

Mayor

Robert Houston

City Manager

Joseph Decker

Treasurer

RaeLene Johnson



KANAB
— UTAH —

City Council

Brent Chamberlain

Cheryl Brown

Kirt Carpenter

Joe B. Wright

Kent Burggraaf

KANAB CITY COUNCIL

July 28th, 2015

76 NORTH MAIN, KANAB, UTAH

NOTICE is hereby given that the Kanab City Council will hold its regular council meeting on the 14th day of July, 2015, in the Commission Chambers at the Kane County Courthouse, 76North Main, Kanab, Utah. The Council Meeting will convene at 6:30 p.m., and the agenda will be as follows:

6:30 P.M. Work Meeting

- General Ordinance Section 8

Business Meeting

1. Call to Order and Roll Call
2. Approval of Agenda
3. Approval of minutes of previous meeting
4. Approval of Accounts payable vouchers
5. Public Comment Period – Members of the public are invited to address the Council. Participants are asked keep their comments to 3 minutes and follow rules of civility outlined in Kanab Ordinance 3-601
6. Resolution 7-1-15 R “A Resolution combining Kanab City’s four voting precincts into one voting precinct”.
7. Resolution 7-2-15 R “A Resolution Waiving Kanab City Utility Charges for Activated Military Households”.
8. Closed Session:
 - Discuss pending or reasonably imminent litigation.
Swimming Pool
Golf Course
 - Discuss the purchase, exchange, or lease of real property.
 - Discuss the character, professional competence, or physical or mental health of an individual.

Times listed for each item on the agenda may be accelerated as time permits. If you are planning to attend this public meeting and due to a disability need assistance in understanding or participating in the meeting, please notify the City eight or more hours in advance of the meeting, and we will try to provide whatever assistance may be required. Please contact RaeLene Johnson at the Kanab City offices.

– A Western Classic –

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Section 8-101	Control of Property
Section 8-102	<u>Disposal of a Significant Parcel of Real Property</u>
Section 8-103	Erection and Care of Buildings
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~~Section 8-100 Regulation and Control~~

~~Section 8-101 Control of Property~~

~~Cities see U.C.A. 10-8-1 and 10-8-2. Towns see U.C.A. 10-13-1 and 10-13-5.~~

~~Section 8-102 Acquisition and disposal~~

~~Section 8-102.1 Disposal of a Significant Parcel of Real Property~~^[JS1]

~~(a) (a) Before the City may dispose of a significant parcel of real property, the City shall:~~

- ~~i) provide reasonable notice of the proposed disposition at least 14 days before the opportunity for public comment; and~~
- ~~ii) allow an opportunity for public comment on the proposed disposition. For the purpose of disposing of significant parcels of real property pursuant to Section 8-102 of the City's General Ordinances, the following definitions shall apply:~~

~~(b) (1) "Significant parcel of real property" means any land and anything growing on, attached to, or erected on it, excluding anything that may be severed without injury to the land, owned by the City.~~

~~(c) (2) "Reasonable notice" means publishing notice of a public hearing, along with a general description of the significant parcel of real property being disposed of, in a newspaper of local circulation fourteen (14) days prior to the public hearing concerning the disposition.~~

~~(d) (b) The City Council shall take whatever steps are necessary to ensure, to the best of its ability, that the City obtains fair market value for any significant parcel of real property disposed of by the City~~^[JS2].

~~Section 8-103 Erection and Care of Buildings~~

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~~See U.C.A. 10-8-5.~~

Section 8-110 Control of Municipal Property

Section 8-111 Unlawful use

Unless authorized by permit or other written authorization issued by the municipality or unless authority is granted by provisions of this code or other ordinance of the municipality now or hereafter enacted, it shall be a class B misdemeanor for any person to:

- A.** Construct, lay, excavate, erect, operate or maintain over, under, across, in or through any property owned or controlled by this municipality any utility, canal, ditch, construction or building.
- B.** Enter upon any property of this municipality contrary to posting or marking restricting or prohibiting use of the area.
- C.** Intentionally use of perform acts upon property of the municipality which materially impairs, alters, or damages the property.

~~Section 8-112 Repair or Restoration~~

~~The governing body, in addition to any other penalty which may be imposed, may order any person who has damaged, altered or changed any property of this municipality to repair or restore the property to its original condition prior to the damage, alteration or change~~^[US3].

Section 8-113 Franchise

A. The governing body may grant to any person a franchise or easement on such terms and conditions as it deems reasonable, for the purpose of entering upon, constructing, building, operating and maintaining any business or for other use of the property of this municipality, and the provisions of sections 8-111 ~~and 8-112~~ shall not apply to the extent such

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provisions are waived, qualified or made inapplicable to the rights or privileges granted in the franchise ordinance or easement.

B. Any franchise or easement granted by this municipality shall be in writing and any franchise or easement not in writing shall be void.

Section 8-114 Acts Exempted

It shall not be a violation of this part where any person uses the public property of this municipality in the manner or for the purpose or purposes for which such property has been made available for public use.

Section 8-115 City Parks

A. The Kanab City Park shall be closed to the public at 11:00 p.m. daily. The City Park will be open to the public at 6:00 a.m. each day of the week.

B. It shall be unlawful for any person to be in the City Park or any vehicle to be parked in the City Park or on the street adjacent to the City Park, between the hours of 11:00 p.m. and 6:00 a.m. daily, except as provided in this ordinance.

C. The chief of police may issue permits allowing individuals to remain in the City Park past the 11:00 p.m. closing hour. Such permit shall also allow such individuals to park their vehicles in the City Park or on adjacent streets. This procedure is given to allow the law enforcement officials adequate notice to provide their services to patrons using the City Park during the late night hours.

D. The City Park shall be considered as that portion of the City of Kanab lying within the following described boundaries: from the corner of Main Street and 405 North, east to 100 East, then north to the Squaw Trail Street and then south to the point of beginning.

E. Any violation of this section shall be punished as an infraction.

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Section 8-116 City Park Reservation

- A.** Any individual, group, or other organization may reserve areas of the City Park for the use and enjoyment of their group or organization, for a period of time not exceeding 12 hours.
- B.** Any adult representative of the group or other organization desiring to reserve the City Park may do so by filing a signed reservation application with the City Clerk and obtaining the City Clerk's signature on said reservation application. The reservation application shall be in substantially the following form:

RESERVATION OF CITY PARK

1. Name of Applicant: _____
2. Address of Applicant: _____
3. Telephone No. of Applicant: _____
4. Name or nature of group or organization _____
5. Number of people expected: _____
6. Area of park to be reserved: _____
7. Number of hours requested: _____
8. Date and time of reservation: _____

I hereby agree in behalf of my group or organization that we will obey all City laws or restrictions while using the Kanab City Park. I further agree to leave the City Park in a clean and orderly fashion upon the conclusion of our outing. I hereby submit \$25^[US4] with this application as a deposit and security for the proper cleanup of the area of the City Park ^{used}[US5].

- C.** The City Clerk shall maintain a reservation calendar for the City Park and will approve such reservations as are not in conflict with other City Park reservations on a first come basis, and upon the submission of the signed reservation application and deposit.
- D.** The City Clerk shall have posted appropriate notices in the City Park indicating the areas reserved at least one (1) day in advance of any reservation. Said notice will show the name of the party or organization,

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the date and time of reservation, the area of the park reserved and the length of the reservation^[US6].

E. The Chief of Police shall have authority to cancel any reservation if he finds the individual or group is in violation of any of the City Ordinances or park restrictions or are otherwise becoming disorderly. The Chief of Police, upon such determination, shall thereby ask the individual or group to remove themselves from the City Park.

F. The City Clerk shall require deposit of a \$25 fee to ensure that the City Park is left in a neat and orderly manner upon conclusion of the parties reservation. \$10 of said fee will be refunded upon request of the party and after inspection by the City Police, if the reserved area is sufficiently cleaned up.

Section 8-200 Cemeteries

Section 8-201 Definitions

The following words or phrases shall have the following meanings unless the context otherwise clearly requires:

A. The terms "lot owner" or "purchaser" and "grave owner or purchaser" shall mean the owner or purchaser of burial privileges or the collateral right of use of any burial lot evidenced by a deed or burial right for a described lot or by proved and recognized descent or devise from the original owner.

B. The term "lot" shall include the partial lots or single graves in the municipal cemetery.

Section 8-202 The Name

The burial ground of this municipality, shall be known and designated by the name of Kanab City Cemetery.

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Section 8-203 Cemeteries Covered

All cemeteries owned and/or maintained by the municipality or which may hereafter be acquired by the municipality wherever situated are hereby declared subject to the provisions of this chapter.

Section 8-210 Cemetery Superintendent

Section 8-211 Office of Cemetery Superintendent

There is hereby created the position of cemetery superintendent.

Section 8-212 Duties of Cemetery Superintendent

A. The cemetery superintendent shall have the general supervision and administration of the municipal cemetery including but not limited to:

1. Recommending to the governing body such additional rules and regulations as may be necessary for the operation, maintenance, use and protection of the cemetery.
2. Subdividing the cemetery into lots and grave sites.
3. Maintaining a record of the location of the graves and preventing any lot from being used beyond its capacity.
4. Keeping in proper repair the enclosure around the cemetery and preventing its being entered by animals and, so far as practical, preventing the destruction or defacing of any tablet or marker placed or erected therein.
5. Keeping a duplicate plat of the cemetery and, at the request of any person wishing to purchase any of the lots or parts of lots, pointing out any of the lots or parts of lots for sale; and upon disposal of any lots or part thereof, notifying the recorder/clerk of such fact. The recorder/clerk shall, after payment of the lot price has been received in the treasury, issue a certificate of burial rights which shall describe the lot or grave to

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which the right to burial is granted. The certificate shall be signed by the mayor and the recorder/clerk.

6. Opening any graves in the cemetery upon application to him being made by the recorder/clerk or by any person having the right to make such application and being responsible for closing all graves.

7. Removing floral pieces or displays left on any grave as deemed necessary to the appearance of the cemetery, but such floral pieces or displays shall not be removed sooner than 3 days after original placement except in emergency.

8. Keeping the streets, alleys, walks and avenues in the cemetery in good order and unobstructed.

9. Erecting a suitable marker firmly set upon the northwest corner of each lot with the number of the lot inscribed thereon and which location shall be shown on the cemetery records.

Section 8-220 Regulations of Cemetery and Burials

Section 8-221 Burials

Before any deceased person is buried in the municipal cemetery, a permit properly issued by the registrar of the registration district in which the death occurred or, in the absence of the register, a permit duly issued by the state division of health or other authorized person shall be required by the cemetery superintendent. After burial, the cemetery superintendent shall endorse upon the permit a description of the location where the deceased is buried and shall enter all of the information contained in the permit in the cemetery records.

Section 8-222 Burial Permit

It shall be unlawful for any person to bury the body of a deceased person in the municipal cemetery without first obtaining a certificate of burial

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right for the lot used or producing satisfactory evidence of a right to burial based on a properly acquired certificate of burial right.

Section 8-223 Registration of Burials

Before any deceased person may be buried in the municipal cemetery, the relatives or person having charge of the deceased shall provide the recorder/clerk with a written statement which shall be filed by the recorder/clerk, which statement shall contain, if known, information about the deceased regarding his or her name, when and where born, the date and cause of death, the name of the attending physician, date of burial, name of cemetery and the description of the location of the grave.

Section 8-224 Burials and Disinterment

A. It is an infraction for any person to:

1. Disinter any body buried in any cemetery, except under the direction of the cemetery superintendent who shall, before disinterment, require a written permission from both the municipal health officer and the owner of the lot or his or her heirs, which written authorization shall be filed and preserved in a record kept for such purposes.

2. Disinter or remove the body of a person who has died from a contagious disease within two years after the date of burial, unless the body was buried in a hermetically sealed casket or vault and is found to be so incased at the time of disinterment.

B. It is an infraction to inter anything other than the remains of the human bodies in cemeteries.

C. It is an infraction to bury the body of any person within this municipality except in the municipal cemetery or a private cemetery, unless by special permission of the governing body under such rules and regulations that it may prescribe.

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Section 8-225 Vaults Required

A. Unless in writing waived by the cemetery superintendent, it shall be unlawful for any person to be buried in the cemetery unless the casket shall be placed in a vault made of concrete, fiberglass, steel, or brick-lined or of such other material approved by the governing body, substantially constructed and covered with a similar durable material.

B. No wood shall be used as a permanent part of the construction of any part of the vault.

Section 8-226 Religious and Fraternal Organizations

The municipality may contract with religious and fraternal organizations to designate a reasonable portion of the cemetery in which burials may be restricted to members of such religious and fraternal organizations and their families.

Section 8-227 Sale Subject to Rules

Every lot or single grave sold is subject to rules and regulations that have been or may be adopted. The rules and regulations shall be subject to such changes as are found necessary for the protection of lot owners, the remains of the dead and the preservation of the cemetery.

Section 8-228 Care Reserved

The municipality reserves the right to enter upon any grave and to perform all work necessary for the care and upkeep of all lots and graves in its cemeteries.

Section 8-229 Orders and Responsibilities For Errors

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Under no circumstances will the municipality assume responsibilities for errors in opening graves when orders are given by telephone.

Section 8-230 Traffic Rules

A. The provisions of the municipal traffic ordinances relative to the operation of vehicles and conduct of pedestrians shall be in effect in the cemetery except as herein otherwise modifieds by this ordinance.

B. It shall be unlawful for any person to ride or drive within the municipal cemetery at a speed greater than ten miles per hour.

Section 8-231 Children

Children under the age of 12 years shall not be allowed in cemeteries unless accompanied by their parents or other adults, except for the purposes of attending authorized funerals or, in the company of adults, placing flowers on the grave of a deceased relative or friend, or performing any other customary evidence of respect in accordance with their religious principles.

Section 8-232 Animals Prohibited

No animals shall be allowed in any cemetery except in the confines of a vehicle and must be at all times retained within the confines of said vehicle while the vehicle remains in the cemetery.

Section 8-233 Decorum

Cemetery grounds are sacredly devoted to the interment and repose of the dead. Strict observance of decorum due such a place shall be required of all persons.

Section 8-234 Injury to Cemetery Property Prohibited

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A. It is a class B misdemeanor for any person to tie or attempt to tie any horse, animal, or motor vehicle to any monument, gravestone, tablet, marker, tree, shrub, fence, or enclosure on the premises of the cemetery for the purpose of injuring, defacing, or attempting the removal of same.

B. It shall be an infraction for any person to injure, deface, break, destroy or remove any headstone, tombstone, monument, tree, shrub or any other property in the cemetery^[157].

Section 8-235 Landscaping By Private Persons

Except as provided by the rules and regulations of the governing body, it shall be unlawful for any person to erect or maintain any fence, corner post, coping or boundary of any kind, to plant any vegetation upon any lot or lots, street, alley, or walk in the cemetery or to grade the ground or land thereof. The cemetery superintendent shall, whenever required, furnish the true lines of any lots according to official survey, shall prevent and prohibit any markings of the same except by official landmarks, and shall prevent and prohibit any grading thereof that might destroy or interfere with the general slope of the land.

Section 8-236 Placement of Markers

It shall be unlawful for any person to erect, place, or cause to be placed any marker or monument on any lot in cemetery in violation of the rules and regulations promulgated by the governing body regarding the placement, construction and design of all such markers.

Section 8-237 Additional Rules and Regulations

A. The governing body may promulgate by resolution such additional rules and regulations concerning the care, use, operation, and maintenance of the cemetery as it shall deem necessary.

B. The mayor may from time to time as the governing body deems necessary direct and publish a booklet of rules and regulations for the

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convenience of the purchasers of lots in the municipal cemetery. Such rules and regulations shall constitute a part of the terms and conditions under which owners and users may utilize the cemetery and shall form a supplement to this ordinance after they have been adopted as official by resolution of the governing body.

C. Any changes in the rules and regulations shall be adopted by the governing body before such changes shall be official.

Section 8-240 Fees and Charges

Section 8-241 Collection of Fees

The recorder/clerk, and such other persons as the governing body may designate, are hereby authorized and required to collect in advance prices and fees for the opening and closing of graves or other services which shall include but not be limited to properly disinterring bodies and properly restoring the earth and grounds, recording each burial, disinterment or removal, and raised monument privileges. The fees shall be such amount as are determined by the governing body from time to time by resolution.

Section 8-242 Fee to be Paid For Opening Grave

A. No grave shall be opened in the municipal cemetery until payment of a fee for the labor and expense in so opening the grave shall be paid.

B. The presentation of a receipt from the recorder/clerk or person designated by the governing body when presented to the cemetery superintendent, shall be authority to open grave for the burial of a deceased person. However, upon a contract being entered into between any mortician and the municipality wherein the mortician agrees to be responsible and liable for fees for the opening of a grave, and wherein that mortician will be personally liable for such fees and for perpetual care payments, the recorder/clerk or authorized person may give the cemetery

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superintendent authority to open graves without the presentation of a receipt from the recorder/clerk or authorized person.

Section 8-243 Purchase Price and Fees

The governing body shall from time to time by resolution fix the size of lots, the price at which burial rights shall be sold and the fees which shall be charged for the various cemetery services to be provided.

Section 8-250 Sale of Lots

Section 8-251 Sale

A. The recorder/clerk, and such other person as the governing body may designate, are hereby authorized to sell the use of lots in the municipal cemetery for burial purposes only and to collect all sums arising from the sale. The recorder/clerk or designated person shall deliver to each purchaser a certificate of burial rights for each lot purchased, which certificate shall, among other things, describe the location of the lot, the purchase price, and the type of maintenance services which are to be provided, e.g., perpetual care, prepaid continued maintenance, or currently paid services.

B. A certificate and rights to burial shall be exempt from execution, taxation or assessment for care and maintenance from and after full payment for cemetery services other than perpetual care or prepaid maintenance.

C. Perpetual care or prepaid continued maintenance shall be deemed to include the filling of the grave, the placing of top soil upon the grave, seeding the grave with grass, and watering and cutting the grass. No other services are included.

D. No other improvements, changes, or service, except perpetual care or prepaid continued maintenance shall be made on any lot without the certificate holder or his heirs first submitting to and receiving from the cemetery superintendent, written approval for such improvements,

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changes or services, which improvements, changes or services shall be subject to the rules and regulations promulgated by the governing body.

Section 8-252 Restrictions of Resale

A. From and after November 1 1978, the lots sold by this municipality shall not be further sold, transferred, conveyed or assigned to any person except the municipality. The municipality hereby agrees to buy back any municipal cemetery grave lot which it may hereafter sell. The purchase~~r~~ of such lots shall be for the original price paid by the purchaser, or the current selling price of the lot, whichever is less.

B. Whenever a certificate to burial rights or lots reverts to the municipality, as provided for in this part, or becomes vested in the municipality for any reason, before new certificates are issued, the original certificate shall be canceled or an assignment given, and the record shall be so changed.

C. The certificates shall be issued and signed by the mayor and shall be attested by the recorder/clerk. All lots or parts of lots, as provided in this section, together with all improvements, shall be exempt from execution and from taxation and assessment for care and maintenance charges from and after said payment.

Section 8-260 Perpetual Care

Section 8-261 Contracting For Perpetual Care

A. No grave shall be hereafter opened in the cemetery of this municipality until perpetual care upon the lot where the grave is to be opened shall have been contracted for with this municipality, or perpetual care thereon paid. Should it be the desire of any person to have a grave opened and the body interred therein and perpetual care shall not have been previously contracted for or paid in full for the lot therein, the person may either pay the full purchase price for perpetual care or enter into a contract wherein payment shall be agreed.

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B. The agreement shall provide for a down payment in the amount of 20 percent of the total purchase price of the cost of installments over a period not to exceed 20 months. The monthly installments shall be in the amounts equal to the balance of the contract divided by the number of months which the contract is to run, plus two months extra payment to pay for the privilege of making the payments in installments or six percent of the balance, whichever is less^[US8].

C. The installment contract for perpetual care of, or purchase of a lot with perpetual care, shall provide for collection by the municipality in event of a default and such collection shall be by civil action, and the defendant therein shall pay cost of collection, together with a reasonable attorney's fee to the percent per annum upon the past due installments. All installments shall immediately become due upon the default of any of the installments provided, however, that when perpetual care for any lot in the municipal cemetery or portion thereof, has not been paid for a period of ten years, then, and in such an event, the unused portion of the lot shall thereafter escheat to this municipality, which shall thereafter have the right, option, and privilege to sell and dispose of unused cemetery property, as is in this chapter provided, upon condition that this municipality shall thereafter maintain perpetually without cost of fee the portion of the lot occupied by a grave or graves prior to the date when the remaining property escheated to this municipality.

D. This municipality shall have power to fix, by resolution, a fee from any person now owning a cemetery lot or portion thereof for the annual maintenance and care thereof. Until such time as the fee shall be fixed by resolution, said person shall pay a fee equal to \$20.00^[US9] per year for such care and maintenance. The fee shall continue to be paid until such time as a further or additional interment shall be made on the lot, at which time the provisions of this subject relating to perpetual care and maintenance and to payment of fees and costs pertaining thereto shall take effect and apply.

Section 8-262 Care Included

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The essential perpetual care that the municipality agrees to give shall consist of care of the cemetery generally, and shall include, but is not limited to, mowing of all lots and graves at reasonable intervals, resodding, seeding, and filling in sunken graves, sodding the surface of the graves to lot level, removing dead flowers and trimming trees and shrubbery when necessary, raking and cleaning the lots and straightening of tilting stones or markers, but shall not include repairing or replacing markers or memorial structures of any nature, except when the need for repair or replacement is directly caused by the municipality.

Section 8-270 Perpetual Care Fund

Section 8-271 Perpetual Care Fund Created

A. There hereby is established a perpetual care fund according to the laws of the state of Utah and this chapter. All funds received from the sale of perpetual care services shall be placed in a special perpetual care fund, invested in compliance with the laws of the state of Utah and used for the purposes herein provided.

B. The income from the perpetual care fund shall be used to pay the upkeep and development of the cemetery. The municipality may borrow from the fund from time to time, but any funds borrowed shall be repaid to the fund with interest thereon at the prevailing rate paid by the municipality to borrow funds from commercial lenders.

C. If the municipality borrows from the fund, it shall pay into a fund for the operation of the cemeteries the interest accrued upon money annually. Should it be found that the interest returned upon the perpetual care funds shall be more than is required to pay for the operation and upkeep of the municipal cemetery, then the surplus shall be added to the principal amount of the perpetual care fund herein created, and shall be so handled until changed by resolution to provide for the use of such accumulated interest.

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Section 8-272 Duties of Treasurer

It shall be the duty of the treasurer to keep an accurate record of the perpetual care trust fund account, including investments, to see that the principal portion thereof is properly invested in accordance with resolutions of the governing body and the laws of the state of Utah, and to advise the mayor when funds are available for investment in the amount of \$1,000 or more. The mayor shall advise the governing body of the availability of such funds.

Section 8-273 Duty of Governing body

It shall be the duty of the governing body when funds are available for investment to direct by resolution all purchases of securities for the perpetual care fund or to name a suitable trustee for such investment.

Section 8-274 Income

All income from investments held in the perpetual care fund shall be quarterly credited to the cemetery maintenance fund for use in providing the perpetual care as required herein.

Section 8-280 Non-perpetual Care Lots

Section 8-281 Maintenance Charges on Lots without Perpetual Care

A. Every lot for which perpetual care has not been purchased and with reference to which the owner has established a right to directly provide for maintenance and care, notwithstanding the provisions of section 8-288, shall be maintained and cared for to the extent and in accordance with the standards established by the governing body for care and maintenance of all lots of the cemetery.

B. In the event that the owner fails to provide the requisite care and maintenance for non-perpetual care lots, the cemetery superintendent

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shall furnish care and maintenance at rates established by the governing body.

C. All such charges shall become a personal liability of the owner of the lots and, in addition thereto, shall constitute a lien against the lots upon the basis of which the governing body may cause the burial rights therein to be forfeited and said rights to revert to the municipality.

Section 8-282 Reversion of Nonpaying Lots

A. When any owner of any lot or portion of a lot in the cemetery shall have failed to pay the cost of services rendered by the municipality or its employees in watering, beautifying, maintaining or caring for any lots or portions thereof in the municipal cemetery for which perpetual care has not been purchased in accordance with the provisions of this chapter, and such failure to pay has continued for a period of six months, the municipality may pursue collection of such costs in a court of law. A court action may be pursued for the purpose of seeking judgment against the owner and thereafter attaching any of the assets of the owner including an attachment of the lots or portions of lots upon which the owner has failed to make payment for maintenance service.

B. As an additional remedy, or in lieu of seeking collection in a court of law, the municipality may cancel the owner's certificate or deed representing rights to burial on the unoccupied lots or portions of lots and causing ownership of lots or portions thereof to revert back to the municipality by following the procedure set forth in this part.

Section 8-283 Procedure for Termination of Cemetery Lot Rights; Sale of rights to Burial

A. By way of resolution, the municipality may demand that the owner of a lot, site, or portion of a municipal cemetery file with the city recorder notice of any claim to the lot, site, or parcel if it has been unused for burial purposes for more than sixty (60) years.

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B. After passing the resolution, the municipality must serve notice on the owner that the owner must, within sixty (60) days after service of the resolution, express interest in maintaining the cemetery lot, site or parcel and submit satisfactory evidence of an intention to use the lot for a burial.

C. Service on the owner must be accomplished by personal service of a copy of the resolution in the same manner as personal service of process in a civil action. If the owner cannot be served personally with a copy of the resolution, then notice shall be published for three (3) successive weeks in a newspaper of general circulation within the county and in accordance with Utah Code 45-1-101 for three weeks~~mail~~ a copy of the resolution shall be mailed within fourteen (14) days after the first publication to the owner's last known address, if available.

D. If the owner or person with a legal interest in the cemetery lot fails to state a valid interest within 30 days of the last day of service or publication~~in the days of personal service or of the first publication~~^[JS10], the owner's rights are terminated and that portion of the cemetery shall be vested in the municipality.

E. The owner, grantee, or person claiming through the grantee shall have the right, upon presentation of the certificate of title or right to burial to the municipality, for any lot which has been reverted to the municipality, to one of the following at the option of the municipality:

- (1) Compensation for the lot at the reasonable value of the lot as of the date the certificate is presented to the municipality;
- (2) Receipt of a right to burial in another lot if the right to burial or title to the lot has been sold by the municipality; or
- (3) Receipt of a right to burial to the lot if the municipality has not sold the right to burial to the lot.

The municipality shall first collect unpaid perpetual care charges from a person claiming title or the right to burial.

F. The municipality shall sell only the right to be buried in municipal cemeteries.

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Section 8-290 Indigents

Section 8-291 Burial of Indigents

A. The governing body may by resolution designate a portion of the municipal cemetery to the burial of indigents. Whenever it is made to appear to the mayor by proof submitted to him by the recorder/clerk that any person who has died does not have an estate sufficient to pay the purchase price of a lot in the cemetery, the mayor shall decide whether to provide the burial lot and costs free of charge, and that the nearest relative or representative of such deceased person at the request made to him by the recorder/clerk.

B. The mayor shall communicate his decision to both the recorder/clerk and the cemetery superintendent. The mayor shall give report of his decision, whether affirmative or negative, to the governing body at its next regular meeting. All strangers without funds or other persons who may die in the municipality may be granted the privilege granted herein.

Section 8-300 Kanab City Library

The Kanab City Library is established pursuant to U.C.A. 10-8-72

Section 8-301 Kanab City Library Board^[JS11]

1. Creation and Establishment of the Kanab City Library Board. The Kanab City Library Board is hereby established to act as an advisory body to the Kanab City Council and administration.

2. Membership

a. The Library Board shall consist of six (6) voting members who are residents of Kanab City and a non-voting liaison from the Kanab City Council. A non-voting liaison resident of Kane County may also be appointed. All members shall hold a valid and current library card. One (1) member of the Board may be a current High School Student. Appointments to the Library Board are made by the Mayor with the advice and consent of the City Council.

Section 8: MUNICIPAL PROPERTY

b. Except for the Council member liaison and High School Ambassador, each member shall serve for a term of three (3) years beginning in January, and may not serve for more than two (2) consecutive full terms. The High School Ambassador's term shall be one school year. The Council member's term shall coincide with his/her term on the City Council or until the Mayor appoints a new liaison with the advice and consent of the City Council.

c. A vacancy on the Board should be filled as soon as possible after a member notifies the Mayor of his/her resignation. A new member appointed to fill a vacancy serves the remainder of that term and then may be appointed to serve the first full term.

d. The City Council may remove any Board member for misconduct or neglect of duty, including more than (3) consecutive unexcused absences from Board meetings without notification to the current Board Chair.

e. Members shall serve without compensation, except that the Kanab City Council shall provide for reimbursement of approved travel/training costs according to City policy.

3. Meetings and Officers

a. The Board shall hold regular meetings each month. The date, time, and location of meetings shall be provided to the Kanab City Council each January for annual posting. Additional special meetings may be called [by](#) the Chair or upon the request of two (2) voting members or upon the request of the Council member liaison.

b. All meetings shall be held in accordance with the [Utah](#) Open and Public Meetings Act (see U.C.A Title 52, Chapter 4 or its successor).

c. A quorum is required for all meetings. A quorum shall consist of not less than three (3) voting members and a Chair or Vice- Chair who shall vote only in case of a tie. A majority vote shall be constituted of at least three (3).

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d. The board shall elect from among its voting members a Chair, Vice-Chair and Secretary to serve for 1 year terms.

e. The Library Director shall facilitate, attend and participate in all meetings, and act as staff for the Board under the direction of the City Manager.

4. Duties and Responsibilities

a. The Board shall work to promote the Library in the community and enhance its level of quality. In so doing, the Board is encouraged to work with other community partners.

b. The Board shall provide recommendations to the City for the following areas in an annual report or when otherwise needed:

- i. The library's staff level;
- ii. The library's annual budget;
- iii. All library fees;
- iv. Library infrastructure and capital improvements;
- v. Library policies and procedures;
- vi. Other areas as requested by the City Council or City Manager.

c. When the position of Library Director is vacant, the Board shall work with the City Manager to review and recommend updates to the job description, and shall select a representative from among its members to sit on the interview panel during the selection process.

d. The Board shall receive and review the following:

- i. Library reports required by federal or state agencies or required as part of a grant;
- ii. Monthly reports from the Library Director regarding budget, usage, policies, and procedures.

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e. The Board may establish policies to carry out the provisions of this Section

Section 8-500 Airports - *(Last Amended August 2012)*

Section 8-501 Creation and Establishment of an airport Advisory Board^[JS12]

The Kanab City Airport Advisory Board shall consist of seven (7) members, each to be appointed by the Kanab Mayor with the advice and consent of the Kanab City Council. The Kanab City Council may designate by resolution the composition of the Kanab City Airport Advisory Board. It is the intent of this Ordinance that the Kanab City Airport Advisory Board not consist of members all of whom are from the same field of expertise. The seven (7) members of the Kanab City Airport Advisory Board shall be residents of Kanab City ~~and owners of property within said city~~^[JS13]. The Mayor shall appoint a representative from among the City Council to act as a non-voting liaison between the Kanab City Council and the Kanab City Airport Advisory Board.

Section 8-502 Term of Office

The terms of office for the six (6) Kanab City Airport Advisory Board members who are not members of the Kanab City Council shall be for three (3) years. The Kanab City Airport Advisory Board member terms shall be staggered so that no more than two (2) members' terms shall expire at the same time. The term of the office for the Kanab City Council member designated as a non-voting liaison for the Kanab City Airport Advisory Board shall correspond to his/her tenure of office as Kanab City Council member, and to his/her appointment as liaison with the Kanab City Airport Advisory Board.

Section 8-503 Vacancies and Removals for Cause

Vacancies of appointed members occurring otherwise than through the expiration of terms shall be filled for the remainder of the unexpired term

Section 8: MUNICIPAL PROPERTY

by appointment of the Mayor with the advice and consent of the Kanab City Council. The Kanab City Council shall have the right to remove any member of the Kanab City Airport Advisory Board for misconduct and may remove any member for non-performance of duty. Non-performance of duty shall include a repeated failure to attend Kanab City Airport Advisory Board meetings.

Section 8-504 Compensation

The Kanab City Airport Advisory Board shall serve without compensation, except that the Kanab City Council shall provide for reimbursement of the Kanab City Airport Advisory Board for actual expenses incurred, upon presentation of proper receipts and vouchers.

Section 8-505 Officers

The Kanab City Airport Advisory Board shall elect a Chairman and a Chairman Elect ~~from~~ among its voting members, whose terms in such offices shall be for one (1) year. The Kanab City Airport Advisory Board Chairman shall vote only in the case of a tie. The Chairman Elect shall have been a member of the Airport Advisory Board before being elected to that position, and, at the end of his or her term as Chairman Elect shall become Chairman. In the absence of the Chairman, the Chairman Elect shall serve as Chairman Pro-Tem.

Section 8-506 Quorum and Vote

A quorum shall consist of three (3) voting members and a Chairman or Chairman Pro-Tem. A motion shall not be presented unless a quorum is present. A majority vote shall be constituted of at least a majority of members present, with a minimum of (3) votes.

Section 8-507 Employees: Expenditures

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The Kanab City Airport Advisory Board may, upon the approval of the Kanab City Council, employ experts and staff, including consultants and a secretary, and pay such expenses, exclusive of gifts, as may be reasonable and necessary for carrying out the duties defined in this ordinance, providing that such expenditures may not exceed the amount appropriated for the operation of the Kanab City Airport Advisory Board by the Kanab City Council.

Section 8-508 Duties and Responsibilities

The duties and responsibilities of the Advisory Board are as follows:

1. The Kanab City Airport Advisory Board may adopt such rules and procedures as it may deem necessary for the proper conduct of its business.
2. To keep a record of its proceedings, such record shall be open to inspection by the public at all reasonable times.
3. To study the problems and determine the needs of the Kanab City Airport.
4. To recommend the adoption of and then periodically review and update a Kanab City Airport Plan which designates the specific uses upon the municipal airport.
5. To assist in the dissemination of news and information regarding the Kanab City Airport.
6. To consider, investigate, make finding, report, and recommend upon any special matter or question within the scope of its work when requested by the City Council.
7. To make recommendations concerning the proper operation and welfare of the Kanab City Airport.

Section 8-509 Review by City Council

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The City Council shall have the right to review the conduct, acts, and decisions of the Airport Advisory Board.

KANAB CITY COUNCIL MEETING
JULY 14, 2015
KANAB CITY LIBRARY

PRESENT: Mayor Robert D. Houston, Council Members Kirt Carpenter, Cheryl Brown, Kent Burggraaf, Brent Chamberlain and Joe B. Wright, Recorder Joe Decker, Attorney Jeff Stott and City Treasurer RaeLene Johnson.

WORK MEETING: Mayor Houston opened the work meeting. The first topic that was discussed was the golf course. Mayor Houston provided information that the Council had gathered concerning the revenues and expenditures of running a golf course. He asked the audience not to talk about the past, and remember the City does not own the golf course. Mr. Schollian wants to close the golf course. Mayor Houston said he would like to make it work for the course to remain open. He said one half of the greens are dead. The Council is trying to figure something for the future. The golf course is not a money maker, but it is an asset for the community. Mayor Houston presented figures on a 12- month operational cost of a \$110,000 a year loss to run the golf course. He gave examples of 8 other golf courses in the southern area. All of the courses operated at a loss except two and one broke even. Council Member Carpenter said the cost of water needed to be factored in as an expenditure. If the City had to drill a new well because of watering the golf course, it would cost about a quarter of a million dollars. He was concerned with the electrical cost of pumping the water. Council Member Wright said he had tried to look at many different ways to save the golf course. He wondered if the City would receive benefits from the course by putting more money into it. He doesn't know if it would be in the best interest of the City to try for only a few years. Mr. Gordon Huntsman, a resident on the golf course, said that the County and the State are investing a lot of money in marketing Kanab. They want people to come to the area and stay. He didn't know what Kanab had to offer during the day. How could Kanab become a destination by eliminating an important venue? Celestie Meyeres wanted to know what percent of visitors to the area are golfers. Mayor said the golf course hadn't been promoted very well in the past. Mr. Jeff Frey asked the Council if Mr. Schollian had gotten back to the Council since the last meeting. Mayor Houston said he had agreed with what was proposed, but then he mentioned a few variables. Bonnie Anderson, a resident on the golf course, explained she had found out from realtors that 80% wanting to purchase property were golfers. Lynette Foster asked the Council about obtaining water rights to water the golf course. She knows of shares of water that could be leased. Mayor said a lot of the expense of irrigation water is getting the water to the golf course. Erin Robinson asked why the Thunder Bird golf course wasn't included in the study. Mayor said he could request that information from them. Nicholas Meyeres was concerned with the City looking at a bailout for a failing business. He said the traffic needs to be driven the direction of the golf course, there needs to be more signage and maybe a good restaurant. Mr. Dave Baird asked if there had been a discussion with the homeowners. Mayor said he has talked with some homeowners, but

because there isn't a firm plan in place, we don't know what to ask the homeowners to do. The County has also expressed an interest. Mr. Robert Brissette stated that less than 10% of the community golf. He suggested a mini golf course along with the regular course to help with revenues. Mr. Ken Stirland offered suggestions on saving water and expenses. He said the rough areas do not need to be watered. The rough areas also don't need to be mowed. The City need to allow volunteers to help with the course, not abandon it. Make it a town project. It doesn't require a lot of paid workers to maintain the course. Mr. Dan McClendon, a property owner at the golf course, said the City needs a long term-plan on what they want Kanab to be in the future and then come up with the funds to make it happen. Kathy Gibson, a property owner at the golf course, was concerned with the City not getting responses from the owners of the golf course. She felt it needed to be a 10-year lease, and the City should deal with the investors. Allen Gilberg said the City needs a proposal, so we know where we are going. Mark Gilberg, a resident at the golf course, explained that there are a lot of revenues that are undisclosed such as eating and staying in Kanab. Karalee Woods talked about Page, Arizona's golf course having financial problems. She also asked the Council to look at the national trends. Mr. Duke Aiken stated there is a cost saving when using irrigation water. He said that is the way to go. Wendy Paschal, a property owner at the golf course, said a lot of property purchasers are looking at investment and marketing. Donna Huntsman said that when the "baby boomers" retire there is going to be more need for a golf course. Kanab is at a crossroad. We need to look at the future not in the rear view mirror. Charlie Soba said he figured that the golf course would need 60 people to play the course a day to break even. He didn't think that was a unsurmountable amount. Gene Peters said he worked the golf course, and it was maintained very well. There doesn't need to be a lot of people to run a golf course. Mayor Houston thanked everyone for their ideas. The City still needs to get the course first.

Matt Brown addressed the Council on the old middle school property. He presented pictures of the proposed area and Kanab City's community center commitments. Kanab City would lease the west half of the annex building. The City would install a separate electrical meter. The City would upgrade the entrances to the city office and the west room. Upgrade landscaping adjacent to west half of annex building. The old library (museum) would be upgraded. There would be a conference center. These ideas are just proposals.

A resolution waiving utility charges for activated military households was discussed. Council agreed to put this resolution on the next council agenda.

Mayor Houston called the regular City Council to order at 8:11 p.m. and roll call was taken. Prayer was offered by Council Member Wright and pledge lead by Council Member Chamberlain.

APPROVAL OF AGENDA: A motion was made by Council Member Wright and 2nd by Council Member Chamberlain to approve the agenda of the July 14th meeting. Motion passed unanimously.

APPROVAL OF MINUTES: A motion was made by Council Member Wright and 2nd by Council Member Chamberlain to approve the minutes of the June 23rd meeting. Motion passed unanimously. A motion was made by Council Member Brown and 2nd by Council Member Wright to approve the minutes of the July 2nd special meeting. Motion passed unanimously.

APPROVAL OF ACCOUNTS PAYABLE VOUCHERS: A motion was made by Council Member Brown and 2nd by Council Member Wright to approve the check register in the amount of \$255,890.03. Motion passed unanimously.

PUBLIC COMMENT PERIOD: Joan Thacher addressed the Council concerning the recent flooding in the Ranchos. She asked the Council to take a look at the problems and do something about the flooding. Mayor Houston said that he and Mr. Decker has been personally looking at each area that the City was notified about. Robert Brissette said there has been a problem with flooding in the Rancho area for 15 years. He feels the area has been neglected. Marilyn Schiel said she had lost her landscaping on the north side of Willow Drive. She asked the Council to come and look at where the culverts are located. Liz Kolle was concerned about what is going on upstream. She feels Navajo Drive is getting all of the run off. Randy Bosley said that Navajo Drive can't handle a lot of water. June Ford asked the Council if the ordinance could be changed to allow for pot belly pigs. She would like to adopt a couple from Best Friends. She was told to go to the Planning Commission to see if they are willing to change the ordinance.

APPOINTMENTS TO THE LIBRARY BOARD: A motion was made by Council Member Wright and 2nd by Council Member Brown to appoint Jeff Mosdell to serve on the Library Board with a term ending 12/31/2018. Motion passed unanimously. A motion was made by Council Member Wright and 2nd by Council Member Chamberlain to appoint Vickie Brackney to serve on the Library Board with a term ending 12/31/2018. Motion passed unanimously.

RESOLUTION 7-1-15 R/COMBINING KANAB CITY'S FOUR VOTING PRECINCTS INTO ONE VOTING PRECINCT: Council Member Wright was concerned with the confusion of changing voting districts every year. He would hate to have it flip back and forth. Council Member Chamberlain felt there was not enough parking to have the Court House as the central location for the voting precinct. A motion was made by Council Member Wright and 2nd by Council Member Brown to postpone until the next meeting the passing of this resolution until more information is received about whether the central voting precinct will be the same year after year for all elections and to make sure there is enough parking. Motion passed unanimously.

ORDINANCE 7-1-15 R/AMENDING KANAB CITY GENERAL ORDINANCE SECTION

3: A motion was made by Council Member Wright and 2nd by Council Member Chamberlain to adopt Ordinance #7-1-15 O amending the general ordinance section 3 with the following changes: On page 6 #3 eliminate “At the Mayor’s discretion” and change may to **shall** and end the sentence the word **item**. #5 include **stand** and remove “come to the podium”. #9 remove the sentence “after makes special exception”. #12 include 11 after the 9. Motion passed unanimously by roll call vote.

CLOSED SESSION: A motion was made by Council Member Wright and 2nd by Council Member Brown to go into a closed session. Motion passed unanimously.

Out of closed session

A motion was made by Council Member Wright and 2nd by Council Member Chamberlain to direct staff as discussed. Motion passed unanimously.

A motion to adjourn was made by Council Member Chamberlain and 2nd by Council Member Wright. Motion passed unanimously.

MAYOR ROBERT D. HOUSTON

RECORDER JOE DECKER

KANAB CITY RESOLUTION NO. 7-1-15 R

**A RESOLUTION COMBINING FOUR (4) COUNTY VOTING PRECINCTS INTO ONE
(1) KANAB CITY MUNICIPAL VOTING PRECINCT**

WHEREAS, Kanab City finds that establishing one location to vote in municipal elections would facilitate greater efficiency as well as increase voter turnout;

AND WHEREAS, Utah Code Section 20A-5-301(2)(a) allows for a municipal legislative body of a city of the fifth class to combine two or more regular county voting precincts into one municipal voting precinct for purposes of an election;

AND WHEREAS, Kanab City understands that the effect of an action taken under Utah Code Section 20A-5-301 is not to actually change the county voting precincts but only to combine the location for casting a ballot on a municipal election day into one location;

AND WHEREAS, Kanab City will approve a polling place that is as near as practical to the middle of the combined precincts;

AND WHEREAS, Kanab City desires to establish the Kane County Courthouse 76 North Main St. Kanab, Utah as the polling place for the combined municipal voting precinct;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KANAB, STATE OF UTAH, AS FOLLOWS:

1. For purposes of Kanab City Municipal Elections, the regular county voting precincts 1A, 2A, 3A, and 4 are hereby combined into one (1) Kanab City municipal voting precinct.
2. The newly combined municipal voting precinct shall be called “Kanab City Central.”
3. The location and address of the combined voting precinct is designated as all land and real property within the Kanab City municipal limits.
4. Nothing in this resolution shall be construed as creating, altering, modifying or abolishing any County Voting Precincts. This ordinance only creates a combined municipal voting

precinct for purposes of the election to facilitate a combined polling location for all Kanab City resident voters.

5. The polling location for the combined municipal precinct Kanab City Central shall be the Kane County Courthouse located at 76 North Main St. Kanab, Ut.
6. This resolution shall remain in effect for all subsequent elections until modified by the Kanab City Council.

ADOPTED this 28th day of July, 2015.

ATTEST:

ROBERT HOUSTON
Kanab City Mayor,

Kanab City Recorder

RESOLUTION# 7-2-15 R

**A RESOLUTION WAIVING KANAB CITY UTILITY CHARGES FOR
ACTIVATED MILITARY HOUSEHOLDS**

WHEREAS, there are many residents of Kanab City who serve part-time in protecting our country as members of the National Guard and military units; and

WHEREAS, when these residents are called up to active-service they leave their regular jobs to serve in the military often times at lower pay; and

WHEREAS, this lower family income creates a financial burden on their families;
and

WHEREAS, the city has a desire to alleviate some of the financial concerns associated with the payment of municipal utilities while a head of household is serving in active military duty.

NOW, THEREFORE, BE IT RESOLVED BY THE KANAB CITY COUNCIL:

That the households of all non-full time military personnel who have been called into active duty will have their Kanab City utilities waived based upon the following conditions:

1. Prior to waiving of fees, applicant (or household) must provide the Utility Department with verification of orders of military activation.
2. Waiving of charges are for primary or co-primary account holder only.
3. Waiver only applies to Kanab City utility fees and does not include fees collected by Kanab City on behalf of other entities such as garbage collection and T.V. charges.
4. Waiver automatically expires after six (6) billing cycles at which time applicant would need to reapply for the waiver.
5. Applicant is responsible for providing the utility office with the proper military documents indicating when the applicant was released from Active Duty. Applicant will be responsible to pay any charges that occur after release from active duty even if that time period is within the six billing cycles granted under this waiver.

APPROVED AND ADOPTED this 28th day of July, 2015.

KANAB CITY

ATTEST:

Robert D. Houston
Mayor

Joseph Decker
City Recorder

