Mayor
Robert Houston
City Manager
Joseph Decker
Treasurer
RaeLene Johnson

City Council
Brent Chamberlain
Cheryl Brown
Kirt Carpenter
Joe B. Wright
Kent Burggraaf

KANAB
UTAH

KANAB CITY COUNCIL
October 27th, 2015
76 NORTH MAIN, KANAB, UTAH

NOTICE is hereby given that the Kanab City Council will hold its regular council meeting on the 27th day of October, 2015, in the Commission Chambers at the Kane County Courthouse, 76 North 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

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. Ordinance 10-1-15 O " An Ordinance amending all of Kanab City General Ordinance Section 13"

7. Ordinance 10-4-15 O " An Ordinance amending Kanab Land Use Ordinance Concerning Chapter 4 and 17 Two Family Dwelling"

8. Approval of the creation of a minor subdivision consisting of 3 lots located at 196 N 200 E

9. Approval of Awning on Raven's Heart Gallery

10. Closed Session:
    Swimming Pool
    - Discuss pending or reasonably imminent litigation.
    - Discuss the purchase, exchange, or lease of real property
    - Discuss the character, professional competence, or physical or mental health of an individual.
    - Golf Course

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.

KANAB CITY COUNCIL MEETING
OCTOBER 13, 2015
KANE COUNTY COMMISSION CHAMBERS

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: A presentation was given on the Airport Master Plan. Mel Leesburg, Samuel Roth, and Stephen Berardo with Jviation addressed the Council. Mr. Berardo presented the process of preparing a master plan. They start with an investigation identifying demands and needs. Next they will recommend different needed issues. The master plan will be tailored to the City's individual airport. The master plan will be a 20-year plan. It has to meet FAA standards, but they don't have to sign off on it because it is the City's master plan. The FAA approves the airport layout plan. There is going to be a new digital mapping plan. The Plan has to be environmental compliant. Some of the key issues and goals are to analyze existing and future aviation activity into Kanab City's airport. Define the role of Kanab in relation to the overall economic development program. Mr. Berardo said that they hope to have the Plan completed by next summer. Council Member Carpenter asked if the new terminal was going to be included in the Master Plan. They said that it would.

Prayer was offered by Joe B. Wright and the pledge was led by Brent Chamberlain.
Mayor Houston called the regularly scheduled meeting to order at 7:05 p.m. and roll call was taken.

APPROVAL OF AGENDA: A motion was made by Council Member Wright and 2nd by Council Member Chamberlain to approve the agenda of October 13, 2015. Motion passed unanimously.

APPROVAL OF MINUTES: A motion was made by Council Member Brown and 2nd by Council Member Wright to approve the minutes of the September 8th meeting. Motion passed unanimously. A motion was made by Council Member Chamberlain and 2nd by Council Member Brown to approve the minutes of the September 22nd meeting as corrected. Motion passed. Council Member Wright abstained since he wasn't at the meeting.

APPROVAL OF ACCOUNTS PAYABLE VOUCHERS: A motion was made by Council Member Wright and 2nd by Council Member Chamberlain to approve the vouchers and check register in the amount of $179,736.92. Motion passed unanimously.

PUBLIC COMMENT PERIOD: No comments were received.

APPOINTMENT TO THE ARTS COUNCIL: A motion was made by Council Member Brown and 2nd by Council Member Burggraaf to approve Russell Wulfenstein to serve on the Arts Council in the Performing Arts division with a term ending December 31, 2018. Motion passed unanimously.

PUBLIC HEARING TO DISCUSS POTENTIAL CHANGES TO ALL OF CHAPTER 13: A motion was made by Council Member Wright and 2nd by Council Member Chamberlain to go in and out of the Public Hearing at the call of the Mayor. Motion passed unanimously. Patty Hegwood addressed the Council. She requested the changes to Chapter 13 be tabled until she has a chance to confer with Jeff Stott on the proposed changes as it relates to vicious and dangerous dogs. She also wants input on cats. Robert Brissette said he has had people complain to him about their animals being taken off of their property without the owner's permission. Mayor Houston asked him if this is a concern that is in Chapter 13 of the ordinances.

Out of Public Hearing

ORDINANCE 10-1-15 O/AN ORDINANCE AMENDING ALL OF KANAB CITY GENERAL ORDINANCE SECTION 13: Mr. Stott informed the Council that State law says that anyone 8 years old to 15 years old can ride an ATV as long as they have a certificate. A motion was made by Council Member Chamberlain and 2nd by Council Member Wright to postpone acting on this Ordinance until next meeting.

PUBLIC HEARING TO DISCUSS PROPOSED REVISIONS TO THE COMMERCIAL ZONES IN THE LAND USE ORDINANCE CONCERNING CHAPTER 1 AND 20 LIVE OR AMPLIFIED MUSIC: A motion was made by Council Member Wright and 2nd by Council Member Chamberlain to go in and out of Public Hearing at the discretion of the Mayor. Motion passed unanimously. Mr. Jeff Frey asked if this change was discussed previously. He was told it was discussed by the Council and also discussed at the Planning Commission meeting. Mr. Allen Gilberg asked about the noise at the High School. He was told this revision does not address special events. The LDS Church bells were discussed.

Out of Public Hearing

ORDINANCE 10-2-15 O/AN ORDINANCE AMENDING THE LAND USE ORDINANCE CONCERNING CHAPTERS 1 AND 20 LIVE OR AMPLIFIED MUSIC: Council Member Wright said he was in favor of the amendment. He said it only applies to those in commercial zones, so the school isn't affected. It says unless otherwise permitted by city authority, any live music or sounds that, when measured from within a residentially zoned property does not exceed 50 decibels. The music or sound cannot play after 10:30 p.m. or before 8:30 a.m. Council Member Chamberlain said he was in favor of the Ordinance. Council Member Carpenter asked who the City Authority would be. If it is the Chief of Police, then that should be stated. Police Chief gives permits for special events. A motion was made by Council Member Burggraaf and 2nd by Council Member Wright to adopt Ordinance 10-2-15 O amending the Land Use Ordinance Chapters 1 and 20 (Live or Amplified Music) with changing the wording of City Authority to Chief of Police or City Manager. Motion passed unanimously by roll call vote.

ORDINANCE 10-3-15 O/AN ORDINANCE PROHIBITING RETAIL TOBACCO SPECIALTY BUSINESSES: A motion was made by Council Member Chamberlain and 2nd by Council Member Burggraaf to adopt Ordinance #10-3-15 O prohibiting retail tobacco specialty businesses striking out "Whereas Kanab City

desires a tax base of high quality business uses" and adding "Now therefore be it ordained" after the last whereas. Motion passed unanimously by roll call vote.

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

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MAYOR ROBERT D. HOUSTON RECORDER JOE DECKER

ORDINANCE NO. 10-1-15 O

AN ORDINANCE AMENDING KANAB CITY GENERAL ORDINANCE SECTION 13

WHEREAS, the City Council of Kanab desires to amend and clarify section 13 of the Kanab City General Ordinance.

WHEREAS, The Kanab City Council and staff have evaluated current ordinance requirements and has found the need for clarification.

NOW, THEREFORE, BE IT ORDAINED by the Kanab City Council that the Kanab City General Ordinance is hereby amended as reflected in the following 20 pages.

All former codes or parts thereof conflicting or inconsistent with the provisions of this Ordinance or of the Code hereby adopted are hereby repealed.

The provisions of the Code shall be severable, and, if any provision thereof or any application of such provision is held invalid, it shall not affect any other provisions of this code or the application in a different circumstance.

This ordinance shall be effective upon the required posting.

PASSED AND ORDERED POSTED this 13th day of, October 2015.

KANAB CITY

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MAYOR

ATTEST:

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RECORDER

KANAB

General Ordinances

Section 13: POLICE AND PUBLIC OFFENSES

Section 13-111	Police Department – Established
Section 13-114	Register of Arrest
Section 13-115	Property Taken From the Person Arrested - Triplicate Receipts
Section 13-116	Register of Property to Be Kept
Section 13-117	Stolen Property Disposition
Section 13-121	Jail-Governing Body to Provide
Section 13-125	Prisoners to Labor on Public Works
Section 13-200	Animal Control
Section 13-200.01.010	Definitions
Section 13-200.01.011	Purpose
Section 13-200.01.020	Premises Confining Animals and Fowl-Neat and Sanitary Condition Required.
Section 13-200.01.040	Disposal of Animals
Section 13-200.01.050	Leaving Animal in Vehicle
Section 13-200.01.060	Excessive Noise
Section 13-200.01.141	Revocation of License or Permits
Section 13-200.01.150	Interference with Officer
Section 13-200.01.120	Animal Bites
Section 13-200.01.130	Defecation and Urination
Section 13-200.01.070	Animals Running at Large
Section 13-200.01.080	Impound-Authority to
Section 13-200.01.085	Impound Procedures
Section 13-200.01.160	Quarantine of Animals
Section 13-200.01.100	Detention of Animals
Section 13-200.03.010	Rabies Control
Section 13-200.03.020	Vaccination Required
Section 13-200.01.190	Female Cats in Heat / Season Running at Large
Section 13-200.01.200	Threatening Passers-By
Section 13-200.02.040	Female Dogs in Heat / Season Running at Large
Section 13-200.02.160	Dogs in Prohibited Areas
Section 13-200.02.170	Allowable Number of Dogs
Section 13-200.04	Kennels
Section 13-200.04.020	Permit Required
Section 13-200.04.030	Fees

Last updated 9/23/2015

Section 13: POLICE AND PUBLIC OFFENSES

Section 13-200.04.050 Inspection
Section 13-200.04.060 Definitions - Exception for Puppies/Kittens
Section 13-200.02.010 Licensing
Section 13-200.02.020 Licensing and Fee Exemptions
Section 13-200.01.210 Penalties
Section 13-310 Adoption Criminal Code
Section 13-311 Off-Highway Vehicle Act
Section 13-312 Curfew-Minors-Exceptions
Section 13-313 Responsibility Of Parents, Etc.
Section 13-314 Discharge of Firearms
Section 13-315 Prohibition of Discharge of Fireworks or To Set on Fire Any Inflammable Material within Kanab City
Section 13-349 Sexually-oriented Businesses
Section 13-350 Purpose
Section 13-351 Definitions
Section 13-352 Classification
Section 13-353 License Required
Section 13-354 Issuance of License
Section 13-355 Fees
Section 13-356 Inspection
Section 13-357 Expiration of License
Section 13-358 Suspension
Section 13-359 Revocation
Section 13-360 Hearing-Denial, Revocation, and Suspension - Appeal
Section 13-361 Transfer of License
Section 13-362 Hours of Operation
Section 13-363 Exhibition of Sexually Explicit Films or Videos
Section 13-364 Loitering, Exterior Lighting, Visibility, and Monitoring Requirements
Section 13-365 Penalties and Enforcement
Section 13-366 Applicability of Section to Existing Businesses
Section 13-368 Scienter Required to Prove Violation or Business Licensee Liability

Section 13: POLICE AND PUBLIC OFFENSES

Section 13-369 Effect of City Failure to Act
Section 13-370 Signs
Section 13-371 Location of business, Restrictions
~~Section 13-100 Police~~
~~Section 13-110 Police Department~~
~~Section 13-111 Police Department – Established~~
~~Section 13-112 Marshal - Chief of Police~~
~~Section 13-113 Additional Powers and Duties of Policemen~~
~~Section 13-114 Register of Arrest~~
~~Section 13-115 Property Taken From the Person Arrested - Triplicate Receipts~~
~~Section 13-116 Register of Property to Be Kept~~
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~~Section 13-120 Jail~~
~~Section 13-121 Governing Body to Provide~~
~~Section 13-122 Jailer~~
~~Section 13-123 Rules~~
~~Section 13-124 Duties of Jailer~~
~~Section 13-125 Prisoners to Labor on Public Works~~
~~Section 13-126 Work to Be Performed Under the Direction of the Jailer~~
~~Section 13-127 Time Off For Work Performed~~
~~Section 13-128 Failure to Perform Work Made Breach of Rules~~
~~Section 13-129 Time Off for Good Behavior~~
~~Section 13-200 Animal Control~~
~~Section 13-200.01 General Animal and Livestock Regulations~~
~~Section 13-200.01.010 Definitions~~
~~Section 13-200.01.011 Purpose~~
~~Section 13-200.01.020 Premises Confining Animals and Fowl-Neat and Sanitary Condition Required.~~
~~Section 13-200.01.030 Abandoning Sick, Diseased, or Disabled Animals~~
~~Section 13-200.01.040 Disposal of Animals~~
~~Section 13-200.01.050 Cruelty to Animals~~
~~Section 13-200.01.060 Excessive Noise~~
~~Section 13-200.01.070 Animals Running at Large~~

Section 13: POLICE AND PUBLIC OFFENSES

~~Section 13-200.01.080 Impound~~
~~Section 13-200.01.090 Keeping Certain Animals Unlawful~~
~~Section 13-200.01.100 Detention of Animals~~
~~Section 13-200.01.110 Intra-seizure of Animals~~
~~Section 13-200.01.120 Animal Bites~~
~~Section 13-200.01.130 Defecation and Urination~~
~~Section 13-200.01.140 Enforcement~~
~~Section 13-200.01.141 Revocation of License or Permits~~
~~Section 13-200.01.150 Interference with Officer~~
~~Section 13-200.01.160 Quarantine of Animals~~
~~Section 13-200.01.190 Female Cats in Heat/Season Running at Large~~
~~Section 13-200.01.200 Threatening Passers-By~~
~~Section 13-200.01.210 Penalties~~
~~Section 13-200.02.010 Licensing~~
~~Section 13-200.02.040 Female Dogs in Heat/Season Running at Large~~
~~Section 13-200.02.160 Dogs in Prohibited Areas~~
~~Section 13-200.02.170 Allowable Number of Dogs~~
~~Section 13-200.02.180 Impound~~
~~Section 13-200.03.010 Rabies Control~~
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~~Section 13-315 Prohibition of Discharge of Fireworks or To Set on Fire Any Inflammable Material within Kanab City~~
~~Section 13-340 Sexually-oriented Businesses~~

Section 13: POLICE AND PUBLIC OFFENSES

~~Section 13-350 Purpose~~
~~Section 13-351 Definitions~~
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Section 13: POLICE AND PUBLIC OFFENSES

~~Section 13-100 Police~~

~~Section 13-110 Police Department~~

Section 13-111 Police Department – Established

There is hereby established a regularly constituted police force to be known as the police department which shall consist of a chief of police and such other police officers as shall be employed by the municipality, and to operate pursuant to the powers and duties referred to in Utah Code 10-3-919.

Comment [JS1]: This added line covers everything deleted in the below 2 sections (which are outdated and have incorrect citations).

~~Section 13-112 Marshal - Chief of Police~~

~~A. Powers. Cities see U.C.A. 10-6-65 through 10-6-68. Towns see U.C.A. 10-6-69 and 10-13-10 and 17-25-1 et. seq.~~

~~B. He shall organize, supervise, and be responsible for all the activities of the police department and shall define and assign the duties of the different police officers.~~

~~C. He shall, when required, attend meetings of the governing body to consult with and advise them on matters of public safety. He shall execute all lawful orders of the mayor and governing body and see that all orders and judgments of the justice of the peace are carried into effect.~~

~~Section 13-113 Additional Powers and Duties of Policemen~~

~~The chief of police and all police officers of the municipality shall have the following powers and duties in addition to those that may be assigned to them as above provided:~~

Section 13: POLICE AND PUBLIC OFFENSES

~~A. To suppress riots, disturbances, and breaches of the peace, and to apprehend all persons committing any offense against the laws of the state or ordinances of the municipality.~~

~~B. To execute and serve all warrants, processes, commitments, and writs whatsoever issued by the justice of the peace.~~

~~C. To preserve the public peace, prevent crime, detect and arrest offenders, protect persons and property, remove nuisances existing in the public streets, roads, highways and other public places, enforce every law relating to the suppression of offenses, render such assistance in the collection of licenses as may be required by the license collector and perform all duties enjoined upon them by law and ordinance.~~

Section 13-114 Register of Arrest

The chief of police shall provide and cause to be kept a register of arrest. Upon such register shall be entered a statement showing the date of such arrest, the name of the person arrested, the name of the arresting officer, the offense charged and a description of any property found upon the person arrested.

Section 13-115 Property Taken From the Person Arrested - Triplicate Receipts

When money or other property is taken from a person arrested upon a charge of a public offense, the officer taking it must at the time issue triplicate receipts therefore specifying particularly the amount of money or kind of property taken. One of the receipts he must deliver to the person arrested. Another he must forthwith file with the clerk of the court to which the complaint and other papers in the case are required by law to be sent. The third receipt must be sent at once to the office of the police department.

Section 13: POLICE AND PUBLIC OFFENSES

Section 13-116 Register of Property to Be Kept

The chief of police must enter or cause to be entered in a suitable book a description of every article of property alleged to be stolen or embezzled and brought into his office or taken from the person of the prisoner and must attach a number to each article and make a corresponding entry thereof.

Section 13-117 Stolen Property Disposition

It shall be the duty of the chief of police to keep all lost or stolen property that comes into the possession of the police department or any of its members. He shall make all reasonable efforts to discover the owners thereof.

~~Section 13-120 Jail~~

Section 13-121 Jail- Governing Body to Provide

~~A. The governing body shall provide for a place of incarceration which shall be the municipal jail.~~

~~B.~~A. The governing body may contract with any person, county, municipality, or combination thereof for the purpose of providing suitable premises and facilities to be used by the municipality for incarceration.~~as the municipal jail.~~

Comment [JS2]: Repetitive to (B)

~~Section 13-122~~ Jailer

~~A. Until another person is appointed, the chief of police shall be ex officio jailer. The jailer shall:~~

~~B. Receive and safely keep all persons duly committed to his custody and file and preserve all commitments by which persons are committed.~~

Comment [JS3]: Because the City does not have its own jail, but contracts with the County, it is the policies and rules adopted by the County Jail that will dictate how the jail is run, which makes this section obsolete.

~~C. Keep a record of each showing the date of arrest, offense charged, term of commitment, date of release and the name, age and place of birth and description of the person committed in a book kept for that purpose.~~

~~Section 13-123 Rules~~

~~The jailer shall formulate a system of prison rules and discipline and keep a record in which shall be entered a statement of every infraction thereof committed by any person confined therein.~~

~~Section 13-124 Duties of Jailer~~

~~The jailer shall receive all persons committed to jail by competent authority, and provide them with necessary food, clothing, and bedding. He shall cause the prison to be warmed and lighted, when necessary, and to be kept in a sanitary condition. He shall enforce all rules prescribed by the governing body for the government of the prison.~~

Section 13-125 Prisoners to Labor on Public Works

~~Any prisoner committed to the jail or other place of incarceration as a punishment or in default of the payment of a fine or fine and costs, arising from a violation of the ordinances of this municipality shall be required to work for the municipality at such labor on public works and ways as his strength will permit, not exceeding eight hours in each working day.~~

Any person committed to jail or other place of incarceration as a punishment or in default of the payment of a fine, or fine and costs, may be required to work pursuant to jail policy for the city at such labor as his or her strength will permit not exceeding eight hours in each working day; a judgment that the defendant pay a fine or a fine and costs may also direct that he be imprisoned until the amount thereof is satisfied.

Comment [JS4]: This says basically the same thing as what is crossed out above, except it is more closely in line with Utah Code 10-8-85.

~~Section 13-126 Work to Be Performed Under the Direction of The Jailer~~

~~The labor on public works and ways shall be designated by and performed under the direction of the jailer, which labor may include, among other things, clerical, janitorial, car washing, common and menial labor performed in and upon any building, road, or property owned or maintained by the municipality. The labor required by this section shall be performed in addition to that labor required by jail regulations to be performed by all prisoners confined in the jail in cleaning and maintaining their~~ cells~~.~~

Comment [JS5]: The above section takes care of this.

~~Section 13-127 Time Off For Work Performed~~

~~For each month in which a prisoner confined or committed to the jail has actually and satisfactorily performed work as reported and recorded by the officer in charge, five days shall be deducted from his period of confinement. The reduction of sentence allowed pursuant to this part shall be in addition to the reduction allowed by section 13-129, but no prisoner shall be granted a total reduction of sentence under this part in excess of ten days for any single month. Proportionate reductions shall be made for the fractional period of a month included in any sentence.~~

~~Section 13-128 Failure to Perform Work Made Breach of Rules~~

~~Failure to perform the specified labor, except when the strength of the prisoner will not permit, shall constitute a breach of the rules of the municipal jail, and no reduction of sentence shall be allowed under section 13-129.~~

~~Section 13-129 Time Off for Good Behavior~~

~~A. Every person undergoing sentence for thirty days or more who has not been guilty of a breach of the rules of the prison shall be entitled~~

~~to a reduction for the period of his sentence as follows: 1) From a term of one month, five days; 2) from the term of two months, ten days; 3) from a term of three months, fifteen days; 4) from a term of four months, twenty days; 5) from a term of five months, twenty-five days; 6) from a term of six months, thirty~~ days~~.~~

Comment [JS6]: County Jail and parole have their policies in place.

~~B. Proportionate reductions shall be made for the fractional parts of a month included in any sentence.~~

Section 13-200 Animal Control

~~Section 13-200.01 General Animal and Livestock Regulations~~

Section 13-200.01.010 Definitions

The following definitions shall apply for purposes of this title, unless it is plainly evident from the context that a different meaning is intended:

"Additional- Dog Household" means a residence that is allowed up to four dogs (including foster dogs) under the applicable license.

"Animal" means any live, vertebrate, domestic or wild animal.

"Animal at Large" means any animal whether or not licensed, not under restraint.

"Animal Control Board" means the City Council, unless such role is otherwise delegated by the City Council to a different individual or group. ~~an administrative board consisting of the City Manager, the City Prosecutor, and a Kanab City Resident appointed by the Mayor with the advice and consent of the City Council to serve for a 4- year term. The Kanab City Resident may be removed by the City Council for misconduct or non-performance of duty. The board members shall serve in that capacity without compensation.~~

Section 13: POLICE AND PUBLIC OFFENSES

"Animal Control Officer" means any person designated by the State of Utah, a municipal government, or a humane society, as a law enforcement officer, or specifically as an animal control officer, being qualitifed ~~who is qualified to perform such duties~~ under the laws of this state.

"Animal Shelter" means any facility operated by a humane society or political subdivision of the State of Utah, for the purpose of impounding or caring for animals held under the authority of this Section or state law.

"Animal under Restraint" means an animal on a leash or lead which is held by a person or attached to a stationary object or confined within a vehicle or confined upon the real property of the owner or custodian.

"Attack" means any biting, attempted biting, or other action by an animal that places a person or another animal in danger of imminent bodily harm. Actual physical contact shall not be required to constitute an attack. Attack may include jumping upon, chasing, nipping, or otherwise threatening.

"Bite" means an actual puncture, tear or abrasion of the skin, inflicted by the teeth of an animal.

"Cat" means any age feline of the domesticated types.

"Custodian" means any person having the charge, care, custody, or control of an animal that he or she does not own.

"Dog" means any age canis lupus familaris of the domesticated types.

"Euthanize" means a humane killing of an animal.

"Foster Dog" means a dog licensed by a foster- dog entity.

"Foster- Dog Entity" means an entity with an agreement with Kanab City to license dogs fostered for less than one year by City residents. The agreement shall include terms related to required vaccinations, identification, and other items required by the City Council.

"Private Kennel" means any residential property where more than two dogs, or more than 4 dogs if the residence has an Additional-Dog Permit,

or more than three cats, are raised, kept, or housed; or any residential premises wherein any person engages in the business of breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

"Public Kennel" means any commercial premises where any dogs or cats are raised, kept, housed, or boarded; or any commercial premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs or cats.

"Leash" or "Lead" means any chain, rope, or device used to restrain an animal.

"License" means a properly completed and validated license and rabies certificate issued by the City or other City-designated licensing agency.

"License Tag" means a piece of metal or other durable material inscribed with {Kanab City} and a number that has been issued by City or other City-designated licensing agency.

"Licensed Animal" means an animal wearing its current license tag as required by this Section.

"Micro-chipping" means a tool that makes it easier to identify the owner of a lost or stray dog. The microchip is implanted in between the shoulder blades of the dogs (this is actually not very painful) and acts as an identity tag. When the dog is found, the information stored in the chip enables the City to clearly and quickly find out who the owner is.

"Neutered" means having had the testicles removed; a castrated animal.

"Owner" means any person, partnership or corporation owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

"Quarantine" means the isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

"Spayed" means having had the ovaries and uterus removed or extirpated; an ovariohysterectomy.

"Veterinary Clinic" means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, or treatment of diseases and injuries of animals.

"Vicious Animal" means an animal

1. with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals;
2. that attacks a human being or other domestic animal without provocation; or
3. that is trained or used to fight or to attack humans.

"Wild Animal" means an animal commonly accepted as being "wild" and includes, but is not limited to, the following, no matter how domesticated they may be:

A. Alligators and crocodiles;

B. Bears (ursidae);

C. Cat family (felidae), except the commonly accepted domesticated cats;

D. Coyotes, foxes and wolves;

E. porcupine (erchizontiade);

F. Nonhuman primates (hominidae);

G. Raccoon (prosynnidae);

H. Skunks;

I. venomous snakes or venomous lizards;

J. Weasels (mustelidae); and

K. Ferrets.

Section 13-200.01.011 Purpose

Section 13: POLICE AND PUBLIC OFFENSES

The City Council finds that to adequately protect the residents of the City of Kanab from dangerous or potentially dangerous animals, from rabid animals, or from animals causing a nuisance, it is necessary to provide a management and licensing structure, pound facilities, and care requirements for animals within the City limits. The City Council further finds that regulations are necessary to ensure humane treatment for all animals within the City limits. The purpose of this Section is to establish standards for the keeping of animals and fowl in a manner that will not endanger the health, peace, or safety of the residents of the City, and which will ensure that such animals and fowl are kept in clean and sanitary conditions and are not subject to suffering, cruelty, or abuse. The City Council further finds that Kanab is in a unique situation with the regards to sheltering animals.

Section 13-200.01.020 Premises Confining Animals and Fowl-Neat and Sanitary Condition Required.

A. Wherever animals, including fowl and pigeons, may be tethered, corralled, confined and sheltered or fed, the premises shall be maintained in a neat and sanitary condition so that no nuisance due to unsightliness, odor or pest breeding or harborage shall be caused by such animals or premises.

B. All barns or stables intended for or presently used to shelter livestock that are now erected and maintained or may be erected, constructed, altered or repaired within the city shall conform to the requirements of the applicable zoning ordinance, the building code and all other applicable laws of the city.

~~Section 13-200.01.030 Abandoning Sick, Diseased, or Disabled Animals~~

~~It is unlawful for any person to abandon or to turn out at large any sick, diseased or disabled animal, but such animal shall, when rendered worthless by reason of sickness or other disability, be disposed of by the owner thereof in the manner as provided in section 13-200.01.040.~~

Comment [JS7]: I suggest removing this entire section because Utah Code 76-9-301(2) already makes Abandonment of ANY animal a Class B.

Section 13: POLICE AND PUBLIC OFFENSES

Section 13-200.01.040 Disposal of Animals

If an animal or fowl dies within the limits of this city, the owner of that animal or fowl must remove or bury the carcass within ten hours of its death. Except at designated landfills, it is unlawful to bury a non-domesticated animal within the City limits, including, but not limited to, a horse, cow, ox, pig, sheep, goat, ostrich, llama, emu, or wild animals.

Section 13-200.01.050 ~~Cruelty to Animals~~Leaving animal in vehicle

~~A. Except as authorized by law, it shall be unlawful for any person to willfully or maliciously kill, injure, maim, disfigure, torture, beat, mutilate, burn or scald, overdrive or otherwise cruelly set upon any animal. Each such act shall constitute a separate violation, and the violator shall be guilty of a Class B misdemeanor for each act.~~

~~B. It shall be unlawful for any person to hobble livestock in such a way as to cause injury or damage to the animal.~~

Comment [JS8]: Covered by Utah Code 76-9-301

~~C.~~A. It shall be unlawful to leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal~~It shall be unlawful for any person to carry or to confine any animals in or upon any vehicle in a cruel or inhumane manner, including, but not limited to, carrying or confining such animal without adequate ventilation~~.

Comment [JS9]: This current crossed out definition is weak, so we revamped it to what you now see (state code does not cover this).

~~D. Every operator of a motor vehicle or self-propelled vehicle within the City shall, immediately upon injuring, striking, maiming or running down any animal, fully comply with all requirements of Utah Law.~~

~~E. It is unlawful for any person within the City limits to, in any manner whatsoever, encourage or urge any animal to fight or urge it on after animals commence to fight.~~

~~F. It shall be unlawful for any person to fail to provide an animal in his or her charge or custody with necessary sustenance, drink, and protection from the elements, or cause any of these acts to be done.~~

Comment [JS10]: Covered by 76-9-301

Section 13-200.01.060 Excessive Noise

A. It is a Class C misdemeanor for any person to possess or own an animal or fowl and to allow the animal or fowl to make a sound or combination of sounds that are frequent, repetitive, or continuous, and loud or raucous to the extent that the sound or sounds unreasonably disturbs or interferes with the peace, comfort or repose of another, including but not limited to barking, howling, braying, quacking and crowing.

B. It shall be prima facie evidence that the noise referred to in subsection A is frequent, repetitive or continuous if it occurs:

   a. Between the hours of 10:01 p.m. and 7:00 a.m. and continuously for a period of five minutes or more, or intermittently for a period of fifteen minutes or more; or

   b. Between the hours of 7:01 a.m. and 10:00 p.m. and continuously for a period of fifteen minutes or more, or intermittently for a period of thirty minutes or more.

C. It shall be prima facie evidence that the noise referred to in subsection A is loud or raucous to the extent that it unreasonably disturbs or interferes with the peace comfort or repose of another if the sound can be heard anywhere on the property of another.

D. It shall be an affirmative defense under this section that the animal was intentionally provoked to make such noise; provided that enactment of this provision shall in no way abrogate any other provision under this code concerning animal noise.

E. In addition to any other penalty authorized by law, a person found guilty of this section shall pay a fine of not less than one hundred fifty

dollars for the first occurrence, and a fine of not less than three hundred dollars for additional occurrence within a 12 month period.

Section 13-200.01.141 Revocation of License or Permits

A. The Chief of Police may revoke any permit or license of a person holding a permit or license if he or she does not comply with any part of Section 13-200, the regulation promulgated by said authorities, or any applicable law governing the protection and keeping of animals.

B. If a person's permit or license is revoked for any reason other than by court order, the person may appeal the revocation to the animal control board by delivering a written notice of appeal to the City Office within 10 calendar days from the date of revocation. If a notice of appeal is properly made and delivered under Section B, the animal control board shall hold an administrative hearing within 10 calendar days of receiving the notice to determine the disposition of the appeal. The animal control board's decision shall be final.

Comment [JS11]: Because we don't have this board, we should make this appeal go to justice court, or just make it a penalty of sentencing.

C. Any person whose permit or license is revoked shall, within ten days thereafter if no appeal is made or within 10 days after a written decision upholding the revocation by the animal control board, humanely dispose of the animals owned, kept, or harbored by such person under the permit or license, and no part of the permit or license fee shall be refunded.

D. It shall be a condition of the issuance of any permit or license that the licensing authorities, animal control officers, police officers, or humane officer, shall be permitted to inspect all animals and the premises where animals are kept at any time. If permission for an inspection is refused, the permit or license of the refusing owner or keeper shall be revoked.

Comment [JS12]: Are we doing this? Is this helpful?

E. If the applicant has withheld or falsified any information on the application, the licensing authorities shall refuse to issue a permit or license.

F. No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment or kennel.

Section 13-200.01.150 Interference with Officer

A. It shall be unlawful for any person to interfere with, molest, hinder or prevent any police officer or animal control officer in the discharge of their duties as herein prescribed.

B. Any person who shall hinder, delay, interfere with or obstruct any police officer or animal control officer while engaged in capturing, securing or taking to the animal shelter any animal or animals needing to be impounded, or who shall break open or in any manner directly or indirectly aid, counsel or advise the breaking open of any animal control vehicle or other vehicle used for the collecting of any such animals shall be guilty of a class B misdemeanor.

Section 13-200.01.120 Animal Bites

A. It shall be unlawful for any animal to bite or attack any person or domestic animal. It is no defense that the animal is chained or confined if the chaining or confining is on public or private property where the public has access to be on such property. The owner or custodian of any animal is in violation of this section regardless of the precautions taken to prevent the bite or attack and regardless of the lack of knowledge of the offense at the time it occurs.

B. It is unlawful for any person to keep, own, harbor, or have the control of any vicious animal. It is prima facie evidence that an animal is a fierce or dangerous animal if it bites or attacks a person or domestic animal. Any police officer or animal control officer may apprehend such animal and may cause it to be impounded at the animal shelter.

Comment [JS13]: "Vicious animal" has a definition in this code, while "fierce or dangerous" does not, so I switched it out.

Section 13: POLICE AND PUBLIC OFFENSES

Section 13-200.01.130 Defecation and Urination

It is unlawful to allow an animal to defecate or urinate upon private property not owned by the person owning or in control of such animal. The owner or custodian of any animal shall be responsible for the removal of any defecation deposited by such animal on public property, recreation areas, or private property not owned by the person owning or in control of such animal.

Section 13-200.01.070 Animals Running at Large

~~It shall be unlawful for any animal to be at large at any time within the corporate limits of the City. The owner or custodian of any animal which is at large shall be in violation of this section, regardless of the precautions taken to prevent the escape of the animal and regardless of lack of knowledge of the offense at the time it occurs.~~

(a) It is unlawful for the owner or person having charge, care, custody, or control of any animal to allow such animal at any time to run at large. The owner or person charged with responsibility for an animal found running at large shall be strictly liable for any violation(s) committed by the animal, regardless of whether or not the person knows the animal is running at large.

(b) However, dogs may be at large while participating in field trials and obedience classes organized and sanctioned by recognized dog clubs, while assisting their owner or trainer in legal hunting or in herding of livestock, while assisting a peace officer engaged in law enforcement duties, or while being trained for the above purposes so long as such dogs are under direct and effective sound or gesture control within sight of such individuals to assure that they do not violate any other provisions of law.

Comment [JS14]: I changed the definition to one that I believe is better explained. Please review to see if you think there are any substantive changes, and if you agree with any such changes.

(c) In addition to any other penalty, there shall be a $35 pick-up fee for each animal apprehended under this provision.

Section 13: POLICE AND PUBLIC OFFENSES

Section 13-200.01.080 Impound-Authority to

A. The animal control officer may apprehend and impound any animal found at large within the city. Any person apprehending any animal running at large on his or her property may deliver the same to any ~~City police officer or~~ animal control officer, which animal may then be impounded in the animal shelter.

B. Whenever an animal control officer shall have probable cause to believe that an animal has been abandoned, or is a vicious animal, or that the animal has been treated in any way that is in violation of any provision of Section 13-200 or Utah Code regarding Cruelty to Animals, the officer shall be authorized to immediately seize the animal and may impound the same in the animal shelter, in accordance with the Fourth Amendment.

C. In the enforcement of any provision of this Section, any police officer or animal control officer is authorized to enter the premises of any person to take possession of a fierce, dangerous, or vicious animal or animals running at large, when in fresh pursuit of such animal at the time the animal goes onto the private property.

Comment [JS15]: I deleted a part in here that is already taken care of in the "Enforcement" section below.

Section 13-200.01.085 Impound Procedures

A. If an animal is summarily impounded without the knowledge of the owner or custodian, a notice that the animal has been impounded shall be given to the owner or custodian of the animal, if the same is known, by handing the notice to the owner or custodian, attaching the notice to the door at the residence thereof, or mailing a notice to the last known address of the owner or custodian. Such notice triggers the minimum holding period described in (B) & (C) below.

~~A.~~ An animal summarily impounded as provided in this section may be recovered by the owner complying with the regulations of the animal shelter. If, in a subsequent court proceeding, the animal is determined not to be abandoned, vicious, at large, or a

Comment [JS16]: Added "at large"

nuisance, the animal shall be released to the owner or custodian without any charge.

B. Unless subject to quarantine, ~~A~~any animal impounded at an animal shelter shall be held for a minimum five working days if it has a current year's license tag. If the animal is not claimed or adopted within the five days, it may ~~shall~~ be surrendered to an animal sanctuary/kennel, or, as a last resort, euthanized.

Comment [JS17]: To be in line with current practice.

C. Unless subject to quarantine, ~~A~~any animal impounded at an animal shelter shall be held for three working days if it does not have the current year's license tag. If the animal is not claimed or adopted within the three days, it may be surrendered to an animal sanctuary/kennel, or, as a last resort, euthanized~~it shall be euthanized.~~

D. If there are safety concerns with releasing the animal, the City may continue holding the animal until an agreement has been reached between the owner/custodian and the City, or until a court order, pursuant to a hearing, makes findings, including whether the animal is vicious, and directs that the animal be 1) destroyed, 2) placed in a sanctuary, or 3) released to the custodian according to any court-imposed restrictions.

~~C.~~

E. Any animal voluntarily relinquished to the animal control officer or an animal shelter by the owner or custodian thereof for destruction or other disposition need not be kept for the minimum holding period, but may ~~shall~~ be euthanized immediately.

~~D.~~F. Any law enforcement officer may humanely destroy any animal found suffering past recovery for any useful purpose. Before destroying the animal the officer shall obtain the judgment to the effect of a veterinarian, or of two reputable citizens called by him to view the animal in his presence, or

shall obtain consent to the destruction from the owner of the animal.

~~The animal control officer or police officer shall have the sole discretion to euthanize a dog before the end of the waiting periods provided in B and C if the dog is seriously ill or seriously injured~~

Comment [JS18]: I removed this current paragraph and added the one above it, which is taken straight from Utah Code 76-9-305

~~A.~~G. Any wild animal placed in the animal shelter may be disposed of immediately.

Section 13-200.01.160 Quarantine of Animals

A. Whenever any animal attacks or bites a person or domestic animal, the police department may impound and quarantine the animal for a period of ten days. The owner of an animal, upon learning that the animal bit or attacked a person or other domestic animal, shall immediately notify the police department. At the end of the ten-day quarantine period, the animal may be released from quarantine, upon a veterinarian's examination that such animal is free from rabies in accordance with Section 13-200.03.010 Rabies Control below. . If the animal is not claimed or adopted within the ten days, it may be surrendered to an animal sanctuary/kennel, or, as a last resort, euthanized. The expenses incurred in the inspection of such animal shall be paid by the owner or person in control of such animal, in addition to any other fines or charges due. Such expenses shall be paid prior to the release of the animal. If the animal dies within the ten-day quarantine period, its brain shall be sent to the State Department of Health for examination for rabies.

Comment [JS19]: Fix citation.

B. If there are safety concerns with releasing the animal, the City may continue holding the animal until an agreement has been reached between the owner/custodian and the City, or until a court order, pursuant to a hearing, makes findings, including whether the animal is vicious, and directs that the animal be 1) destroyed, 2) placed in a sanctuary, or 3) released to the custodian according to any court-imposed restrictions.

Section 13: POLICE AND PUBLIC OFFENSES

~~Section 13-200.01.090 Keeping Certain Animals Unlawful~~

~~It shall be unlawful for any person to keep or harbor any animal which is prohibited to be kept or harbored by UCA 23-13-4, 23-20-3 or 23-20-4.~~

Comment [JS20]: Unnecessary, since Utah code covers it.

Section 13-200.01.100 Detention of Animals

It is unlawful for any person to detain or hold the animal of another, without the owner's consent or knowledge, and without notifying the animal control officer or law enforcement agency within twenty four hours.

~~Section 13-200.01.110 Intra-seizure of Animals~~

~~A. Whenever a police officer or an animal control officer shall have probable cause to believe that an animal has been abandoned, although confined upon private property, that is in violation of any of the provisions of Section 13-200 of the Kanab Municipal Code, or is a vicious animal, the officer shall be authorized to immediately seize the animal and may impound the same in the animal shelter and such officer shall have the right to enter upon whatever premises the animal may be kept for such purpose.~~

Comment [JS21]: This deleted part is taken care of in the "Enforcement" section below.

~~B. If an animal is summarily impounded without the knowledge of the owner or custodian, a notice that the animal has been impounded shall be given to the owner or custodian of the animal, if the same is known, by handing the notice to the owner or custodian, attaching the notice to the door at the residence thereof, or mailing a notice to the last known address of the owner or custodian.~~

~~C. If no response is received to the notice of summary impoundment within the time frames established by the rules and regulations of the animal shelter, and the animal is not adopted in accordance with those rules and regulations, the animal shall be eeethanized as an abandoned animal.~~

~~D. An animal summarily impounded as provided in this section may be recovered by the owner complying with the regulations of the animal shelter. If, in a subsequent court proceeding, the animal is determined not to be abandoned, vicious or a nuisance, the animal shall be released to the owner or custodian without any charge.~~

~~Section 13-200.01.120 Animal Bites~~

~~A. It shall be unlawful for any animal to bite or attack any person or domestic animal. It is no defense that the animal is chained or confined if the chaining or confining is on public or private property where the public has access to be on such property. The owner or custodian of any animal is in violation of this section regardless of the precautions taken to prevent the bite or attack and regardless of the lack of knowledge of the offense at the time it occurs.~~

~~B. It is unlawful for any person to keep, own, harbor, or have the control of any fierce or dangerous animal. It is prima facie evidence that an animal is a fierce or dangerous animal if it bites or attacks a person or domestic animal. Any police officer or animal control officer may apprehend such animal and may cause it to be impounded at the animal shelter.~~

Comment [JS22]: "Vicious animal" has a definition in this code, while "fierce or dangerous" does not.

~~Section 13-200.01.130 Defecation and Urination~~

~~It is unlawful to allow an animal to defecate or urinate upon private property not owned by the person owning or in control of such animal. The owner or custodian of any animal shall be responsible for the removal of any defecation deposited by such animal on public property, recreation areas, or private property not owned by the person owning or in control of such animal.~~

~~Section 13-200.01.140 Enforcement~~

~~In the enforcement of any provision of this Section, any police officer or animal control officer is authorized to enter the premises of any person to take possession of a fierce, dangerous, or vicious animal or animals running at large, when in fresh pursuit of such animal at the time the animal goes onto the private property.~~

~~Section 13-200.01.141 Revocation of License or Permits~~

~~A. The Chief of Police may revoke any permit or license of a person holding a permit or license if he or she does not comply with any section of Section 13-200, the regulation promulgated by said authorities, or any applicable law governing the protection and keeping of animals.~~

~~B. If a person's permit or license is revoked for any reason other than by court order, the person may appeal the revocation to the animal control board by delivering a written notice of appeal to the City Office within 10 calendar days from the date of revocation. If a notice of appeal is properly made and delivered under Section B, the animal control board shall hold an administrative hearing within 10 calendar days of receiving the notice to determine the disposition of the appeal. The animal control board's decision shall be final.~~

Comment [JS23]: Because we don't have this board, we should make this appeal go to justice court, or just make it a penalty of sentencing.

~~C. Any person whose permit or license is revoked shall, within ten days thereafter if no appeal is made or within 10 days after a written decision upholding the revocation by the animal control board, humanely dispose of the animals owned, kept, or harbored by such person under the permit or license, and no part of the permit or license fee shall be refunded.~~

~~D. It shall be a condition of the issuance of any permit or license that the licensing authorities, animal control officers, police officers, or humane officer, shall be permitted to inspect all animals and the premises where animals are kept at any time. If permission for an inspection is refused, the permit or license of the refusing owner or keeper shall be revoked.~~

Comment [JS24]: Are we doing this? Is this helpful?

~~E. If the applicant has withheld or falsified any information on the application, the licensing authorities shall refuse to issue a permit or license.~~

~~F. No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment or kennel.~~

~~Section 13-200.01.150 Interference with Officer~~

~~A. It shall be unlawful for any person to interfere with, molest, hinder or prevent any police officer or animal control officer in the discharge of their duties as herein prescribed.~~

~~B. Any person who shall hinder, delay, interfere with or obstruct any police officer or animal control officer while engaged in capturing, securing or taking to the animal shelter any animal or animals needing to be impounded, or who shall break open or in any manner directly or indirectly aid, counsel or advise the breaking open of any animal control vehicle or other vehicle used for the collecting of any such animals shall be guilty of a class B misdemeanor.~~

~~Section 13-200.01.160 Quarantine of Animals~~

~~Whenever any animal attacks or bites a person, the owner of the animal shall immediately notify the police department, which shall cause the animal to be impounded or otherwise quarantined for a period of ten days. At the end of the ten-day quarantine period, the animal may be released from quarantine, upon a veterinarian's examination that such animal is free from rabies. The expenses incurred in the inspection of such animal shall be paid by the owner or person in control of such animal, in addition to any other fines or charges due. Such expenses shall be paid prior to the release of the animal. If the animal dies within the ten-day quarantine period, its brain shall be sent to the State Department of Health for examination for rabies.~~

Section 13: POLICE AND PUBLIC OFFENSES

Section 13-200.03.010 Rabies Control

A. A Report of Bites. A person bitten and the parents or guardians of a minor child bitten by a dog, cat, skunk, fox, bat, coyote, bobcat, or other animal known to constitute a serious threat of rabies shall notify the animal control officer immediately thereafter. Physicians treating such bites and other persons having the knowledge of such bites shall also be required to make such notification.

B. Report of Suspected Rabid Animals. Any person who observes or has knowledge of an animal that shows symptoms of rabies or which acts in a manner that would lead to a reasonable suspicion that it may have rabies shall notify the animal control officer and comply with appropriate laws and regulations regarding suspected cases of rabies as directed by the state or city-county health departments.

C. Isolation of Biting or Suspected Rabid Animals. Upon the reasonable order of the animal control or public health officer, a biting or suspected rabid animal shall be isolated, at the owner's expense if owned, in strict confinement under proper care and under the observation of a licensed veterinarian in an animal shelter or veterinary clinic in a manner approved by the animal control officer.

D. Examination of Head. Any biting or suspected rabid animal may be humanely euthanized immediately, and such animal's undamaged and properly packaged and properly refrigerated head shall be delivered promptly to an approved medical facility having the capability of performing tests to demonstrate the presence of rabies.

E. Release. Ten (10) days after the day of a bite by an animal, such animal may be released to its owner after a licensed veterinarian has examined that animal and in his or her opinion found it not to have had rabies in a transmittable stage on the day of the bite. Non-immunized animals shall be vaccinated for rabies before release.

F. Animals Possibly Exposed to Rabies. Any animal of a species subject to rabies that has been bitten by a known rabid animal, or that has been in intimate contact with such an animal, shall be isolated, at the

owner's expense if owned, in strict confinement in a place and manner approved by the animal control officer and observed by a licensed veterinarian for a period of six (6) months, or euthanized. Notwithstanding the foregoing, the following alternative is permitted in case of dogs and cats. If the dog or cat had been vaccinated against rabies at least thirty (30) days before the suspected exposure with a type of vaccine produced under U.S.D.A. license and within the time period approved by the state veterinarian, the dog or cat may be re-vaccinated and isolated in strict confinement in a place and manner approved by the animal control officer and observed by a licensed veterinarian for a period of thirty (30) days.

Section 13-200.03.020 Vaccination Required

A. Dog owners shall obtain a rabies vaccination for each dog they own, keep, harbor, or have custody of, within ten (10) days after it becomes three months of age, or within ten (10) days after obtaining any dog over three months of age. It shall be unlawful for any person or persons to own, keep, harbor, possess, or to have in his or her care, charge or custody, any dog three months of age or over unless such dog has a current and valid rabies vaccination administered by any duly qualified and licensed veterinarian, with a rabies vaccine approved by the State Department of Health for use in dogs. Such vaccination shall be repeated at intervals specified by the State Department of Health in order to maintain adequate immunity.

B. In addition to the current year's license, the vaccination tag shall be attached to or otherwise worn by the dog. It shall be unlawful for any person or persons to remove or cause to be removed the vaccination tag from any dog without the consent of the owner, keeper, or harborer thereof. The vaccination tag shall not be transferable from one dog to another.

Section 13-200.01.190 Female Cats in Heat/Season Running at Large

Females in Heat/Season Running at Large. The owners or custodians of female cats shall cause such cats, when in heat/season, to be penned or enclosed in such a manner as to preclude other cats from attacking such female cat or from being attracted to such female cat. It shall be unlawful for the owner or custodian of any female cat to cause, permit, or allow such cat to be at large, or to enter upon a street or sidewalk while such female cat is in copulating heat/season regardless of lack of knowledge of the offense at the time it occurs. If the female cat cannot be controlled by the owner in accordance with this section during the copulating heat/season, such cat may be impounded by the animal control officer.

Section 13-200.01.200 Threatening Passers-By

It shall be unlawful for any animal to threaten a passer-by by nipping, chasing, jumping upon, or attacking. The owner or custodian of such animal shall be guilty of a Class C misdemeanor.

Section 13-200.02.040 Female Dogs in Heat/Season Running at Large

The owners or custodians of female dogs shall cause such dogs, when in heat/season, to be penned or enclosed in such a manner as to preclude other dogs from attacking such female dog or from being attracted to such female dog. It shall be unlawful for the owner or custodian of any female dog to cause, permit, or allow such dog to be at large, or to enter upon a street or sidewalk while such female dog is in copulating heat/season regardless of lack of knowledge of the offense at the time it occurs. If the female dog cannot be controlled by the owner in accordance with this section during the copulating heat/season, such dog may be impounded by the animal control officer.

Section 13-200.02.160 Dogs in Prohibited Areas

A. It shall be unlawful for any person to take or to permit any dog, whether loose or on a leash or in arms, in or about any establishment or place of business where food or food products are sold or displayed, as

required by Utah law; and it shall be unlawful for any person to allow any dog to enter in or be upon any public park, school, cemetery, or other City property where it is posted that no dogs are allowed.

B. An exception to this section shall be for any dog trained and used for physically handicapped persons, such as dogs for the blind or hearing impaired.

Section 13-200.02.170 Allowable Number of Dogs

A. Except as otherwise provided in this Section, no more than two (2) dogs which are three (3) months of age or older shall be kept at any property at any time.

B. Additional—Dog Households, public and private kennels, or any similar facilities that keep more animals than allowed by this section, are permitted within the City and exempt from this section only if licensed by the City and lawfully located pursuant to City Zoning Regulations.

C. Additional-Dog-Household Permit:

1. A person may receive an Additional-Dog-Household Permit by meeting the following requirements:

a) All dogs within the household must meet the licensing requirements of Section 13-200.02.010;

b) All dogs within the household must be spayed or neutered;

c) The residence must have a fully fenced yard of at least 450 square feet capable of containing all dogs;

d) Dogs may not be chained or tethered to a fixed location outdoors at anytime; and

e) An applicant must submit an application provided by the City agreeing to the terms of this provision, and must include as part of the application images of the required fence and fenced property.

f) If the applicant does not own the property, the property owner must co-sign the application.

2. Additional -Dog -Household Permits will be revoked for any of the following reasons:

a) Two convictions within 12 months under Section 13-200.01.060 for excessive noise;

b) Two convictions within 12 months under Section 13-200.01.070 for animals at large;

c) One conviction under Section 13-200.01.050 for cruelty to animals;

d) One conviction under Section 13-200.01.020 for failure to maintain premises in a neat and sanitary condition;

e) One conviction for other serious dog-related offenses (greater than a Class C misdemeanor); or

f) Failure to maintain the requirements of this section

3. Additional- Dog- Household Permits are not transferable between applicants nor properties.

~~Section 13-200.01.210 Penalties~~

~~Unless otherwise specifically provided, every person whose animal violates any provision of this Section is guilty of a Class C misdemeanor. In addition to any other penalty authorized by law and unless otherwise specified, a person found guilty of violating Section 13 shall pay a fine of at least one hundred and fifty dollars for the first occurrence and at least three hundred dollars for each additional occurrence within a 12- month period.~~

Section 13-200.04 Kennels

Section 13-200.04.020 Permit Required

Section 13: POLICE AND PUBLIC OFFENSES

A. Permit required. No person may operate or maintain a kennel without first obtaining a permit from Kanab City.

B. Application. All applications for permits to operate or maintain a kennel shall be submitted in writing upon printed forms provided for such purposes by the City. The application shall first be referred to the City animal control officer. Upon approval, the City shall issue the permit upon payment of the fee herein provided.

C. Before the permit can be issued the following conditions concerning the location of the kennel must be met.

1. A private kennel shall be located in a Residential Agricultural (RA) District, with a conditional use permit and shall not exceed more than three (3) dogs per acre. The location where the dogs or cats are kept, raised, or housed must be 200 feet away from any neighboring house, and must be 150 feet from any road.

2. A public kennel shall be located in a permitted commercial district, with a conditional use permit.

D. The following minimum standards shall be complied with to obtain and maintain a kennel permit.

1. Enclosure must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an appropriate material as required by the specific breed of animal and also to permit proper cleaning and disinfecting.

2. Adequate ventilation shall be maintained and an appropriate temperature provided as required by the specific breed of animal housed therein.

3. Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or tops of cages.

4. Runs shall provide an adequate exercise area and protection from the weather.

5. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
6. The food shall be free of contamination, palatable and of sufficient nutritive value as to meet the normal daily requirements for the condition and size of the animal.
7. Fresh water is to be available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of the removable type.

E. Holders of existing kennel permits which do not meet the distance requirements required in this Section shall be exempt from the distance requirements for their existing animals. As animals die, are sold, given away, or are otherwise removed from the property, they may not be replaced unless all of the conditions of this Section are met. The City shall have the power to revoke the kennel permit in the event that the permit holder is convicted of any other violation of the provisions of this title.

Section 13-200.04.030 Fees

Any person conducting, operating or maintaining a kennel shall pay to the City for the privilege of conducting, operating, or maintaining such kennel an annual permit fee, which shall be in an amount established by City Council resolution.

Section 13-200.04.050 Inspection

It shall be the duty of the animal control officer or police officer to periodically inspect all registered kennels, to see that the provisions of this Section pertaining to the sanitation and care of such places are being observed.

Section 13-200.04. 060 Definitions - Exception for Puppies-Kittens

Section 13: POLICE AND PUBLIC OFFENSES

A. Kennel as defined in §13-200.01.010 shall be applicable to this Section.

B. This Section shall not apply to the birth of puppies or kittens in a situation which is not an intentional commercial breeding business so long as the total number of dogs or cats is reduced to the allowable number per the definition of Kennel.

Section 13-200.02.010 Licensing

A person owning a dog within the City limits shall license the dog pursuant to the following provisions:

A. Licensing, Fees, and Registration.

1. It is unlawful for any person to own, keep or harbor a dog over the age of three months within the limits of this City without licensing the dog with Kanab City and paying to the City an annual registration fee.

2. A late fee shall be imposed unless a new license is acquired before the expiration of the current license. Licenses for the following year may be purchased within ninety (90) days before the expiration date.

3. All licenses and late fees required by this Section shall be in the amounts established by City Council resolution.

4. It shall be the duty of the animal control officer to license any dog upon a qualified application of the owner or keeper and to issue a license receipt and metallic license tag on payment by the owner or keeper. Such license receipt and metallic license tag shall be valid and in force from the date issued until the expiration date.

5. The provisions of this section shall not apply to dogs whose owners are nonresidents temporarily within the City for thirty (30) days or less, nor to dogs brought into the City for the purpose of participating in any show or event.

B. Information Required for License. Before receiving a license receipt and metallic license tag, each owner must identify in the application for such a license, the name and address of the owner and sex, breed, age and color of each dog to be licensed. The owner must also present a certificate from a veterinarian stating that the dog has been vaccinated for the prevention of rabies. Such certificate must give the last date of vaccination and the number of the vaccination tag used by the veterinarian at the time of vaccination. It is unlawful for the owner to misrepresent the age of any dog for the purpose of avoiding the payment of the license required by this Section.

C. Collar-Tag Attachment. It shall be the duty of the owner or keeper of any dog so licensed to provide a suitable collar for such dog to wear and to attach thereto the metallic license tag having a number corresponding with the certificate of registry inscribed thereon. All dogs not so licensed and collared as prescribed by this Section may be impounded by the animal control officer or any police officer or other designated official of the city.

D. Removal of Collar and License Tag. It is unlawful for any person other than the owner to remove the collar from any dog to which collar has been attached the metallic license tag herein required, or to remove said metallic license tag from the collar to which it has been attached.

E. The owner of any dog of license age, except exempt dogs under paragraph F, shall make application for permit and obtain a permit tag for such dog within ten (10) days after acquisition or age attainment.

~~Licensing and Fee Exemptions.~~

Section 13-200.02.020 Licensing and Fee Exemptions

F. ~~Licensing and Fee Exemptions.~~ The provisions of §13-200.02.010.(A)(1) shall not apply to:

1. Seeing eye dogs properly trained to assist blind persons, if such dogs are actually being used by blind persons to assist them in moving from place to place.
2. Hearing dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to an auditory stimulus.
3. Dogs specifically trained to assist officials of governmental agencies in the performance of their duties and which are owned by such agencies.
4. Foster Dogs
5. Nothing in this section (F) shall be construed to exempt any dog from having a current rabies vaccination.

~~5.~~

~~Section 13-200.02.040 Female Dogs in Heat/Season Running at Large~~

~~The owners or custodians of female dogs shall cause such dogs, when in heat/season, to be penned or enclosed in such a manner as to preclude other dogs from attacking such female dog or from being attracted to such female dog. It shall be unlawful for the owner or custodian of any female dog to cause, permit, or allow such dog to be at large, or to enter upon a street or sidewalk while such female dog is in copulating heat/season regardless of lack of knowledge of the offense at the time it occurs. If the female dog cannot be controlled by the owner in accordance with this section during the copulating heat/season, such dog may be impounded by the animal control officer.~~

~~Section 13-200.02.160 Dogs in Prohibited Areas~~

~~A. It shall be unlawful for any person to take or to permit any dog, whether loose or on a leash or in arms, in or about any establishment or place of business where food or food products are sold or~~

~~displayed, as required by Utah law; and it shall be unlawful for any person to allow any dog to enter in or be upon any public park, school, cemetery, or other City property where it is posted that no dogs are allowed.~~

~~B. An exception to this section shall be for any dog trained and used for physically handicapped persons, such as dogs for the blind or hearing impaired.~~

~~Section 13-200.02.170 Allowable Number of Dogs~~

~~A. Except as otherwise provided in this Section, no more than two (2) dogs which are three (3) months of age or older shall be kept at any property at any time.~~

~~B. Additional Dog Households, public and private kennels, or any similar facilities that keep more animals than allowed by this section, are permitted within the City and exempt from this section only if licensed by the City and lawfully located pursuant to City Zoning Regulations.~~

~~C. Additional Dog Household Permit:~~

~~1. A person may receive an Additional Dog Household Permit by meeting the following requirements:~~

~~a) All dogs within the household must meet the licensing requirements of Section 13-200.02.010;~~

~~b) All dogs within the household must be spayed or neutered;~~

~~c) The residence must have a fully fenced yard of at least 450 square feet capable of containing all dogs;~~

~~d) Dogs may not be chained or tethered to a fixed location outdoors at anytime; and~~

~~e) An applicant must submit an application provided by the City agreeing to the terms of this provision, and must include~~

~~as part of the application images of the required fence and fenced property.~~

~~f) If the applicant does not own the property, the property owner must co-sign the application.~~

~~2. Additional Dog Household Permits will be revoked for any of the following reasons:~~

~~a) Two convictions within 12 months under Section 13-200.01.060 for excessive noise;~~

~~b) Two convictions within 12 months under Section 13-200.01.070 for animals at large;~~

~~c) One conviction under Section 13-200.01.050 for cruelty to animals;~~

~~d) One conviction under Section 13-200.01.020 for failure to maintain premises in a neat and sanitary condition;~~

~~e) One conviction for other serious dog-related offenses (greater than a Class C misdemeanor); or~~

~~f) Failure to maintain the requirements of this section~~

~~3. Additional Dog Household Permits are not transferable between applicants nor properties.~~

~~Section 13-200.02.180~~ Impound

Comment [JS25]: This is already addressed on pg 16 above, regarding the impound of all animals.

~~A. Any dog impounded at an animal shelter shall be held five working days if it has a current year's license tag or identifiable microchip information which is readable and has been registered with the City. After five working days, if the dog is not claimed or adopted, it shall be euthanized.~~

~~B. Any dog impounded at an animal shelter shall be held three working days if it does not have a current year's license tag or identifiable microchip information which is readable and has been registered with~~

~~the City. After three working days, if the dog is not claimed or adopted, it shall be euthanized.~~

~~C. Any dog voluntarily relinquished to the animal control officer or an animal shelter by the owner or custodian thereof for destruction or other disposition need not be kept for the minimum holding period, but shall be euthanized immediately.~~

~~D. The animal control officer or police officer shall have the sole discretion to euthanize a dog before the end of the waiting period if the dog is seriously ill or seriously injured.~~

~~Section 13-200.03.010 Rabies Control~~

~~A. A Report of Bites. A person bitten and the parents or guardians of a minor child bitten by a dog, cat, skunk, fox, bat, coyote, bobcat, or other animal known to constitute a serious threat of rabies shall notify the animal control officer immediately thereafter. Physicians treating such bites and other persons having the knowledge of such bites shall also be required to make such notification.~~

~~B. Report of Suspected Rabid Animals. Any person who observes or has knowledge of an animal that shows symptoms of rabies or which acts in a manner that would lead to a reasonable suspicion that it may have rabies shall notify the animal control officer and comply with appropriate laws and regulations regarding suspected cases of rabies as directed by the state or city-county health departments.~~

~~Isolation of Biting or Suspected Rabid Animals.~~

~~C. Isolation of Biting or Suspected Rabid Animals. Upon the reasonable order of the animal control or public health officer, a biting or suspected rabid animal shall be isolated, at the owner's expense if owned, in strict confinement under proper care and under the observation of a licensed veterinarian in an animal shelter or veterinary clinic in a manner approved by the animal control officer.~~

~~D. Examination of Head. Any biting or suspected rabid animal may be humanely euthanized immediately, and such animal's undamaged and properly packaged and properly refrigerated head shall be delivered promptly to an approved medical facility having the capability of performing tests to demonstrate the presence of rabies.~~

~~E. Release. Ten (10) days after the day of a bite by an animal, such animal may be released to its owner after a licensed veterinarian has examined that animal and in his or her opinion found it not to have had rabies in a transmittable stage on the day of the bite. Non-immunized animals shall be vaccinated for rabies before release.~~

~~F. Animals Possibly Exposed to Rabies. Any animal of a species subject to rabies that has been bitten by a known rabid animal, or that has been in intimate contact with such an animal, shall be isolated, at the owner's expense if owned, in strict confinement in a place and manner approved by the animal control officer and observed by a licensed veterinarian for a period of six (6) months, or euthanized. Notwithstanding the foregoing, the following alternative is permitted in case of dogs and cats. If the dog or cat had been vaccinated against rabies at least thirty (30) days before the suspected exposure with a type of vaccine produced under U.S.D.A. license and within the time period approved by the state veterinarian, the dog or cat may be re-vaccinated and isolated in strict confinement in a place and manner approved by the animal control officer and observed by a licensed veterinarian for a period of thirty (30) days.~~

~~Section 13-200.03.020 Vaccination Required~~

~~A. Dog owners shall obtain a rabies vaccination for each dog they own, keep, harbor, or have custody of, within ten (10) days after it becomes three months of age, or within ten (10) days after obtaining any dog over three months of age. It shall be unlawful for any person or persons to own, keep, harbor, possess, or to have in his or her care, charge or custody, any dog three months of age or over unless such dog has a current and valid rabies vaccination administered by~~

~~any duly qualified and licensed veterinarian, with a rabies vaccine approved by the State Department of Health for use in dogs. Such vaccination shall be repeated at intervals specified by the State Department of Health in order to maintain adequate immunity.~~

~~B. In addition to the current years license, the vaccination tag shall be attached to or otherwise worn by the dog. It shall be unlawful for any person or persons to remove or cause to be removed the vaccination tag from any dog without the consent of the owner, keeper, or harborer thereof. The vaccination tag shall not be transferable from one dog to another.~~

~~Section 13-200.04 Kennels~~

~~Section 13-200.04.020 Permit Required~~

~~F. Permit required. No person may operate or maintain a kennel without first obtaining a permit from Kanab City.~~

~~G. Application. All applications for permits to operate or maintain a kennel shall be submitted in writing upon printed forms provided for such purposes by the City. The application shall first be referred to the City animal control officer. Upon approval, the City shall issue the permit upon payment of the fee herein provided.~~

~~H. Before the permit can be issued the following conditions concerning the location of the kennel must be met.~~

~~1. A private kennel shall be located in a Residential Agricultural (RA) District, with a conditional use permit and shall not exceed more than three (3) dogs per acre. The location where the dogs or cats are kept, raised, or housed must be 200 feet away from any neighboring house, and must be 150 feet from any road.~~

~~2. A public kennel shall be located in a permitted commercial district, with a conditional use permit.~~

Section 13: POLICE AND PUBLIC OFFENSES

~~I. The following minimum standards shall be complied with to obtain and maintain a kennel permit.~~

~~1. Enclosure must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an appropriate material as required by the specific breed of animal and also to permit proper cleaning and disinfecting.~~

~~2. Adequate ventilation shall be maintained and an appropriate temperature provided as required by the specific breed of animal housed therein.~~

~~3. Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or tops of cages.~~

~~4. Runs shall provide an adequate exercise area and protection from the weather.~~

~~5. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.~~

~~6. The food shall be free of contamination, palatable and of sufficient nutritive value as to meet the normal daily requirements for the condition and size of the animal.~~

~~7. Fresh water is to be available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of the removable type.~~

~~J. Holders of existing kennel permits which do not meet the distance requirements required in this Section shall be exempt from the distance requirements for their existing animals. As animals die, are sold, given away, or are otherwise removed from the property, they may not be replaced unless all of the conditions of this Section are met. The City shall have the power to revoke the kennel permit in the event that the permit holder is convicted of any other violation of the provisions of this title.~~

~~Section 13-200.04.030 Fees~~

~~Any person conducting, operating or maintaining a kennel shall pay to the City for the privilege of conducting, operating, or maintaining such kennel an annual permit fee, which shall be in an amount established by City Council resolution.~~

~~Section 13-200.04.050 Inspection~~

~~It shall be the duty of the animal control officer or police officer to periodically inspect all registered kennels, to see that the provisions of this Section pertaining to the sanitation and care of such places are being observed.~~

~~Section 13-200.04. 060 Definitions – Exception for Puppies-Kittens~~

~~C. Kennel as defined in §13-200.01.010 shall be applicable to this Section.~~

~~D. This Section shall not apply to the birth of puppies or kittens in a situation which is not an intentional commercial breeding business so long as the total number of dogs or cats is reduced to the allowable number per the definition of Kennel.~~

Section 13-200.01.210 Penalties

Unless otherwise specifically provided, every person whose animal violates any provision of this Section is guilty of a Class C misdemeanor. In addition to any other penalty authorized by law and unless otherwise specified, a person found guilty of violating Section 13 shall pay a fine of at least one hundred and fifty dollars for the first occurrence and at least three hundred dollars for each additional occurrence within a 12- month period.

~~Section 13-300 Criminal Code~~

Section 13: POLICE AND PUBLIC OFFENSES

Section 13-310 Adoption Criminal Code

A. ADOPTION OF CRIMINAL AND TRAFFIC CODE - The provisions of the Utah State Code, Titles 13, 23 (including the applicable sections of the Utah Administrative Code, enacted by the Utah Department of Wildlife), 24, 26, 30, 31A, 32B, 41, 53, 53A, 53B, 54, 58, 59, 63, 65A, 72, 73, 76, 77, 78, and the Federal Motor Carrier Safety Regulations (the specific sections adopted by Utah Code, Title 72), any of which as may hereafter be amended from time to time, which define offenses which are Class A, B, or C Misdemeanors, or Infractions, and definitions, procedural, or supporting sections as contained in the Utah Criminal and Traffic Code are hereby approved and adopted as the Criminal and Traffic Code of this municipality, as may be modified by ordinances of this municipality.

B. Penalties : Each criminal or traffic offense outlined or adopted herein shall be of the same misdemeanor or infraction offense level as outlined in Utah State Code, Utah Administrative Code, and the Federal Motor Carrier Safety Regulations, unless otherwise specified herein. The fine or bail amount for each offense shall be the same as that outlined in Utah State Code or the current version of the Utah Uniform Fine/Bail Schedule, unless otherwise specified herein.

Section 13-311 Off-Highway Vehicle Act

~~A.~~ Adoption of Off-Highway Vehicle Act. Section 22 of Title 41 of the Utah Code Annotated 1953, ~~as it applies to all off highway vehicles other than snowmobiles~~ shall constitute the Kanab City Ordinance as to the rules and regulations governing off-highway vehicle (hereinafter OHV) and the same shall be construed to make them applicable as City ordinances.

Comment [JS26]: Utah Code 41-22-18 does not allow for Cities to have any ordinance that is not identical to State code, which is why we have to take out everything that Is crossed out.

~~B. Operation by person 16 years of age and older. No person 16 years or older shall operate an off-highway vehicle on the designated streets of Kanab City unless such person has valid driver's license.~~

~~The violation of this provision shall be punishable as a Class C misdemeanor.~~

~~C.~~A. ~~Operation by persons under 16 years of age. No person under 16 years of age may operate and no owner may give permission to a person under the age of 26 to operate an off-highway vehicle on the designated streets of Kanab City. The violation of this provision shall be punishable as an infraction.~~

~~D.~~B. Designation of OHV routes. The following streets within the City of Kanab are designated as permissible routes for the use of off-highway vehicles subject to all other rules and regulation outlined in this Section. While on city streets, any operator who is under 16 years of age must be under the direct visual supervision (as defined in Utah Code 41-22-30) of an adult who is at least 18 years of of age.~~.~~

~~E.C.~~ Speed Limits. The maximum speed for off-highway vehicles shall be 25 miles per hour or as posted (for general motor vehicular traffic) whichever is the most restrictive. The operation of off-highway vehicles shall otherwise be in accordance with all applicable motor vehicle laws and regulations. The violation of this provision shall be punishable consistent with speed violation for general motor vehicles.

1. The following described roadways are hereby designed for off highway vehicle (OHV) use in conformance with all applicable laws, ordinances, and regulations of the State of Utah and the City of Kanab.

West Side of Kanab

- 300 West to Highway 89 North.
- 300 North - from 300 West to 200 East.
- 200 West - from 300 North to 200 South.
- 200 South to 100 West (1 block).

Comment [JS27]: Under State code, persons over 16 without a license, but with a safety certificate, can operate OHVs.

Comment [JS28]: Utah Code does allow for the following: "A municipality or a county may adopt an ordinance requiring an operator who is under 16 years of age to be under the direct visual supervision of an adult who is at least 18 years of age while using a route designated under [city ordinance]." Council will have to decide if they want to adopt this.

- South on 100 West to 400 South (2 blocks).
- 300 South - West to Powell Drive.
- South on Powell Drive to the Utah / Arizona State Line.
- 100 West to 300 East.

East Side of Kanab

- 300 North down 200 East to 100 North.
- East on 100 North to 300 East (1 block).
- Down 300 East to 400 South.
- West on 400 South to 175 East.
- 175 East to 650 South.
- 650 South to 2100 South on State Road 11.
- 2100 South to 2500 South on 175 East.
- 175 East to 400 East on 2500 South.
- 2500 South to 2900 South on 400 East.
- 550 East to 1000 East on 2900 South.

Highway 89

- From 300 East on Highway 89 to 900 East.
- South on 900 East to Chinle Drive.
- East on Chinle Drive (old highway 89) to the junction of Highway 89 (6 miles).

The use of the above designated routes by OHV shall be exclusively for the purpose of accessing approved trails or roadways on state and federal lands outside City limits.

2. Operation of off-highway vehicles on streets or roadways within Kanab City other than those designated above shall be authorized, but only to access the closest designated route described above or by operators then registered as participants of an organized OHV event which event has previously obtained the necessary permit or authorization from Kanab City. The violation of this section shall be punishable as an infraction.

3. ~~Speed limits. The maximum speed for off-highway vehicles shall be as posted for general motor vehicular traffic and the operation of off-highway vehicles shall otherwise by in accordance with all applicable motor vehicle laws and regulations. The violation of this provision shall be punishable consistent with speed violation for general motor~~ vehicles~~.~~

Comment [JS29]: I deleted this post sending out to Council

Section 13-312 Curfew-Minors-Exceptions

It is hereby made unlawful for persons of or below the following ages to remain upon the streets, alleys or public places or vacant lots of the municipality between the hours set forth below, unless such person is accompanied by a parent, guardian, or other person with legal custody of such persons necessitates, in which event such person or persons shall obtain a permit from the Chief of Police. Where a permit is required, such permit shall be kept with the person.

Ages	Curfew Hours
14 and below	10:00 p.m. to 5:00 a.m.
15 to 18	10:00 p.m. to 5:00 a.m. for every curfew period which immediately precedes a school day.

	12:00 Midnight to 5:00 a.m for curfew periods not preceding a school day.

A school day shall be any day that Kanab High School is in session during the regular school year.

Section 13-313 Responsibility Of Parents, Etc.

The parents, guardians or persons with the legal charge or custody of any person subject to section 13-312 shall not permit such person or persons to remain upon any street, alley, vacant lot or public place, except when a permit as is therein authorized has been issued.

Section 13-314 Discharge of Firearms

It shall be a class B misdemeanor for any person to discharge within the city of Kanab any kind of firearm unless a permit is issued by the Chief of Police; provided that this section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty nor any citizen from discharging a firearm when lawfully defending person or property.

Section 13-315 Prohibition of Discharge of Fireworks or To Set On Fire Any Inflammable Material Within Kanab City

A. Excepting those provisions in Utah Code 53-7-225, and in accordance with Utah Code 53-7-22,~~I~~ it shall be unlawful to possess, discharge, sell, or offer for sell ~~purchase, sell, display or discharge~~ Class C Fireworks within Kanab City ~~beginning May 28, 1996, until further notice,~~ without first having obtained a Fireworks permit from the City Fire Department or other authorized agents.

Comment [JS30]: Allows for class C fireworks during July 4th and 24th and New Years.

~~A.~~B.

~~B.~~C. It shall be unlawful to throw, deposit, or discard upon any public road, highway, park, recreation area or other public or private land, or waterway any lighted material.

~~C. That during the closed season it shall be a Class B misdemeanor to set on fire, or cause to be set on fire any inflammable material, without first securing a written permit from the City Fire Department, and complying fully with the terms and conditions prescribed with the permit.~~

Comment [JS31]: State regulated in 65A-8-211

~~D. The Penalty for Violating this Ordinance, shall be a Class B Misdemeanor by a fine up to $1000 and imprisonment up to six months. Each day during or on which a violation occurs or continues shall constitute a separate offense and shall be punishable as such hereunder.~~

Comment [JS32]: State code already has penalties outlined.

~~E.~~D. It is hereby declared that this ordinance is necessary for the immediate safety of the Citizens of Kanab City and shall take effect immediately upon publication and shall remain in effect until further notice.

Section 13-349 Sexually-oriented Businesses

Comment [JS33]: This is a large section, some of which can be taken out if desired. For sure we would leave in all the provisions of the business license process (though we will want to eventually move this entire section to Chapter 9, business licenses), and provisions regarding dance clubs and adult novelties stores. However, we could probably take out anything regarding adult motels and adult movie viewing areas (since practically speaking they will never exist).

Section 13-350 Purpose

The purpose of this Section is to regulate sexually-oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent deleterious secondary effects of sexually-oriented businesses within the City. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of ~~or reasonable of~~ or reasonable access to any communicative materials, including sexually-oriented materials. Similarly, it is neither the intent nor effect of this Section to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment, or to deny access

by the distributors and exhibitors of sexually-oriented entertainment to their intended market. Neither is it the intent nor effect of this Section to condone or legitimize the distribution of obscene or indecent material.

Section 13-351 Definitions

For purposes of this Section, the following words and phrases shall have the meanings set forth below unless a different meaning is clearly indicated by the context.

"Adult bookstore" or "adult video store" means a commercial establishment which, as one of its principal purposes, offers for sale oriental for any form of consideration any one (1) or more of the following: books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides or simulated display, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. For the purpose of this definition, "principal purpose" means the commercial establishment:

A. has a substantial portion of its displayed merchandise which consists of said items, or

B. has a substantial portion of the wholesale value of its displayed merchandise which consists of said items, or

C. has a substantial portion of the retail value of its displayed merchandise which consists of said items, or

D. derives a substantial portion of its revenues from the sale or rental, for any form of consideration, of said items, or

E. maintains a substantial section of its interior business space for the sale or rental or said items; or

F. regularly features said items, and prohibits access by minors, because of age, to the premises, and advertises itself as offering "adult" or "xxx" or "x-rated" or "erotic" or "sexual" or "sensual" or

"pornographic" material on signage visible from a public right of way; or

G. maintains an adult arcade, which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas.

"Adult cabaret" means a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, whether or not alcoholic beverages are served, which regularly features persons who appear nude and/or semi-nude.

"Adult motel" means a motel, hotel, or similar commercial establishment which:

A. offers accommodations to the public for any form of consideration; provides customers with closed-circuit television transmissions, films, motion pictures, video cassettes, other photographic reproductions, or live performances which are characterized by the display or simulated display of specified sexual activities or specified anatomical areas and which advertises the availability of such material by means of a sign visible from a public right-of-way, or by means of any on-or-off premises advertising, including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or

B. offers a sleeping room for rent for a period of time that is less then ten (10) hours; or

C. allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less then ten (10) hours.

D. "Adult motion picture theater" means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their

emphasis upon the display or simulated display of specified sexual activities or specified anatomical areas are regularly shown to more than five (5) persons for any form of consideration.

"Characterized by" means describing the essential character or quality of an item. As applied in this Section, no business shall be classified as a sexually-oriented business solely by virtue of showing, selling, or renting materials rated "NC-17" or "R" by the Motion Picture Association of America.

"City" means the City of Kanab, Utah.

"Customer" means a patron of a business as defined in this Section.

"Employ," "employee" and "employment" describe and pertain to any person who performs any service on the premises of a business, on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

"Establish" and "establishment" means any of the following:

A. the opening or commencement of any sexually-oriented business as a new business;

B. the conversion of an existing business, whether or not a sexually-oriented business, to any sexually-oriented business; or

C. the addition of any sexually-oriented business to any other existing sexually-oriented business.

~~"Finance Director" means the Kanab City Manager or his or her designee.~~

"Hearing Officer" means an attorney with an independent practice and not a full-time employee of Kanab City, licensed to practice law in the state of Utah.

"Influential interest" means any of the following:

A. the actual power to operate a sexually-oriented business or control the operation, management or policies of a sexually-oriented business or legal entity which operates a sexually-oriented business.

B. ownership of a financial interest of twenty (20) percent or more of a business or of any class of voting securities of a business, or

C. holding an office (e.g., president, vice president, secretary, treasurer, managing member, managing director, etc.) in a legal entity which operates a sexually-oriented business.

"Licensee" means a person in whose name a license to operate a sexually-oriented business has been issued, as well as the individual or individuals listed as an applicant on the application for a sexually-oriented business license. In the case of an employee, "licensee" means the person in whose name a sexually-oriented business employee license has been issued.

"Municipal Council" means the Municipal Council of the City of Kanab, Utah.

"Nudity" or "state of nudity" means the showing of the human male or female genitals, pubic area, vulva, anus, or anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than fully opaque covering of part of the nipple and areola.

"Operate" or "cause to operate" means to cause to function or to put or keep in a state of doing business.

"Operator" means any person on the premises of a sexually-oriented business who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises. A person may operate or cause to be operated a sexually-oriented business whether or not that person is an owner, part owner, or licensee of the business.

"Person" means an individual, proprietorship, partnership, corporation, association, or other legal entity.

"Premises" means the real property upon which a sexually-oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually-oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in an application for a business license pursuant to Section 13-353 of this Section.

"Regularly" means the consistent and repeated doing of the act so described.

"Semi-nude" or "state of semi-nudity" means the showing or the simulated showing of a female breast with less than a fully opaque covering below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition includes the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a dress, blouse, shirt leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

"Semi-nude model studio" means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketch, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This definition does not apply to any place where persons appearing in a state of semi-nudity do so in a modeling class operated:

A. by a college, junior college, or university supported entirely or partly by taxation;

B. by a private college or university which maintains and operates educational programs in which credits are transferable to college, junior college, or university supported entirely or partly by taxation; or:

"Sexual device" means any three-dimensional object designed or marketed for stimulation of the male or female human genital organ or

anus or for sadomasochistic use or abuse of oneself or others and shall include devices such as dildos, vibrators, penis pumps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include any device primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

"Sexual device shop" means a commercial establishment that regularly features sexual devices. Nothing in this definition shall be construed to include any pharmacy, drug store, medical clinic, or any establishment primarily dedicated to~~t~~ providing medical or healthcare products or services, nor shall this definition be construed to include commercial establishments which do not restrict access to any portion of their premises by reason of age.

"Sexual encounter center" means a business or commercial enterprise that, as one of its principal business purposes, purports to offer for any form of consideration, physical contact in the form of wrestling or tumbling when (1) or more of the persons is semi-nude.

"Sexually-oriented business" means an adult bookstore or adult video store, an adult cabaret, an adult motel, an adult motion picture theater, a seminude model studio, sexual device shop, or a sexual encounter center.

"Simulated showing or simulated display" means the utilization of a device or covering, exposed to view, that realistically appears to be any part of a specified anatomical area.

"Specified anatomical area" means and includes:

A. less than completely and opaquely covered human genitals, pub~~l~~ic region, anus, anal cleft, buttock and female breast below a point immediately above the top of the areola; and

B. human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified criminal activity" means:

A. any of the following specified crimes for which less than five (5) years elapsed since the date of conviction or the date of release from confinement for the conviction whichever is the later date:

1. dissemination or distribution of obscenity or pornographic material;
2. distribution of a controlled substance;
3. engaging in organized criminal activity relating to a sexually-oriented business;
4. indecency with a child, including:
   (a) unlawful sexual activity with a minor,
   (b) sexual abuse of a minor, and
   (c) lewdness involving a child;
5. indecent exposure or lewdness;
6. molestation of a child, including:
   (a) rape of a child,
   (b) object rape of a child,
   (c) sodomy on a child;
   (d) sexual abuse of a child, and
   (e) aggravated sexual abuse of a child;
7. sexual exploitation of a minor;
8. prostitution or promotion of prostitution, including:
   (a) patronizing a prostitute,
   (b) aiding prostitution
   (c) exploiting prostitution, and
   (d) aggravated exploitation of prostitution;
9. rape, including,

(a) object rape,

(b) forcible sodomy, and

(c) forcible sexual abuse;

10. sale, distribution or display of harmful material to a minor, including:

a. indecent public displays, and

a. dealing in harmful material to a minor;

11. sexual assault or aggravated sexual assault;

12. sexual performance by a child;

13. criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses; or

14. any offense in another jurisdiction that, had the predicate act (s) been committed in Utah, would constitute any of the foregoing offenses; or

B. any attempt, solicitation, or conspiracy to commit one (1) of the foregoing offenses.

"Specified sexual activity" means any of the following:

A. actual or simulated intercourse, oral copulation, masturbation or sodomy; or

B. actual or simulated excretory functions as a part of or in connection with any of the activities described in (I) above.

"Substantial" means at least thirty-five (35) percent of the item(s) or word(s) so modified.

~~B.~~ "Transfer of ownership or control" of a sexually-oriented business means any of the following:

1. the sale, lease, or sublease of the business;

2. the transfer of securities which constitute an influential interest in the business, whether by sale, exchange, or similar means; or

3. the establishment of a trust, gift, or other similar legal device which transfers ownership of control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

"Viewing room" means the room, booth, or area where a customer of a sexually-oriented business would ordinarily be positioned while watching a film, videocassette, or other video reproduction.

Section 13-352 Classification

The classifications for sexually-oriented businesses shall be as follows:

A. adult bookstore or adult video store;

B. adult cabaret;

C. adult motel;

D. adult motion picture theater;

E. semi-nude model studio;

F. sexual device shop; or

G. sexual encounter center.

Section 13-353 License Required

A. It shall be unlawful for any person to operate a sexually-oriented business in Kanab City without a valid sexually-oriented business license.

B. It shall be unlawful for any person to be an employee, as defined in this Section, of a sexually-oriented business in Kanab City without a valid sexually-oriented business employee license.

C. An applicant for a sexually-oriented business license or a sexually-oriented business employee license shall file in person at the Kanab City business license office a complete application ~~made on a form~~

~~provided by the Finance Director~~. The application shall be signed as required by subsection (E) herein and shall be notarized. An application shall be considered complete when it contains, for each person required to sign the application, the information and/or items required in subsections (a) through (g) below, accompanied by the appropriate fee identified in Section 13~~-13~~-355 of this Section.

~~1.~~(a) the applicant's full true name and other names used by the applicant in the preceding five (5) years;

~~(a)~~(b) current business address or another mailing address of the applicant;

~~(b)~~(c) written proof of age, in the form of a driver's license or a copy of a birth certificate accompanied by a picture identification document issued by a government agency;

~~(c)~~(d) if the application is for a sexually-oriented business license, the business name, location, legal description, mailing address and phone number of the sexually-oriented business;

~~(d)~~(e) if the application is for a sexually-oriented business license, the name and business address of the statutory agent or other agent authorized to receive service of process;

~~(e)~~(f) a statement of whether an applicant has been convicted of or has pled guilty or nolo contendere to a specified criminal activity as defined in Section 13-351 of this Section, and if so, each specified criminal activity involved, including the date, place and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable; and

~~(f)~~(g) a statement of whether any sexually-oriented business in which an applicant has had an influential interest, has, in the previous five (5) years (and at a time during which the applicant had the influential interest):

~~(g)~~(i) been declared by a court of law to be a nuisance; or

~~2.~~(ii) been subject to a court order of closure or padlocking.

~~a.~~ The information provided pursuant to subsections (a) through (g) of ~~this subsection~~

D. ~~shall~~this subsection shall be supplemented in writing by certified mail, return receipt requested, to the City Manager~~Finance Director~~ within ten (10) working days of a change of circumstances which renders the information originally submitted false or incomplete.

E. An application for a sexually-oriented business license shall be accompanied by a legal description of the property where the business is located and a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches. Applicants who are required to comply with Subsections 13-363 and 13-367 of this Section shall submit a diagram indicating that the interior configuration meets the requirements of those sections.

F. If a person who wishes to operate a sexually-oriented business is an individual, the person shall sign the application for a license as the applicant. If a person who wishes to operate a sexually-oriented business is other than an individual, each person with an influential interest in the business shall sign the application for a license as the applicant. Each applicant shall be qualified under Section 13-354 and each applicant shall be considered a licensee if a license is granted.

G. The information provided by an applicant in connection with an application for a license under this Section shall be maintained by the office of the City Manager~~Finance Director~~ on a confidential basis, and such information may be disclosed only as may be

required by law or court order, and only to the extent required, by law or court order.

Section 13-354 Issuance of License

A. Upon the filing of a complete application under Subsection (C) of this Section for a sexually-oriented business license, the City Manager~~Finance Director~~ shall immediately issue a temporary license to the applicant, which temporary license shall expire upon a final decision of the City to deny or grant a business license. Within twenty (20) days of the filing date of a complete sexually-oriented business license application, the City Manager ~~Finance Director~~ shall issue a business license to the applicant or issue to the applicant a letter of intent to deny the application. The City Manager~~Finance Director~~ shall issue a license unless:

1. an applicant is less than eighteen (18) years of age;
2. an applicant has failed to provide information required by Section 13-353 of this Section for issuance of a license or has falsely answered a question or request for information on the application form;
3. the license application fee required by Section 13-355 of this Section has not been paid;
4. the sexually-oriented business does not comply with the interior configuration requirements of this Section or does not comply with the interior configuration requirements of this Section or does not comply with local requirements set forth in Section, Kanab City code;
5. any sexually-oriented business in which the applicant has had an influential interest, has in the previous five (5) years (and at a time during which the applicant had the influential interest):

   (a) been declared by a court of law to be a nuisance; or

   (b) been subject to an order of closure or padlocking; or

6. an applicant has been convicted of or pled guilty or nolo contendere to a specified criminal activity as defined in this Section.

B. Upon the filing of a complete application under Subsection 13-353 (3) of this Section for a sexually-oriented business employee license, the City Manager~~Finance Director~~ shall immediately issue a temporary license to the applicant, which temporary license shall expire upon the final decision of the City to deny or grant a business license. Within twenty (20) days of the filing date of the filing date of a complete sexually-oriented business employee license application, the City Manager shall issue a business employee license to the applicant or issue to the applicant a letter of intent to deny the application. The City Manager shall issue a license unless:

~~1. the Finance Director shall either issue a Director shall approve the issuance of a license unless:~~

~~2.~~1. the applicant is less than eighteen (18) years of age;

~~3.~~2. the applicant has failed to provide information as required by Section 13-353 of this Section for issuance of a license or has falsely answered a question or request for information on the application form:

~~4.~~3. the license application fee required by Section 13-355 of this Section has not been paid;

~~5.4.~~ any sexually-oriented business in which the applicant has had an influential interest, has in the previous five (5) years (and at a time during which the applicant had the influential interest):

a. been declared by a court of law to be a nuisance; or

b. been subject to an order of closure or padlocking, or

5. the applicant has been convicted of or pled guilty or nolo contendere to a specified criminal activity as defined in this Section.

C. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and, if the license is for a sexually-oriented business, the address of the sexually-oriented business. The sexually-oriented business license shall be posted in a conspicuous place at or near the entrance to the sexually-oriented business so that it may be read at any time. A sexually-oriented business employee shall keep the employee's license on his or her person or on the premises where the licensee is then working or performing.

Section 13-355 Fees

The initial license and annual renewal fees for sexually-oriented business licenses and sexually-oriented business employee licenses shall be as follows:

A. one hundred dollars ($100) for the initial fee for a sexually-oriented business license and fifty dollars ($50) for annual renewal.~~;~~ These fees will be in addition to the general business license fees; and

B. fifty dollars ($50) for the initial sexually-oriented business employee license and twenty-five dollars ($25) for annual renewal.

Section 13-356 Inspection

A. A sexually-oriented business and any sexually-oriented business employee shall permit the City Manager~~Finance Director~~ and his or her agents to inspect, from time to time on an occasional basis, the portions of the sexually-oriented business premises where customers are permitted, for the purpose of ensuring compliance with applicable requirements of this Section, during those times when the sexually-oriented business is occupied by customers or is open to the public. This section shall be narrowly construed by the City to authorize reasonable inspections of the licensed premises pursuant to this

Section, but not to authorize a harassing or excessive pattern of inspections.

B. The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

Section 13-357 Expiration of License

A. Except for a temporary license or as otherwise provided in this section, the term of a license shall be as provided in Section 9-02~~138~~, Kanab City Code, unless suspended or revoked.

B. A license may be renewed only by submitting an application as provided in Section 13-350.040 and paying the fee required by Section 13-359 of this Section.

C. Application for renewal of a license should be made at least ninety (90) days before the expiration date pursuant to the procedures set forth in Section 13-353 of this Section. When made less than ninety (90) days before the expiration date, the expiration of the license shall not be affected.

Section 13-358 Suspension

A. If a sexually-oriented business licensee knowingly violates or knowingly allows an employee to violate the provisions of this Section, the City Manager~~Finance Director~~ shall issue a letter to the employee indicating the City's intent to suspend the employee's sexually-oriented business employee license for a period of up to thirty (30) days.

Section 13-359 Revocation

A. The City Manager~~Finance Director~~ shall issue a letter of intent to revoke a sexually-oriented business license or a sexually-oriented

business employee license, as applicable, if the licensee knowingly violates a provision of this Section or has knowingly allowed an employee to violate a provision of this Section and the licensee's license has been suspended within the previous twelve (12) month period.

B. The City Manager ~~e Finance Director~~ shall issue a letter of intent to revoke a sexually-oriented business license or a sexually-oriented business employee license, as applicable, if:

1. the licensee has knowingly given false information in the application for the sexually-oriented business license;
2. the licensee has knowingly or recklessly engaged in or allowed possession, use, or sale of controlled substances or alcoholic beverages on the premises;
3. the licensee has knowingly or recklessly engaged in or allowed prostitution on the premises; or
4. the licensee has knowingly or recklessly engaged in or allowed any specified sexual activity to occur in or on the licensed premises.

C. The fact that any relevant conviction is being appealed shall have no effect on the revocation of a license, provided that, if any conviction which serves as a basis of a license revocation is overturned or reversed on appeal, such conviction shall be treated as null and of no effect for revocation purposes.

D. When, after the notice and hearing procedure described in Section 13-360 of this Section, a license is revoked, such revocation shall continue for one (1) year and the licensee shall not be issued a sexually-oriented business license or sexually-oriented business employee license for one (1) year from the date revocation becomes effective.

Section 13-360 Hearing-Denial, Revocation, and Suspension -Appeal.

Section 13: POLICE AND PUBLIC OFFENSES

A. When the ~~Finance Director~~ City Manager issues a written notice of intent to deny, suspend, or revoke a license, the ~~Finance Director~~ City Manager shall immediately send such notice, which shall include the specific grounds under this Section for such action, to the applicant or licensee (respondent) by personal delivery or certified mail. The notice shall be directed to the most current business address or other mailing address on file with the Kanab City business license office for the respondent. The notice shall specify a date, not less than ten (10) days nor more than twenty (20) days after the date the notice is issued, on which a hearing officer shall conduct a hearing on the ~~Finance Director~~City Manager's intent to deny, suspend, or revoke the license.

1. At the hearing, the respondent shall have the opportunity to present all of respondent's arguments and to be represented by counsel, present evidence and witnesses on his or her behalf, and cross-examine any of the ~~Finance Director~~City Manager's witnesses. The ~~Finance Director~~ City Manager shall also be represented by counsel, and shall bear the burden of proving the grounds for denying, suspending, or revoking the license. The hearing shall take no longer than two (2) consecutive days, unless extended at the request of the respondent to meet the requirements of due process and proper administration of justice. The hearing officer shall issue a written decision, including specific reasons for the decision pursuant to this Section, to the respondent within five (5) days after concluding the hearing.

2. If a decision is to deny, suspend, or revoke a license, the decision shall not become effective until the thirty (30) days after the decision is rendered. The decision shall include a statement advising the respondent of the right to appeal such decision to a court of competent jurisdiction.

   (a) If the hearing officer's decision finds that no grounds exist for denial, suspension, or revocation of the license, the hearing

officer shall, contemporaneously with the issuance of the decision, order the ~~Finance Director~~ City Manager to immediately withdraw the intent to deny, suspend, or revoke the license and to notify the respondent in writing by certified mail of such action.

(b) If the respondent is not yet licensed, the ~~Finance Director~~City Manager shall contemporaneously therewith issue the license to the applicant.

B. If any court action challenging the ~~Finance Director~~City Manager's or hearing officer's decision is initiated, the City Attorney shall prepare and transmit to the court a transcript of the hearing within ten (10) days after receiving written notice of the filing of the court action. The City shall consent to expedite briefing and/or disposition of the action, shall comply with any expedited schedule set by the court, and shall facilitate prompt judicial review of the proceedings.

C. The following shall apply to any sexually-oriented business that is in operation as of the effective date of this Section:

1. Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin the City's enforcement of the denial, suspension, or revocation, the City shall immediately issue the respondent a provisional license.

2. The provisional license shall allow the respondent to continue operation of the sexually-oriented business or to continue employment as a sexually-oriented business employee and shall expire upon the court's entry of judgment on the respondent's appeal or other action to restrain or otherwise enjoin the City's enforcement.

Section 13-361 Transfer of License

A licensee shall not transfer his or her license to another person, nor shall a licensee operate a sexually-oriented business under the authority of a license at any place other than the address designated on the license.

Section 13-362 Hours of Operation

No sexually-oriented business shall be or remain open for business between 10~~2~~:00 p.m. ~~midnight~~ and 8~~6~~:00 a.m. on any day.

Section 13-363 Exhibition of Sexually Explicit Films or Videos

A. A person who operates or causes to be operated a sexually-oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than three hundred fifty (350) square feet of floor space, a film, video cassette, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements.

1. Each application for a sexually-oriented business license shall contain a diagram of the premises showing the location of each restroom, operator station, viewing room, overhead lighting fixture, video camera and monitor installed for monitoring purposes and shall designate those portions of the premises where customers will not be permitted.

(a) Restrooms shall not contain video reproduction equipment.

(b) The diagram shall also designate the place~~d~~ where the license will be conspicuously posted, if granted.

(c) A professionally prepared diagram in the nature of an architectural drawing shall not be required; however, the top of each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas ~~o~~ of the

interior of the premises to an accuracy of plus or minus six (6) inches. The ~~Finance Director~~ City Manager may waive the foregoing diagram for renewal applications if the applicant presents a previously submitted diagram and certifies that the configuration of the premises has not been altered since it was prepared.

2. It shall be the duty of the operator, and of any employee present on the premises, to ensure no customer is permitted access to any area of the premises which has been designated as an area in which customers will not be permitted in the application filed pursuant to Subsection (A.1) of this section.

3. The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place where customers are permitted access at an illumination of not less than five (5) foot candles as measured at the floor level. The operator and any employee present on the premises shall have the duty to ensure the illumination described above is maintained at all times when the premises are occupied by customers or open for business.

4. The operator and any employee present on the premises shall have the duty to ensure no sexual activity occurs in or on the licensed premises.

5. The operator shall have the duty to post conspicuous signs in well-lighted entry areas of the business stating all of the following:

   (a) occupancy of viewing rooms is limited to one (1) person;

   (b) sexual activity on the premises is prohibited;

   (c) making of openings between viewing rooms is prohibited;

   (d) violators will be required to leave the premises; and

   (e) violations of Subparagraphs (a), (b), (c) of this paragraph (5) are unlawful.

6. The operator shall have the duty to enforce the regulations set forth in Subsections (5.a) though (5.e) above.

7. The interior of the premises shall be configured to provide an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room, but excluding restrooms, to which any customer is permitted access for any purpose.

   (a) An operator's station shall not exceed thirty-two (32) square feet of floor area.

   (b) If the premises have two (2) or more operator's stations designated, then the interior of the premises shall be configured to provide an unobstructed view of each area of the premises to which any customer is permitted access for any purpose from at lease one (1) of the operator stations. The view required in this subsection shall be by direct line of sight from an operator's station.

   ~~(c)~~(b) ~~The operator and any employees present on the premises shall have the duty to ensure the view area specified in this subsection remains unobstructed by any door, curtain, wall, merchandise, display rack or other material or enclosure at all times when a customer is present on the~~ premises.

   Comment [JS34]: Repeated word for word below.

   ~~(d)~~(c) The operator and any employees present on the premises shall have the duty to ensure the view area specified in this subsection remains unobstructed by any door, curtain, wall, merchandise, display rack or other material or enclosure at all times when a customer is present on the premises.

B. It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

Section 13: POLICE AND PUBLIC OFFENSES

Section 13-364 Loitering, Exterior Lighting, Visibility, and Monitoring Requirements

A. The operator of a sexually-oriented business shall have the duty to:

1. post conspicuous signs stating that no loitering is permitted on the premises;
2. designate one (1) or more employees to monitor the activities of persons on the premises by visually inspecting the premises at least once every ninety (90) minutes or inspecting the premises by use of video cameras and monitors; and
3. provide lighting of the exterior portion of the premises to provide for visual inspection or video monitoring to prohibit loitering. If used, video cameras and monitors shall operate continuously whenever the premises are open for business. Such monitors shall be installed within an operator's station.

B. It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

C. No sexually-oriented business licensee or other person shall erect a fence, wall, or other barrier which prevents any portion of a parking lot for employees or customers of the business from being visible from a public right of way.

Section 13-365 Penalties and Enforcement

A. A person who knowingly violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this Section shall be guilty of a Class "B" misdemeanor. Each day a violation is committed, or permitted to continue, shall constitute a separate offense and shall be fined as such.

B. The City Attorney is hereby authorized to institute civil proceedings necessary for the enforcement of this Section to prosecute, restrain, or correct violations hereof. Such proceedings, including injunction, shall be brought in the name of the City.

C. Nothing in this section and no action taken hereunder shall:

1. prohibit a criminal or administrative proceeding as may be authorized by other provisions of this Section, the Kanab City Code, or other law, or

2. exempt any person violating this Section, the Kanab City Code, or other law from a penalty which may be incurred.

Section 13-366 Applicability of Section to Existing Businesses

~~Any existing sexually-oriented business and sexually-oriented business employee are hereby granted a de facto temporary license to continue operation or employment for a period of ninety (90) days following the effective date of this Section. By the end of said ninety (90) days each sexually-oriented business and sexually-oriented business employee shall conform to and abide by the requirements of this Section.13-367 Prohibited~~ Activities

Comment [JS35]: No longer relevant

A. It is unlawful for a sexually-oriented business to knowingly violate the following regulations or to knowingly allow an employee or any other person to violate the following regulations.

1. It shall be a violation of this Section for a customer, employee, or any other person to knowingly or intentionally, in a sexually-oriented business, appear in a state of nudity, regardless of whether such public nudity is expressive in nature.

2. It shall be a violation of this Section for a person to knowingly or intentionally, in a sexually-oriented business, appear in a semi-nude condition unless the person is an employee who, while semi-nude, remains at least six (6) feet from any customer and on a stage at least eighteen (18) inches from the floor in a room of at least one thousand (1,000) square feet.

3. It shall be a violation of this Section for any employee who regularly appears semi-nude in a sexually-oriented business to knowingly or intentionally touch a customer or the clothing of a customer on the premises of a sexually-oriented business.

4. It shall be a violation of this Section for any person to sell, use, or consume alcoholic beverages on the premises of a sexually-oriented business.

B. (2) A sign, in a form prescribed by the ~~Finance Director~~City Manager, summarizing the provisions of Subsections (1), (2), (3), and (4) of this section shall be posted near the entrance of a sexually-oriented business in a location where it is clearly visible to customers upon entry.

Section 13-368 Scienter Required to Prove Violation or Business Licensee Liability

This Section does not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a knowing or reckless mental state is necessary to establish a violation of a provision of this Section. Notwithstanding anything to the contrary, for the purposes of this Section, an act by an employee that constitutes grounds for suspension or revocation of that employee's license shall be imputed to the sexually-oriented business licensee for purposes of finding a violation of this Section, or for purposes of license denial, suspension, or revocation, only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises, knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act.

Section 13-369 Effect of City Failure to Act

In the event a City official is required to act or do a thing pursuant to this Section within a prescribed time, and fails to act or do such thing within the time prescribed, said failure shall not prevent the exercise of constitutional rights of an applicant or licensee. If the act required of the City official under this Section is~~and~~ not completed in the time prescribed, including~~es~~ approval of condition(s) necessary for approval by the City of

an applicant's or licensee's application for a sexually-oriented business license or a sexually-oriented business employee's license (including a renewal), the license shall be deemed granted and the business or employee shall be allowed to commence operations or employment the day after the deadline for the City's action has passed.

PART II:

A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.

B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any word, phrase, sentence, part, section, subsection, or other portion of this Section, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable and the remaining provisions of this section, in full force and effect. The Municipal Council declares that no invalid or proscribed provision or application was an inducement to this Section, and that it would have enacted this subsection regardless of the invalid or proscribed provision or application.

C. The Municipal Council hereby directs that the official copy of the Kanab City Code be updated to reflect the provisions enacted by this ordinance.

Section 13-370 Signs

Notwithstanding anything contrary contained, in Section 7, Sign Regulations, of the Kanab City Uniform Zoning Ordinance, the more restrictive requirements for signs shall prevail. Signs for sexually oriented businesses shall be limited as follows:

A. No more than one exterior sign shall be allowed.

B. No sign shall be allowed to exceed eighteen (18) square feet.

C. No animation shall be permitted on or around any sign or on the exterior walls or roof of such premises.

D. No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sign. Said sign shall contain alphanumeric copy only.

E. Only flat wall signs and/or awning signs shall be permitted.

F. Painted wall advertising shall not be allowed.

G. Other than the signs specifically allowed by this Section, sexually oriented businesses shall not attach, construct or allow to be attached or constructed, any temporary signs banner, light, or other device designed to draw attention to the business location.~~1~~

Section 13-371 Location of business, Restrictions

Except as provided in this Section, no building, structure, or land shall be used for the establishment or operation of a sexually-oriented business. A person commits an offense if the person ~~if the person~~ operates or causes to be operated, a sexually-oriented business in violation of this Section.

A. Sexually oriented businesses shall~~,~~ only be permitted in the areas zones (M-2~~D~~).

B. ~~All sexually oriented business shall be located within 1000 feet of:~~

1. No sexually oriented business shall be located within 1000 feet of:

(a) a church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;

(b) a public or private educational facility including but not limited to ~~a~~ child day-care facilities, nursery schools, pre-schools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools,

continuation schools, special education schools, junior colleges, and universities. Schools include the school grounds, but does not include facilities used primarily for another purpose and only incidentally to~~as~~ schools;

(c) a public park or recreational area which has been designated for park or recreational activities including, but not limited to~~,~~ a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the City which is under the control, operation, or management of the City Park and recreation authorities;

(d) an entertainment business which is oriented primarily towards children or family entertainment; ~~or~~

2. No sexually oriented business shall be located within 600 feet of:

(a) a boundary of a residential district as defined in the Kanab City Zoning Ordinance; or

(b) the property line of a lot devoted to a residential use as defined in the Kanab City Zoning Ordinance;

C. A person commits a misdemeanor if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually-oriented business within one thousand feet (1000') of another sexually oriented business.

D. For the purpose of this Section, measurements shall be made in a straight line, without regard to the intervening structures or objects from the nearest portion of the building or structure used as part of the premises where a sexually-oriented business is conducted, to the nearest property line of the premises of a used listed in Subsection (B). Presence of a City, County, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying~~,~~ the distance requirements of this Section.

E. For the purpose of this Section, the distance between any two sexually-oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closed exterior wall of the structure in which each business is located.

ORDINANCE NO. 10-4-15 O

AN ORDINANCE AMENDING KANAB CITY LAND USE ORDINANCE CONCERNING CHAPTER 4 AND 17 "TWO FAMILY DWELLING"

WHEREAS, the Kanab City Planning Commission and staff have evaluated current land use requirements and procedures and has found a need for clarification; and

WHEREAS, The Kanab City Planning Commission conducted the required Public Hearing on October 6th and recommended to the City Council that the Land Use Ordinance be amended;

NOW, THEREFORE, BE IT ORDAINED by the Kanab City Council that the Kanab City Land Use Ordinance is hereby amended as reflected in the following Chapter 4 page 46 , Chapter 17 page 1

All former codes or parts thereof conflicting or inconsistent with the provisions of this Ordinance or of the Code hereby adopted are hereby repealed.

The provisions of the Code shall be severable, and, if any provision thereof or any application of such provision is held invalid, it shall not affect any other provisions of this code or the application in a different circumstance.

This ordinance shall be effective upon the required posting.

PASSED AND ORDERED POSTED this 26th day of, October 2015.

KANAB CITY

_____

MAYOR

ATTEST:

_____

RECORDER

Chapter 4

SUPPLEMENTARY REGULATIONS

This ordinance provides various development regulations that impact most uses and zones.

confinement, rehabilitation or treatment in a correctional facility.

K. Reasonable Accommodation: None of the foregoing conditions shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a residential facility for persons with a disability.

1. *Any person or entity who wishes to request a reasonable acco*mmodation shall make application therefore to the city council, or the council's designee, and shall articulate in writing the basis for the requested accommodation.
2. Each application for a reasonable accommodation shall be decided within not more than thirty (30) days.
3. If a request for a reasonable accommodation is denied, such decision may be appealed to the Appeals Officer in the manner provided for appeals of decisions applying this title.

~~**Section 4-32 Leasing Property in Residential Zones**~~

~~One lease per lot shall be allowed in single family residential zones.~~

~~1. When the property is not owner occupied:~~

~~Leasing out the entire property or some portion thereof to only one lessee on the property is permitted.~~

~~2. When the property is owner occupied:~~

~~Leasing out a portion of a dwelling, room, basement, garage apartment, guest home to one lessee is permitted.~~

~~Will require a total of four (4) off street parking spaces.~~

KANAB

Land Use Ordinance

Chapter 17

SINGLE FAMILY RESIDENTIAL ZONES

Ordinance which provides for low density, single-family neighborhoods

Adopted January 22, 2008
Revised Sept 10, 2013

Sections

17-1 Purpose
17-2 Permitted and Conditional Uses
17-3 Height Regulations
17-4 Minimum Area, Width, and Yard Requirements
17-5 Modifying Regulations
17-6 Keeping of Chickens in Residential Zones
17-7 Supplementary Regulations

Section 17-1 Purpose

Single Family Residential Zones (R-1-20, R-1-15, R-1-10, R-1-8): To provide and protect areas for low-density, single-family neighborhoods, while permitting the limited establishment of public and quasi-public uses which serve the requirements of families.

Section 17-2 Permitted and Conditional Uses

LAND USE CHART SINGLE FAMILY RESIDENTIAL	ZONES			
	R-1-20	R-1-15	R-1-10	R-1-8
Bed and breakfast	C	C	C	C
Cemetery	C	C	C	C
Child day care or nursery	C	C	C	C
Church	C	C	C	C
Golf course	C	C	C	C
Guest house	P	P	P	P
Home occupation – light[3]	P	P	P	P
Home occupation – heavy[4]	C	C	C	C
Horticulture and gardening[1]	P	P	P	P
Household pets	P	P	P	P
Park or playground	C	C	C	C
Public buildings	C	C	C	C
Public utilities, essential services	C	C	C	C
School	C	C	C	C
Shed / garage[2]	P	P	P	P
Single family dwelling unit	P	P	P	P
Two family dwellings	P	P	P	P

1

KANAB UTAH

76 North Main
Kanab, Utah 84741
Phone: (435) 644-2534
Fax: (435) 644-2536
www.Kanab.Utah.Gov

Subdivision Initial Application

by Hand Version

KCfrmSIA-Ver-1.0.4

Applicant Information:

Name Gregory & Julianne Castle Phone (801) 554-9301

Address 182 N. Main St P.O. Box

City Kanab State UT Zip Code 84741

Legal Property Owner(s) ☐ Check if 1st listed Owner - Same As Applicant

Provide information for Owner(s)/Manager(s) below. Use button to add additional owner(s)/manager(s).

Name Gregory Castle Phone (801) 554-9301 0

Address 182 N. Main St P.O. Box

City Kanab State UT Zip Code 84741

Name Julianne Castle Phone (801) 554-9301 1

Address P.O. Box

City Kanab State UT Zip Code 84741

Name Phone 2

Address P.O. Box

City State Zip Code

Property Information

Parcel ID K-25-7 Acres 6.63

No acreage charge for total acres under 1.

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Property Existing Zoning:

- ( ) RR-1 (Rural Residential)
- ( ) R-1-15 (Low Density Residential)
- ( ) R-1-20 (Low Density Residential)
- (X) R-1-8 (Medium Density Residential)
- ( ) R-1-10 (Medium Density Residential)
- ( ) RM-7 (High Density Residential)
- ( ) RM-9 (High Density Residential)
- ( ) RM-11 (High Density Residential)
- ( ) RM-13 (High Density Residential)
- ( ) RM-15 (High Density Residential)
- ( ) KCR-720 (KCR)
- ( ) PD OVERLAY (Planned Development Overlay)
- ( ) C1 (Commercial Zone)
- ( ) C2 (Commercial Zone)
- ( ) C3 (Commercial Zone)
- ( ) CPD (Commercial Planned Development)
- ( ) M1 (Business Parks)
- ( ) M2 (Light Manufacturing)
- ( ) M3 (Heavy Manufacturing)
- ( ) RA-10 (Residential Agricultural)
- ( ) RA-5 (Residential Agricultural)
- ( ) RA-2 (Residential Agricultural)

General Plan Zone in which property is located:

- ( ) RA - Rural Agricultural
- ( ) VLDR - Very Low Density Residential
- ( ) LDR - Low Density Residential
- ( ) MDR - Medium Density Residential
- (X) HDR - High Density Residential
- ( ) VHDR - Very High Density Residential
- ( ) C - Commercial
- ( ) MD - Manufacturing District

Desired Development Committee Meeting Date

Meeting Date Requested: _____ mmddyyyy

NOTE: Development Committee Meetings are normally held on Wednesday(s) at 10:00am in the Kane County Commission Chambers. This application will need to be submitted a minimum of one week in advance of the date listed above.

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Description

Briefly describe the nature of Applicants request or information required from the Development Committee:

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Subdivision Initial Application

by Hand Version

Sketch Plan

Attach a sketch plan exhibit including the following:

A. A vicinity map or recent aerial photograph showing the general location of the subdivision and the property boundary of the proposed area to be subdivided clearly shown, including a North Arrow, map scale and designated public street access. The exhibit should show any significant natural and man-made features on the site and within one-half (1/2) mile of any portion of the subdivision boundary.

Refer to the Kanab City Subdivision Ordinance and the Kanab General Plan for additional information.
You must submit these Exhibits by email, mail or hand delivery to the Kanab City Office.

Sketch Plan:

These items are required before processing of Application can begin:

B. The sketch plan should clearly show the acreage of the proposed subdivision boundary, the number of lots, typical lot dimensions and the approximate area of each lot.

You must submit these Exhibits by email, mail or hand delivery to the Kanab City Office.

Sketch Plan:

These items are required before processing of Application can begin:

C. The sketch plan should clearly designate any mapped Floodplains and Sensitive Areas relative to the subdivision boundary as outlined in the Kanab City Land Use Ordinance, Chapter 11.

You must submit these Exhibits by email, mail or hand delivery to the Kanab City Office.

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Subdivision Initial Application

by Hand Version

Narrative:

These items are required before processing of Application can begin:

Attach a brief written statement which clearly describes in detail the intent of the applicant regarding the subdivision request including public street access, connection to existing public utilities, and type of wastewater disposal system proposed.

You must submit this narrative by either entering this information in the description field above or by submitting it by email, mail or hand delivery to the Kanab City Office.

Fees Required

Fees Required _____

The calculated fees that are shown above are required before processing of this application can begin. After submitting this form the applicant will have an opportunity to pay the required fees/deposits by either making payment on-line , by mail or by hand delivery to the Kanab City Office in the form of a check or money order.

NOTE: Additional deposits will be required when initial deposits are fully expended. Any unused portion of deposits will be refunded to applicant upon completion of the project.

Contact Information:

Applicant must provide at least one email address for correspondence with City Administrative Staff.

Primary Email	2nd Email - optional
_____	_____

Applicant(s) Requesting Development Committee Meeting

NOTE: Filling in Signature Name and Date and submitting form will serve as a valid signature. Form will be date and time stamped when submitted.

Important Note - once form has been submitted the form information can not be edited. If you need to change any information please contact the Kanab City Office.

continued on Next Page

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Subdivision Initial Application

by Hand Version

Signatures - continued

Signature _____ Date (mmddyyyy) _____ 0

Signature _____ Date (mmddyyyy) _____ 1

Signature _____ Date (mmddyyyy) _____ 2

Signature _____ Date (mmddyyyy) _____ 3

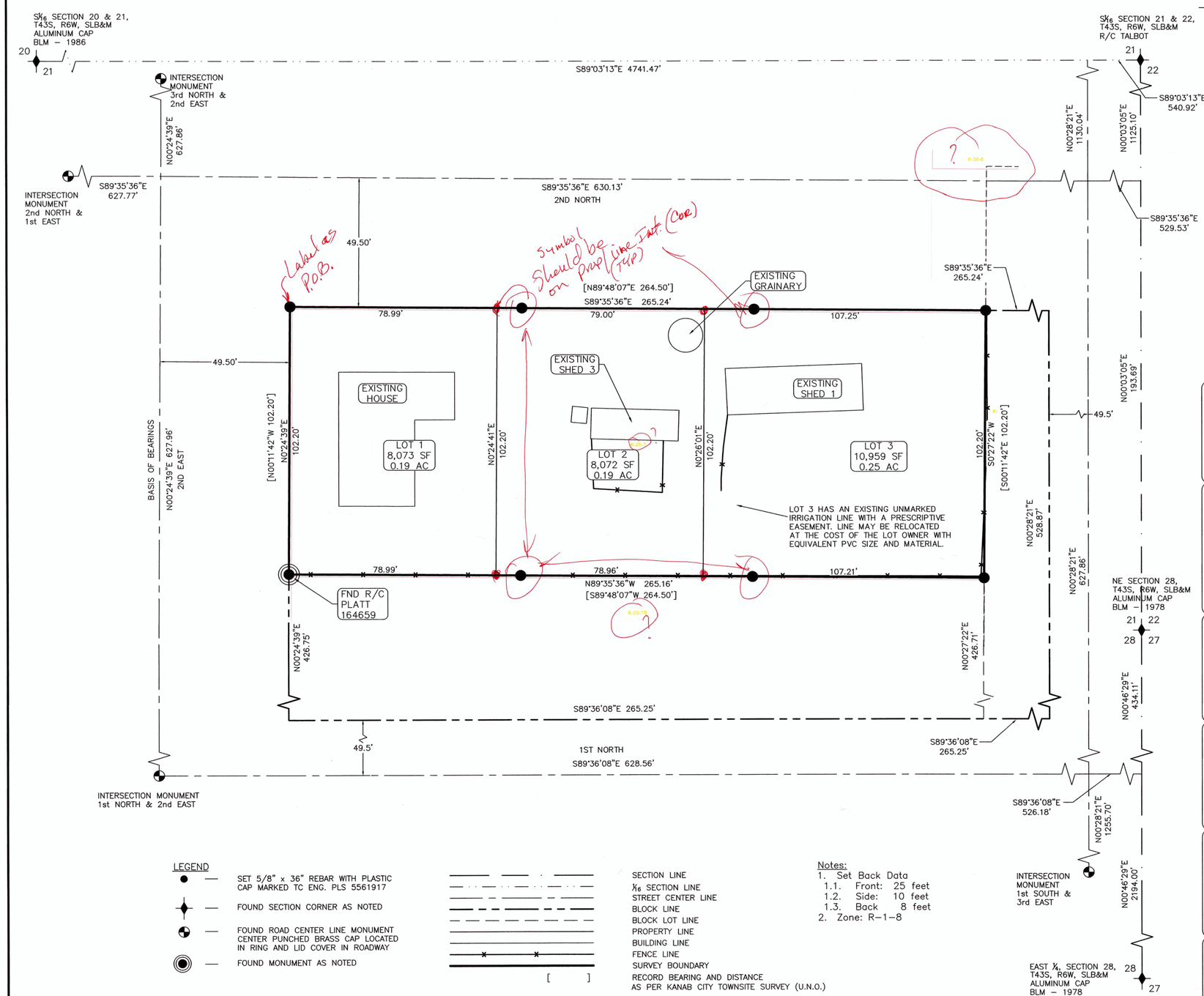
For City Use ONLY

Accepted _____ Date (mmddyyyy) _____

BETSY'S RED DIRT HALLOW SUBDIVISION

LOCATED IN NW¼ BLOCK 25, PLAT A OF THE KANAB TOWNSITE, SE¼ SE¼ SECTION 28, TOWNSHIP 43 SOUTH, RANGE 6 WEST SALT LAKE BASE AND MERIDIAN

PARCEL: K-25-7



20 0 20
SCALE IN FEET
SCALE 1" = 20'

Description of Subdivision Boundary (As–Surveyed):
BEGINNING at the Northwest Corner of Lot 3, Block 25, Plat "A" of the Official Survey of the Kanab Townsite and running; thence, along the north Block Line, South 89°35'36" East 265.24 feet, to the Northeast Corner of said Lot; thence, along the east Lot Line, South 0°27'22" West 102.20 feet; thence North 89°35'36" West 265.16 feet, to the west Block Line; thence, along the west Block Line, North 0°24'39" East 102.20 feet, to the POINT OF BEGINNING; containing 0.62 acres (more or less).

LEGEND

- SET 5/8" x 36" REBAR WITH PLASTIC CAP MARKED TC ENG. PLS 5561917
- FOUND SECTION CORNER AS NOTED
- FOUND ROAD CENTER LINE MONUMENT CENTER PUNCHED BRASS CAP LOCATED IN RING AND LID COVER IN ROADWAY
- FOUND MONUMENT AS NOTED

SECTION LINE
¼₁₆ SECTION LINE
STREET CENTER LINE
BLOCK LINE
BLOCK LOT LINE
PROPERTY LINE
BUILDING LINE
FENCE LINE
SURVEY BOUNDARY
[ ] RECORD BEARING AND DISTANCE AS PER KANAB CITY TOWNSITE SURVEY (U.N.O.)

Notes:
1. Set Back Data
   1.1. Front: 25 feet
   1.2. Side: 10 feet
   1.3. Back 8 feet
2. Zone: R–1–8

SURVEYOR'S CERTIFICATE
I, Thomas W. Avant, do hereby certify that I am a Licensed Land Surveyor, and that I hold Certificate of Registration No. (License No.) 5561917, as prescribed by the laws of the State of Utah. I further certify that by the authority of the owners, I have made a survey of the tract of land shown on this Subdivision Plat and described above to be hereafter known as "Betsy's Red Dirt Hallow Subdivision" and that said tract of land has been subdivided into lots as shown on this plat.

Thomas W Avant R.P.L.S. No. 5561917 *DATE*

OWNER'S DEDICATION
Gregory and Julianne Castle, as the owners of the real property described in the Boundary Description, having caused the Property to be subdivided into 3 Lots, consent to the preparation and recording of this Plat.

IN WITNESS WHEREOF, Gregory and Julianne Castle have made the above dedications this _____ day of _____, 20__.

Gregory Castle
182 N. Main St.
Kanab, Utah

Julianne Castle
182 N. Main St.
Kanab, Utah

ACKNOWLEDGMENT
STATE OF UTAH,) s.s.
COUNTY OF)
On this _____ day of _____, 20__, personally appeared before me Gregory and Julianne Castle, who are personally know to me (or satisfactorily proved to me), and who being by me duly sworn did say that they executed this Plat.

NOTARY PUBLIC

CITY PUBLIC WORK'S DIRECTOR CERTIFICATE
I, _____, Kanab City public Works Director, do hereby certify that this office has examined the above Plat and have determined that it is correct and in accordance with information on file in this office and recommend it for approval this _____ day of _____, 20__.

KANAB CITY PUBLIC WORKS DIRECTOR

CITY ENGINEER CERTIFICATE
I, _____, Kanab City Engineer, do hereby certify that this office has examined the above Plat and have determined that it is correct and in accordance with information on file in this office and recommend it for approval this _____ day of _____, 20__.

KANAB CITY ENGINEER
Kanab, Utah

APPROVAL of the PLANNING COMMISSION
On this the _____ day of _____, 20__, the Planning Commission of Kanab City, Utah, having reviewed the above Plat and having found that it complies with the requirements of the Kanab City's planning and zoning ordinances, and by authorization of said commission hereby recommend approval of said plat for acceptance by Kanab City, Utah.

CHAIRMAN Planning Commission
Kanab, Utah

APPROVAL AND ACCEPTANCE by the Kanab City Council
We the Kanab City Council have reviewed the herein Plat and by authorization of said Kanab City Council recorded in the minutes of it's meeting of the _____day of _____, 20____, hereby accept the said plat with all commitments and all obligations pertaining thereto and is hereby ordered filed for record in the Office of the Kane County Recorder.

Attest: _____ *Mayor – Kanab City Council Kanab, Utah*
Kanab City Recorder

CITY ATTORNEY CERTIFICATE
I, _____, Attorney for Kanab City, do hereby certify that I have examined the above Plat and said plat meets the requirements of Kanab City and is hereby recommended for approval this _____ day of _____, 20__.

KANAB CITY ATTORNEY

CERTIFICATE OF RECORDING
I, _____, Recorder of Kane County, do hereby certify that above Plat was filed for recording in my office this _____ day of _____, 20__.

KANE COUNTY RECORDER *ENTRY NO. _____*
DATE TIME BOOK PAGE FEE
RECORDED AND FILED AT THE REQUEST OF: _____

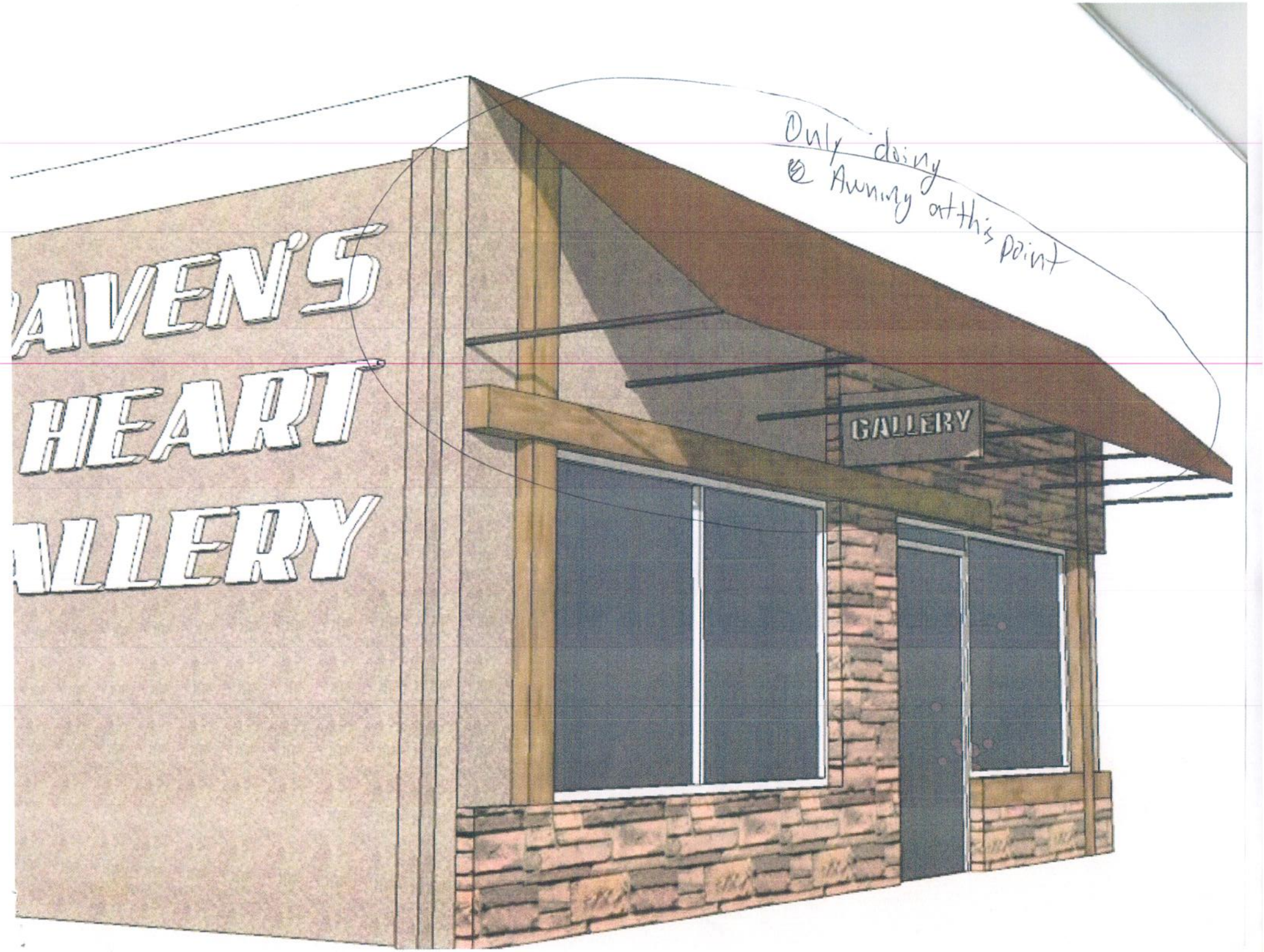
DATE:	REVISION:
10/21/2013	CITY SUBMITTAL
1/20/2015	REVISED LOT LAYOUT

BETSY'S RED DIRT HALLOW SUBDIVISION
KANAB CITY, UTAH
SCALE: 1" = 20'
REDUCE SCALE BY ½ FOR 11x17 DRAWINGS

TC ENGINEERING, PC
A "DESIGN-BUILD" FIRM
EXCELLENCE....ON TIME!
DANIEL W. THEBEAU, P.E.
P.O. BOX 55, KANAB, UTAH 84741
(435)644-2031 (888)644-2031
(435)689-0155

FILE: Kanab City
DRAWN BY: TWA
SHEET: 1 OF 1

Alpha Engineering Review 8/27/15


AVEN'S
HEART
ALLERY
GALLERY
Only doing
Awning at this point