

**Mayor**  
Kenneth Romney

# **WEST BOUNTIFUL CITY**

**City Administrator**  
Duane Huffman

**City Council**  
James Ahlstrom  
Dell Butterfield  
Kelly Enquist  
Jenn Nielsen  
Mark Preece

550 North 800 West  
West Bountiful, Utah 84087

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**City Recorder**  
Remington Whiting

**City Engineer**  
Kris Nilsen

**Public Works Director**  
Steve Maughan

## **THE WEST BOUNTIFUL CITY COUNCIL WILL HOLD A REGULAR MEETING AT 7:30 PM ON TUESDAY, MAY 7, 2024, AT THE CITY OFFICES**

*Invocation/Thought – Jenn Nielsen; Pledge of Allegiance – Dell Butterfield*

1. Approve Agenda.
2. Public Comment - Two minutes per person; five minutes if on behalf of a group.
3. Public Hearing – Loveland Holdings LLC Proposed Annexation of 5.139 acres at approx. 1275 W 1600 N.
4. Ordinance #484-24, An Ordinance Amending the Municipal Zoning Map, Annexing Certain Real Property and Extending the Corporate Limits of West Bountiful City, Utah (for approximately 5.139 acres at 1275 W 1600 N).
5. Ordinance #485-24, An Ordinance Amending the West Bountiful Municipal Code 16.12.060 Regarding Flag Lots.
6. Presentation of Fiscal Year 2024/2025 Tentative Budget.
7. Ordinance #486-24, An Ordinance Enacting Title 8.14 of the West Bountiful Municipal Code Related to Sleeping and Camping on Public Property.
8. Consider Purchase Approval of Golf Course Cart Path Improvements for \$21,142.50.
9. Meeting Minutes from April 16, 2024.
10. Staff Reports–Police, Public Works, Engineering, Community Development, Admin.
11. Mayor/Council Reports.
12. Closed Session, if necessary, for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
13. Adjourn.

*The above agenda was posted on the State Public Notice website ([Utah.gov/pmn](http://Utah.gov/pmn)), the city website ([WBCity.org](http://WBCity.org)), posted at city hall, and emailed to the Mayor and City Council on May 3, 2024, by Remington Whiting, City Recorder.*

# MEMORANDUM



**TO:** Planning Commission

**DATE:** May 7, 2024

**FROM:** Addison Jenkins

**RE:** Public Hearing, Zoning Assignment, and Annexation  
Loveland Holdings LLC – 1275 W 1600 North

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Loveland Holdings LLC has petitioned the city to annex a 5.139-acre parcel of land at 1275 W 1600 N where Suzy and Dan Loveland have conducted various landscape operations since 1990. At this meeting, the city council will hold a public hearing, and potentially vote to approve or deny the annexation petition. If the annexation is approved, then a zoning designation will also be assigned.

## REGULATORY REQUIREMENTS & BACKGROUND

A Notice of Intent to Annex was initially submitted by the Lovelands on October 5, 2022, and certified by Davis County on October 19, 2022. After some delays related to potentially expanding the annexation area in conjunction with Davis County, the next step of submitting an Annexation Petition was completed on January 16, 2024. The Annexation Petition was accepted by the city council on March 8, 2024. On March 20<sup>th</sup>, the petition was certified by the city recorder.

Notice of the Certified Petition was mailed to all affected entities on March 26, 2024, and noticed in accordance with Utah Code section 10-2-406, setting a protest deadline of April 19, 2024. No protests have been received.

On April 23<sup>rd</sup>, the planning commission held a public hearing and discussed various zoning options for this parcel. Ultimately, the commission voted unanimously to recommend a zoning assignment of Agricultural District (A-1) with the continuation of the current operations as legal non-conforming uses.

After the public hearing at the city council meeting on May 7<sup>th</sup>, the statutory considerations will have been satisfied for the city council to consider an ordinance pertaining to the annexation request.

## ANNEXATION CONSIDERATIONS

In reviewing this annexation petition, staff notes the following:

- The land is within the city's long-standing annexation plan;
- The land is contiguous to existing city boundaries, and its annexation would not create any islands of unincorporated land;

- The land has adequate frontage on an existing public road;
- The property owners want to have the land annexed into the city;
- Staff can see no negative effects of annexing the land into the city.

### ZONING CONSIDERATIONS

The land under consideration is included in the city's General Plan and annexation plan. It is planned in those documents to be zoned as agricultural. It is currently adjacent to properties on the north, south, and east in the A-1 zone.

While much of the current use of this property is shares aspects of agricultural uses, the growing of landscape products for wholesale, landscape contracting, seasonal retail, and seasonal property care aspects of Loveland Holdings would fall under uses not permitted or conditional in the A-1 zone. The greenhouse and nursery operations for wholesaling would typically be classified as "Landscape Supply" which is a permitted use in the A-S zone. The retail operations would typically be classified as "General Merchandise Sales" which is permitted in the C-N and C-G zones. The landscape contracting, lawn care and snow removal operations would typically be classified as "Lawn and Yard Care" and "Contractor Offices" which are permitted in the C-H zone.

At their April 23<sup>rd</sup> meeting, the planning commission recommended that the land be annexed under the A-1 designation, with the current uses being considered legally non-conforming. With the legal non-conforming designation, these operations can be continued but not expanded. However, the commission also acknowledged the intent to grant the expansion of the non-conforming uses for construction of two additional structures shown in their submitted site plan. While the commission suggested an agreement between the cities and the owners on the non-conforming uses, staff and legal counsel believe that documentation within the enacting annexation ordinance is sufficient.

Staff concurs that zoning the property as A-1 with continuation of the legal non-conforming uses is the best and simplest option as it does not pose potential unintended city-wide impacts from amending existing zones and avoids the difficulty of creating an entirely new zone or overlay solely for one property. Staff is not aware of any negative community impacts from the current long-standing operations.

### RECCOMENDATION

Staff recommends the city council vote to adopt Ordinance 484-24 approving the annexation and accepting the planning commission's recommendation of the A-1 zoning assignment.

# **WEST BOUNTIFUL CITY**

## **ORDINANCE #484-24**

### **AN ORDINANCE AMENDING THE MUNICIPAL ZONING MAP, ANNEXING CERTAIN REAL PROPERTY, AND EXTENDING THE CORPORATE LIMITS OF WEST BOUNTIFUL CITY, UTAH**

**WHEREAS**, an Annexation Petition was received on January 16, 2024, for property known as Davis County Parcel No. 06-027-0140, located at approximately 1275 West 1600 North, West Bountiful (collectively, the “*Real Property*”); and

**WHEREAS**, the Real Property consists of approximately 5.139 acres and is contiguous to the corporate boundaries of West Bountiful City; and

**WHEREAS**, the Real Property is within the City’s Annexation Policy Plan; and

**WHEREAS**, the City Council accepted the Annexation Petition on March 8, 2024; and

**WHEREAS**, the City Council received notice of Certification of the Petition from the City Recorder on March 20, 2024; and

**WHEREAS**, neither Davis County nor the City has received any written protest to the annexation; and

**WHEREAS**, the West Bountiful City Planning Commission held a public hearing on April 23, 2024, and made a recommendation that the Real Property be assigned to the Agricultural District (“*A-1*”) for zoning purposes; and

**WHEREAS**, on May 7, 2024, the City Council held a public hearing after proper notice; and

**WHEREAS**, the council has determined that it is in the best interest of the health, safety, and welfare of the City and its residents to annex the Real Property.

**NOW, THEREFORE BE IT ORDAINED BY THE WEST BOUNTIFUL CITY COUNCIL  
THAT PURSUANT TO UTAH CODE ANNOTATED TITLE 10, CHAPTER 2:**

1. The Real Property, which is more particularly described in Paragraph 2, below, is hereby annexed to West Bountiful, Utah, and the corporate limits of West Bountiful, Utah, are hereby extended accordingly.
2. The Real Property is described as follows:

ANNEX PARCEL DESCRIPTION

*BEGINNING AT A POINT ON A WEST LINE OF THE CORPORATE LIMITS OF WEST BOUNTIFUL CITY, SAID POINT IS SOUTH 89°47'11" WEST 775.06 FEET ALONG THE QUARTER SECTION LINE AND SOUTH 00°32'10" EAST 364.73 FEET FROM THE CENTER QUARTER OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN (DAVIS COUNTY SURVEYOR'S GROUND*

*BEARING BASE), DAVIS COUNTY, UTAH, SAID POINT IS ALSO SOUTH 00°32'10" EAST 22.73 FEET FROM A CORNER OF SAID CORPORATE LIMITS AS DEPICTED ON A LOCAL ENTITY PLAT RECORDED*

*AS ENTRY #1511540 IN THE OFFICE OF THE DAVIS COUNTY RECORDER (D.C.R.), AND RUNNING THENCE SOUTH 00°32'10" EAST 714.25 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF 1400 NORTH STREET; THENCE NORTH 89°51'07" WEST 314.47 FEET ALONG SAID NORTH LINE; THENCE NORTH 00°24'07" WEST 713.24 FEET; THENCE NORTH 89°57'59" EAST 312.79 FEET TO THE POINT OF BEGINNING.*

*CONTAINS 5.139 ACRES.*

3. The zoning map of West Bountiful City shall be amended to include the Real Property described in paragraph 2, above.
4. The Real Property shall be classified as being in the Agricultural District ("A-1") in accordance with the provisions of Title 17 of the West Bountiful Municipal Code.
5. All uses existing within the annexation area that are considered to be legally conforming to Davis County's current zoning and regulations but do not conform to West Bountiful City's A-1 restrictions and regulations are considered to be legally non-conforming. The following specific uses existing within the annexation area are considered to be legally non-conforming:
  - a. Greenhouse and nursery operations for landscape wholesales.
  - b. Retail sales of plants grown on-site. Open from mid-April through Father's Day, and then again for the month of September to mid-October. Online sales throughout the growing season.
  - c. A landscape business that conducts design build services and seasonal lawn care and snow removal. This business operates with 5 full-time management/office employees; 12-15 landscape maintenance employees; and 9-12 landscape construction employees.
  - d. The current structures and uses shown on the attached **Exhibit A**. The city acknowledges the petitioners' intent to apply for an expansion of the legally non-conforming use to construct two additional buildings as shown on **Exhibit A** (Future Building 4 – greenhouse storage, soil, etc.; Future Building 5 – off-season equipment storage).

6. All uses existing within the annexation area that are considered to be illegally non-conforming to Davis County current zoning restrictions and regulations are considered to be illegally non-conforming to West Bountiful City's A-1 restrictions and regulations and continued enforcement of such non-conforming action will be pursued.
7. A Notice of Impending Action and copy of final Local Entity Plat approved by the county surveyor will be filed with the Lieutenant Governor's office within sixty days of adoption of this Ordinance.
8. Upon the Lieutenant Governor's issuance of a Certificate of Annexation, a certified copy of this Ordinance and an original plat setting forth the property so annexed shall be filed with the County Recorder of Davis County, Utah, by the City Recorder.

This Ordinance will become effective upon signing and posting.

Adopted this 7<sup>th</sup> day of May, 2024.

By:

\_\_\_\_\_  
Kenneth Romney, Mayor

<u>Voting by the City Council:</u>	<u>Aye</u>	<u>Nay</u>
Councilmember Ahlstrom	_____	_____
Councilmember Butterfield	_____	_____
Councilmember Enquist	_____	_____
Councilmember Nielsen	_____	_____
Councilmember Preece	_____	_____

*Attest:*

\_\_\_\_\_  
Remington Whiting, City Recorder

# Exhibit A

LOVELAND GARDENS, INC. - GREENHOUSE AND NURSERY

GUTTER CONNECTED GREENHOUSE WAS REPAIRED AND COVERED IN 2009 IN ORDER TO FACILITATE A WHOLESALE GROWING OPERATION.

THE WHOLESALE OPERATION WAS PRIMARILY FOR LOVELAND LANDSCAPE AND BECAME A NECESSITY WHEN PINEAL GREENHOUSES SOLD AND MOVED TO WEBER COUNTY. LOVELAND GARDENS OPENED UP A SHORT WINDOW FOR RETAIL OUTLET SALES IN MARCH 2015 DUE TO INCREASED INTEREST AND REQUESTS FROM THE LOCAL COMMUNITY. THE RETAIL PORTION OF THE GH/NURSERY IS OPEN FROM MID-APRIL THROUGH FATHERS DAY, AND THEN AGAIN FOR THE MONTH OF SEPTEMBER TO MID-OCTOBER. ONLINE SALES IS CURRENTLY OPEN THROUGHOUT THE GROWING SEASON, HOWEVER HAS RECEIVED LIMITED INTEREST TO DATE.

STAFFING:  
2 F/T YEAR ROUND  
1 SEASONAL F/T MARCH-AUGUST  
4 SEASONAL P/T MARCH-MID-JUNE

BINS FOR BULK LANDSCAPE SUPPLIES

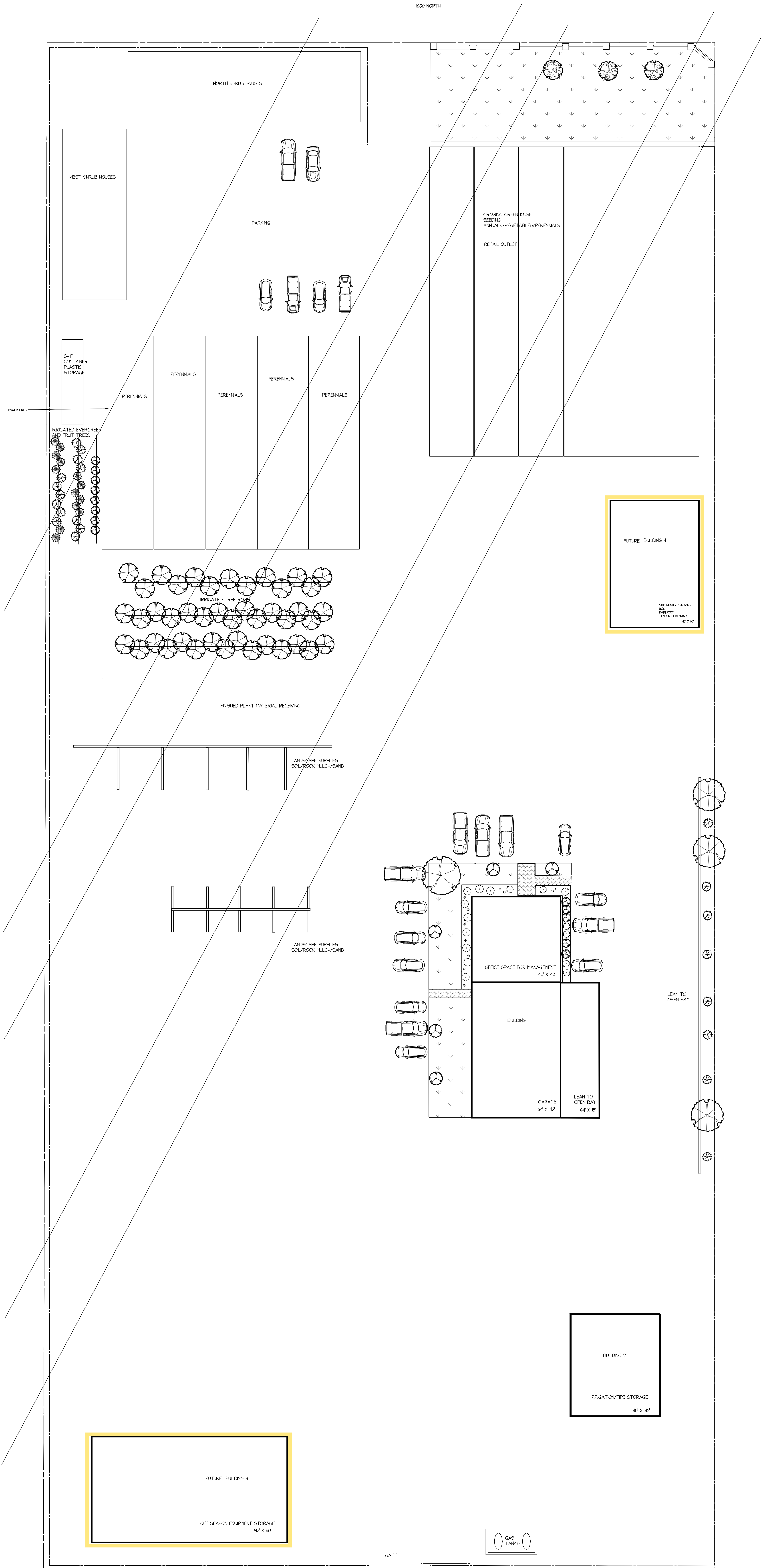
BINS FOR BULK LANDSCAPE SUPPLIES CONTAIN DECORATIVE ROCK, BARK MULCH, SOIL MIXES, SAND AND GRAVEL. BINS ARE USED BY LOVELAND GARDENS, AND LOVELAND LANDSCAPE.

LOVELAND LANDSCAPE AND GARDENS, INC. - DESIGN/BUILD LANDSCAPE CONSTRUCTION AND MAINTENANCE

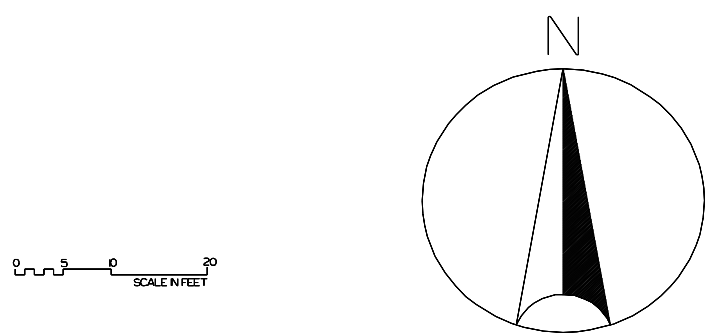
LOVELAND LANDSCAPE IS A DESIGN BUILD LANDSCAPE COMPANY WITH SEASONAL LANDSCAPE AND SNOW REMOVAL.

LANDSCAPE OPERATIONS:  
MARCH-NOVEMBER (WEATHER DEPENDANT)  
MONDAY-THURSDAY 7 AM-5:30 PM  
6 F/T YEAR ROUND MANAGEMENT/OFFICE  
20-25 F/T SEASONAL EMPLOYEES  
CONSTRUCTION DIVISION (14-12 EMPLOYEES) MEET AT JOBSITE WITH OWN VEHICLES AND DO NOT CLOCK IN AT THE YARD.  
MAINTENANCE DIVISION (11-8 EMPLOYEES) CLOCK-IN AT THE YARD, HOWEVER SEVERAL CAR-POOL.

SNOW REMOVAL OPERATIONS:  
DECEMBER-FEBRUARY (WEATHER DEPENDANT)  
AS NEEDED DURING SNOW/ICE EVENTS  
25 F/T EMPLOYEES  
SNOW REMOVAL TEAMS GATHER AT DESIGNATED AREAS AROUND THE VALLEY CLOSE TO CONTRACTED PROPERTIES.  
TRUCKS AND EQUIPMENT ARE STORED CLOSE TO/ON CONTRACTED PROPERTIES.



LOVELAND HOLDINGS, LLC		
1275 WEST 1600 NORTH WEST BOUNTIFUL		
client:	date:	revision:
scale: 1" = 20'		
drawn by: S. LOVELAND	checked by:	drawing #:



# MEMORANDUM



**TO: Planning Commission**

**DATE: May 7, 2024**

**FROM: Addison Jenkins**

**RE: Text Change Application Regarding Flag Lots**

This memo introduces text change application by Chance Pope regarding flag lot regulations to the city council. The planning commission has considered this proposal at their April 9<sup>th</sup> and April 23<sup>rd</sup> meetings, held a public hearing, and made a positive recommendation on language modified from the original application. An ordinance for consideration is prepared for the May 7<sup>th</sup> council meeting.

## Background

Chance Pope and Kevin Thacker are currently working to develop a residential property in the form of a flag lot behind the residence at 1188 W 400 North. All of the land is located in the A-1 zone. Mr. Pope and his engineer have discussed and considered multiple ways of meeting the city's requirements to create a buildable lot. After consulting with staff on several options, he petitioned the city to change the way the lot size of flag lots are calculated.

## Proposal

Currently the city code regarding flag lots prohibits the staff of the flag lot from being used when calculating the area of the lot for purposes of determining whether the lot meets the requirements of the applicable zone. For example, to meet the required 1-acre lot size in the A-1 zone, the staff cannot be used in the area calculation. (see WBMC 16.12.060 D).

Mr. Pope's request was to simply allow the staff of a flag lot to be used in the lot area calculation (see attached application).

## Commission Review

Upon initial review, the planning commission questioned the potential impact across the city. Subsequent staff analysis demonstrated that the proposed change would be applicable to very few existing properties.

Since flag lots are already conditionally permitted in all three residential zones, and the minimum lot size regulations would still apply, any existing lot that is smaller in area than twice the minimum lot size for the zone is not eligible for a flag lot. Any lot that is bigger than twice the minimum lot size *plus* enough area to create a staff is already permissible under the current code. Thus, this text change would only potentially affect a narrow range of lots whose area falls between twice the minimum lot size and twice the minimum lot size *plus* twice the size of a maximum necessary staff. As illustrated in the table below and the attached map, staff estimates 7 existing properties that could potentially add a flag lot based on the proposed change.

	Min acres	Max acres	Lots Impacted
A-1	2.000	2.367	0
R-1-22	1.000	1.367	7
R-1-10	0.465	0.832	0



Additionally, any lot that could potentially be subdivided would need enough frontage for a lot plus the 20-foot minimum flag lot staff width. Very few lots have more than the minimum required frontage. Any proposed lot would still be constrained by rear and side yard setback requirements which ensure the “flag” of a flag is not too small (see attached diagram).

It should be noted that the staff analysis applies to lots and parcels as currently constituted. If properties are combined/modified (as in the case with the Pope/Thacker properties) or homes are demolished and re-designed on existing lots, this change could potentially be used in other areas.

Finally, it is critical to note that in any case the proposed modification does not fundamentally alter the character of any zone in terms of density, as the minimum lot area is still required to meet the zone’s requirement.

#### Planning Commission Recommendation

The planning commission voted unanimously to recommend this text change but limit it only to the A-1 zone. As any change to land use regulations can have unintended or unforeseen impacts, the commission felt it prudent to allow this change in the portion of the city with the largest lots, minimizing any potential negative affect.

#### Council Action

An ordinance based on the planning commission’s recommendation is prepared for the council’s consideration. At this point, the council may approve, deny, further modify, or continue to work on this proposal.

# WEST BOUNTIFUL CURRENT ZONING MAP

## Legend

- CITY BOUNDARY
- HISTORIC OVERLAY
- UNINCORPORATED DAVIS COUNTY

## Current Zoning

- |  |   |
|--|---|
| <span style="display: inline-block; width: 20px; height: 10px; background-color: yellow; margin-right: 5px;"></span> R-1-10  | <span style="display: inline-block; width: 20px; height: 10px; background-color: magenta; margin-right: 5px;"></span> C-G   |
| <span style="display: inline-block; width: 20px; height: 10px; background-color: orange; margin-right: 5px;"></span> R-1-22  | <span style="display: inline-block; width: 20px; height: 10px; background-color: pink; margin-right: 5px;"></span> L-I      |
| <span style="display: inline-block; width: 20px; height: 10px; background-color: green; margin-right: 5px;"></span> A-1      | <span style="display: inline-block; width: 20px; height: 10px; background-color: red; margin-right: 5px;"></span> I-G       |
| <span style="display: inline-block; width: 20px; height: 10px; background-color: lightgreen; margin-right: 5px;"></span> A-S | <span style="display: inline-block; width: 20px; height: 10px; background-color: peachpuff; margin-right: 5px;"></span> C-H |
|  | <span style="display: inline-block; width: 20px; height: 10px; background-color: blue; margin-right: 5px;"></span> C-N      |



NEW FLAG LOT IF STAFF COUNTS  
IN 22,000 SF MINIMUM AREA

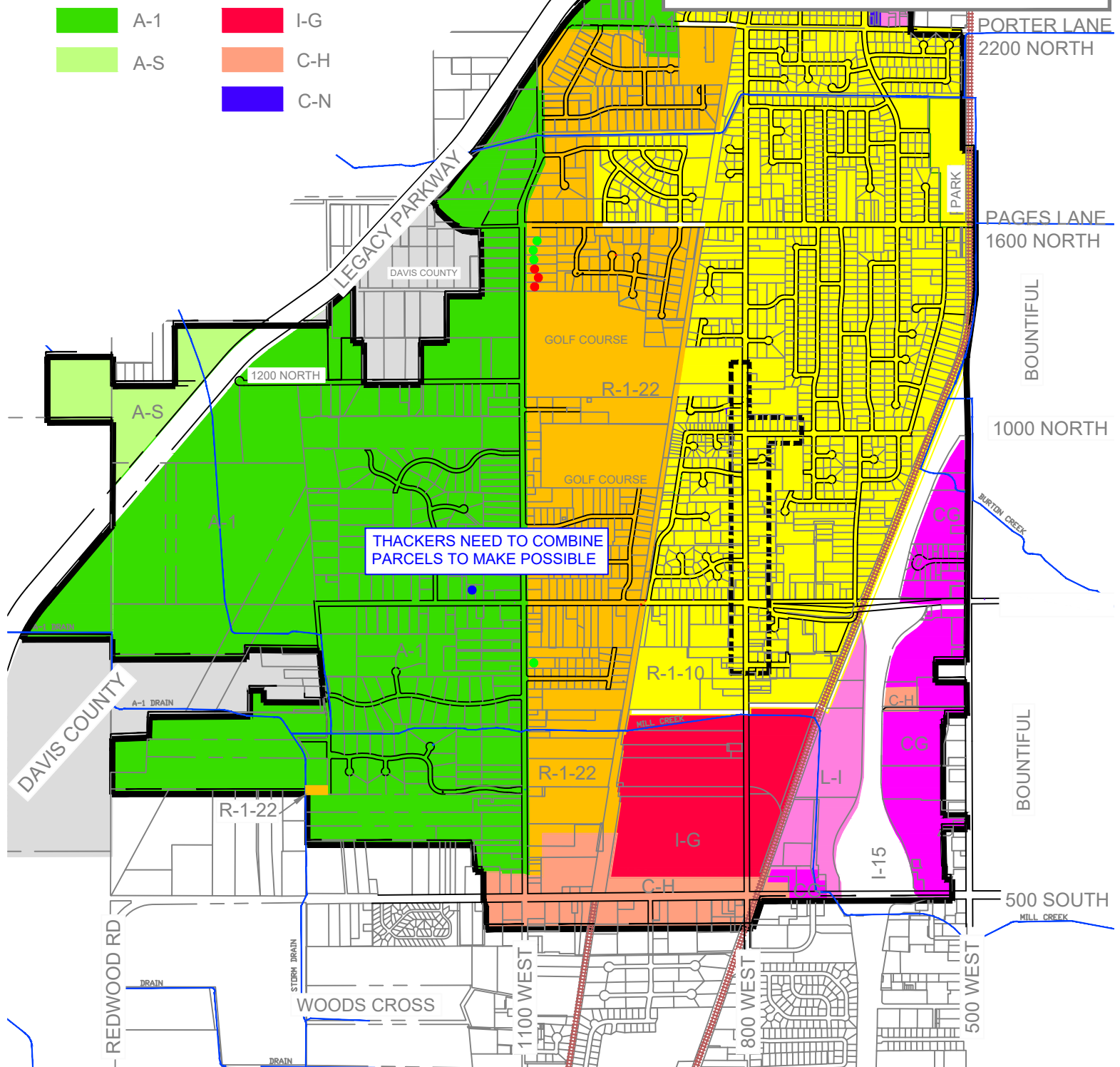
●  
3

NEW FLAG LOT IF STAFF COUNTS  
IN 22,000 SF MINIMUM AREA, BUT  
WOULD REQUIRE DEMO OF  
EXISTING STRUCTURE

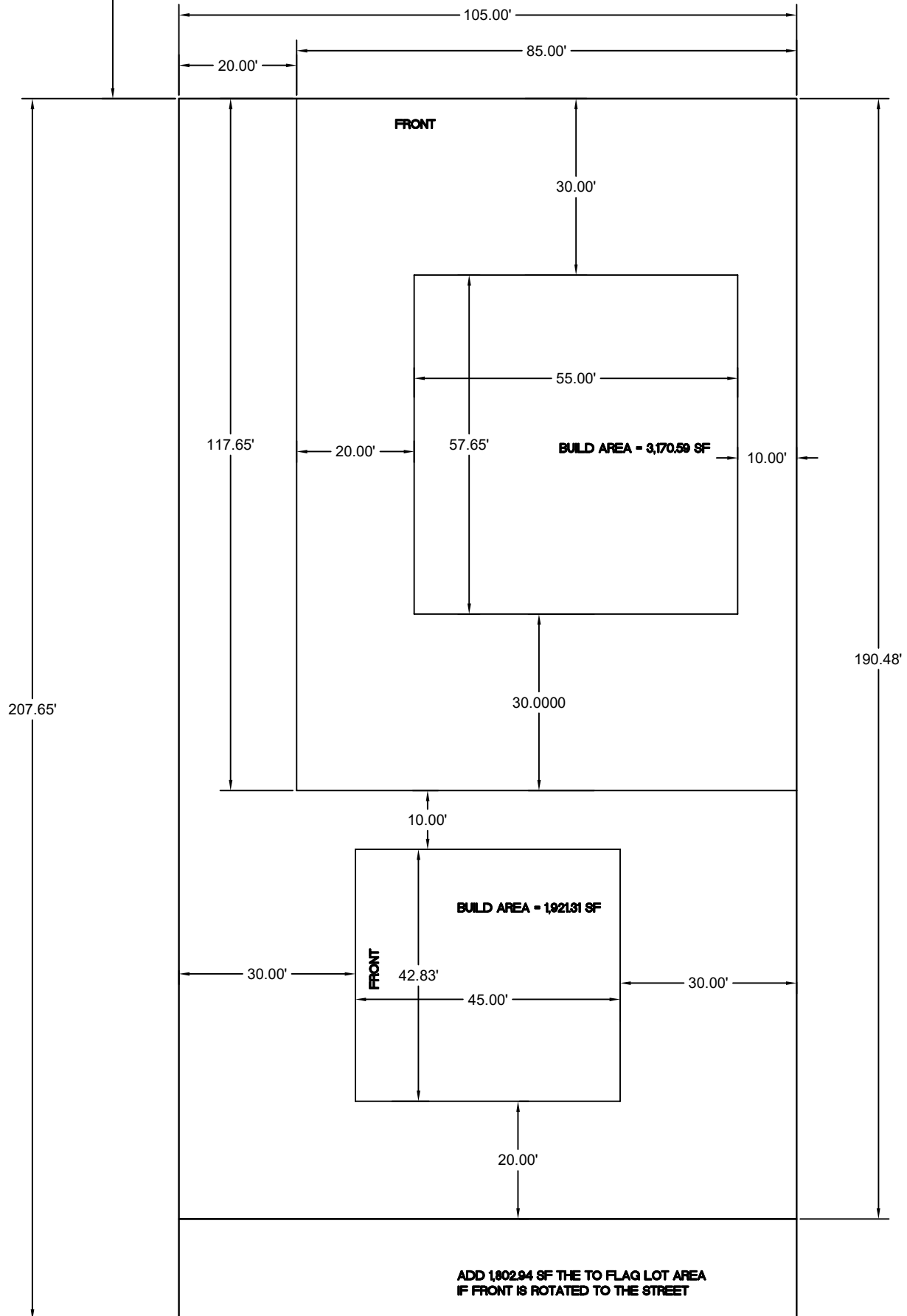
●  
4

THACKER'S NEED TO COMBINE  
MULTIPLE PARCELS FIRST.

●



ORIGINAL LOT OR PARCEL AREA 20,000 SF (0.459 ACRE)  
NEW LOT AREA 10,000 SF  
NEW FLAG LOT AREA )INCLUDES STAFF =10,000 SF





# APPLICATION TO REZONE/CHANGE TEXT

**West Bountiful City**  
**PLANNING AND ZONING**  
550 N 800 W  
West Bountiful, UT 84087  
(801) 292-4486  
www.WBCity.org

**PROPERTY ADDRESS:** 1188 W. 400 N. **DATE OF APPLICATION:** 4/3/2024

**PARCEL NUMBER:** 06:032:0142 and others **CURRENT ZONE:** A-1 **PROPOSED ZONE:** A-1

**LEGAL DESCRIPTION ATTACHED:** YES NO ☒ X

**Applicant Name(s):** Chance Pope

**Applicant Address (if different than above):**

**Primary phone:** 801-668-9536 **E-mail address:** chance@mossindustrial.com

**Describe in detail the request being made and the reasons why the change will benefit the people of West Bountiful. A separate sheet with additional information may be submitted if necessary.**

I would like to propose a text amendment to 16.12.060 (D)(6) as seen below:

6. The ~~body of the~~ lot shall meet the lot size and dimensional requirements of the applicable zone. ~~The staff area shall not be used in computing lot size.~~  
Proposed buildings shall comply with the minimum setbacks required for the zone. Determinations as to which are the front, side, and rear setbacks shall be made at the time of the subdivision application and shall be designated on the plat.

I hereby apply to change text in the West Bountiful Municipal Code, or rezone the property identified above in accordance with the provisions of Utah State Code 10-9a-503. I certify that the above information is true and correct to the best of my knowledge.

**Date:** 4-3-24

**Applicant Signature:** 

## FOR OFFICIAL USE ONLY

**Application & \$150 Fee Received Date:**

**Public Hearing Date:**

**Letters sent to affected neighbors:**

**Public Notice Sign Placed**

**Planning Commission Approval:**

**City Council Approval:**

# WEST BOUNTIFUL CITY

ORDINANCE #485-24

## AN ORDINANCE AMENDING THE WEST BOUNTIFUL MUNICIPAL CODE 16.12.060 REGARDING FLAG LOTS

**WHEREAS**, West Bountiful City is empowered to adopt and amend general laws and land use ordinances pursuant to Utah State law (§10-9a-101 et seq.) and under corresponding sections of the West Bountiful City Code; and

**WHEREAS**, the West Bountiful City Council desires to maintain land use regulations that meet the needs of its residents; and

**WHEREAS**, it was determined that there was need for modifications to West Bountiful City Code regarding flat lots; and

**WHEREAS**, the West Bountiful Planning Commission held a properly noticed public hearing on April 23, 2024, to consider the proposed modifications and forwarded a positive recommendation to the City Council.

**NOW THEREFORE, BE IT ORDAINED** by the City Council of West Bountiful that the West Bountiful Municipal Code be modified as shown in Exhibit A.

This Ordinance shall take effect immediately upon signing and posting.

Adopted this 7<sup>th</sup> day of May 2024.

By:

---

Ken Romney, Mayor

Voting by the City Council:	<u>AYE</u>	<u>NAY</u>
Councilmember Ahlstrom	_____	_____
Councilmember Butterfield	_____	_____
Councilmember Enquist	_____	_____
Councilmember Nielsen	_____	_____
Councilmember Preece	_____	_____

ATTEST:

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Remington Whiting, City Recorder

**FLAG LOT UPDATE-WBMC 17.76**

**16.12 Design Requirements**

16.12.060 Lots

- D. Flag lots will only be allowed where traditional lot development is not feasible. Such lots shall meet the following criteria:
6. The ~~body of the~~ lot shall meet the ~~lot~~-size and dimensional requirements of the applicable zone. The staff area shall not be used in computing lot size [in the R-1-22 and R-1-10 zones](#). Proposed buildings shall comply with the minimum setbacks required for the zone. Determinations as to which are the front, side, and rear setbacks shall be made at the time of the subdivision application and shall be designated on the plat.

# MEMORANDUM



**TO:** Mayor and City Council

**DATE:** May 1, 2024

**FROM:** Brandon Erekson, Chief of Police

**RE:** **Draft Urban Camping Ordinance**

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This memo presents a proposed ordinance addressing regulations concerning sleeping and camping on public property within the city.

## Background

Sleeping or camping on public property not designated for such creates issues regarding public safety, obstruction of pedestrian and vehicular traffic, and the well-being of individuals engaged in the act.

## Proposal

The draft ordinance aims to establish guidelines for activities like sleeping and camping on public property. Outlined in the ordinance are prohibitions against sleeping on specified public property without authorization and camping on public property, except under certain exceptions, such as authorization by the property owner or in specific circumstances like emergencies. The enforcement provisions are detailed, emphasizing the importance of avoiding the criminalization of homelessness and safeguarding constitutional rights. The ordinance attempts to strike a balance between enforcement and mitigating factors, such as the immediate removal of personal property and litter upon notification of violation.

# WEST BOUNTIFUL CITY

## ORDINANCE #486-24

### AN ORDINANCE ENACTING TITLE 8.14 OF WEST BOUNTIFUL MUNICIPAL CODE RELATED TO SLEEPING AND CAMPING ON PUBLIC PROPERTY

**WHEREAS**, the West Bountiful City has determined the need to enact provisions of the West Bountiful Municipal Code dealing with sleeping and camping on public property; and

**WHEREAS**, these regulations will protect and improve the health, safety, and welfare of the residents and visitors of West Bountiful; and

**WHEREAS**, the City Council has the authority to adopt this ordinance pursuant to Utah Code Annotated 10-3-702, and hereby exercises its legislative powers in so doing:

**NOW THEREFORE BE IT ORDAINED** by the city council of West Bountiful City that the West Bountiful Municipal Code Title 8.14 be enacted as shown in exhibit A.

This ordinance will become effective upon signing and posting.

Adopted this 7<sup>th</sup> day of May 2024.

By:

---

Ken Romney, Mayor

Voting by the City Council:	<u>AYE</u>	<u>NAY</u>
Councilmember Ahlstrom	_____	_____
Councilmember Butterfield	_____	_____
Councilmember Enquist	_____	_____
Councilmember Nielsen	_____	_____
Councilmember Preece	_____	_____

ATTEST:

---

Remington Whiting, City Recorder



## **8.14 Sleeping and Camping on Public Property**

### **8.14.010**

#### **Definitions.**

For the purpose of this Chapter the following terms, phrases, words, and their derivations shall have the meaning given herein:

**“Available overnight shelter”** means a public or private facility open to an individual or a family experiencing homelessness with an available overnight space to house the individual or family at no charge. Overnight shelter space shall be considered available if the individual is not permitted to use otherwise available overnight shelter space due to the individual’s voluntary actions, including, but not limited to, intoxication, drug use, unruly behavior, or violation of shelter rules.

**“Camp” or “camping”** means to set up or to remain in or at a campsite.

**“Campsite”** means any place where bedding, sleeping bag, or other material used for bedding purposes, or any stove or fire is placed, established, or maintained for the purpose of maintaining a place to dwell or sleep, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.

**“Parking strip”** means the area between a curb, or a place where a curb would be located if improvements were installed, and where a sidewalk is located or would be installed.

**“Personal property”** means any tangible item reasonably recognizable as belonging to a person and having apparent utility or monetary value.

**“Public property”** means any real property, building, or structure owned, used or leased by West Bountiful City or any department thereof, including, but not limited to, any sidewalk, street, parking strip, alley, lane, public right-of-way, park, open space, bench, equipment, and other similar property.

**“Reasonable notice”** means notice reasonably calculated under all the circumstances to apprise a person that camping is prohibited at a particular location and, where personal property is deposited, affording the person time to gather their personal property and depart.

### **8.14.020**

#### **Sleeping on Public Property Without Authorization Prohibited.**

West Bountiful City finds that sleeping on sidewalks, streets, parking strips, alleys, lanes, rights-of-way and within any publicly used ingress or egress to or from or within public property is unsafe as it obstructs pedestrian and/or vehicular traffic, and may place the person sleeping and/or the public in danger of harm. Therefore, except as may be otherwise expressly authorized by the City:

- (1) No person may sleep on any public sidewalk, street, parking strip, alley, lane, or public right-of-way.
- (2) No person may sleep in any publicly used ingress or egress to or from or within public property.
- (3) A violation of this Section after a request to cease and desist shall be unlawful and shall give rise to any remedy provided by law.

### **8.14.030**

#### **Camping on City Public Property Without Authorization Prohibited.**

No person may camp in or upon any public property, nor any property owned by other governmental entities that have posted notice prohibiting camping, unless:

- (1) The owner of the property has authorized the person to camp at that location;
- (2) Camping is specifically authorized by the issuance of a special event permit in accordance with the West Bountiful Municipal Code;
- (3) Camping is done for the purpose of watching a public parade.
- (4) Camping is necessary after the formal proclamation of an emergency in accordance with the West Bountiful Municipal Code;
- (5) Camping is otherwise specifically authorized by West Bountiful Municipal Code; or
- (6) The individual is on public property other than a sidewalk, street, parking strip, alleyway, lane, or public right-of-way, and there is no available overnight shelter.

#### **8.14.040**

##### **Removal of Unlawful Campsite.**

The authorized agents of West Bountiful City may remove a campsite from public property if:

- (1) After reasonable notice, the individual refuses to remove their personal property from the premises;
- (2) Personal property appears to be abandoned;
- (3) There is probable cause for law enforcement officials to believe that illegal activities other than camping are occurring at the campsite; or
- (4) There is immediate danger to human life, health or safety, including, but not limited to, possible contamination of public or private property by unsanitary and/or hazardous materials.

#### **8.14.050**

##### **Removal, Disposition and Release of Personal Property.**

Upon removal of a campsite, all litter, including items having no apparent utility or monetary value and items in an unsanitary condition, may be immediately discarded. All other personal property shall be gathered, retained, and released, with notice being provided to the property owner, in accordance with Utah Code Title 24, the Forfeiture and Disposition of Property Act; Utah Code Title 77, Chapter 24A, Lost or Mislaid Personal Property; and relevant West Bountiful Police Department policy.

#### **8.14.060**

##### **Enforcement and Mitigation.**

In enacting this Chapter, it is not West Bountiful City's intent to criminalize homelessness or violate a homeless person's constitutional rights. Likewise, the City does not wish to prohibit the ordinary recreational use of the parks such as picnicking on a blanket, or resting or sleeping in a park during normal park hours. Enforcement of this Chapter shall be undertaken to avoid such results.

Upon conviction for a violation of this Chapter, in addition to any other factors deemed appropriate by the Court, the Court shall consider in mitigation whether or not the person

immediately removed all personal property and litter, including, but not limited to, bottles, cans, and garbage from the campsite after being informed it was in violation of the law.

#### **8.14.070**

##### **Application to City Property Outside City Limits.**

This Chapter applies to public property owned by West Bountiful City that is located outside the City's municipal limits.

# MEMORANDUM



**TO:** Mayor and City Council

**DATE:** 5-3-24

**FROM:** Duane Huffman

**RE:** **Expenditure Approval – Cart Path Improvements at Lakeside - \$21,142.50**

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The city's procurement code requires that certain expenditures of \$10,000 or more first be approved by the city council. Approval is requested for the following:

1. Cart Path Improvements - \$21,142.50

This year's budget includes \$100,000 for cart path, and in the fall the council approved \$30,074 for work done at the tee box for Hole 13 (replacement); the fairway along Hole 13 (new); new asphalt at Hole 18.

For the spring season, staff identified work to include an overlay at the Hole 6 tee box; an overlay between Holes 12 and 13; a replacement of the removed asphalt at Hole 3; and the installation of a new asphalt pad in the maintenance shop area for material lay down.

Post Asphalt provided a quote of **\$21,142.50**, which is below the engineer's estimate. Post Asphalt has experience working on the course and an understanding of the special needs associated with limiting damage to the course.

Staff recommends moving forward as quickly as possible to install the asphalt to limit interference with the golf season.



# ASPHALT PAVING & CONSTRUCTION

<b>To:</b> West Bountiful City	<b>Contact:</b> Joshua Virostko
<b>Address:</b> West Bountiful, UT	<b>Phone:</b>
	<b>Fax:</b>
<b>Project Name:</b> Lakeside Goldf Course, West Bountiful	<b>Bid Number:</b>
<b>Project Location:</b> 1201 N 1100 W, West Bountiful, UT	<b>Bid Date:</b> 4/22/2024

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
<b>AREA #13</b>					
1	Clean Surface And Apply Tack Coat And Furnish Place & Compact 1/2" Level Course & 2" Overlay Of 1/2" APWA Asphalt With 15% Rap	3,075.00	SF	\$3.75	\$11,531.25
<b>Total Price for above AREA #13 Items:</b>					<b>\$11,531.25</b>
<b>AREA #6</b>					
2	Clean Surface And Apply Tack Coat And Furnish Place & Compact 1/2" Level Course & 2" Overlay Of 1/2" APWA Asphalt With 15% Rap	1,613.00	SF	\$3.75	\$6,048.75
<b>Total Price for above AREA #6 Items:</b>					<b>\$6,048.75</b>
<b>DUMP PAD</b>					
3	Fine Grade Existing Rod Base, Prepare Grade For Asphalt And Furnish Place & Compact 3" Of Asphalt	450.00	SF	\$4.75	\$2,137.50
<b>Total Price for above DUMP PAD Items:</b>					<b>\$2,137.50</b>
<b>AREA #3 GATE</b>					
4	Fine Grade Existing Rod Base, Prepare Grade For Asphalt And Furnish Place & Compact 3" Of Asphalt	300.00	SF	\$4.75	\$1,425.00
<b>Total Price for above AREA #3 GATE Items:</b>					<b>\$1,425.00</b>
<b>Total Bid Price:</b>					<b>\$21,142.50</b>

#### Notes:

- **Prior to work beginning, this estimate must be signed by the customer and returned to Post Asphalt**
- **Price is valid Through Dec 2024**
- **Price does not include Striping, Traffic control, Saw cutting, Soft spot repair, Compaction testing or Material testing unless noted above**
- **Price does not include permits or survey fees for quoted items unless noted above**
- **Post Construction Company will not guarantee drainage on grades with 1% or less slope**
- **Price to be billed based on measurements following job completion**

#### Payment Terms:

Payment terms are net **(15)** days from the date of each original Invoice. If payment is not received within such fifteen days, interest shall be charged on the outstanding principal amount at the rate of two percent per month (twenty-four percent annually), until paid in full. Where legal proceedings are instituted for recovery of all balance's due, Post Asphalt Paving & Construction shall be entitled to recover additional costs incurred, including reasonable attorney's fee. Post Asphalt Paving & Construction is hereby authorized to file a preliminary notice describing the aforesaid Customer Address pursuant to UTAH CODE ANN. 38-1a-501,1953 (as amended).