

## PUBLIC HEARING

The Garden City Town Council will hold a Public Hearing on Thursday, September 10, 2015 at 6:00 p.m. The meeting will be held at the Garden City Office, located at 69 N. Paradise Parkway, Building C.

### AGENDA

This Public Hearing is to receive public comment and discuss with the Garden City residents regarding the following:

1. Roll Call
2. Ordinance Discussion
  - a. Ordinance #15-29, an ordinance updating the requirements for water meters
3. Adjournment

Copies of the above items are available for public review from 9:00 a.m. to 5:00 p.m., Monday through Friday at the Garden City Office located at 69 N. Paradise Parkway #B.

The public is invited to attend and may give written or oral comments. All public hearing items will be discussed and/or approved during the Town Council meeting following this public hearing.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this public hearing should notify the Garden City Office at (435) 946-2901, 69 N. Paradise Parkway, Garden City, Utah, on Monday through Friday, at least 3 working days prior to the public hearing. The office hours are 9:00 a.m. to 5:00 p.m. Individuals with speech and/or hearing impairments may call the Relay Utah by dialing 711. Spanish Relay Utah: 1-888-346-3162.

Posted this 1<sup>st</sup> day of September, 2015

## PUBLIC NOTICE

The Garden City Town Council will hold their regularly scheduled meeting on Thursday, September 10, 2015 at 5:00 p.m. This meeting will be held at the Garden City Office, located at 69 N. Paradise Parkway, Building C.

### Staff Reporting 4:00

Town Engineer Report, Zan Murray  
Public Works Department Report, Riley Argyle  
Building Inspector Report, George Peart  
Code Enforcement Officer Report, Bob Peterson

## AGENDA

1. Appoint new Council Member to replace the vacant seat of Council Member Huefner.
2. Oath of Office for new Council Member
3. Roll Call
4. Approval of Minutes
5. Business License Discussion/Approval
  - a. Threshold Homes, request to conduct a General Contractor business in Garden City, Tom Johnson
  - b. Coffee & More, request to conduct a café at 65 W Logan Road #6. Barbara Turnbow
  - c. Mizz Bee Havin, request to conduct a café at 65 W Logan Road #6. Linda Patin
6. Petition for Annexation Discussion/Approval, Petition filed to annex parcel #41-16-00-022, Joan Young
7. Termination of Covenant to Run with the Land Discussion/Approval. Request to terminate the covenant to run with the land for parcel's 41-30-09-082, 41-30-09-085, and 41-30-09-091. Shirl Tomlinson
8. Planned Unit Development Discussion/Approval
  - a. Final development plan of phases 9 & 10 of the Lodge at Bear Lake, DBA the Water's Edge, approximately 100 E. 150 S., Norm Mecham
9. Public Comments, 2 minute time limit
10. Public Hearing, description on separate notice, 6:00 p.m.
11. Ordinance Discussion/Approval
  - a. Ordinance #15-29, an ordinance updating the requirements for water meters
12. Resolution Discussion/Approval
  - a. Resolution #R15-07, a resolution updating the Administrative Code Infraction Fine Schedule.
  - b. Resolution #R15-08, a resolution to update the water impact fee and monthly usage multiplier for each commercial connection (ERU)
  - c. Resolution #R15-09, a resolution to establish Table 2, which sets the fixture unit calculations.
13. Miscellaneous Items
  - a. Appoint new Planning Commission Member, Tom Stevens
  - b. Possible hardship payment schedule (for payment of impact fees over time) for qualifying new residential construction. This proposal would not include deferred payment arrangements for city out of pocket costs. It would only be applicable if a residential taxpayer can show a hardship (to be defined), Council Member Warner

# Garden City

## Business License Application

PO Box 207 • 69 N. Paradise Parkway • Garden City, Utah 84028

www.gardencityut.us • 435-946-2901 • 435-946-8852 Fax

<b>Business Status:</b> (check all that apply)	<input checked="" type="checkbox"/> New Business <input type="checkbox"/> Additional Location # _____ <input type="checkbox"/> Name Change <input type="checkbox"/> Ownership Change <input type="checkbox"/> Location Change <input type="checkbox"/> Transient Vendor <input type="checkbox"/> Concessionaire Vendor	<b>License Fee:</b> Business License Fee <u>840 - pt 8/25/2015</u> Transient License Fee _____ Concessionaire Fee _____ Additional Location _____ Other _____ Beach Vendor License also requires a BCI background check
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**Official Use Only:**

<b>Planning Commission:</b>	<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved	Date: _____
<b>Town Council:</b>	<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved	Date: _____
<b>Inspections: Building Insp.:</b>	<input type="checkbox"/> Initial Date: _____	<input type="checkbox"/> Final Date: _____	
<b>Fire Inspection:</b>	<input type="checkbox"/> Initial Date: _____	<input type="checkbox"/> Final Date: _____	

**Comments:** \_\_\_\_\_

**Zone:**  Commercial 1 2 3  Residential  Beach Devel.  Other \_\_\_\_\_

**Business Name:** Coffee & More

**If name change, previous name:** \_\_\_\_\_

**Location Address:** 105 LOGAN BLVD #6

**City, State & Zip:** GARDEN CITY, UT

**Business Phone:** \_\_\_\_\_

**Cell Phone:** 801-557-5902

**Mailing Address:** \_\_\_\_\_

**City, State & Zip:** \_\_\_\_\_

**E-mail Address:** coffeeandmoreshop@gmail.com

**Owners Name:** BARBARA TURNBOW

**Owners Location:** PO BOX 124

**City, State & Zip:** LAKE TOWN, UT 84038

**Phone:** 801-557-5902

**Cell Phone:** SAME

**Kind of Business**

<input type="checkbox"/> Retail	<input type="checkbox"/> Lodging	<input checked="" type="checkbox"/> Restaurant
<input type="checkbox"/> Professional	<input type="checkbox"/> Contractor	<input checked="" type="checkbox"/> Other <u>cafe (limited items)</u>

**Briefly Describe Your Business:** Coffee, espresso, latte, smoothies, breakfast sandwiches, handmade crafts

**Utah State Sales Tax Number:** 15506748

**Ut State Professional License No.:** \_\_\_\_\_

**Will you be installing a sign?:** NO

This is an application for a business license; the actual license will be issued only when **All** inspections/Approvals are complete. Issuance of this business license shall in no way relieve the applicant of his/her responsibility of complying with applicable zoning, health, building, or fire regulations.

I, We, BARBARA TURNBOW Coffee and more hereby agree to conduct said business strictly in accordance with the Laws and Ordinances covering such business. I understand that I shall not begin nor cause to begin business at this location without first obtaining a business license and will not continue business without maintaining a valid license, in doing so, I will be subject to a penalty as stipulated by the Garden City Infraction Fee Schedule. Business License Fees are non-refundable.

**Owners Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Please print your name:** BARBARA TURNBOW

# Garden City Business License Application

PO Box 207 • 69 N. Paradise Parkway • Garden City, Utah 84028  
www.gardencityut.us • 435-946-2901 • 435-946-8852 Fax

<b>Business Status:</b> (check all that apply) <ul style="list-style-type: none"> <li><input type="checkbox"/> New Business</li> <li><input type="checkbox"/> Additional Location # _____</li> <li><input type="checkbox"/> Name Change</li> <li><input type="checkbox"/> Ownership Change</li> <li><input type="checkbox"/> Location Change</li> <li><input type="checkbox"/> Transient Vendor</li> <li><input type="checkbox"/> Concessionaire Vendor</li> </ul>	<b>License Fee:</b> <ul style="list-style-type: none"> <li>Business License Fee <u>540</u></li> <li>Transient License Fee <u>01</u></li> <li>Concessionaire Fee <u>25</u></li> <li>Additional Location <u>20</u></li> <li>Other <u>KA</u></li> </ul>
Beach Vendor License also requires a BCI background check	

**Official Use Only:**

Planning Commission:	<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved	Date: _____	
Town Council:	<input type="checkbox"/> Approved	<input type="checkbox"/> Not Approved	Date: _____	
Inspections: Building Insp.:	<input type="checkbox"/> Initial	Date: _____	<input type="checkbox"/> Final	Date: _____
Fire Inspection:	<input type="checkbox"/> Initial	Date: _____	<input type="checkbox"/> Final	Date: _____

**Comments:**

**Zone:**  Commercial 1 2 3  Residential  Beach Devel.  Other \_\_\_\_\_

**Business Name:** Mizz Bee Haven

**If name change, previous name:** \_\_\_\_\_

**Location Address:** 65 West Logan Road

**City, State & Zip:** Garden City Ut 84028

**Business Phone:** 801-566-6393

**Cell Phone:** 801-566-0393

**Mailing Address:** P.O. Box 222

**City, State & Zip:** Laketown Ut 84038

**E-mail Address:** Linda.Patin@yahoo.com

**Owners Name:** Linda Patin

**Owners Location:** 150 East SR 30

**City, State & Zip:** Laketown Ut 84038

**Phone:** 801-566-0393

**Cell Phone:** 801-566-0393

**Kind of Business**

<input type="checkbox"/> Retail	<input type="checkbox"/> Lodging	<input checked="" type="checkbox"/> Restaurant
<input type="checkbox"/> Professional	<input type="checkbox"/> Contractor	<input type="checkbox"/> Other

**Briefly Describe Your Business:** Steak Lunch's  
Cookies

**Utah State Sales Tax Number:** 15906716

**Ut State Professional License No.** \_\_\_\_\_

**Will you be installing a sign?:** \_\_\_\_\_

This is an application for a business license; the actual license will be issued only when All inspections/Approvals are complete. Issuance of this business license shall in no way relieve the applicant of his/her responsibility of complying with applicable zoning, health, building, or fire regulations.

I, We, \_\_\_\_\_ hereby agree to conduct said business strictly in accordance with the Laws and Ordinances covering such business. I understand that I shall not begin nor cause to begin business at this location without first obtaining a business license and will not continue business without maintaining a valid license, in doing so, I will be subject to a penalty as stipulated by the Garden City Infraction Fee Schedule. Business License Fees are non-refundable.

**Owners Signature:** Linda M. Patin **Date:** 8-25-15

**Please print your name:** \_\_\_\_\_

# Garden City

## Business License Application

THRESHOLD

PO Box 207 • 69 N. Paradise Parkway • Garden City, Utah 84028  
www.gardencityut.us • 435-946-2901 • 435-946-8852 Fax

**Business Status:** (check all that apply)

New Business

Additional Location # \_\_\_\_\_

Name Change

Ownership Change

Location Change

Transient Vendor

Concessionaire Vendor

**License Fee:**

Business License Fee \_\_\_\_\_

Transient License Fee \_\_\_\_\_

Concessionaire Fee \_\_\_\_\_

Additional Location \_\_\_\_\_

Other \_\_\_\_\_

Beach Vendor License also requires a BCI background check

**Official Use Only:**

**Planning Commission:**  Approved  Not Approved Date: \_\_\_\_\_

**Town Council:**  Approved  Not Approved Date: \_\_\_\_\_

**Inspections: Building Insp.:**  Initial Date: \_\_\_\_\_  Final Date: \_\_\_\_\_

**Fire Inspection:**  Initial Date: \_\_\_\_\_  Final Date: \_\_\_\_\_

**Comments:**

**Zone:**  Commercial 1 2 3  Residential  Beach Devel.  Other \_\_\_\_\_

**Business Name:** Threshold Homes LLC

**If name change, previous name:** \_\_\_\_\_

**Location Address:** 5446 South Cottonwood Ave Circle

**City, State & Zip:** Garden City UT 84028

**Business Phone:** 435-946-6047

**Cell Phone:** \_\_\_\_\_

**Mailing Address:** PO Box 772

**City, State & Zip:** Garden City UT 84028

**E-mail Address:** Thresholdhomes@gmail.com

**Owners Name:** Thomas H Johnson

**Owners Location:** 5446 South Cottonwood Ave Circle

**City, State & Zip:** Garden City UT 84028

**Phone:** 435-946-6047

**Cell Phone:** \_\_\_\_\_

**Kind of Business**

Retail  Lodging  Restaurant

Professional  Contractor  Other

**Briefly Describe Your Business:** General contractor

**Utah State Sales Tax Number:** N/A

**Ut State Professional License No.:** 5342692-5501

**Will you be installing a sign?:** N/A

This is an application for a business license; the actual license will be issued only when All inspections/Approvals are complete. Issuance of this business license shall in no way relieve the applicant of his/her responsibility of complying with applicable zoning, health, building, or fire regulations.

I, We, Thomas H Johnson, President hereby agree to conduct said business strictly in accordance with the Laws and Ordinances covering such business. I understand that I shall not begin nor cause to begin business at this location without first obtaining a business license and will not continue business without maintaining a valid license, in doing so, I will be subject to a penalty as stipulated by the Garden City Infraction Fee Schedule. Business License Fees are non-refundable.

**Owners Signature:** Thomas H Johnson Date: 7/14/15

**Please print your name:** Thomas H Johnson

August 12, 2015

Mayor John Spuhler  
P.O. Box 207  
Garden City, Utah 84028

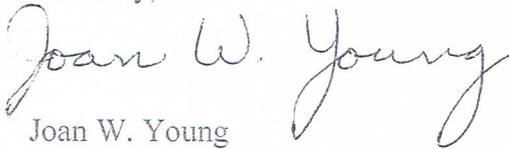
Dear Mayor Spuhler,

The purpose of this letter is to request annexation of my property into Garden City. My property is located at 486 North Bear Lake Boulevard. Until this last year, I was under the impression that we were within the city limits of Garden City. However, this is not the case.

The property adjoining ours that is owned by Wilford Diederich is located within Garden City. Since our properties are adjoining each other, I am requesting that we be annexed into Garden City.

If there is any further information that you need before considering my request, please let me know. Thank you for your help on this matter.

Sincerely,



Joan W. Young  
1586 East 6470 South  
Salt Lake City, UT 84121  
801-272-7637 (home)  
801-598-7092 (cell)

400 N

500 N

GLEN E. YOUNG  
022

J.S. 68

W. DIEBACH  
490 N -081  
0.2 AC.

W. DIEBACH  
450 N -081  
0.50 AC.

Robert 4 Direct Annuity Trusts  
-085  
0.72 AC.

450 N  
Eric Evans  
-083  
0.24 AC.

477 N  
Eric Evans  
-082  
0.54 AC.

430 N  
HOLJE, JR  
-024  
1.53 AC.

MID-1162

420 N

L.C.I. ENTERPRISES, LLC  
-025  
1.8-2.8

L.C.I. ENTERPRISES, LLC  
-028  
0.84 AC.

SHEILA FRANK, TR  
-027  
1.0-1.24

GOLDEN CITY TOWN LIMITS

BEAR LAKE

After recording mail to:  
Town of Garden City  
PO Box 207  
Garden City, Utah 84028

## TOWN OF GARDEN CITY

### TERMINATION OF ENCUMBRANCE AGREEMENT AND COVENANT TO RUN WITH THE LAND

ON THIS 10<sup>th</sup> DAY OF SEPTEMBER, 2015 COMES NOW the Town of Garden City, a Class 4 municipality, acting by and through its duly appointed Mayor, (hereinafter known as the "town"), and Shirl Tomlinson, residents of the Town of Garden City, Utah (hereinafter known as the "owner") and owner of certain real property in the Town of Garden City, Rich County state of Utah, known generally as 41-30-09-082, 41-30-09-085, and 41-30-09-091 and more particularly described as follows:

Parcel #1: LT 82, EAGLE FEATHER AT SHUNDAHAI SUB  
Parcel #2: LT 85, EAGLE FEATHER AT SHUNDAHAI SUB  
Parcel #3: LT 91, EAGLE FEATHER AT SHUNDAHAI SUB

(hereinafter know as "property").

Owner is desirous of releasing the Encumbrance Agreement and Covenant to run with the land (hereinafter known as "covenant") which was recorded November 2, 2012, filing no. 84023, in book H11, page 252, in the office of the Recorder of Rich County, Utah. Owners hereby request this Termination of Encumbrance Agreement and Covenant to Run with the Land (hereinafter known as "termination") as follows:

WHEREAS, the Town of Garden City has duly enacted ordinances and statutes prescribing zoning land use policies and requirements of the Town of Garden City; and

WHEREAS, the covenant was presented to the Garden City Town Council on August 12, 2010 and approved by a unanimous vote of the Council; and

WHEREAS, the owner is desirous of utilizing his land and improvements in a manner not allowed by the stipulations of the covenant; and

Termination of Covenant to run with the land  
Shirl Tomlinson  
September 10, 2015  
Page 2

WHEREAS, the town is willing to grant the termination of covenant based on an inspection of the property made by to determine the property is in conformity with the Garden City ordinances or statutes on the date listed;

NOW THEREFORE, for valuable consideration received, the sufficiency of which is hereby acknowledged by the owner, the Town and the owner do hereby contract, promise, and agree as follows:

To Terminate the Encumbrance Agreement and Covenant to Run with the Land, granted to Shirl Tomlinson, which was recorded October 28, 2010, filing no. 80623, in book A11, page 1940, in the office of the Recorder of Rich County, Utah.

DATED this 10<sup>th</sup> day of September, 2015.

APPROVED:

Attest:

\_\_\_\_\_  
John Spuhler, Mayor

\_\_\_\_\_  
Kathy Hislop, Town Clerk/Recorder

\_\_\_\_\_  
Shirl Tomlinson, Owner

State of Utah            )  
                                  )§  
County of Rich         )

On the \_\_\_\_\_ day of \_\_\_\_\_, 2015, personally appeared before me Shirl Tomlinson who duly acknowledged to me that they executed the same.

\_\_\_\_\_  
Notary

Application for Project Review  
Garden City, Utah

435-757-6430

call Gary McGee for Billing address

This application must be accompanied with the necessary and appropriate materials, as stated on the project checklist, before it will be accepted for processing. The date upon which the project will appear on an agenda is determined by the notification schedule required by the State of Utah. The project will be scheduled for the next meeting for which a legal notice has not yet been prepared, after an application is accepted as complete by the Town Staff.

Type of Application (check all that apply):

- Annexation
- Appeal
- Conditional Use Permit
- Condominium/Townhouse
- Encumbrance
- Extension of Time
- Lot Split/Lot Line Adjustment
- PUD
- Subdivision
- Vacation of Subdivision
- ~~Variances~~
- Water Transfer
- Zone Change
- Other Land Use Permit

4-26-15

Terminate Encumbrance on lots 91, 85, 82

Bill straddly fee to Shirl Tomlinson

Bill straddly fee to Jaycee Carroll

Eagle Feather at Shienwahai sub

Project Name: \_\_\_\_\_ Current Zone: N/A Proposed Zone: N/A

Property Address: lots, 91, 85, 82

Parcel # \_\_\_\_\_

Contact Person: Shirl Tomlinson Phone #: 801-785-4972

E-mail address: shirl@allie.com

Mailing Address: 705 N 200 E. Zionsville UT 84042

Applicant (if different): \_\_\_\_\_ Phone #: 801-785-4972

Mailing Address: \_\_\_\_\_

Property Owner of Record (if different): \_\_\_\_\_ Phone #: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Project Start date: N/A Completion date: N/A

8-26-15  
Bill  
strawby  
fee to  
Joycee  
Carroll

Describe the proposed project as it should be presented to the hearing body and in the public notices.

encumber lots 91, 85, 82  
Terminate Encumbrance  
8-26-15

Lot Size in acres or square feet: 01-0.89 acre  
85-1.14 acre  
82-0.93 acre Number of dwellings or lots: 1

Non-residential building size: N/A

I certify that the information contained in this application and supporting materials is correct and accurate.

[Signature]  
Signature of Applicant

I certify that I am the Owner of Record of the subject property and that I consent to the submittal of this application.

[Signature]  
Signature of Owner of Record

[Signature] 8-26-15

Signature of Owner of Record

Signature of Owner of Record

Office Use Only
Date Received: _____
Fee: _____
By: _____

Ordinance # 15-29

AN ORDINANCE UPDATING THE REQUIREMENTS FOR WATER METERS

WHEREAS, the Town of Garden City is a town duly incorporated under the general law of the State of Utah; and

WHEREAS, the Garden City Town Council is the Governing Body for the Town of Garden City and must administer the Garden City Municipal Code; and

WHEREAS, the Garden City Town Council is authorized to govern the policies and procedures for water service from the Garden City water system in a fair and consistent way; and

NOW THEREFORE, be it ordained by the Town Council, of the Town of Garden City, Rich County, State of Utah, that **Ordinance 13A-102** be updated in the Garden City Municipal Code as follows:

**Chapter 13A-102**

13A-102 The Board of Trustees of Garden City shall appoint a Town Water Commissioner, whose duty it shall be **It is the duty of the Town Council of Garden City** to manage and supervise the Garden City water system under the direction of the Board of Trustees, who- and from time to time shall by resolution prescribe **his their** powers and duties.

A. Turning on Water. No water from the Town water system shall be turned on for service to any premises by any person but the Water Commissioner, or some person authorized by him to perform this service.

B. Application. Application to have water turned on shall be made in writing to the Town Clerk, and shall be accompanied by a fee as directed by resolution for turning on the water, together with any other fees therein required.

C. Service Connection Fee. No connections with a water main shall be made without a permit being issued and 24 hours notice having been given to the Water Commissioner. All such connections shall be made and all such work done at the expense of the applicant who shall also furnish materials necessary for such work. All such connections shall be made under the supervision of the Water Commissioner, and no connections shall be covered until the work has been inspected by him. Applications for such connections must be made to the Clerk, and a fee shall be paid for each connection.

D. Additional Charges.

1. A Re-Connect Fee, set by resolution, shall be paid to the Town Clerk whenever the water is turned into any premises after service has been discontinued either at the owners request, or for non-payment or other violations of the rules and regulations, or application for water service.

2. A Disconnection Fee, set by resolution, shall be paid to the Town Clerk whenever the water service has been discontinued either at the owners request, or for non-

payment or other violations of the rules and regulations, or application for water service.

E. Plumbing. No water shall be turned on for service in premises in which the plumbing does not comply with the ordinances of the Town; provided, that water may be turned on for construction work in unfinished building subject to the provisions of this ordinance.

F. Resale Prohibited. No water shall be resold or distributed by the user thereof from the Town system to any premises other than that for which application has been made, except in case of emergency.

G. Tampering Prohibited. It shall be unlawful for any person not authorized by the Town to tamper with, alter, bury, or injure any part of the Town water system, or any meter. Any violation of this ordinance will be punishable by a fine as established by the code violation fee schedule resolution. The Town will provide grade rings and/or risers when needed at no expense to a property owner.

H. User Prohibited from Turning on Water. It shall be unlawful for any person, after water service has been discontinued from any premises, either for nonpayment of charges or violation of the rules and regulations pertaining to the water system, to turn on or allow the water to be turned on, or to use or allow the water to be used without authority. The Water Commissioner shall remove the water meter or disconnect service to any person violating this section, and said user shall be required to make a new application, make a deposit in the same manner required for nonresidents and persons not owning the premises, and pay a new connection fee as provided in this ordinance the same as if he had never been connected to the system.

I. Installation. All service pipes from the mains to the premises served shall be installed by, and at the cost of the owner of the property, or the applicant for the service. Such installations shall be under the inspection of the Water Commissioner.

J. Plumbing Permit, Report. It shall be unlawful for any person to make any extension of any pipe or water fixture attached to the waterworks system for any purpose whatever without first obtaining a permit therefore from the Water Commissioner. All persons must within twenty-four (24) hours after the completion of any plumbing work connected with the water system, report the same to the Water Commissioner.

K. Excavations. Excavations for installing service pipes or repairing the same shall be made in compliance with the ordinance provisions relating to making excavations in streets.

L. Sewer Pipes. It shall be unlawful to place any water service pipe in the same excavation with or directly over any drainpipe or sewer pipe.

M. Shut Off Boxes. Shut off boxes shall be placed on every service line and it shall be located along the edge of the street line whenever practicable. Such boxes shall be so located that they are easily accessible, and shall be protected from frost.

N. Repairs. All repairs for service pipes and plumbing system of buildings shall be made by and at the expense of the owners of the premises served. The Town may, in case of

emergency, repair any service pipes and if this is done the costs of such repair work shall be repaid to the Town by the owner of the premises served.

O. Waste Prohibited. It shall be unlawful for any water user to waste water, or allow water to be wasted, through leaking pipes or otherwise, or to allow water to wastefully run from the system in amounts more than are sufficient for the purpose for which the water is being used. No open hoses.

P. Inspection. The Water Commissioner, and his agents, shall have free access to places supplied with water from the Town system at all ordinary hours for the purpose of examining pipes and apparatus and ascertaining if water is being wasted or used in any way contrary to the provisions of this ordinance.

Q. Liability. The Town shall not be liable for any damages caused any water user, or to any premises, by reason of stoppage or interruption of the water supply whether caused by fires, drought, accidental damage to the system, alterations, addition, repairs, or any other cause.

R. Hydraulic Motors. No water shall be used from the Town system for the purpose of operating any motor, siphon, turbine, hydraulic engine, elevator, or for propelling or driving any type or kind of machinery; nor shall any license be granted or issued for any such purpose except by resolution of the Town Board.

S. ~~Separate Meters. Every structure, house, or building in which a business is carried on, or a residence maintained, using water from the Town system, must have a separate and individual water connection and water meter.~~ **Water Audit. The Town reserves the right to do a water audit at anytime to any use connected to the Garden City water system. If the audit request is refused the water will be disconnected to the property**

T. Sprinklers and Irrigation. The Town Board shall have the power to regulate the use of water from the town system for sprinkling and irrigation, by resolution, and may restrict, or prohibit use of water for sprinkling or irrigation, or limit the number of outlets and the type of outlets that may be used for such purposes. Notice of such resolutions shall be made by posting a copy of the resolution in three prominent locations within the corporate limits. There shall be no open hoses allowed.

U. Multiple Users on One Connection. Where two or more users or premises are presently supplied from the same service pipe, the failure on the part of any of said parties to comply with these ordinances shall warrant the Town in withholding supply of water through said service pipe until a separate service pipe is put in for each user or premises under regular application and in accordance with the terms of this ordinance.

V. Meters Required. All premises using the Town water supply must be equipped with an adequate water meter furnished by the Town, but paid for by the consumer; provided that such water service may be supplied by the Town at a flat rate of charge until such meter may be installed. All new connections shall have a meter installed when the connection is made and before any premises are occupied or no water shall be furnished to such premises.

**1. Out Building, which is subordinate to the main building:**

- a. **Residential.** A residential meter/connection is allowed for 1 residence and 1 out building. An out building is defined as a building such as a shed barn or garage on the same property but separate from the main residential building. An out building cannot contain a kitchen as described in the IRC Building Code.
- b. **Commercial.** All commercial buildings are required to pay an impact fee and monthly bill based on the ERU's listed on Table 1.
  - 1. Commercial connections are restricted to the size of the meter and based on fixture units serviced by the water connection. The meter restrictions are listed below:
    - a. ¾" maximum of 32 fixture units
    - b. 1" maximum of 50 fixture units
    - c. 1.5" maximum of 170 fixture units
    - d. 2" maximum of 200 fixture units
    - e. Anything larger than a 2" meter must be engineered to determine appropriate meter/line size, and approve by the Garden City Public Works Director.
    - f. Fixture units are calculated on Table 2 and set by resolution.
- c. **Meter must service only 1 owner and 1 lot with the bill going to 1 property owner.**
- d. **Any subdivision of property will require a separate meter on each lot prior to subdivision.**

W. Installation of Meter. Meters shall be installed on the property line in the location that will be easily accessible for the purposes of reading and maintenance by the Garden City Public Works Department.

X. Reading Meters. The Water Commissioner shall read or cause to be read every water meter used in the Town at such times as are necessary that bills may be sent out at the proper time.

Y. Meters. Any water meter shall be taken out and tested upon complaint of the user, and upon payment of a fee of \$10.00. If upon testing the meter is not within three percent (3%) of being correct it shall be repaired or replaced and the deposit returned to the user, otherwise said fee shall be retained by the Town for such services and testing.

Z. Construction. During the construction of any building and before any water is installed as is herein provided, the contractor so constructing may be permitted to use the Town water supply by making application therefore, and paying a flat fee which shall be set by the Town Board.

AA. Nonpayment. The water supply may be shut off from any premises or to any user, for which the water bill remains unpaid for a period of ten (10) days after such bill is rendered

and mailed. When shut off, the water shall not be turned on except upon payment of the usual fee for turning on water, together with all unpaid water bills.

BB. Extension of Water Mains. Any person desiring to have the water mains extended within the corporate limits of this Town may petition the Town Board for such extension. Such petition must indicate that the person is ready, willing, and able to pay all costs of such extension and contain a description of the proposed extension together with a map thereof. A deposit of \$25.00 shall accompany said petition. After the receipt of the petition, the Town Board shall make an estimate of the costs of such extensions and upon deposit of the estimated costs with the Town Clerk, the Town Board shall enter into a written contract with the petitioner setting forth the terms and procedures for completion of the proposed extension, before the petition shall be approved and construction of the extension commenced.

CC. Users Outside Town Limits. The Town of Garden City may furnish water from its system to persons outside its corporate limits in accordance with the laws of this state and the following ordinances; provided, however, that such water shall be supplied only when and if there is surplus water beyond the requirements of the persons living within the corporate limits.

Developers requesting water service from the Garden City Water system, outside the town limits will be required to pay a deposit at the same rate as developers inside the city limits, which is set by resolution and listed in the Fee Schedule. The deposit will be used for Attorney, Engineer and any other professional services billed to Garden City and relevant to the development. The deposit will also be used for staff time and labor incurred as a direct result of the development. Any portion of the deposit not used for these fees will be refunded to the developer.

DD. Extensions. Any person located outside of the Town limits may petition the Town Board in the same manner as prescribed for residents. However, the Town Board shall not be obligated in any way to answer to consider such application if they so desire and shall not be obligated in any way except to return the deposit which has been made with said petition.

EE. Penalty. Any person, firm or corporation violating any provision of this ordinance shall be fined ~~not less than \$10.00 nor more than \$299.00 for each offense; and a separate offense shall be deemed committed on each day ensuing or on which a violation occurs or continues.~~ **As stipulated by resolution and recorded on the infraction code schedule.**

FF. Special Uses. The Town Board President, with the consent of the Town Board, may enter into contracts for the providing of water under special circumstances not contemplated by the foregoing provisions such as but not limited to the following: industrial, stock watering, large commercial establishments, and parks and playgrounds.

GG. Discounted water rates for qualifying Senior Citizens.

1. All Senior Citizens (as defined by the federal definition of Senior Citizens for purposes of receiving assistance payments benefits) presently or hereinafter

connected to the Town Water system shall pay one-half (1/2) the minimum monthly charge per month for water services provided by the Town, provided that such Senior Citizen shall provide appropriate financial evidence that their annual income is equal to or below the figures established as the national poverty level by the federal government for the number of persons in the household requesting such Senior Citizen water rate, provided that the monthly amount of water used does not exceed 7500 gallons as shown on the water meter. In the event said usage exceeds 7500 gallons per month, the fee for excess water above and beyond 7500, gallons per month shall be billed at a rate equal to all other rates then charged by the Town of Garden City.

HH. Private Wells. No private wells are allowed with the Garden City town limits.

APPROVED, by the Garden City Town Council, Garden City, Rich County, State of Utah, this 10<sup>th</sup> day of September, 2015.

APPROVED:

Attest:

\_\_\_\_\_  
John Spuhler, Mayor

\_\_\_\_\_  
Kathy Hislop, Town Clerk

Voting:

	<u>Aye</u>	<u>Nay</u>
Huefner	___	___
Pugmire	___	___
Stocking	___	___
Warner	___	___
Spuhler, Mayor	___	___

RESOLUTION #R15-07

AN RESOLUTION UPDATING THE  
ADMINISTRATIVE CODE INFRACTION FINE SCHEDULE

WHEREAS, The Town of Garden City is a town duly incorporated under the general law of the State of Utah; and

WHEREAS, The Garden City Town council has determined that there is a need to enforce the requirements as set in the Garden City Municipal code, and in the event that there is a violation to the Garden City Municipal Code that an Infraction Fine Schedule be established to stipulate the remedy for such infractions.

NOW THEREFORE, be it resolved by the Town Council of the Town of Garden City, Rich County, State of Utah, that the Administrative Fine Schedule be updated as follows:

The fine schedule is attached in "Exhibit A". Violations may be cited as allowed in "Exhibit A". The Town of Garden City Administrative Code Infraction Fine Schedule, which is attached.

APPROVED: This resolution will become effective immediately upon approval of the Garden City Town Council.

Dated this 10<sup>th</sup> day of September, 2015.

APPROVED:

Attest:

\_\_\_\_\_  
John Spuhler, Mayor

\_\_\_\_\_  
Kathy Hislop, Town Clerk

Voting:

	Aye	Nye
Huefner	_____	_____
Pugmire	_____	_____
Stocking	_____	_____
Warner	_____	_____
Spuhler, Mayor	_____	_____

## “Exhibit A”

### The Town of Garden City Administrative Code Infraction Fine Schedule

INFRACTION:	FINE:	PER:
<b>Licensing and Permitting:</b>		
Removing posted red tag before issues are resolved	750	Day
Installing a sign in violation of Municipal Code	200	Infraction
Installing a sign before procuring sign permit	200	Infraction
Operating a business without Garden City License	750	Day
Operation of a transient or Beach Business without a GC License	500	Day
Construction without a building permit	500	Infraction/Day
<b>Short Term Rental:</b>		
Operation of a short term rental without Garden City License	750	Day
Occupancy beyond the specified allowed	50	Per person
Parking off premise or in excess of allowed	150	Per vehicle
Unauthorized commercial activities	750	Day
<b>Water System:</b>		
Turning on/off water meters	200	Infraction
Burying water meter	200	Infraction
Tampering with water meters	250	Infraction
Failing to pay standby fee	240	Per yr delinquent
<b>Violation to water meters required ordinance</b>	<b>1,000*</b>	<b>Infraction</b>
• Plus appropriate impact fee		
<b>Beach Use (within the Garden City General Permit Area):</b>		
Camping on the beach	100	Infraction
Leaving Canopies, Trailers, etc. on the beach	50	Infraction
Parking outside the designated area	100	Infraction
Parking closer than 100 feet the water's edge	50	Infraction
Trespassing on Garden City General Permit area without a Valid pass	80	Infraction
Not being Quagga Mussel certified	50	Infraction
<b>Parking:</b>		
Standard parking infraction	80	Infraction
Parking in a Handicap parking spot	120	Infraction
Parking on the bike path	80	Infraction
Parking on town roads Nov 1 – May 1 (snow plowing)	80	Infraction
Parking in a Fire Lane	80	Infraction
<b>Land Use:</b>		
No correct county address posted on property	100	Infraction
Littering	80	Infraction
Camping without a required permit (per RV as defined)	100	Infraction
Installing lighting in violation of dark sky ordinance	100	Infraction
Violation of ordinance #9-500, abatement of Garbage and	200	Infraction/Per day

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other Deleterious Material

**Animal Control: (infraction is per animal)**

Not curbing your animal/pet	25	Infraction
Animal/pet must be on a leash when on any Town owned property	25	Infraction
Animal/pet must be on a leash on any beach within the Garden City General Permit area.	25	Infraction
Household pets not contained within property area	25	Infraction

**Town Property:**

Operating any type of motorized vehicle on the bike path	200	Infraction
No overnight parking or camping on town owned property	100	Infraction
Plowing snow onto town roads	100	Infraction
Encroaching onto town streets without a permit	100	Infraction
Cutting a town street without permit	750	Infraction
Destruction of Town property	500	Infraction
Prohibited Use/Activities	120	Infraction
Encroachment Violation	100	Infraction

**Police and Public Offenses**

Nuisance/Disturbing the peace	100	Infraction
Urinating/Defecating in public	50	Infraction
Discharging of firearms within the Garden City Town limits	1500	Infraction
Discharging of illegal fireworks	250	Infraction
Violation to fire or firework restrictions	500	Infraction
Reckless Endangerment or Wanton Disregard	250	Infraction
Offenses Against Public Health, Safety, Welfare and Morals	100	Infraction

**Miscellaneous:**

Violation of quiet hour noise		
• First violation within a 12 month period	150	Day
• Second violation of the same provision within a 12 month period	300	Day
• Each additional violation of the same provision within a 12 month period	500	Day
Violation of quiet hour noise for construction sites:		
• First violation within a 12 month period	500	Day
• Second violation of the same provision within a 12 month period	1000	Day
• Each additional violation of the same provision within a 12 month period	5000	Day
Not collecting or paying sales and resort tax	750	Infraction
Violation of the Garden City Standards Manual Requirements	200	Infraction/Per Day
Leaving Trash Receptacle on roadside longer than 24 hours	25	Per Day
Seasonal Motorized Traffic violation	100	Infraction

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RESOLUTION #R15-08

A RESOLUTION TO UPDATE WATER IMPACT FEE AND MONTHLY USAGE MULTIPLIER FOR EACH COMMERCIAL CONNECTION (ERU)

WHEREAS, the Town of Garden City is a Town duly incorporated under the general laws of the State of Utah; and

WHEREAS, the Garden City Impact Fee Multiplier for each Commercial Impact Fee/Connection must be updated from time to time to include uses which have not been listed; and

WHEREAS, the Garden City Town Council has determined that all rates, hook on fee, monthly fees and impact fees must be appropriate and fair in order to operate and maintain the water system to the benefit of all users; and

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Garden City, County of Rich, State of Utah that Table 1, Impact Fee and Monthly Usage Multiplier for each Commercial Connection (ERU), be updated as indicated.

APPROVED:

\_\_\_\_\_  
John Spuhler, Mayor

Attest:

\_\_\_\_\_  
Kathy Hislop, Town Clerk

Council Members Voting:

	Aye	Nay
Pugmire	___	___
Huefner	___	___
Stocking	___	___
Warner	___	___
Spuhler, Mayor	___	___

**Table 1**

<b>Type of Connection</b>	<b>Impact Fee/Monthly Usage Multiplier for each Commercial Connection (ERU)</b>
Auto Dealership	1 (per public toilet facility)
Bed & Breakfast	1 (per every 6 rooms)
Boarding House	1 (per every 6 rooms)
Bowling Alley	1 (per every 8 alleys)
Campground or RV Park	1 (per every 8 hookups)
Car Wash	1 (per stall)
Church	1 (per every 80 members)
Condominium Unit	± <b>.75 (per condominium unit)</b>
Dentist's Office	1 (per every 4 chairs)
Doctor's Office	1 (per every 3 doctors or physicians assistants)
Dry Goods Store	1 (per public toilet facility)
Fast Food Restaurant	1 (per every 6 employees)
Filling Station	1 (per every 2 island, one island = 2 pumps)
Filling Station/Food Mart	1 (per every per one island = 2 pumps )
Golf Course (not culinary irrigation)	1 (per public toilet facility)
Grocery Store	1 (per every 15 employees)
Health Club/Spa	1 (per every 30 members)
Hair Salon	1 (per every 10 chairs)
Horse Stable	1 (per every 8 horses)
Hospital	1 (per every 4 beds)
Hotel/Motel	1 (per every — 3 rooms)
Industrial (with showers)	1 (per every 20 employees)
Industrial (without shower)	1 (per every 40 employees)
Launderette	1 (per every 2 washers)

Mechanic Shop	See Industrial
Mobile Home Space	1 (per every space)
Movie Theater	1 (per every 150 seats)
Nursing Home	1 (per every 4 beds)
Nursery (privately irrigate)	See Industrial
Nursery (culinary water irrigated)	1 (per acre)
Office Buildings	1 (per every 40 employees)
Restaurants	1 (per every 18 <b>inside</b> seats)
<b>Restrooms</b>	<b>1 (per every 5 stalls/urinals)</b> <b>1 (per every 5 shower stalls )</b>
Rooming House	1 (per every 20 persons)
School (elementary)	1 (per every 40 students)
School (middle)	1 (per every 36 students)
School (high school/community college)	1 (per every 32 students)
Tavern	1 (per every 30 seats)
Veterinary Clinic	1 (per every 3 veterinarians or vet assistants)

RESOLUTION #R15-09

A RESOLUTION TO ESTABLISH TABLE 2, WHICH SETS THE FIXTURE UNIT CALCULATIONS

WHEREAS, the Town of Garden City is a Town duly incorporated under the general laws of the State of Utah; and

WHEREAS, the Garden City Town Council must establish a calculation for fixture units allowed behind a meter size to be fair and appropriate to all users on the Garden City water system.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Garden City, County of Rich, State of Utah that Table 2, Fixture Unit Calculation be established as indicated.

APPROVED:

\_\_\_\_\_  
John Spuhler, Mayor

Attest:

\_\_\_\_\_  
Kathy Hislop, Town Clerk

Council Members Voting:

	Aye	Nay
Pugmire	___	___
Huefner	___	___
Stocking	___	___
Warner	___	___
Spuhler, Mayor	___	___

**TABLE 2  
FIXTURE UNIT CALCULATION**

Fixture	Water Supply Fixture Units (WSFU)
Bathtub	1.4
Dishwashing Machine	1.4
Kitchen Sink	1.4
Kitchen Sink (Hotel/Motel, Restaurant)	4.0
Shower Head	1.4
Washing Machine	1.4
Toilet or urinal	2.2

Table 2 is only used to calculate the number of fixture units allowable behind a meter size.

Impact fee and monthly usage will be calculated using Table 1

DRAFT