-1-11. Park closure – permits – penalty.

(1) All city-owned public parks shall be closed to all persons between the hours of 11:00 p.m. and 6:00 a.m. unless otherwise signed. All city-owned skating facilities shall be closed to all persons between the hours of 10:00 p.m. and 6:00 a.m. unless otherwise signed. For purposes of this Section, the public right-of-way (including streets, sidewalks, and park strips) adjacent to a park is not considered part of the park. In exceptional circumstances, and for periods not to exceed 60 days, the Mayor may authorize signage setting different closure hours for individual parks.

(2) The Parks and Recreation Department may issue permits to persons desiring to occupy a public park or skating facility during closure hours.

(3) All persons in a city-owned public park or skating facility during closure hours, without a valid permit, shall be in violation of Utah Code §76-6-206 (Criminal Trespass), as amended.
(Ord. 2010-08, 10-06-2010)

11-1-12. Unlawful Camping.

(1) It shall be unlawful for any person to camp on public grounds, except as follows:

(a) in cases of local emergency as declared by the Mayor; or,

(b) with a City permit or other City written authorization.

(2) For any person camping in violation of this Section, it shall be unlawful for that person to fail to remove that person's camping equipment within 30 minutes of being requested to do so by a police officer.

(3) It shall be unlawful for any person to camp on private land outside of a legal campground for more than five consecutive days or nights, or for more than five days or nights in any given calendar month.

(4) Definitions.

(a) "Camp" or "camping" means any act taken for the apparent purpose of establishing temporary or permanent living or sleeping accommodations, and includes the following: erecting a tent or shelter of any material; using or preparing a sleeping bag or other bedding material, including a blanket; storing personal belongings; cooking or making a fire in a place that has not been authorized or established for those uses; and, parking a motor vehicle, motor home, recreational vehicle, camper, or trailer for the apparent primary purpose of sleeping.

(b) When a park is open to the public, "camp" or "camping" shall not mean periods of brief napping or the temporary use of umbrella, canopy, or other sheltering materials for picnicking, sporting events, or other temporary recreational activities in that park.~~live in a tent, fly, lean-to, tarpaulin, or any other type of camping equipment, for any length of time.~~

(~~b~~c) "Public grounds" means any land owned or operated by Tooele City.

(5) Violations and Penalties. A violation of this section shall constitute a class C misdemeanor.
(Ord. 2021-36, 10-20-2021)