

Mayor

Robert Houston

City Manager

Joseph Decker

Treasurer

RaeLene Johnson



KANAB
— UTAH —

City Council

Brent Chamberlain

Joe B. Wright

Jeff Yates

Michael East

Byard Kershaw

KANAB CITY COUNCIL

June 28th, 2016

76 NORTH MAIN, KANAB, UTAH

NOTICE is hereby given that the Kanab City Council will hold its regular council meeting on the 28th day of June, 2016, in the Multi Purpose Room at the Kanab City Library, 374 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

- Section 15 General Ordinance
- Section 10 General Ordinance
- Jacob Hamblin Park

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. Award of plaques for “Artist of the Year 2015” and “Art supporter of the year 2015”
7. Approval of Ordinance 6-2-16 O “ An Ordinance amending Kanab City Land Use Ordinance Chapter 4 Outdoor Residential Lighting”
8. Approval of Ordinance 6-3-16 O “An Ordinance amending Kanab City Land Use Ordinance Chapter 18 Density Formula Multifamily”
9. Public Hearing to consider opening the operating budget for Fiscal Year 2015/2016. This will include adjusting Revenues and Expenditures and re adoption of the budget
10. Approval of Resolution 6-3-16 R “A Resolution amending the Fiscal Year 2015/2016 Budget”
11. Closed Session:
 - Discuss the purchase, exchange, or lease of real property
 - Discuss the character, professional competence, or physical or mental health of an individual.
 - Discuss pending or reasonably imminent litigation.
12. Consider agreement with Kane County School Board and Kane County on the Civic Center

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.

Section 15: PARKS, RECREATION AND CULTURAL DEVELOPMENT

Section 15-100	Parks and Recreation
Section 15-110	Parks and Recreation Board
Section 15-111	Creation and Purposes
Section 15-112	Members
Section 15-113	Officers and Committees
Section 15-114	Meetings
Section 15-115	Bylaws
Section 15-116	Donation Fund
Section 15-300	Golf Course
Section 15-310	Golf Course Advisory Board
Section 15-311	Creation and Establishment Of A Golf Course Board
Section 15-312	Term of Office
Section 15-313	Vacancies and Removals for Cause
Section 15-314	Compensation
Section 15-315	Officers
Section 15-316	Quorum and Vote
Section 15-317	Employees: Expenditures
Section 15-318	Duties and Responsibilities
Section 15-319	Review by City Council
Section 15-400	Beautification
Section 15-410	Establishing A Beautification Commission
Section 15-411	Term of Office
Section 15-412	Vacancies and Removals for Cause
Section 15-413	Compensation
Section 15-414	Officers
Section 15-415	Quorum and Vote
Section 15-416	Employees: Expenditures
Section 15-417	Duties and Responsibilities
Section 15-418	Standards of Issuance
Section 15-419	Arborists License and Bond
Section 15-420	Review by City Council
Section 15-421	Section 15-421 Penalties
Section 15-500	Arts
Section 15-510	Establishing the Kanab Arts Council
Section 15-511	Term of Office

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Section 15-512	Vacancies and Removals for Cause
Section 15-513	Compensation
Section 15-514	Officers
Section 15-515	Meetings
Section 15-516	Quorum
Section 15-517	Duties and Responsibilities
Section 15-518	Review by City Council
Section 15-519	Definitions
Section 15-520	Kanab Heritage Board
Section 15-521	Name
Section 15-522	Membership
Section 15-523	Officers
Section 15-524	Quorum and Vote
Section 15-525	Meetings
Section 15-526	Bylaws
Section 15-527	Duties and Responsibilities
Section 15-528	Additions - Amendments
Section 15-530	Downtown Overlay District Design Review Committee
Section 15-531	Committee Created
Section 15-532	Membership – Terms and Vacancies
Section 15-533	Duties
Section 15-534	Organization and Meeting Requirements
Section 15-535	Compensation

Section 15-100 Parks and Recreation

Section 15-110 Parks and Recreation Board

Section 15: PARKS, RECREATION AND CULTURAL DEVELOPMENT

Section 15-111 Creation and Purposes

A Parks and Recreation Board is hereby created. The purpose of the Board is to act as an Advisory Board to the Mayor and Kanab City Council to manage existing Recreation Facilities, Recreation Tax Fund, and establish goals and objectives for continued maintenance and improvements as needed. The Board shall:

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- A. be responsible for the supervision and direction of the park and recreation facilities and programs for the City of Kanab,
- B. recommend policies and regulations governing the maintenance and use of the city park and other recreation facilities to the City Council,
- C. recommend and implement improvements and expansion of existing recreation facilities and sites,
- D. work in conjunction with whatever recreation director(s) may be hired by the City for management of city parks and other recreation facilities and programs.
- E. submit an outline of the proposed master plan for recreation programs for presentation to the City Council in February of each year with specific goals to implement that plan,
- F. submit a written financial report of the Park and Recreation Donation Fund in April of each year to the City Council, outlining expenditures, income and donations through the prior year.
- G. assist the City Council to insure compliance with local, state and government laws and risk management requirements. The Board shall have no authority to act on behalf of or bind the City except as stated in resolution or ordinance of the City.

Section 15-112 Members

The Board shall consist of 7 members, including the City Council person assigned to parks and recreation. The other six positions shall be filled upon recommendation by the KPRB and appointed by the City Council upon final recommendation of the Mayor. At least one member shall be

Section 15: PARKS, RECREATION AND CULTURAL DEVELOPMENT

affiliated with the Kane County School District to ensure joint development and cooperative use of recreational facilities. Members will serve a term of two years and until their successors are appointed; such terms shall be staggered so that three members' terms start and end on even numbered years, whereas the remaining three members' terms start and end on odd numbered years. Members may be appointed to serve additional terms at the request of the appointing body. The representative of the City Council shall serve during their tenure on the City Council or until another City Councilor is appointed by the Mayor. Vacancies shall be filled by recommendation of the Board of the City Council upon final recommendation of the Mayor for the unexpired term of the Board Member. The members of the parks and recreation board shall serve in that capacity without compensation.

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Section 15-113 Officers and Committees

Officers shall consist of President, Vice President and Secretary and serve for a term of one year. These positions will be elected by the Board from its own number at the first meeting of the year. Officers may serve for successive terms. In the event of a vacancy in any office, a successor shall be appointed for the unexpired term of the office holder. An officer shall cease to be such upon ceasing to be a member of the Board. Members of the Board may be designated by the Board to serve as committee chairmen over various activities as they arise, and individuals, not members of the Board, may be appointed by the Board to serve on said committees.

Section 15-114 Meetings

The Board shall meet once a month. The date, hour, and location of the meeting shall be set by the Board at its annual meeting. Notice of all such meetings shall be given as provided by law.

Section 15-115 Bylaws

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The Board may promulgate such rules, regulations and bylaws as the Board deems necessary to carry out the effective and efficient functions of their duties.

Section 15-116 Donation Fund

The Board may solicit and receive donations, legacies, bequests, or devises for the establishment, maintenance, or improvement of recreational facilities and activities. Funds received by the Board with a statement in substantially the following form shall be maintained by Kanab City in accordance with State and City Ordinances.

- A. I hereby donate/give the sum of \$_____ to the Park and Recreational Donation Fund, which I understand is not a Kanab City Fund, deposited with the Kanab City Treasurer. I further direct that said funds be used for establishment, maintenance, or improvements of recreational facilities or activities only.
- B. Other funds shall be deposited with the City Treasurer to the credit of the City Recreation Fund and may be withdrawn in the manner provided for the payment of money appropriated for the acquisition, improvement, operation and maintenance of playgrounds and other recreational facilities and activities.

Section 15-400 Shade Tree Ordinance

PURPOSE:

The city of Kanab recognizes the importance of trees in the community as a major element in preserving Kanab's heritage and rural character and in moderating temperature, wind and water run off. The City Council declares it to be policy that city property be landscaped to enhance the natural beauty of Kanab; that responsibilities of city departments be coordinated to encourage quality landscaping using appropriate species in appropriate locations such that street environments are made aesthetically pleasing and

Comment [J1]: Does not exist.

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Section 15-310 Golf Course Advisory Board

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Section 15-311 Creation and Establishment Of A Golf Course Board

The Kanab City Golf Course Advisory Board shall consist of five (5) members, each to be appointed by the Kanab Mayor with the advice and consent of the Kanab City Council. The Kanab City Council may designate by resolution the composition of the Kanab City Golf Course Advisory Board. It is the intent of this Ordinance that the Kanab City Golf Course Board not consist of members all of whom are from the same field of expertise. The five (5) members of the Kanab City Golf Course Advisory Board shall be residents of Kanab City and owners of property within said city. At least two (2) of the five (5) members shall hold no other public office or position within the City of Kanab. The Kanab City Council shall appoint a representative from among its members to act as a liaison between the Kanab City Council and the Kanab City Golf Course Advisory Board.¶

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Section 15-312 Term of Office

The terms of office for the five (5) Kanab City Golf Course Advisory Board members who are not members of the Kanab City Council shall be for four (4) years. (Two of the first appointed members shall serve (2) years, and three (3) of the members shall serve four (4) year terms.) The Kanab City Golf Course Advisory Board members' terms ...

Comment [J2]: A shade tree ordinance was passed but never included or adopted into our written code. These added sections were taken from that ordinance.

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hospitable, to prevent damage to utilities and reduce risks to pedestrians and motorists, and that residents of Kanab be encouraged to plant and maintain trees on private property. This ordinance establishes policies, regulations, and standards necessary to ensure that the City of Kanab will continue to realize the benefits provided by its community forest and to encourage, promote, and facilitate the planting and maintenance of a diversity of tree species and age classes to perpetuate a sustainable tree population within the city.

Section 15-405 Defintions

Community Forest: The sum of all trees within the City.

Community Forest Master Plan: A comprehensive document created and updated pursuant to this ordinance containing regulations and standards for the planting, maintenance, and removal of trees in and upon public property and rights-of-way with the city.

Critical Root Zone: The area under a tree extending from the trunk base in all directions to the dripline.

Hazard Tree: Tree which threatens the public health, safety or welfare by nature of being dead, structurally unsound, or is a host to a communicable, destructive insect or disease.

Heritage Tree: Tree that is recognized by the Utah Heritage Tree Committee and approved through the Utah Heritage Tree Act.

National Arboriculture Standards: Certain standard practices set forth for standard tree, shrub and other woody plant establishment and maintenance as published by the American National Standards Institute (ANSI) or other nationally recognized arboriculture and landscape professional organizations.

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Park Trees: Trees, Shrubs, bushes and all other woody vegetation in public parks, and all areas owned by the City, or to which the public has fee access as a park.

Public Trees: All City owned trees, shrubs, bushes and other woody vegetation.

Street Trees: Trees, Shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets within the City.

Topping: The severe intermodal cutting back of branches to stubs larger than three (3) inches in diameter within a tree's crown, or the removal of the top part (trunk and limbs) of a coniferous tree, thereby removing its normal canopy, altering the species' structural characteristics, and disfiguring the tree.

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Section 15-410 Establishing A Beautification Commission

The Kanab City Beautification Commission (Commission) shall consist of six (6), voting members and one non-voting City Council member liaison, each to be appointed by the Kanab Mayor with the advice and consent of the Kanab City Council. The Kanab City Council may designate by resolution the composition of the Commission. It is the intent of this Ordinance that the Commission not consist of members all of whom are from the same field of expertise. The members of the Commission shall live within Kanab City limits or own real property in Kanab City.

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Section 15-411 Term of Office

The terms of office for the six (6) Commission members who are not members of the Kanab City Council shall be for three (3) years. The Commission members terms shall be staggered so that no more than two (2) members' terms shall expire at the same time. The term of the office for the Kanab City Council member designated as liaison for the Commission shall correspond to his tenure of office as Kanab City Council

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member, and to his appointment as liaison with the Commission. Terms are to begin on the first Monday of January.

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Section 15-412 Vacancies and Removals for Cause

Vacancies of appointed members occurring otherwise than through the expiration of terms shall be filled for the remainder of the unexpired term by appointment of the Mayor with the advice and consent of the Kanab City Council. The Kanab City Council shall have the right to remove any member of the Commission for misconduct and may remove any member for non-performance of duty. Non-performance of duty shall include a repeated failure to attend Commission meetings.

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Section 15-413 Compensation

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

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Section 15-414 Officers

The Commission shall elect a Chair and a Chair Elect from among its members, whose terms in such offices shall be for one (1) year. The Chair Elect shall, at the end of his or her term as Chair Elect, become Chair, unless the Commission shall vote otherwise. In the absence of the Chair, the Chair Elect shall serve as Chair Pro-Tem.

Section 15-415 Quorum and Vote

A quorum shall consist of three (3) voting members and a Chair or Chair Pro-Tem. No business shall be conducted, unless a quorum is present. A majority vote shall be constituted of at least a majority of members present but no less than three (3) votes.

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Section 15-416 Employees: Expenditures

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

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Section 15-417 Duties and Responsibilities

The duties and responsibilities of the Commission are as follows:

1. Participate in the ongoing inventory of all trees on city owned properties and identify any other historic trees within the community forest as a baseline for a community master plan.

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Comment [rb5]: Change all "Forester" to Arborist? What is Kris Ramsay's certification?

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3. Make recommendations to the City Forester related to the planting, pruning, spraying, removing and irrigating of public trees and surrounding grounds insofar as it may be necessary for the proper growth, care and protection of the trees.

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4. Evaluate city ordinances, policies and practices, including subdivision ordinances, the entrance corridor zoning ordinances and commercial site plan reviews that will encourage proper planting and care of site appropriate trees. The Commission may also consult with existing subdivisions to develop planting and maintenance programs.

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5. Encourage the recognition of trees in the City area which are notable or of historical significance by seeking such designation under the Heritage Tree Act, Utah Code Section 65A-8-3, et seq. as amended or the heritage and historic preservation ordinance of this code. Work to protect designated Heritage Trees within the community forest.

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6. Conduct educational programs on the benefits of the community forest and encourage tree planting on public and private property by providing information on the value of landscaping, recommended species selection and proper planting procedures.

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7. Promote appreciation of trees and the community forest through an annual Arbor Day celebration and other activities.

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8. Have the authority to generate or seek funding, and have the authority to receive gifts, donations, or bequests from any person or source, for planting, maintaining, or enhancing approved city property or right-of-way, or for other programs sponsored by the shade tree committee. Such gifts or bequests shall be used as specified by the donor strictly for the purposes set out above.

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9. Make recommendations regarding community forest budget needs to the City Manager and help develop an annual budget.

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10. The Beautification Commission shall have no authority to act on behalf of or bind the City except as stated in City resolutions of ordinances.

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ARBORIST LICENSE AND BOND:

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Any licensed tree care company engaged in the business or occupation of planting, pruning, treating, or removing street or park trees within the city shall confirm procedures with the City Forester prior to removing street or

Section 15: PARKS, RECREATION AND CULTURAL DEVELOPMENT

park trees within the city. Proof of a city business license and evidence of possession of liability insurance in the minimum amounts of \$250,000 bodily injury and \$250,000 of property damage indemnifying the City or any person injured or damage resulting from the pursuit of such endeavors as herein described may be required. The City Forester, or his designee, shall issue the permit provided for herein if, in his judgement the proposed work is desirable and the proposed method and workmanship thereof are of a satisfactory nature and demonstrate good arboriculture practices in accordance with Kanab's arboriculture specifications (see Community Forester Plan). The City Forester may request advice from the Commission on such matters. Any permit granted shall contain a definite date of expiration and the work shall be void if its terms are violated. Notice of completion shall be given within five (5) days to the City Forester, or his designee, for inspection.

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License revocation: In the event topping or removal of a public tree is affected by a licensed tree care company, knowingly and without written permission as required by the rules and regulations promulgated by the Shade Tree Ordinance, the company's business license may be revoked.

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Section 15-420 Review by City Council

The City Council shall have the right to review the conduct, acts, and decisions of the Commission. Any person may appeal any ruling or order of the Commission to the City Council who may hear the matter and make a final decision.

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Any person violating any provision of this Ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed \$299.00.¶

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Section 15-430 Shade Tree Ordinance

CITY FORESTER:

The director of the Kanab City Public Works Department may appoint a full time city employee to serve as City Forester.

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CITY FORESTER DUTIES AND RESPONSIBILITIES:

1. The City Forester shall complete and maintain credentials as a Certified Arborist registered with the International Society of Arboriculture (ISA).
2. The City Forester shall have the authority and jurisdiction to regulate the planting, maintenance, pruning, and removal of all public trees and shrubs to ensure public safety; to alleviate interference by trees and shrubs with the provision of essential services; and to preserve the aesthetics of public places. The City Forester shall report to the Public Works Director but shall communicate pertinent information to all affected entities. All departments of the city shall confirm through the City Forester that there has been compliance with the Community Forest Master Plan whenever such department takes or authorizes any type of action which may involve a forestry operation.
3. The City Forester shall make known such rules, regulations and specification as are adopted by Kanab City governing public trees in order to ensure proper planting, care and maintenance of said trees, together with the process to be followed before a tree may be removed. Such rules, regulations and specifications shall be reviewed and endorsed by the Shade Tree Committee. The City Forester shall supervise the execution and enforcement of said rules, regulations and specifications as they pertain to street trees and park trees located on public property. The City Forester or his designee shall authorize and inspect all work required in accordance with the provisions hereof. Work authorized and decisions made hereunder by the City Forester shall be submitted for review by the Commission whenever a request is made for such by either a member of the Commission or by the owner of the property affected by such work or decision.
4. The City Forester shall attend monthly Beautification meetings and work closely with the Beautification Commission by informing the Commission of City initiatives, considering all the Commission recommendations and involving the Commission in forestry activities and policy decisions.

PLANTING REGULATIONS:

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Comment [J6]: ADOPTION OF TREE CARE STANDARDS: The commission wanted to add the below, but recognized that maybe it is unnecessary. I think that it is vague and redundant...

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Approved Species: Street tree plantings proposed by any entity including the City Forester and/or Beautification Commission shall first be presented to the Planning Commission for approval or denial. Street tree planting must conform to all guidelines contained in the Community Master Plan. No species other than those included in the Community Forestry Plan may be planted as street trees or park trees without written permission from the City Forester. Trees may only be selected from the tree list that corresponds with the specific proposed tree location as designated in the Community Forest Master Plan. Street trees shall be selected from the approved list of large or medium trees such that they can be pruned as they grow to achieve a minimum clearance of eight feet (8') above the sidewalk, twelve feet, (12") above the street surface, or fifteen feet (15") above any UDOT right of way. Large trees are encouraged where possible for maximum shade canopy. Healthy pruning practices are to be followed in accordance with adopted specifications.

Prohibited Species: Planting of undesirable trees/vegetation such as Russian-Olive (*Elaeagnus angustifolia*), Salt Cedar (*Tamarix* spp.) and other vegetation classified by the Utah Department of Agriculture and the County Weed Board as an invasive threat or noxious weed, shall be prohibited. Aggressive removal of existing undesirable specimens is encouraged for the preservation of desirable approved species.

Spacing: Street Trees shall be planted according to Kanab City Land Use Ordinance design standards and spacing requirements as found in the Community Forestry Master Plan. Columnar varieties of tree species may be planted at 29 feet apart. All distances shall be measured from the center of the trunk of the tree.

Utilities: Blue stakes must be called before planting any trees. No tree other than those species listed as "Small Trees" on the approved list may be planted under or within 15 lateral feet of any overhead utility wire, or over or within 10 lateral feet of any underground water line, sewer line, transmission line or other utility.

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Developments: All new commercial, or industrial developments, shall meet the landscape design requirements as required by City code. Street trees so planted shall conform to Kanab City Land use requirements in species, size and spacing. Existing industrial and commercial developments are encouraged to conform to Kanab City Land Use requirements as well.

TREE TOPPING:

It shall be unlawful for any person, company, utility, or city department to top any street tree, park tree, or other tree on public property. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where approved pruning practices are impractical may be exempted from this ordinance as determined by the City Forester and Beautification Commission.

PRESERVATION OF HISTORIC TREES AND THE COMMUNITY FOREST:

It is the intent of the city to protect, preserve and enhance the existing landscaping within any public areas. The Beautification Commission may nominate any notable trees that qualify as candidates for the Utah Heritage Tree Register. Once these trees are approved as Utah Heritage Trees, they will be listed I the Kanab Community Forest Plan.

Where historic trees are located in a city right-of-way abutting private property, citizens are encouraged to provide periodic care of such historic trees as necessary to maintain good health and vigor.

Where sidewalk or curb damage due to tree roots occurs, the City Forester, Beautification Commission, and all affected entities will evaluate and develop corrective measures in consultation with any professionals deemed appropriate.

PROTECTION OF PUBLIC TREES NEAR CONSTRUCTION:

Where possible, site designs for any construction projects should be modified to accommodate existing trees over 3" trunk diameter. Proper care shall be taken during the construction phase to protect the critical root zone from compaction and excessive excavation; consider tunneling instead

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of trenching when possible. Tree protection should follow specification outlined in the Community Forest Plan.

When determined possible, any tree located on city property within 10 feet of any excavation, demolition or construction site of any building, structure, street or utilities work, which has the potential for injury, shall be protected from such injury, as directed by the City Forester or his designee. Should a tree become injured beyond the point of recovery as a result of construction activities the responsible party may be required to pay the appraised landscape value of that tree. Landscape value shall be determined according to Appendix B of this ordinance.

ABUSE OF TREES ON PUBLIC PROPERTY:

No person shall intentionally:

1. Injure, deface, disfigure, top or destroy any tree
2. Damage, cut, carve or injure the bark of any tree with any device, lawn mower or weed trimmer.
3. Attach any rope, wire, device or structure to or on any public tree or shrub.
4. Cause or permit any fire or heat to injure any portion of a public tree or shrub.
5. Allow any harmful gaseous, liquid or solid substance to come into contact with, be applied to, seep, drain, or be emptied on or around any public tree or plant.
6. Permit any animal under their control to injure any tree or landscaping.
7. Damage the roots of a public tree by compacting area or adding fill around the base of the tree within 5 feet of the trunk.
8. Make or cause excavations in the soil near the roots of public trees unless appropriate measures are taken.

REMOVAL OF TREES ON PUBLIC PROPERTY:

No person shall remove, prune, top or otherwise seriously disturb a public tree without first receiving authorization from the City Forester. Applications

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for such authority must be submitted to the City in writing and shall be acted upon within ten (10) days after receipt with an obligation that the City Forester advise the applicant of the grant or denial of a permit. A person receiving authorization shall abide by the arboriculture specifications adopted by the city. Permits may be conditional. Where a street tree adjoins property occupied by a dwelling unit and forms a part of the landscaping for such residence, the private property owner may effect cosmetic pruning without the permit required by this section, provided the City Forester is notified in advance and given opportunity to supervise the pruning or acquaint the party who will do the pruning with the required specifications to ensure compliance with the city standards.

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All stumps of public trees shall be removed below the surface of the ground to a depth of 12 inches.

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Section 15-500 Arts

Section 15-510 Establishing the Kanab Arts Council

1. The Kanab Arts Council shall consist of not less than six (6) voting members including the councilperson assigned by the Kanab Mayor to oversee Kanab Arts Council activities.
2. The remaining five (5) members are to be appointed by the Kanab Mayor with the advice and consent of the Kanab City Council.
3. One (1) member will be selected from each of five arts disciplines including a) visual arts; b) performing arts; c) folk arts; d) design arts and e) literary arts. The visual arts member will be based on three recommendations submitted by the Juniper Arts Gallery to the Kanab Mayor.
4. Additional members may be designated to the Kanab Arts Council as voting at-large members by the Kanab Mayor with the advice and consent of the Kanab City Council.
5. All members of the Kanab Arts Council must live within the Kanab City limits with the exception that the Kanab Mayor may appoint non-voting,

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ex-officio members with the advice and consent of the Kanab City Council.

Section 15-511 Term of Office

1. The terms of office for the five (5) Kanab City Arts Council members who are not members of the Kanab City Council and who were chosen to represent the specific disciplines outlined in Section 15-510 shall be for five (5) years. These member's terms shall be staggered so that no more than one (1) member's terms shall expire at the same time.
2. The term office for at-large and ex-officio members shall be five (5) years from the date of appointment.
3. The term of the office for the Kanab City Council member designated as a member of the Kanab Arts Council shall correspond to his or her tenure of office as Kanab City Council member.
4. Appointments to the Kanab Arts Council shall be made by no later than the first City council meeting in April of each year.

Section 15-512 Vacancies and Removals for Cause

1. Vacancies of appointed members occurring otherwise than through the expiration of terms shall be filled for the remainder of the unexpired term by appointment of the Kanab City Council.
2. The Kanab City Council shall have the right to remove any member of the Kanab Arts Council for misconduct and may remove any member for non-performance of duty.
3. Non-performance of duty shall include a repeated failure to attend Kanab Arts Council meetings.

Section 15-513 Compensation

1. The Kanab Arts Council shall serve without compensation, except that the Kanab City Council shall provide for reimbursement for prior approved

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actual expenses incurred and upon presentation of proper receipts and vouchers.

2. All expenses must be consistent with the Kanab City purchasing policy and are subject to administrative rules as established by the Kanab City Manager.

Section 15-514 Officers

1. Voting members of the Kanab Arts Council shall elect a chairperson from among its members, whose term in such office shall be for one (1) year.

2. The city councilperson serving as the Kanab Arts Council chairperson will only vote in the event of a tie vote.

Deleted: 1. The city councilperson assigned by the Kanab Mayor to have oversight over the Kanab Arts Council shall serve as the Kanab Arts Council co-chairperson.¶

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Deleted: All other voting members including the other co-chairperson are allowed to vote.

Section 15-515 Meetings

1. The Kanab Arts Council shall meet not less than once quarterly.

2. The Kanab Arts Council shall meet annually with the Kanab Heritage Council to address issues of interest to both councils.

3. Represent Kanab City on countrywide arts organizations as assigned by the Kanab Mayor

Section 15-516 Quorum

1. A quorum shall consist of not less than three (3) voting members identified in Section 15-510(3).

2. Participation through electronic means will be deemed adequate for creating a quorum and voting on Kanab Arts Council matters.

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Section 15-517 Duties and Responsibilities

The duties and responsibilities of the Arts Council are as follows:

Section 15: PARKS, RECREATION AND CULTURAL DEVELOPMENT

1. Identify and recommend to the city manager rules and procedures it feels are necessary to conduct its business. Rules and procedures so adopted may not conflict with Kanab City Ordinances or policies and procedures adopted by the Kanab City Council.
2. Keep records of Kanab Arts Council proceedings. Such records shall be open to inspection by the public at all reasonable times.
3. Identify the collaborative cultural arts needs of Kanab City and implement strategies to address these needs.
4. Adopt and periodically review and update a Kanab City Arts Plan.
5. Facilitate the presentation of a variety of arts-related events in Kanab.
6. Partner with selected community arts organizations to pursue funding to support the arts in Kanab
7. Assist in the dissemination of news to recognize and promote arts in the community.
8. Oversee the operation, maintenance, and budget of the Juniper Arts Gallery located in the west room of the lower level of the Kanab Heritage Museum under the direction of the Kanab City Manager.

Section 15-518 Review by City Council

The City Council shall have the right to review the conduct, acts, and decisions of the Utah Arts Council. Any person may appeal any ruling or order of the Utah Arts Council to the City Council who may hear the matter and make a final decision.

Deleted: 9. Representative over the visual arts will act as a liaison to the Juniper Arts Gallery and insure that there is a current inventory of items in the Gallery.¶
10. As needed, the fee schedule for the Juniper Arts Gallery shall be updated by the City Council with recommendation from the Kanab Arts Council.¶

Section 15-519 Definitions

Visual arts means works which are primarily visual in nature, such as ceramics, drawing, painting, sculpture, printmaking, and modern visual arts (like photography, video, and filmmaking)

Deleted: art forms that create

Performing arts means arts, such as dance, drama, and music that are performed before an audience.

Section 15: PARKS, RECREATION AND CULTURAL DEVELOPMENT

Folk arts means art originating among the common people of a nation or region and usually reflecting their traditional culture, especially everyday or festive items produced or decorated by unschooled artists.

Design arts means art that is both functional and aesthetically pleasing including, but not limited to, all forms of commercial art, product design and architecture.

Literary arts mean written works such as fiction, poetry, or non-fiction that go outside the bounds of normal professional, journalistic, academic, and technical forms of literature. Works which fall into this category include novels, epics, short stories, poems, screenwriting and playwriting.

Section 15-520 Kanab Heritage Board

Section 15-521 Name

The name shall be the Kanab City Heritage and Historic Preservation Board

(Kanab Heritage Board), and shall also be known as the Heritage Advisory Board. Its duties and responsibilities parallel those other advisory boards to the City.

Section 15-522 Membership

The Heritage Advisory Board shall consist of nine (9) voting members, and one non-voting ex-officio City Council member. At least seven (7) of the nine (9) voting members of the Heritage Advisory Board shall be residents of Kanab City, and all voting members must be residents of Kane County.

The Mayor, with the advice and consent of the City Council shall appoint the members of the Heritage Advisory Board. The nine (9) voting members shall serve for a term of four (4) years and may be appointed for successive terms. The non-voting City Council member shall serve

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until the end of his/her term of office, or until the appointment of another City Council member. To ensure some continuity terms will be staggered so that no more than three (3) members will be appointed at one time. The Heritage Advisory Board may be asked for their recommendations for new members.

The Mayor may appoint additional non-voting advisory members to the Heritage Advisory Board. Non-voting advisory members shall serve for four (4) year terms, and may be appointed for successive terms. Non-voting advisory members are not required to be residents of Kanab City.

Appointments to office will be made on or before the second Tuesday in January each year. Vacancies of appointed members occurring other than through the expiration of their term shall be filled for the remainder of the term by appointment of the Mayor with the consent of the City Council. Vacancies shall be published in the local paper for two consecutive weeks.

The Kanab City Council shall have the right to remove any member of the Heritage Advisory Board for misconduct and may remove any member for non-performance of duty, which may include three (3) consecutive absences from the Heritage Advisory Board monthly meetings.

Section 15-523 Officers

The Heritage Advisory Board shall elect a chairperson and a chairperson pro-tem, the latter to become the acting chairperson during the absence of the chairperson. The Board shall also elect a secretary and appoint all other officers necessary for a term of one (1) year. In the event of a vacancy in any office, a successor shall be appointed for the unexpired term of the office holder. The Heritage Advisory Board officers shall be voting members. Officers shall be elected during the first meeting of the new year (January). Officers may serve for successive terms.

Section 15-524 Quorum and Vote

A quorum shall consist of five (5) members one of which must be a chairperson or chairperson pro-tem. The motion shall not be presented

Section 15: PARKS, RECREATION AND CULTURAL DEVELOPMENT

unless a quorum is present. An approval or disapproval vote shall require a majority of the members of the quorum.

Section 15-525 Meetings

The Heritage Advisory Board shall meet monthly at such time and place designated by the chairperson or acting chairperson. Additional meetings may be called as necessary. The Board shall be in compliance of the Open and Public Meetings Act of May 2008, U.C.A. 52-4-101 et. seq.

Written records of all proceedings and meetings shall be kept. Copies of such records will be given to the City Manager at least monthly.

Section 15-526 Bylaws

The Heritage Advisory Board may promulgate such rules, regulations and bylaws as deemed necessary to carry out the effective and efficient functions of their office, which shall be approved by the Kanab City Council.

Section 15-527 Duties and Responsibilities

- A. Research, document, and compile information, pictures and artifacts of historical significance to Kanab and adjacent areas.
- B. Survey and inventory historic resources.
- C. Promote awareness of and concern for areas of historical significance.
- D. Provide historical information.
- E. Conduct the operation of the Kanab Heritage House. Prepare and maintain an inventory of all items in the Heritage House with a clear designation of their ownership. All items on loan, and any conditions of the loan shall be clearly documented.
- F. Conduct the operation of the Kanab Heritage Museum. Prepare and maintain an inventory of all items in the Heritage Museum with a

Section 15: PARKS, RECREATION AND CULTURAL DEVELOPMENT

clear designation of their ownership. All items on loan and any condition of the loan shall be clearly documented.

- G. Oversee the maintenance and upkeep of the Kanab Heritage House and the Kanab Heritage Museum in cooperation with the City Manager.
- H. Advise the City Manager when the Heritage Advisory Board feel that local and state historic laws and regulations are not being enforced.
- I. Affiliate with the Utah Historical Society and the Utah Heritage Foundation in order to best serve the community.
- J. Develop an annual budget in cooperation with the City Manager.
- K. The City Manager will provide the format and due dates concerning the preparation and submission of the Heritage Advisory Board's budget.
- L. Solicit and receive donations and generate funds which are deposited pursuant to city procedures in designated Kanab City account(s).
- M. As needed, the fee schedule for the Heritage House and the Heritage Museum shall be updated by the City Council with recommendation from the Heritage Advisory Board.
- N. The Heritage Advisory Board will also function as the Kanab Historic Preservation board.
- O. The Heritage Advisory Board shall have no authority to act on behalf of or bind the City except as stated in resolutions or ordinances of the City.

Section 15-528 Additions - Amendments

Additional rules and regulations and/or amendments to this ordinance may be recommended by the Heritage Advisory Board to the City Council as it is appropriate. They will be effective when approved by the City Council.

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Section 15-530 Downtown Overlay District Design Review Committee

Section 15-531 Committee Created

The city downtown historic overlay district design review committee is created. It shall consist of five (5) voting members, all of whom shall be appointed by the mayor with the advice and consent of the Kanab City Municipal Council. Three (3) of the members shall be residents of the city; and the two (2) remaining members must own property within the city, at least three members shall either live or own a business within the downtown historic overlay district. At least one (1) member should be a professional in Kanab history, historic preservation, or historic architecture.

Section 15-532 Membership – Terms and Vacancies

Members shall serve for a term of three (3) years and may be removed by the mayor, with the provision that the first appointment of one member shall be for a term of one (1) year; the first appointment of two (2) members shall be a term of two (2) years; the first appointment of the remaining two (2) members shall be for a term of three (3) years, thereafter the members shall be appointed for three (3) year terms and all terms shall expire on January 1. Vacancies occurring through expiration of terms of appointment, death, disability, resignation or removal by the mayor, if applicable, shall be filled by appointment of the mayor with the advice and consent of the Kanab City Municipal Council. Members shall not serve more than three (3) consecutive terms. "Term", as used in this chapter shall mean serving on such advisory board for at least eighteen (18) months.

Section 15-533 Duties

The committee shall recommend design review guidelines and all revisions, additions or deletions thereto, to the Kanab City Municipal Council for adoption. The committee shall meet with applicants seeking a

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certificate of appropriateness for major alterations and new construction within the downtown historic overlay district. The committee shall review and provide written comment to the city planning and zoning commission regarding approving or denying all proposed applications for certificates of appropriateness. The committee shall ensure that projects within the downtown historic overlay district meet the vision and requirements of the downtown historic overlay district. The committee shall advise officials of the city and other governmental entities regarding the downtown historic overlay district.

Section 15-534 Organization and Meeting Requirements

The committee shall select a chair and adopt rules for the selection of other officers; the time, place and manner of calling meetings; and such other rules governing the conduct of the committee's business as it deems necessary to fulfill its purposes as provided in this chapter. The board shall meet at least quarterly. A majority of its members shall constitute a quorum for the consideration of matters before it.

Section 15-535 Compensation

Members are not entitled to compensation for service on the committee. Close cooperation between the city and the committee is both expected and anticipated. To the extent that this cooperation can be provided within the framework of the normal course of carrying out the duties of each entity, the cooperation can and will be provided as each entity requests and as each entity can satisfy those requests.

Section 8-300 Kanab City Library

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

Section 8-301 Kanab City Library Board

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

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2. Membership

a. The Library Board shall consist of seven (7) voting members who are residents of Kanab City and a non-voting liaison from the Kanab City Council. A non-voting liaison resident of Kane County may also be appointed. All members shall hold a valid and current library card. One (1) member of the Board may be a current High School Student. Appointments to the Library Board are made by the Mayor with the advice and consent of the City Council.

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

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

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

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

3. Meetings and Officers

a. The Board shall hold regular meetings each month. The date, time, and location of meetings shall be provided to the Kanab City

Section 15: PARKS, RECREATION AND CULTURAL DEVELOPMENT

Council each January for annual posting. Additional special meetings may be called by the Chair or upon the request of two (2) voting members or upon the request of the Council member liaison.

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

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

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

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

4. Duties and Responsibilities

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

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

i. The library's staff level;

ii. The library's annual budget;

iii. All library fees;

iv. Library infrastructure and capital improvements;

v. Library policies and procedures;

vi. Other areas as requested by the City Council or City Manager.

c. When the position of Library Director is vacant, the Board shall work with the City Manager to review and recommend updates to the job description, and shall select a representative from among

Section 15: PARKS, RECREATION AND CULTURAL DEVELOPMENT

its members to sit on the interview panel during the selection process.

d. The Board shall receive and review the following:

i. Library reports required by federal or state agencies or required as part of a grant;

ii. Monthly reports from the Library Director regarding budget, usage, policies, and procedures.

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

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Section 10: FIRE, HEALTH, SAFETY AND WELFARE

Section 10-100	Fires - Department - Code
Section 10-110	Department
Section 10-111	Creation
Section 10-120	Personnel and Duties
Section 10-121	Creation of Position of Chief
Section 10-122	Powers and Duties of Chief
Section 10-123	Employees
Section 10-130	Powers of Fire Department
Section 10-131	Emergency Vehicles
Section 10-132	Removal of Obstructions at Fire
Section 10-133	Control of Persons
Section 10-134	Interference with Firemen in Discharge of Duties
Section 10-135	Unlawful Interference With Officers, Apparatus, Water, etc.
Section 10-136	Investigation after Fire Report
Section 10-137	Right to Enter Upon and Inspect Premises
Section 10-138	Males Present At Fire Subject To Orders
Section 10-139	False Alarm
Section 10-140	Burning Ordinance
Section 10-141	Fee For Inspection
Section 10-150	Uniform Fire Code
Section 10-151	Uniform Fire Code Adopted
Section 10-152	Establishment and Duties of Bureau of Fire Prevention
Section 10-153	Definitions
Section 10-154	Establishment of Limits of Districts in Which Storage Of Flammable Or Combustible Liquids In Outside Above Ground Tanks Is To Be Prohibited
Section 10-155	Establishment of Limits in Which Bulk Storage Of Liquefied Petroleum Gases Is To Be Restricted
Section 10-156	Establishment of Limits of Districts In Which Storage Of Explosives And Blasting Agents Is Prohibited
Section 10-157	Amendments Made In the Uniform Fire Code

Last Updated 6.23.2015

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Section 10: FIRE, HEALTH, SAFETY AND WELFARE

Section 10-158	Appeals
Section 10-159	New Materials, Processes or Occupancies Which May Require Permits
Section 10-160	Penalties
Section 10-170	Standard Fire-Fighting Equipment
Section 10-171	Equipment for New Fire Protection Systems - Standard Equipment
Section 10-172	Duty of Local Governing Body To Maintain And Comply
Section 10-173	Prohibited Sales and Penalties
Section 10-200	Health
Section 10-210	Board Of and Health Officer
Section 10-211	Board of Health Established
Section 10-212	Duties and Powers of Board Of Health
Section 10-213	Permits
Section 10-220	Health Director
Section 10-221	Position Created
Section 10-222	Powers and Duties of Health Director
Section 10-223	Unwholesome Food
Section 10-224	Vacating Premises
Section 10-225	Discharge of Sewage Pollution
Section 10-226	Inadequate Plumbing
Section 10-240	Offensive Business and Facilities
Section 10-241	Commencement of Offensive Business
Section 10-242	Issuance of Permits
Section 10-243	Existing Offensive Business and Facilities
Section 10-244	Control of Animal And Fowl Facilities
Section 10-300	Nuisances
Section 10-301	Purpose
Section 10-302	Definitions
Section 10-305	Nuisance - Definition
Section 10-310	Exceptions
Section 10-312	Responsibility For Nuisances
Section 10-316	Finding a Nuisance - Responsibility

Last Updated 6.23.2015

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Section 10: FIRE, HEALTH, SAFETY AND WELFARE

Section 10-318	Voluntary Correction
Section 10-320	Administrative Citation
Section 10-322	Other Remedies
Section 10-324	Appeals
Section 10-400	Garbage and Litter
Section 10-410	Garbage Regulations
Section 10-411	Definitions
Section 10-412	Functions of Commissioner of Sanitation
Section 10-413	Permits
Section 10-414	No Accumulation of Garbage
Section 10-415	Enforcement, Service of Notices and Orders, Hearings
Section 10-416	Inspection
Section 10-417	Storage Of Refuse And Preparation For Collection
Section 10-418	Frequency of Collection
Section 10-419	Time and Place of Collection
Section 10-420	Refuse Disposal
Section 10-421	Equipment
Section 10-422	Penalties
Section 10-430	Litter – Handbills
Section 10-431	Definitions
Section 10-432	Litter in Public Places
Section 10-433	Placement of Litter In Receptacles So As To Prevent Scattering
Section 10-434	Sweeping Litter into Gutters Prohibited except as Otherwise Authorized by the governing Body
Section 10-435	Merchants' Duty to Keep Sidewalks Free From Litter
Section 10-436	Litter Thrown By Persons in Vehicles
Section 10-437	Truck Loads Causing Litter
Section 10-438	Litter in Parks
Section 10-439	Litter in Lakes and Fountains
Section 10-440	Throwing or Distributing Commercial Handbills in Public Places

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Section 10-441	Placing Commercial and Non-commercial Handbills On Vehicles
Section 10-442	Depositing Commercial and Non-Commercial Handbills on Uninhabited or Vacant Premises
Section 10-443	Prohibiting Distribution of Handbills Where Properly Posted
Section 10-444	Distributing Commercial and Non-Commercial Handbills At Inhabited Private Premises
Section 10-445	Exemption for Mail And Newspapers
Section 10-446	Posting Notice Prohibited
Section 10-447	Litter on Occupied Private Property
Section 10-448	Litter on Vacant Lots
Section 10-449	Handbills and Posters
Section 10-500	Flood Management
Section 10-560	Fire, Health, Safety and Welfare
Section 10-560.1	As used in this Section:
Section 10-560.2	Recovery of Expenses
Section 10-560.3	Cost Recovery Procedure
Section 10-560.4	Action to
Section 10-560.5	Expenses of Other Responding entities
Section 10-561	Fire, Health, Safety and Welfare
Section 10-561.1	Severability
Section 10-561.2	Effective Date

Section 10-100 Fires - Department – Code

Section 10-110 Department

Section 10-111 Creation

There is hereby created a fire department to be known as the Kanab City Voluntary Fire Department.

Last Updated 6.23.2015

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General Ordinances

Section 10: FIRE, HEALTH, SAFETY AND WELFARE

Section 10-120 Personnel and Duties

Section 10-121 Creation of Position of Chief

There is hereby created the position of chief of the fire department.

Section 10-122 Powers and Duties of Chief

- A. The chief shall have responsibility for the general supervision of the department.
- B. During a fire, the chief shall have full authority to take all measures as he shall deem necessary, subject to state law, to control and extinguish fire and for that purpose he is hereby made a special peace officer.
- C. The chief shall at least quarterly report to the governing body the condition of the fire equipment, the number of fires and their causes and the estimated loss there from together with such other information as the governing body may request or as he shall deem appropriate.
- D. The chief shall strictly enforce all of the provisions of the ordinances of this municipality relating to the protection against and prevention of fire.
- E. The chief shall maintain the equipment of the department in good repair and order and ready for use.
- F. The chief, subject to the approval of the mayor and governing body, shall establish rules and regulations for the operation of the department.
- G. The chief may delegate his duties to any person employed by the department, but such delegation shall not relieve the chief of his responsibility for the performance thereof.
- H. The chief shall cause all fires to be promptly investigated to determine the cause of the fire and report the cause of the fire, the time originated and such other information as may be relevant to prevent other fires.

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Section 10-123 Employees

The chief may make recommendations to the mayor relating to the employment of firemen and such other personnel as may be necessary to enforce the provisions of this chapter. The chief may employ such additional personnel as the mayor and governing body may direct or authorize.

Section 10-130 Powers of Fire Department

Section 10-131 Emergency Vehicles

Fire trucks are hereby designated authorized emergency vehicles.

Section 10-132 Removal of Obstructions At Fire

The officer in charge at any fire may order the removal or destruction of any fence, building or structure, or that any utility be closed, cut or removed when deemed necessary to control, extinguish or prevent the spread of fire.

Section 10-133 Control of Persons

All persons present at a fire shall obey the orders of any firemen.

Section 10-134 Interference with Firemen in Discharge of Duties

Every person at the scene of any fire who disobeys the lawful orders of any public officer or fireman, or offers any resistance to or interference with the efforts of any fireman, or company of firemen to extinguish the same, or engages in any disorderly conduct calculated to prevent the same from being extinguished, or who forbids, prevents or dissuades others from assisting to extinguish the same, is guilty of an infraction.

Section 10-135 Unlawful Interference With Officers, Apparatus, Water, etc.

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Any person who shall willfully hinder any officer or fireman in the discharge of his duty at a fire, or in any manner injure, deface or destroy any engine, hose or other fire apparatus belonging to the municipality, or who shall interfere with any fire company or person, or who shall willfully break or injure any water pipe, or interfere with the water or its source of supply shall be deemed guilty of a class B misdemeanor and shall be punished accordingly.

Section 10-136 Investigation after Fire Report

The chief, or such persons as he shall designate, shall, after extinguishing a fire, make a prompt and thorough investigation of the cause of the fire, the time the fire began, the amount of loss and insurance, a description of the affected buildings and premises, and shall secure all other useful information available, and record the same in a record book kept for that purpose in the office of the department and shall report the same to the governing body at such time as it may direct.

Section 10-137 Right to Enter Upon and Inspect Premises

The fire chief or his deputies upon presentation of proper credentials shall have the right to enter upon any premises at all reasonable hours for the purpose of making inspections.

Section 10-139 False Alarm

It shall be unlawful for any person to turn in or report to the fire department a false alarm or report of a fire or to tamper or remove any part of the fire alarm system.

Section 10-140 Burning Ordinance

- A. It shall be unlawful to kindle or maintain any open fire or authorize any such fire to be kindled or maintained within the City without first having

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Comment [J1]: Already addressed (though it is for all persons). We need not have gender specific laws without very good reason.

Deleted: **Section 10-138 Males Present At Fire Subject To Orders¶**

Every male person eighteen years or older present at a fire shall be subject to the orders of the officer in command and shall render assistance in the manner directed by the officer in command

Deleted: . ¶

Comment [J2]: Unnecessary language.

Comment [J3]: We need a definition of what an open fire is.

Deleted: An ordinance regulating burning and establishing a fire danger in the City of Kanab, Utah. WHEREAS, during the warmer months of the year there is an increased danger to the citizens of Kanab from fire caused by open unregulated burning and WHEREAS, the City Council deems it in the public interest to reduce such fire danger, NOW THEREFORE, be it ordained by the City Council at Kanab, Utah that

Deleted: : ¶

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obtained a permit from the City Fire Department or other authorized agency.

- B. It shall be unlawful to kindle or maintain any fire in any outdoor container to burn trash or other refuse within the City.
- C. The violation of any provisions of this part shall be a Class B misdemeanor. It is hereby declared that this ordinance is necessary for the immediate safety of the citizens of Kanab and it shall take effect on its publication.

Section 10-141 Fee For Inspection

The fire chief or his deputies upon presentation of proper credentials shall have the right to enter upon any premises at all reasonable hours for the purpose of making required inspections. A reasonable fee shall be imposed for each inspection performed. The charge for inspections shall be \$25.00 per visit; however, this rate may be changed, from time to time, by resolution of the City Council of Kanab, Utah. Places of business that require an annual inspection shall pay the base \$25 fee as part of application for a business license.

Section 10-150 Uniform Fire Code

Section 10-152 Establishment and Duties of Bureau of Fire Prevention

- A. The Uniform Fire Code shall be enforced by the bureau of fire prevention in the fire department of the municipality which is hereby established and which shall be operated under the supervision of the chief of the fire department.
- B. The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall recommend to the mayor the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause.

Comment [J4]: This is already adopted in state code.

Formatted: GO Section Title

Comment [J5]: Unnecessary language.

Comment [J6]: Unnecessary.

Deleted: Section 10-151 Uniform Fire Code Adopted¶
An ordinance of Kanab City adopting the 2006 edition of the International Fire Code, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Kanab providing for the issuance of permits and collection of fees therefor; repealing Ordinance No. 10-151 of the City of Kanab and all other ordinances and parts of the ordinances in conflict therewith.¶
The City Council of Kanab City does ordain as follows: ¶
SECTION 1. That a certain document, three (3) copies of which are on file in the office of Kanab City Recorder of Kanab City, being marked and designated as International Fire Code 2006 Edition, including Appendix Chapters B,C,D,E,F and G as published by the International Code Council, be and is hereby adopted as the Fire Code of Kanab City, State of Utah regulating and governing the safeguarding of life and property from fire and explosions hazards arising from the storage, handling and use of hazardous substance, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided, providing for the issuance of permits and collection of fees therefor; and each and all regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of Kanab City are hereby referred to, adopted, and made a part hereof, as is fully set out in the ordinance, with the additions, insertions, ...

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Section 10-153 Definitions

- A. The word "jurisdiction" as used in the Uniform Fire Code, shall mean the boundaries of this municipality.
- B. The term "corporation counsel" as used in the Uniform Fire Code shall mean the attorney for this municipality.

Section 16-100.2 Entire Municipality Designated Fire District

The entire municipality is declared to be and hereby is designated a fire zone for the purposes of the Uniform Building Code and any ordinances of the municipality relating to building and fire prevention.

Comment [j7]: Anything labeled Section 16 was taken from Appendix to incorporate it into this chapter.

Section 16-100.3 Fire District Number One

Fire district number one shall include the following described areas:

A. __

B. __

C. __

Fire district number one is heavily concentrated buildings in large downtown cities. Examples include downtown Salt Lake City, Provo, Logan, St. George, Cedar City, Price, and Brigham City. Most towns and small cities would not have a fire district number one. Only limited areas of most downtown small cities would be designated to this classification. In this district the opportunity for fire spreading to other buildings is great.

Section 16-100.4 Fire District Number Two

Fire district number two shall include all of those areas of the municipality located in areas zoned commercial or industrial by the zoning ordinances of the municipality, except the areas above described in District One.

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Fire district number two is less concentrated commercial and industrial areas. Fire district number two is characterized by commercial and industrial buildings having minimum setbacks of 20 feet from side (sometimes front) property lines.

Section 16-100.5 Fire District Number Three

Fire district number three shall include all areas of the municipality not included in fire districts one or two.

Fire district number three is characterized by residential zoning and buildings. Generally, in district three, there is little risk of fire spreading to adjacent buildings.

Section 16-110.2 Prohibited Storage above Ground

The limits referred to in Sections 79.501 and 79.1001 of the Uniform Fire code in which storage of flammable or combustible liquids in outside above-ground tanks are prohibited are as follows:

The entire City, except where permitted by conditional use permit. Such permits shall not be granted in areas zoned to be used solely for mercantile establishments, primarily retail in character and in the business district and the congested commercial areas.

- A. Existing above-ground tanks may remain in use subject to the provisions of this code, the Uniform Fire Code and any other bylaws, ordinances and statutes;
- B. Above-ground tanks for the storage of flammable liquids may be installed in permitted areas as follows:
 - 1. Above-ground tanks for the storage of flammable liquids may not be larger than two-thousand gallons.
 - 2. Above-ground tanks must provide double containment, protect against damage to any surrounding structures and vehicles, and shall provide protection from vehicular

Deleted: Section 10-154 Establishment of Limits of Districts In Which Storage Of Flammable Or Combustible Liquids In Outside Above Ground Tanks Is To Be Prohibited¶

<#>The limits referred to in Section 15.201 of the Uniform Fire Code in which storage of flammable or combustible liquids in outside above ground tanks is prohibited, are hereby established in an appendix to this code.¶

<#>The limits referred to in Section 15.601 of the Uniform Fire Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established in an appendix to this code.¶

¶
Section 10-155 Establishment of Limits in Which Bulk Storage of Liquefied Petroleum Gases Is To Be Restricted¶

The limits referred to in Section 20.105(a) of the Uniform Fire Code, in which the bulk storage of liquefied petroleum is restricted, are hereby established in the appropriate appendix attached to this code.¶

¶
Section 10-156 Establishment of Limits of Districts In Which Storage of Explosives And Blasting Agents is Prohibited¶

The limits referred to in Section 11.106(b) of the Uniform Fire Code, in which the storage of explosives and blasting agents is prohibited, are hereby established in the appropriate appendix attached to this code.¶

¶
Section 10-157 Amendments Made In the Uniform Fire Code¶

Any amendments to the Uniform Fire Code shall be set forth in the appropriate appendix to this code.¶

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damage, and meet all specifications provided by the manufacturer and other applicable codes, laws, ordinances and statutes.

3. All above-ground storage tanks must be located at least one-hundred (100) feet from a residential unit.
4. Liquid stored in any above-ground storage tank constructed pursuant to these provisions may not be sold.
5. The total number of gallons of flammable liquids stored on each business property shall be limited to two-thousand (2,000) gallons.

Section 16-110.3 Bulk Plants for Flammable or Combustible Restricted

The limits referred to in Section 79.1401 of the Uniform Fire Code in which bulk plants for flammable or combustible liquids are prohibited is as follows:

The entire City, except where permitted by conditional use permit. Such permit shall not be granted in areas zoned to be used solely for residential occupancies and for mercantile establishments, primarily retail in character and in the business district and the congested commercial areas.

In all areas where such an installation is approved, the installation shall be no closer than 100 feet from the nearest structure of any kind, and shall be surrounded by a berm or barrier which shall be sufficient to contain the entire contents of the storage facility should it leak.

Section 16-110.4 Bulk Storage of Liquefied Petroleum Gases

The limits referred to in Section 82.104(b) of the Uniform Fire Code in which the storage of liquefied petroleum gas is prohibited are:

- A. The entire City.

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Section 16-110.5 Explosives Restricted

The limits referred to in Section 77.107 of the Uniform Fire Code in which the storage of explosives and blasting agents is prohibited are as follows:

A. The entire city.

Additional restrictions:

A. STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS - In outside above-ground tanks (Sections 79.501 and 79.1001 of the Uniform Fire Code) should be prohibited in the mercantile and other congested areas.

B. NEW BULK PLANTS FOR FLAMMABLE OR COMBUSTIBLE LIQUIDS - (Section 79.1401 of the Uniform Fire Code) should be prohibited in areas zoned to be used solely for mercantile establishments, primarily retail in character.

C. BULK STORAGE OF LIQUIFIED PETROLEUM GASES - (Section 82.104(b) of the Uniform Fire Code) should be restricted in areas of heavy population and in the congested commercial areas.

D. STORAGE OF EXPLOSIVES AND BLASTING AGENTS - (Section 77.107 of the Uniform Fire Code) should be prohibited in the business district, closely built commercial areas and heavily populated areas.

Section 10-158 Appeals

Whenever the chief shall disapprove an application, refuse to grant a permit for which application has been received, or when it is claimed that the provisions of the fire code do not apply or that the true intent and meaning of the fire code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the chief in accordance with the procedures outlined in Chapter 3 of the Land Use Ordinance.

Deleted: to the governing body within 30 days from the date of such decision.

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Section 10-159 New Materials, Processes or Occupancies Which May Require Permits

The building inspector and the chief of the bureau of fire prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits in addition to those now enumerated in the fire code. The chief of the bureau of fire prevention shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

Section 10-160 Penalties

- A. Any person who shall violate any of the provisions of the Uniform Fire Code or fail to comply therewith, or who shall violate or fail to comply with any order thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate, or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the appeal authority, or by a court of competent jurisdiction within the time fixed herein shall, severally for each and every such violation and noncompliance respectively, be guilty of a class B misdemeanor. Imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.
- B. The application of the above penalty shall not be held to prevent the enforced removal of the prohibited condition.

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Deleted: governing body

Comment [J8]: Unnecessary.

Deleted: Section 10-170 Standard Fire-Fighting Equipment¶

¶ Section 10-171 Equipment for New Fire Protection Systems - Standard Equipment¶

See U.C.A. Section 11-4-1.¶

¶ Section 10-172 Duty of Local Governing Body To Maintain And Comply¶

See U.C.A. Section 11-4-2.¶

¶ Section 10-173 Prohibited Sales and Penalties¶

See U.C.A. Sections 11-4-3 and 11-4-4

Deleted: . ¶

Section 10-200 Health

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Section 10-210 Board Of and Health Officer

Section 10-211 Board of Health Established

The Southwestern District Health Department is hereby designated as the board of health of this municipality.

Section 10-212 Duties and Powers of Board of Health

- A. The municipality may contract with the Southwestern District Health Department on such terms and conditions as the parties may agree to enforce the provisions of this chapter and such other ordinances of this municipality which authorize or require action or impose any duty on the board of health.
- B. The board of health shall adopt such rules and regulations as it shall deem necessary to govern its meetings and conduct.
- C. The board of health shall review and approve all applications for permits to operate any business or engage in any construction for which a permit is required from the board of health pursuant to any ordinances or regulations of this municipality.
- D. The board of health shall recommend to the mayor for promulgation by the governing body such health rules, regulations, and ordinances as it deems necessary for the health of the persons within the municipality.

Section 10-213 Permits

It shall be unlawful for any person to engage in any of the following businesses or activities without first obtaining a permit from the board of health.

- A. Handling, selling, offering for sale, preparing or serving any food or food products or beverages or water intended for human consumption.
- B. Operating or permitting public access to any public swimming pool.

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- C. Commercially operating any public dump, garbage or refuse collection or disposal facility, or cleaning out or installing any privy, cesspool or septic tank.
- D. Fumigating or eradicating pests, insects, vermin or any other infestation from any building occupied or to be occupied by humans.

Section 10-220 Health Director

Section 10-221 Position Created

The health director of the Southwestern District Health Department is hereby designated as the health director of this municipality.

Section 10-222 Powers and Duties of Health Director

- A. The health director may appoint or designate any qualified person to act as his assistant for the purpose of enforcing the ordinances of this municipality.
- B. Subject to the terms and conditions of the contract between the Southwestern District Health Department, the health director shall:
 - 1. Be the executive officer of the board of health.
 - 2. Enforce all ordinances of this municipality and the state of Utah which relate to the health and welfare of the residents of this municipality.
 - 3. Enforce all rules, regulations and ordinances relating to:
 - a. Plumbing, sanitation, contagious infectious diseases, quarantine and sewage disposal.
 - b. Producing, storing, keeping and selling meat, dairy or other foods or food products.
 - c. The quarantine and disposal of all animals affected with any contagious or infectious diseases.

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4. Enforce the nuisance ordinances of this municipality.
5. Have the power to impose and maintain a strict quarantine of all infected persons and premises having contagious or infectious diseases, and to require such persons or premises to be disinfected.
6. Have the right and authority, when he shall deem necessary to secure or preserve the public health, to enter into or upon any premises, building, or other places during the daytime to examine, analyze, or test any building, structure, premise, product or good manufactured, stored, or kept within the municipality for the purposes of enforcing this chapter.

Section 10-223 Unwholesome Food

It is a class B misdemeanor for any person to sell or offer for sale any unwholesome food or beverage which has been condemned by any government food inspector.

Section 10-224 Vacating Premises

- A. It shall be unlawful for any person, upon vacating or moving from any dwelling, storeroom, or other building, to fail to remove all garbage, rubbish, or ashes from such building or premise and the grounds appurtenant thereto, or to fail to place the same in a thoroughly sanitary condition within 24 hours after the premises are vacated.
- B. In situations where rental property is so vacated, the owner of the property shall be concurrently responsible with the tenant thereof for compliance with this section.

Section 10-225 Discharge of Sewage Pollution

- A. It shall be unlawful for any person to discharge or permit the discharge of any sewage or filth from any premises into and upon any public highway, stream, water course, or public place, or into any drain, cesspool, or private

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wastewater disposal system which does not conform to standards established by the state division of health or by this municipality.

- B. The health director may order a connection for sewage disposal to be made with the public sewer system provided by the municipality if such is available, provided that the public sewer system is within 300 feet of the premises.
- C. The health director shall use all due measures to prevent the fouling of any streams, water courses, reservoirs, or any source furnishing water to any of the inhabitants of this municipality.

Section 10-226 Inadequate Plumbing

The health director shall have power to require the prompt repair of all leaks or other defects in plumbing throughout the municipality. He shall have power to condemn and abate all plumbing which is deficient under the plumbing ordinances. When, in the opinion of the health officer, a change in occupants, type of business or other cause requires changes in plumbing, he shall have the power to compel the installation of an increased number of plumbing fixtures and a change in their type or capacity, and to make such other alterations or increases as may be necessary for the health and safety of the occupants of the building and of the public generally.

Section 10-240 Offensive Business and Facilities

Section 10-241 Commencement of Offensive Business

- A. No person shall commence or change the location of any offensive business or establishment in or within one mile of the limits of this municipality without first filing an application for a permit to do so with the recorder/clerk.
- B. Offensive businesses, within the meaning of this part, shall include but not be limited to, packing houses, dairies, tanneries, canneries, renderies, junk

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or salvage yards, bone factories, slaughter houses, butcher shops, soap factories, foundries, breweries, distilleries, livery stables, blacksmith shops, or any other enterprise or establishment which creates excessive odors, fumes, smoke gases, or noises.

- C. The application for a permit shall specify the location at which the business or establishment is to be operated and maintained or the new location to which it is to be moved. The application shall describe the type of activity which will be conducted and describe the manner in which the business or establishment shall eliminate, control, or modify the emission by the business of the undesirable odors, fumes, noises, and other noisome features and the manner in which it shall be screened from public view, if its appearance is offensive.

Section 10-242 Issuance Of Permits

- A. The recorder/clerk shall cause a study to be made of the proposed business or relocation of any offensive business or establishment by the board of health and personnel engaged in the inspection of buildings and other facilities. A report and recommendation shall be made to the governing body. The governing body, after review, may grant to the applicant an opportunity to be heard and present additional facts. Thereafter the governing body may:
1. Deny the application.
 2. Recommend a modification thereof.
 3. Grant a limited permit to enter into the business or make the change of location subject to the requirement that the business or facility conform to standards established by the governing body with reference to controlling the offensive features of the business.
- B. In the event a permit is granted, it shall be subject to revocation either upon failure of the operator or owner to conduct his business in the manner specified by the governing body at the time of the granting of the permit, or

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because a change of circumstances makes the continued operation or maintenance of the business or facility a public nuisance.

- C. The governing body shall have power to revoke or modify the permission to operate and maintain the business in such a manner as it deems necessary for the public good.

A.

Comment [J9]: This section probably better belongs in Chapter 9 Business regulations

Formatted: GO Section Title, No bullets or numbering

Deleted: Section 10-243 Existing Offensive Business and Facilities¶
The governing body may require an investigation of any existing offensive business or facility to determine whether or not it should be permitted to remain in existence in or within one mile of the municipal limits. If the governing body determines that the continuation of the business or facility has become a nuisance to persons situated within the municipal limits or that ample control is not being exercised to minimize the creation of excessive odors, fumes, smoke, gases, and noise, it shall notify the owner or operator thereof that the governing body is considering revoking or modifying the operator's license.¶ If the governing body decides to require a modification of the manner in which the business or facility is to be maintained, it shall specify the standards or specifications to which the enterprise must conform or otherwise lose its license to engage thereafter in the business or activity.

Comment [J10]: This section is handled in the Nuisance section below.

Deleted: Section 10-244 Control of Animal And Fowl Facilities¶
<#>The governing body shall have the power to prohibit or control the location and management of any offensive, unwholesome business or establishment in or within one mile of the municipality and may compel the owner of any pigsty, privy, barn corral, fur-bearing animal farm, feed...

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Chapter 10 Nuisances

- [10-301 Purpose](#)
- [10-302 Definitions](#)
- [10-305 Nuisance - Definition](#)
- [10-310 Exceptions](#)
- [10-312 Responsibility For Nuisances](#)
- [10-316 Finding A Nuisance - Responsibility](#)
- [10-318 Voluntary Correction](#)
- [10-320 Administrative Citation](#)
- [10-322 Other Remedies](#)
- [10-324 Appeals](#)

10-301 Purpose

- A. The purpose of this ordinance is to provide a means for the City and individuals to identify nuisances within the City and to provide a means for correcting or abating the nuisances.
- B. The City needs the ability to abate nuisances in order to protect the health and safety of the public, to foster neighborhood stability, to preserve the appearance, character and

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beauty of neighborhoods, to encourage community pride, to preserve the value of property, and to protect the general welfare of the City and its citizens, businesses and visitors. This ordinance provides for progressive enforcement measures to abate nuisances; the most aggressive forms of enforcement are generally reserved for the most recalcitrant violators of the ordinance.

10-302 Definitions

“Abate” means to repair, replace, remove, destroy, correct or otherwise remedy a condition which constitutes a nuisance by such means, in such a manner and to such an extent as the Code Enforcement Officer determines is necessary in the interest of the general health, safety and welfare of the community.

“Active Construction” means any building or structure that is under active construction and has a current and valid building permit.

“Code Enforcement Officer” shall primarily be the Land Use Coordinator, but may also include any code enforcement officer(s) hired by the City to enforce City codes, any Law Enforcement Officer or Designee, the City Fire Chief and the Chief’s assistants, the City Building Inspector, and any authorized representatives of the Building Inspector or Land Use Coordinator.

“Completion Date” means the date by which the Responsible Person must abate a nuisance. The Completion Date is originally set by the Code Enforcement Officer in the Voluntary Correction Agreement or in the administration citation. The Completion Date may be modified by the Hearing Officer.

“Driveway” means a private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which the driveway is located.

“Driveway extension” means a hard compacted surface that extends from the driveway and which is primarily used for the parking of vehicles and not for traveling between two places. The driveway extension must have a base of asphalt, concrete, stone, or gravel.

“Emergency” means a situation which, in the opinion of the Code Enforcement Officer, requires immediate action to prevent or eliminate an immediate threat to the health or safety of a person or property.

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“Hearing Officer” means the person(s) designated to hear appeals pursuant to this ordinance. The Hearing Officer shall be the City Council.

“Owner” means any person who, alone or with others, has title or interest in any building or premises, with or without accompanying actual possession thereof. For the purpose of giving notice, the term Owner also includes any person in physical possession.

“Premises” means a plot of ground, whether occupied or not.

“Property” means a building or structure, or the premises on which the building or structure is located, or undeveloped land.

“Public Place” means an area generally visible to the public view and includes alleys, bridges, driveways, parking lots, parks, plazas, sidewalks, streets, and buildings open to the general public, including those that serve food or drink or provide entertainment, and the doorways and entrances to the buildings of dwellings and the grounds enclosing them.

“Recreational Vehicle” means a motor vehicle or trailer equipped with living space and amenities found in a home.

“Responsible Person” means the person(s) responsible for correcting or abating a nuisance pursuant to this ordinance. The Responsible Person includes the property owner and any person who causes or permits a nuisance to occur or remain upon property including owner(s), lessor(s), lessee(s), or other person(s) entitled to control, use and/occupy property where a nuisance occurs. In cases where there are more than one Responsible Person, the City may proceed against one, some, or all of them.

“Three or More Persons” means three persons, each of which have different residences.

10-305 Nuisance - Definition

This section defines a nuisance by providing three general definitions of what constitutes a nuisance (subsection A), and then providing specific examples of situations, conduct or activities that constitute nuisances (subsection B). The purpose of the general definitions is to allow the City to classify an offending situation, conduct or activity as a nuisance, even though the situation, conduct or activity may not be listed as a nuisance in the specific examples. The first three general definitions are taken directly from Utah Code Annotated (U.C.A.). The purpose

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of listing the specific examples is to identify some of the specific situations, conduct and activities that the City intends to abate as nuisances.

A. **General definitions of Nuisance.** Any activity that meets any one or more of the three definitions set forth below shall constitute a Nuisance if it occurs within the City of Kanab.

1. Anything which is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
2. Any item, thing, manner, or condition whatsoever that it is dangerous to human life or health or renders soil, air, water, or food impure or unwholesome.
3. Unlawfully doing any act or omitting to perform any duty, which act or omission:
 - a. annoys, injures, or endangers the comfort, repose, health, or safety of three or more persons.
 - b. offends public decency
 - c. unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake, stream, canal, or basin, or any public park, square, street, or highway; or
 - d. in any way renders three or more persons insecure in life or the use of property. An act which affects three or more persons in any of the ways specified in this subsection is still a nuisance regardless of the extent to which the annoyance or damage inflicted on individuals is unequal.

B. **Nuisances Enumerated.** Every situation, conduct or activity listed below constitutes a nuisance and may be abated pursuant to this ordinance. The listed examples are not exhaustive; a situation, conduct or activity not listed below, but coming within one of the general definitions of nuisance listed below, or coming within one of the general definitions of nuisance listed above, shall also constitute a nuisance. The first six listed nuisances are also listed as nuisances pursuant to U.C.A.

1. **Drug Houses.** Every building or premises where the unlawful sale, manufacture, service, storage, distribution, dispensing, or acquisition of any controlled substance, precursor or analog specified in Title 57 of the Utah Code (Utah Controlled Substances Act) occurs.
2. **Gambling.** Every building or premises where gambling is not permitted to be played, conducted, or dealt upon as prohibited in Title 76, Chapter 10, Part 11 of the Utah Code (Gambling).
3. **Gangs.** Every building or premises wherein criminal activity is committed in concert with two or more persons as provided in Title 76, Chapter 3, Part 2, or chapter 9, Part 8, of the Utah Code.

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4. **Party Houses.** Every building or premises where parties occur frequently which creates conditions of a nuisance as defined in Section 10-305(A) of this ordinance. "Frequently" shall mean two or more times within thirty days.
5. **Prostitution.** Every building or premises where prostitution or the promotion of prostitution is carried on by one or more persons as provided in Title 76 (Prostitution) of the Utah Code.
6. **Weapons.** Every building or premises where a violation of Title 76 (Weapons) of the Utah Code occurs on the premises.
7. **Noxious Emanations.** Emanation of noxious or unreasonable odors, fumes, gas, smoke, soot or cinders.
8. **Noxious Weeds.** Noxious weeds, as defined by State and County Code, located on vacant lots or other property, along public sidewalks or the outer edge of any public street, or weeds in any other location which constitute a fire hazard.
9. **Refuse.** Keeping or storing of any refuse or waste matter which interferes with the reasonable enjoyment of nearby property or has the potential to be a health hazard.
10. **Stagnant Water.** It shall be unlawful for any person or persons to permit any collection or retention of water, natural or artificial, so as to cause back up and overflow therefrom, or to become unsanitary, stagnant or unhealthy.
11. **Improper Accumulations.** Accumulation of soil, litter, debris, plant trimmings, or trash visible from the street or an adjoining property, for a period of 30 days or more.
12. **Accumulation of Junk.** Accumulation of used or damaged junk, salvage materials, abandoned, discarded or used furniture, stoves, toilets, cabinets, sinks, refrigerators, or other fixtures or equipment stored so as to be visible from a public street or adjoining property, for a period of 30 days or more (except in licensed junk yards). However, this does not include stacked firewood for personal non-commercial use of the premises.
13. **Attractive Nuisances.** Any attractive nuisance, dangerous to children and other persons including, but not limited to, abandoned, broken, or neglected household appliances, equipment and machinery, abandoned foundations or excavations, or improperly maintained or secured pools.
14. **Vegetation.** Dead, decayed, diseased or hazardous trees, weeds, hedges, and overgrown or uncultivated vegetation which is in a hazardous condition, is an obstruction to pedestrian or vehicular traffic, or which is likely to harbor rats, vermin or other pests. This section does not apply to properly contained compost bins.
15. **Weeds/Grass.**

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- a) Any weeds or grasses that, due to height or dryness, constitute a fire hazard as deemed by the fire marshal.
 - b) When, in the opinion of the fire marshal, the large size or terrain of property makes the cutting of all weeds or grasses impractical, the fire marshal, or any assistant fire marshal, may, by written order, allow and limit the required cutting of weeds and grasses to a firebreak of not less than fifteen feet (15') in width cut around the complete perimeter of the property and around any structures existing upon the property, unless the fire marshal, or assistant fire marshal, determines that a firebreak of a lesser width will provide adequate protection against fire spread at the particular location.
16. **Dust.** Any premise which causes excessive dust due to an altering of the natural landscape, or any activity that causes excessive dust.
17. **Improper Storage.** The keeping, storing, depositing or accumulating of dirt, sand, gravel, concrete, construction equipment, or other similar materials, or maintenance of such material, on the premises or in public right-of-way so as to be visible from a public street or adjoining property, for a period of 30 days or more. Material stored as part of an active construction or landscaping project shall not be considered a nuisance.
18. **Construction Equipment.** Construction equipment or machinery of any type of description parked or stored on the street, except while excavation, construction or demolition operations covered by an active building permit are in progress on the subject property, right-of-way or street, or adjoining property or when the property is zoned for the storage of construction equipment and/or machinery.
19. **Improper Sign.** Improper maintenance of a sign, or signs, which advertise a business that is no longer in existence, or signs in violation of City Ordinance.
20. **Improper Parking or Storage.**
- a. Vehicles must be parked or stored completely and only on a driveway or driveway extension.
 - b. No more than two (2) recreational vehicles may be parked or stored in any driveway or on any driveway extension of a residence.
 - c. No more than one (1) properly secured inoperable vehicle and one (1) recreational vehicle may be parked or stored at the same time in any driveway or on a driveway extension.
 - i. "Inoperable Vehicle" means any motor vehicle that cannot be started and moved under its own power without the assistance of another person, vehicle, or gravity. It also includes any unregistered vehicle.

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21. **Hazardous Conditions.** Any wall, sign, fence, gate, hedge, or structure maintained in such condition of deterioration or disrepair as to constitute a hazard to persons or property.
22. **Graffiti.** Graffiti which remains for more than 72 hours on the exterior of any building, wall, fence, sign or other structure and is visible from a public street or right-of-way.
23. **Improper Maintenance.** Maintenance of buildings and/or structures in such condition as to be deemed defective or in a condition of deterioration or disrepair including, but not limited to:
 - a. Any building or structure which is unfit for human habitation, or which is an unreasonable hazard to the health of people residing in the vicinity thereof, or which presents an unreasonable fire hazard in the vicinity where it is located ; or
 - b. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of City ordinances, or premises in violation of City ordinances; or
 - c. Buildings which are abandoned, partially destroyed or left in an unreasonable state of partial construction for a period of six (6) months or longer. An unreasonable state of partial construction is defined as any unfinished building where the appearance or condition of the building or structure does not meet the requirements for finished buildings or structures as required by applicable City ordinances or building codes. The building or structure shall not be considered to be a nuisance if it is under active construction; or
 - d. Buildings having dry rot, warping, termite infestation, decay, excessive cracking, peeling, or chalking as to render the building unsightly and/or in a state of disrepair; or
 - e. Buildings with missing doors and/or windows containing broken glass and/or no glass at all where the window is of a type which normally contains glass; or
 - f. Building exteriors, walls, fences, gates, driveways, sidewalks, walkways, signs or ornamentation, or alleys maintained in such condition as to render them unsightly and/or in a state of disrepair; or
 - g. Buildings or conditions which violate any building, electrical, plumbing, fire, housing, or other code adopted by the City.
24. **Alcohol.** Every property or premise not licensed under applicable State law or City ordinance where any intoxicating liquors or alcohol are kept for unlawful use, sale or distribution.

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25. **Electrical Disturbances.** Electrical installations for signs, equipment, or other facilities which create electrical disturbances that cause interference with normal radio or television reception beyond the immediate vicinity of such electrical installations.
26. **Hazardous Trees.** Any dead or diseased tree on public or private property within the City, when such tree threatens the public safety, constitutes a hazard to life and property, or harbors insects or diseases that constitute a potential threat to other trees.
27. **Pruning.** A tree located on private property but which overhangs any street or right of way within the City that is not pruned so that there is a clear space of eight feet (8') above the surface of the sidewalk, twelve feet (12') above the street or fifteen feet (15') above the UDOT corridor. Also, any dead, diseased, dangerous, broken or decayed limbs that constitute a menace to the safety of the public, or any tree or shrub that is not pruned so as to not interfere with the visibility of any traffic control device or sign.
28. **Noise.** Using any devices which produce an audible report, blast, siren, or other offensive noise, including but not limited to the use of jake brakes within the City limits. This section shall not apply to emergency vehicles or sirens.
29. **Excessive Animal Noise.** A. Possessing or owning 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:

- i) 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
- ii) 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

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comfort or repose of another if the sound can be heard anywhere on the property of another.

30. **Kanab Creek Dumping.** No dumping allowed in Kanab Creek, unless the material dumped is a state-approved erosion control material.

10-310 Exceptions

No act which is done or maintained under the express authority of an authoritative statute, ordinance or court ruling shall be declared a nuisance.

No building, structure, or use of land that is specifically allowed under any city land use ordinance shall be declared a nuisance.

The following above subsections do not apply to commercial property in commercially zoned areas where such items are an integral part of the property's commercial operation: (17) Improper Storage and (20) Improper Parking or Storage.

The following above subsections do not apply if a proper fence, wall, hedge, or other well-maintained appropriate barrier reasonably blocks the visibility of the items from the street or adjoining properties: (11) Improper Accumulation, (12) Accumulation of Junk, (17) Improper Storage, and (20) Improper Parking or Storage.

10-312 Responsibility For Nuisances

The Responsible Person(s) is responsible for abating nuisances pursuant to this ordinance. Any person, whether owner, agent or occupant, who creates, aids in creating, or contributes to a nuisance, or who supports, continues or retains a nuisance is responsible for the nuisance and is therefore a Responsible Person pursuant to this ordinance. Every successive owner or tenant of a property or premises who fails to abate a continuing nuisance upon or in the use of such property or premises caused by a former owner or tenant is responsible therefore in the same manner as the one who first created it.

10-316 Finding A Nuisance - Responsibility

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- A. It is the City's intent not to seek out or proactively find nuisances on private property. Instead, a Code Enforcement Officer will generally only investigate a nuisance on private property if the City has received a complaint from three or more persons, regarding the same nuisance, all of whom live within 500 feet of the nuisance. An exception to this practice applies to i) nuisances on public property or ii) nuisances on private property that a Code Enforcement Officer has determined to be primarily a health or safety hazard. While this is generally the City's practice, such practice does not preclude the Code Enforcement Officer from, at his or her discretion, investigating nuisance violations.
- B. If a Code Enforcement Officer finds that a nuisance exists, the Code Enforcement Officer shall attempt to have the Responsible Person abate the nuisance. Although the Code Enforcement Officer's first step in correcting or abating the nuisance will always be to obtain voluntary compliance, the City may pursue any remedy or combination of remedies available pursuant to this ordinance, State law or common law in order to abate the nuisance. Nothing in this section shall be interpreted to prohibit the City from engaging in its standard prosecution practices. Nothing in this ordinance shall be interpreted to prevent the City from enforcing applicable City ordinances, ICC building codes, or the Uniform Code for the Abatement of Dangerous Buildings without first treating the offending conduct, situation or activity as a nuisance pursuant to this ordinance.

10-318 Voluntary Correction

This section applies whenever a Code Enforcement Officer or other peace officer determines that a nuisance exists.

- A. **Contact.** Before taking other steps to abate the nuisance, a Code Enforcement Officer shall make a reasonable attempt to secure voluntary correction or abatement of the nuisance by:
 - 1. Contacting the Responsible Person, where and when possible;
 - 2. Explaining the nuisance;
 - 3. Requesting the Responsible Person to abate the nuisance; and
 - 4. Agreeing to terms with the Responsible Person to abate the nuisance.
- B. **No Agreement.** If the Code Enforcement Officer and the Responsible Person cannot agree to terms for correcting or abating the nuisance, the Code Enforcement Officer may still abate the nuisance using one or more of the procedures set forth in this ordinance, State law, or common law.
- C. **Voluntary Correction Agreement.** If the Code Enforcement Officer and the Responsible Person agree to terms for abating the nuisance, they shall enter into and sign a Voluntary

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Correction Agreement. The Voluntary Correction Agreement is a contract between the City and the Responsible Person in which the Responsible Person agrees to abate the nuisance within a specified time and according to specified conditions. The voluntary Correction Agreement shall include the following terms:

1. The name and address of the Responsible Person;
 2. The street address of the nuisance, or a description sufficient to identify the building, structure, premises, or land upon which or within which the nuisance is occurring;
 3. A description of the nuisance;
 4. The necessary corrective action to be taken, and a date or time by which the corrections must be completed;
 5. An agreement by the Responsible Person that the City may inspect the premises as may be necessary to determine compliance with the Voluntary Correction Agreement;
 6. An agreement by the Responsible Person that the City may abate the nuisance and recover its costs and expenses to abate the nuisance, as well as a monetary fine pursuant to this ordinance from the Responsible Person, if terms of the Voluntary Correction Agreement are not met;
 7. An agreement by the Responsible Person acknowledging that he/she waives the right to appeal the Code Enforcement Officer's finding that a nuisance exists and waives the right to appeal the specific corrective action required in the Voluntary Correction Agreement; and
 8. An agreement by the Responsible Person that failure to comply with the Voluntary Correction Agreement may be grounds for criminal prosecution.
- D. **Time Extension or Fulfillment.** The Code Enforcement Officer may grant an extension of the time limit for correcting or abating the nuisance if the Responsible Person has shown due diligence and/or substantial progress in correcting or abating the nuisance but unforeseen circumstances render abatement under the original conditions unattainable. The Code Enforcement Officer shall first obtain approval from the City Manager before any time extension is granted.
- E. **Compliance.** If the Responsible Person complies with the terms of the Voluntary Correction Agreement, the City shall take no action against the Responsible Person related to the nuisance described in the Voluntary Correction Agreement unless the nuisance reoccurs.

10-320 Administrative Citation

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- A. **Administrative Citation.** When a Code Enforcement Officer determines that a nuisance exists and is unable to secure voluntary correction pursuant to the provisions of this Chapter, the Code Enforcement Officer may issue an administrative citation. Also, an administrative citation may be issued without first having attempted to secure voluntary correction under the following circumstances:
1. When an emergency exists;
 2. When the Code Enforcement Officer is unable to locate or determine the identity of the Responsible Person; or
 3. When the Responsible Person has failed in the past to fulfill the terms of a Voluntary Correction Agreement.
- B. **Content of Administrative Citation.** The administrative citation shall include the following:
1. The name and address of the Responsible Person;
 2. The street address of the nuisance or a description sufficient for identifying the building, structure, premises, or land upon or within which the nuisance is occurring;
 3. A description of the nuisance;
 4. The required corrective action;
 5. The Completion Date and a notice that the City may abate the nuisance and charge the Responsible Person for all abatement costs if the Responsible Person does not correct the nuisance on or before the Completion Date;
 6. The time for appealing the administrative citation to the Hearing Officer and the procedure for filing an appeal;
 7. A statement indicating that no monetary fine will be assessed if the Code Enforcement Officer approved the completed, required corrective action prior to the Completion Date; and
 8. A statement that the City may abate the nuisance and assess costs and expenses of abatement and a monetary fine against the Responsible Person if the correction is not completed by the Responsible Person and approved by the Code Enforcement Officer on or before the Completion Date.
- C. **Service of Administrative Citation.** The Code Enforcement Officer shall serve the administrative citation upon the Responsible Person, either personally or by mailing, certified, return receipt requested, a copy of the administrative citation to the Responsible Person at his/her last known address. If the Responsible Person cannot after reasonable attempts be personally served within Kane County and if an address for mailed service cannot after reasonable attempts be ascertained, notice shall be served by posting a copy of the administrative citation conspicuously on the affected property or structure. Proof of service shall be made by a written declaration under penalty of perjury executed by the

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person effecting the service, declaring the time and date of service, the manner by which the service was made, and if by posting, the facts showing that reasonable attempts were used in attempting to serve the person personally or by mail.

- D. **Time Extension.** The Code Enforcement Officer may grant an extension of the time limit for correcting or abating the nuisance if the Responsible Person has shown due diligence and/or substantial progress in correcting or abating the nuisance but unforeseen circumstances render abatement under the original conditions unattainable. The Code Enforcement Officer shall first obtain approval from the City Manager before any time extension is granted.

10-322 Other Remedies

The City may take one or more of the following actions against any Responsible Person who fails to comply with the terms of the Voluntary Consent Agreement, Administrative Citation, or an order of the Hearing Officer:

A. Abatement by the City.

1. The City may abate a nuisance when:
 - a. The terms of a Voluntary Correction Agreement have not been met;
 - b. The requirements of an administrative citation have not been complied with, or, if the administrative citation is appealed to a Hearing Officer and the terms of the administrative citation are amended by the Hearing Officer, the terms of the Hearing Officer's order have not been complied with; or
 - c. The condition is subject to summary abatement as provided in subsection 2, below.
2. Whenever a nuisance is occurring which constitutes an immediate and emergent threat to public health, safety or welfare or to the environment, the City may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the Responsible Person as soon as reasonably possible after the abatement.
3. Using any lawful means, the City may enter upon the subject property and may remove or correct the condition which is subject to abatement. The City may

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seek, but is not required to seek, such judicial process as it deems necessary to effect the removal or correction of the condition.

4. To collect costs, the City will follow the procedures outlined in Utah Code 10-11-3(1)(a)(ii). The costs, including incidental expenses, of correcting or abating the violation shall be billed to the Responsible Person and/or the owner, lessor, tenant or other person entitled to control, use and/or occupy the property and shall become due and payable to the City within thirty (30) days of the mailing date if the bill is mailed. The term Incidental Expenses includes, but is not limited to:
 - a. Personnel costs, both direct and indirect, including attorney fees and costs;
 - b. Costs included in documenting the violation;
 - c. Hauling, storage and disposal expenses;
 - d. Actual expenses and costs for the City in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work; and
 - e. The costs of any required printing and mailing.

B. Monetary Fine. The Responsible Person shall pay the City a monetary fine for each day the nuisance continues after the Completion Date. The nuisance shall be considered to continue until the Code Enforcement Officer approves the Responsible Person's actions to correct or abate the nuisance. The amount of the monetary fine shall be as follows:

1. One Hundred Dollars (\$100.00) per day for each day during their first week that the nuisance remains uncorrected or unabated after the Completion Date;
2. Two Hundred Dollars (\$200.00) per day for each day thereafter until the nuisance is corrected or abated according to the terms set forth in the administrative citation. The monetary fine shall be cumulative. Payment of a monetary fine pursuant to the section does not relieve the Responsible Person from the duty to abate the nuisance as required by the Voluntary Consent Agreement or the Administrative Citation. The monetary fine constitutes a personal obligation of the Responsible Person. Any monetary fine assessed must be paid to the City within (30) days from the date of mailing of the Hearing Officer's decision and order or a notice from the City that the fine is due. The City Attorney and his/her designee is authorized to take appropriate action to collect the monetary fine, plus reasonable attorney fees and costs incurred in collecting said monetary fine.

C. Civil Actions. Either the City or any private person directly affected by a nuisance may bring civil action to abate or enjoin the nuisance, or for damages for causing or maintaining the nuisance (including cost, if any, of cleaning the subject property). The civil action may be brought pursuant to this ordinance or pursuant to State law.

D. Criminal Actions. Criminal actions may be initiated by criminal citation from a Code Enforcement Officer or by long form Information.

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1. Any person who maintains or assists in maintaining a nuisance is guilty of a Class C misdemeanor. No person shall be prosecuted under this subsection (1) unless a Code Enforcement Officer first attempted to obtain voluntary correction pursuant to this chapter.
 2. If the alleged nuisance is also a violation of a provision of City Code (other than this nuisance ordinance) or State law, the Responsible Person may be charged under the specific provision of City Code or State law, even if a Code Enforcement Officer did not first attempt to obtain voluntary correction as provided in this ordinance.
 3. Any person who knowingly obstructs, impedes, or interferes with the City or its agents, or with the Responsible Person, in the performance of duties imposed by this ordinance, or a decision and Order issued by the Hearing Officer, or a Voluntary Correction Agreement, is guilty of a Class B misdemeanor.
 4. Any violation under this subsection requires mandatory court appearance by the cited individual.
- E. **Abatement by Eviction.** Whenever there is reason to believe that a nuisance under section 10-305(B) (1-6) is kept and maintained, or exists in the City, the City Attorney or any citizen(s) residing in the City, in his or her own names, may maintain an action in a court of competent jurisdiction to abate the nuisance and obtain an order for the automatic eviction of the tenant of the property harboring the nuisance. The eviction shall take place as specified in Utah law.
- F. **Lien for Costs.** If a person fails to pay any fines or costs related to nuisance abatement when due, the City may record a lien on the property or premises associated with the nuisance for the full amount of unpaid fines and costs. The City, in accordance with Utah Code 10-11-4, may pursue unpaid costs and expenses through certification to the County Treasurer.
- G. **Abatement of Dangerous Buildings.** The "Uniform Code for the Abatement of Dangerous Buildings," 1997 edition, with any official amendments, is hereby approved and adopted as the Abatement of Dangerous Buildings Code of this municipality. All buildings or portions thereof which are determined after inspection by the building official to be dangerous, as defined in the Abatement of Dangerous Building Code, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with procedures specified in the Uniform Code for the Abatement of Dangerous Buildings.
- H. **Non-exclusive Remedies.** The City may take any or all of the above-mentioned remedies (administrative, civil or criminal) to abate a nuisance and/or punish any person or entity who creates, causes or allows a nuisance to exist. The abatement of a nuisance does not

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prejudice the right of the City or any person to recover damages or penalties for its past existence.

10-324 Appeals

- A. **Grounds.** Any person receiving an administrative citation may appeal the administrative citation to the Hearing Officer. Only the following issues may be appealed to the Hearing Officer:
1. The person charged in the administrative citation as the Responsible Person is not the Responsible Person as defined by this ordinance.
 2. The condition described as a nuisance in the administrative citation is not a nuisance as defined by this ordinance.
 3. The method required by the administrative citation to abate the nuisance is inappropriate or is not the most cost effective method of effectively correcting or abating the nuisance.
 4. The time period given to abate the nuisance in the administrative citation is unreasonable.
 5. The monetary fine set forth in the administrative citation is unreasonable.
 6. The Code Enforcement Officer refused to approve a corrective action that met the requirements of the administrative citation.
 7. The Responsible Person claims that the requirement(s) of the administrative citation violates his/her constitutional rights.
- B. **Filing.** The person desiring to appeal must file a notice of appeal within ten (10) days of receipt of the administrative citation or within fifteen (15) days of the mailing date if the administrative citation was mailed.
- C. **Hearing.** The hearing before the Hearing Officer shall be informal according to rules and procedures established by the Hearing Officer. The appellant may, but is not required to, bring an attorney or other representative to assist him or her. The appellant and the Code Enforcement Officer may each call witnesses at the hearing. The Hearing Officer may, with or without the parties present, visit the site of the alleged nuisance. If the Hearing Officer allows parties at the site visit, both parties must be given the opportunity to be present. The hearing shall be scheduled by the Hearing Officer within thirty (30) days of when the notice of appeal is filed with the City.
- D. **Burden of Proof.** The appellant shall have the burden of proof to demonstrate by a preponderance of the evidence that he/she had legitimate grounds for the appeal. The determination of the Code Enforcement Officer as to the need for the required corrective action shall be accorded substantial weight by the Hearing Officer in determining the reasonableness of the corrective action.

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- E. **Authority of the Hearing Officer.** The Hearing Officer shall have authority to affirm or vacate the administrative citation, or to modify or waive specific provisions of the administrative citation. If the appellant fails to attend the hearing, the Hearing Officer shall affirm the administrative citation. Before the Hearing Officer may address the merits of the appeal, he or she must first determine if the appeal is timely. If it is untimely, the Hearing Officer shall affirm the administrative citation. The Hearing Officer shall not vacate the administrative citation unless he/she finds that no nuisance exists. The Hearing Officer shall modify the administrative citation if he/she finds that a nuisance exists, but that one or more of the requirements of the administrative citation is improper or inappropriate. A requirement is improper if it is contrary to this ordinance. A requirement is inappropriate if the Hearing Officer finds that there is a better means of resolving the problem or that the proposed solution is inappropriate given the nature or severity of the problem. When determining whether to waive or modify a requirement of the administrative citation, the Hearing Officer may also consider:
1. Whether the appellant responded to the Code Enforcement Officer's attempts to contact the appellant and cooperated with efforts to correct the nuisance;
 2. Whether the appellant has shown due diligence and/or substantial progress in correcting the nuisance;
 3. The financial ability of the appellant and the amount, if any, that the appellant has benefitted financially by maintaining a nuisance.
 4. Any other relevant factors. If the appellant appeals the Code Enforcement Officer's refusal to approve the appellant's corrective action, the Hearing Officer shall visit the site and determine if the appellant complied with the requirements of the administrative citation.
- F. **Order.** The Hearing Officer shall issue a written Order to the appellant and the Code Enforcement Officer notifying them of his/her decision. The Order shall include the Hearing Officer's findings of fact and ultimate decision. If the Hearing Officer modifies or waives provisions of the administrative citation, the Order shall specify which portions are modified and how they are modified. The Hearing Officer shall mail a copy of the Order to the appellant and the City within five (5) working days of the close of the hearing.
- G. **Appeal to Kane County Justice Court.** Either the City or the appellant may appeal the Hearing Officer's Order by filing a petition for review of the Order. The petition must be filed in the Kane County Justice Court within thirty (30) days from the date the Hearing Officer's Order was mailed to the appellant. In the petition, the plaintiff may only allege that the Hearing Officer's order was arbitrary, capricious or illegal. The Hearing Officer shall transmit to the reviewing court the record of its proceedings, including any minutes, findings, orders and, if available, a true and correct transcript of its proceedings.

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If, in the opinion of the Justice Court, there is a sufficient record to review the Hearing Officer's Order, the Court's review is limited to the record provided by the Hearing Officer. The Justice Court may not accept or consider any evidence outside the Hearing Officer's record unless the evidence was offered to the Hearing Officer and the Court determines that it was improperly excluded by the Hearing Officer. If, in the opinion of the Justice Court, there is not a sufficient record to review the Hearing Officer's Order, the Court may call witnesses and take evidence. No petition or appeal may be filed in Justice Court unless the Responsible Person first appeals to the Hearing Officer pursuant to the terms set forth in this ordinance. Furthermore, the Justice Court shall not have jurisdiction to hear the merits of the appeal if the appeal is untimely in any stage.

Section 10-400 Garbage and Litter

Section 10-410 Garbage Regulations

Section 10-411 Definitions

- A. "Person" shall mean any institution, public or Private Corporation, individual, partnership or other entity.
- B. "Premises" shall mean land, buildings, or other structures, vehicles, or parts thereof, upon or in which refuse is stored.
- C. "Refuse" shall mean all solid waste of a community, including garbage, ashes, rubbish, dead animals, street cleanings, and solid market, and industrial waste, but not including body wastes.
- D. "Container" or "regulation container" means a type of garbage or trash container of galvanized metal or other approved material and having a tight fitting lid or properly and sufficiently treated weather resistant paper bag manufactured specifically for use in garbage and refuse collection.
- E. "Commissioner of Sanitation" shall mean the person designated by the City who shall be authorized and directed to implement and enforce the

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provisions of this ordinance. Such commissioner shall be designated from time to time by resolution of the City Council. In the absence of such designation, the Chief of Police shall so function.

- F. "Responsible Authority" shall mean the Western Kane County Special Service District No. 1, or its designee or any other party engaging in refuse collection or disposal.

Section 10-412 Functions Of Commissioner Of Sanitation

The Commissioner of Sanitation of the City shall be in charge of controlling the storage, collection and disposal of refuse within the City, in accordance with the provisions of this Chapter.

Section 10-413 Permits

Any person engaging in the business of refuse collection or refuse disposal for compensation must obtain a permit from the recorder/clerk. Haulage of refuse must be done in the manner, at such times and in such vehicles as may be approved for such purposes as the governing body may from time to time by regulation provide.

Section 10-414 No Accumulation of Garbage

It shall be unlawful for any person to accumulate garbage or refuse or cause garbage or refuse to be deposited upon any street or alley or upon any premises in the municipality without express permission from the Commissioner of Sanitation. The Commissioner of Sanitation may permit the feeding or processing of garbage or refuse upon premises properly equipped and maintained so as to prevent the creation of a nuisance or a hazard to health, or permit the depositing of ashes and other dry material for filling purposes at such places as the Commissioner of Sanitation may designate and under such restrictions as the governing body may by regulation impose. Additionally, the Commissioner of

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Sanitation may grant to any person permission for sorting, bailing and marketing trade waste upon premises properly equipped and maintained.

Section 10-416 Inspection

The Commissioner of Sanitation, after identifying himself, shall have the power to enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of the provisions of this ordinance and where necessary shall obtain a search warrant from a court having jurisdiction.

Section 10-417 Storage Of Refuse And Preparation For Collection

- A. Bulky rubbish such as trees, weeds, and large cardboard boxes, may be bundled so as not to exceed four (4) feet in length nor fifty (50) pounds in weight.
- B. All other refuse shall be stored in durable, watertight, and easily washable containers which have close-fitting lids and adequate handles to facilitate collection or in two-ply fifty (50) pound, waterproof bags. Such containers shall be of not less than ten (10) gallons nor more than thirty (30) gallons in capacity for business, and shall not be filled in excess of one hundred (100) pounds of weight unless the collection vehicle is equipped to mechanically empty larger containers in which case the maximum size of containers shall be determined by the mechanical equipment on the vehicle.
- C. It shall be unlawful to permit refuse, except bulky rubbish, to accumulate on any premises except in containers which are approved by the Commissioner of Sanitation in accordance with the specification contained in this section.
- D. Ashes containing hot embers shall not be placed in containers for collection.

Comment [11]: Such violations should be handled as outlined in Nuisance ordinance.

Deleted: Section 10-415 Enforcement, Service of Notices And Orders, Hearings

<#>Wherever the Commissioner of Sanitation has determined that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, he shall give notice of such alleged violation to the person or persons responsible therefore. Such notice shall:

<#>Be written.

<#>Include a statement of the reasons why it is being issued;

<#>Allow a reasonable time for the performance of any act it requires;

<#>Be served upon the holder of a permit issued under this ordinance, or upon the owner or his agent or the occupant of any premises within the City. Notice shall be deemed to have been properly served when a copy thereof has been served personally or in accordance with any other method authorized or required under the laws of this state for commencement of civil actions.

<#>Such notice may:

<#>Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter.

<#>State that unless conditions or practices described in such notice which violate this chapter are corrected within the reasonable time specified in such notice, the violator may be punished in accordance with the provisions of this chapter, or a permit which has been issued pursuant to this chapter may be suspended or revoked.

<#>Any person who is affected by any notice issued in connection with the enforcement of any provision of this chapter shall be granted a hearing on the matter before the Commissioner of Sanitation, after having first filed, in the office of the Commissioner of Sanitation a written petition requesting such hearing and setting forth a brief statement of the ground therefore, ...

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Section 10-418 Frequency of Collection

- A. All household refuse shall be collected by the responsible authority at least once per week.
- B. All institutional, business and industrial refuse shall be collected by the responsible authority at least once per week.
- C. Additional frequency of collection may be ordered by the Commissioner of Sanitation in order to avoid undue accumulations of refuse, to prevent nuisance and/or to control insect and/or rodent breeding and harborages.

Section 10-419 Time and Place of Collection

- A. All household refuse to be collected shall be placed on the curb in front of the residency according to schedule as established at such time and place as shall be designated by the responsible authority.
- B. Garbage and refuse must not be set out upon the street for collection prior to the evening of the day before collection and must be set out on the day of collection before the hour of collection designated by the responsible authority.
- C. All empty receptacles must be removed from the street as soon as practicable after being emptied, and in every case, must be removed from the street the same day they are emptied. Receptacles shall not be permitted to remain on any street longer than may be necessary for the removal of the contents.

Section 10-420 Refuse Disposal

- A. All disposal of refuse shall be by method or methods in accordance with requirements of State and local law and shall include the maximum practicable rodent, insect, and nuisance control at the place or places of disposal.

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- B. No garbage shall be fed to hogs, unless such garbage has been heat-treated to kill any disease agents therein by boiling for thirty (30) minutes or by other equally effective means.
- C. Animal offal and carcasses of dead animals shall be buried or cremated as directed by the Commissioner of Sanitation or shall be rendered at forty (40) pounds per square inch of steam pressure or higher or shall be heated by equivalent cooking.
- D. It shall be unlawful for any person intentionally or carelessly to throw, cast, put into, drop or permit to fall from a vehicle and remain in any street, gutter, sidewalk, public place any stones, gravel, sand, coal, dirt, manure, garbage, leaves, lawn or hedge clippings or rubbish of any kind or any other substance which shall render such highway unsafe or unsightly or shall interfere with travel thereon.
- E. It shall be unlawful for any person to burn garbage, market waste, manure or other refuse in the open air or in any furnace or stove within the municipality, except by special permit.
- F. It shall be unlawful for any owner, occupant, or tenant of any premises abutting on alleyways, to fail to keep such part of said alleyway or said premises clean and free from refuse of all kinds.

Section 10-421 Equipment

- A. All public or private vehicles used for the collection or disposal of refuse shall have enclosed bodies or suitable provision for covering the body. Provision and use of tarpaulin or canvas cover to enclose open bodies of collection vehicles may be permitted when specifically approved by the Commissioner of Sanitation.
- B. Vehicles used for the collection or disposal of garbage, or of refuse containing garbage, shall have watertight, metal bodies of easily cleanable construction, shall be cleaned at sufficient frequency to prevent nuisance of insect-breeding and shall be maintained in good repair.

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Section 10-422 Penalties

Any person who shall violate any provision of this ordinance shall be guilty of a Class C misdemeanor and each day's failure to comply with any such provision shall constitute a separate violation.

Section 10-430 Litter – Handbills

Section 10-431 Definitions

For the purposes of this part:

- A. "Authorized Receptacle" is a public or private litter storage and collection receptacle.
- B. "Commercial handbill" is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature:
 - i. Which advertises for sale any merchandise, product, commodity, or thing;
 - ii. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest in sales thereof;
 - iii. Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit. However, the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting,

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theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license, where such license is or may be required by any law of this state, or under any ordinance of this municipality; or

iv. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distribution.

- C. "Garbage" means waste from the preparation, cooking, or consumption of food, condemned food products and all refuse and waste from the handling, storage, preparation and sale of produce. Garbage originates primarily in kitchens, stores, markets, restaurants, hotels and other places where food is handled, stored, sold, cooked or consumed.
- D. "Litter" is "garbage", "refuse," and "rubbish" as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, welfare or appearance of the municipality.
- E. "Newspaper" is any newspaper of general or local circulation or any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.
- F. "Non-Commercial Handbill" is any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper,

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booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

- | G. "Park" is a park, reservation, playground, beach, recreation center or any other public area in the municipality, owned or used by the municipality.
- H. "Refuse" is all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.
- | H. "Rubbish" is nonputrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrapping, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.
- | I. "Vehicle" is every device in, on, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively on stationary rails or tracks.

Section 10-432 Litter in Public Places

No person shall throw or deposit litter in or on any street, sidewalk or other public place except:

- A. In authorized receptacles for collection or in official municipal garbage dumps, or
- B. For collection as authorized by the governing body.

Section 10-433 Placement Of Litter In Receptacles So As To Prevent Scattering

Persons placing litter in authorized receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements on any street, sidewalk or other public place or on private property.

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Section 10-434 Sweeping Litter into Gutters Prohibited except as Otherwise Authorized by the governing Body

No person shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free from litter.

Section 10-435 Merchants' Duty To Keep Sidewalks Free From Litter

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business shall keep the sidewalk in front of their business premises free of litter.

Section 10-440 Throwing or Distributing Commercial Handbills in Public Places

No person shall throw or deposit any commercial or non-commercial handbill in or on any sidewalk, street or other public place. Unless otherwise authorized by the governing body, it is an infraction for any person to hand out, distribute or sell any commercial handbill in any public place, provided, however, that it shall not be unlawful on any sidewalk, street, or other public place for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

Section 10-441 Placing Commercial and Non-commercial Handbills On Vehicles

Unless otherwise authorized by the governing body, no person shall throw or deposit any commercial or non-commercial handbill in or on any vehicle, provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a non-commercial handbill to any occupant of a vehicle who is willing to accept it.

Comment [J12]: Littering is a state code offense found in 76-10-2701

Deleted: Section 10-436 Litter Thrown By Persons in Vehicles

Deleted: ¶

No person, while a driver or passenger in a vehicle, shall throw or deposit litter on any street or other public place, or on private property.¶

¶

Section 10-437 Truck Loads Causing Litter¶

No person shall drive or move any truck or other vehicles unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited on any street, alley or other public place. Nor shall any person drive or move any vehicle or truck, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud dirt, sticky substances, litter or foreign matter of any kind.¶

¶

Section 10-438 Litter in Parks¶

No person shall throw or deposit litter in any park except in authorized receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements on any part of the park or on any street or other public place. Where authorized receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.¶

¶

Section 10-439 Litter in Lakes and Fountains¶

No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or other body of water in a park or elsewhere.¶

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Section 10-442 Depositing Commercial and Non-Commercial Handbills on Uninhabited or Vacant Premises

No person shall throw or deposit any commercial or non-commercial handbill in or on any private premises which are temporarily or continuously uninhabited or vacant.

Section 10-443 Prohibiting Distribution of Handbills Where Properly Posted

No person shall throw, deposit or distribute any commercial or non-commercial handbill on any private premises, if requested by anyone thereon not to do so or if there is placed on said premises in a conspicuous position near the entrance thereof a sign bearing the words : "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left on such premises.

Section 10-444 Distributing Commercial And Non-Commercial Handbills At Inhabited Private Premises

No person shall throw, deposit or distribute any commercial or non-commercial handbill in or on private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or on such private premises. However, in case of inhabited private premises which are not posted, as provided in this part, such person, unless requested by anyone on such premises not to do so, may place or deposit any such handbill in or on such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places, and except that mailboxes may not be so used when prohibited by federal postal law or regulations.

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Section 10-445 Exemption for Mail And Newspapers

The provisions of this part shall not apply to the distribution of mail by the United States, nor to the newspapers except that newspapers shall be placed on private property in such a manner so as to prevent their being carried or deposited by the elements on any street, sidewalk, or other public place or on private property.

Section 10-446 Posting Notice Prohibited

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or on any public structure or building, except as may be authorized or required by law.

Section 10-449 Handbills and Posters

- A. No person or business shall post, stick, stamp, paint or otherwise fix, or cause the same to be done by any person, any notice, placard, bill, card, poster, advertisement or other paper or device calculated to attract the attention of the public, or upon any sidewalk, curb, or any other portion or part of any public way or public place or any lap post, electric light, telegraph, telephone or railway structure, hydrant, shade tree or tree-box, or upon the columns, trusses, girders, railings, gates or other parts of any bridge or other public structure or building, or upon any pole, box or fixture of the fire alarm or police telegraph system, except such as may be authorized or required by the laws of the United States, or state, and the ordinances of this municipality.
- B. It shall be unlawful to distribute indiscriminately to the public by leaving at houses or residences in the municipality any cards, circulars, handbills, samples of merchandise, or any advertising matter whatsoever without

Deleted: Section 10-447 Litter on Occupied Private Property¶

No person shall throw or deposit litter on any occupied private property, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements on any street, sidewalk or other public place or on any private property.¶

Comment [J13]: Covered in state littering code.

Deleted: Section 10-448 Litter on Vacant Lots¶

No person shall throw or deposit litter on any open or vacant private property whether or not owned by such person

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having first secured a permit therefor. This section shall not be construed to apply to the sale of articles by licensed peddlers.

Section 10-560 Fire, Health, Safety and Welfare

Section 10-560.1 as used in this Section:

Definitions

For the purpose of this Ordinance, the following terms, phrases, and words shall have the following meaning:

- a. "Hazardous Materials Emergency" means a sudden and unexpected release of any substances that, because of its quantity, concentration, or physical, chemical or infectious characteristics presents a direct and immediate threat to public safety or the environment, and requires immediate action to mitigate the threat.
- b. "Expenses" means all costs incurred for the response, containment and/or removal and disposal of hazardous materials on initial remedial action. It includes, but is not necessarily limited to, the actual labor costs of government and other personnel including workers compensation benefits, fringe benefits, administrative overhead and any costs of equipment, equipment operations, materials, disposal and any contract labor or materials.

Section 10-560.2 Recovery of Expenses

- A. Those persons or entities whose negligent or intentional actions cause or create, in whole or in part, a hazardous materials emergency within the boundaries of the City is liable to the City for all costs and expenses incurred in or arising from response to such hazardous materials emergency by the City and any other political subdivision, agency or cooperative entity. The City shall recover all such costs and expenses including reasonable attorneys fees, litigation expenses and court costs incurred in, related to or arising out of, all cost recovery efforts and enforcement of the terms of this Ordinance.

Comment [14]: Covered in business license section.

Deleted: <#>Applications for such permit shall be made to the recorder/clerk and shall contain a statement of the nature of the article, cards or advertisement to be distributed, the name of the applicant and the name of the manufacturer or distributor of such article or service advertised.¶
<#>Licenses shall be issued only to persons of good character. The chief of police shall make or cause to be made an investigation into the character of each applicant and shall report the results thereof to the recorder/clerk before any such license is issued

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Deleted: Section 10-500 Flood Management¶
See Chapter 11 in the Zoning Ordinance.¶
¶

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- B. All costs and expenses shall be billed at the current rate established and approved by resolution of the Executive Committee of the Inter-local Agreement for Cooperative Hazardous Materials Protection and Services.
- C. The payment of expenses under this section does not constitute an admission of liability or negligence in any legal action for damages.

Section 10-560.3 Cost Recovery Procedure

Section 10-560.4 Action to

- A. The City shall investigate and determine the person or entity responsible for causing or creating the hazardous materials emergency and shall notify the responsible party in writing of said determination of responsibility and the amount of costs and expenses incurred by the City in responding to the hazardous materials emergency.

The notice required above, shall specify that the party determined to be responsible for causing or creating the hazardous materials emergency has the right to appeal the decision. Such appeal shall be in accordance with Chapter 3 of the Land Use Ordinance. In the event the responsible party fails or refuses to pay all of the costs and expenses determined by the City related to or arising out of the City's response to the hazardous materials emergency within thirty days after assessment or after the governing body's decision on an appeal, the City may initiate a legal action to recover such costs, including reasonable attorney's fees and costs.

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Deleted: determining responsibility to the governing body of the City and shall specify a deadline for filing the notice of appeal and the person or office in which it must be filed. The deadline for filing the notice of appeal shall not be less than fifteen days from the date of the notice.¶
<#>In the event a notice of appeal is filed, the hearing before the governing body shall be an informal public hearing, and the parties shall not be required to adhere to the Utah rules of Civil Procedures or evidence. The appealing party and the City shall each be entitled to present evidence and argument in support of their respective positions, in accordance with procedures established at the hearing by the governing body.¶
<#>The decision of the governing body shall be final.¶
<#>Recover Costs¶

Section 10-560.5 Expenses of Other Responding entities

- A. In the event that personnel and equipment from other political subdivisions, agencies or cooperative entities shall respond to assist with the hazardous materials emergency, then the City shall recover costs and expenses incurred by such other political subdivisions, agencies or cooperative entities as part of City's cost recovery efforts.

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- B. Upon recovery of costs and expenses from the responsible party, the City is authorized to reimburse such other political subdivisions, agencies or cooperative entities from their actual costs incurred in responding to the hazardous materials emergency.

Section 10-561 Fire, Health, Safety and Welfare

1. As used in this Section:

- a) "Accident and extrication Emergency" means to aide in the removal of an injured person or fatality from a vehicular accident, where damage to the vehicle is such that it requires the use of Rescue 1 in the removal of the person.
- b) "Expenses" means actual labor costs of government and volunteer personnel including workers compensation benefits, fringe benefits, administrative overhead, cost of equipment, cost of equipment operations, cost of materials, and a cost of any contract labor and materials.

2.

- a) Upon certification of costs by the Fire Chief to Kanab City, the City Council may authorize the City Attorney to recover from those persons or entities whose operations or actions caused the accident and extrication emergency expenses incurred by Kanab City that are directly associated with a response to an accident and extrication emergency.
- b) Those persons or entities ~~responsible~~ for said expenses as set forth in paragraph 1(a) above shall be liable to Kanab City for all such expenses incurred by the City.
- c) The payment of expenses under this subsection does not constitute an admission of liability or negligence in any legal action for damages.
- d) The City is hereby authorized to collect its expenses in enforcing this ordinance from the persons or entities that cause the accident and

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extrication expenses and those expenses may include reasonable attorney's fees and litigation costs.

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Section 10-561.1 Severability¶

If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.¶

¶

Section 10-561.2 Effective Date¶

This Ordinance shall become effective immediately after passage and posting as required by law.¶



KANAB PARK

SCHEMATIC SITE PLAN : 22 JUNE 2016



ORDINANCE NO. 6-2-16 O

**AN ORDINANCE AMENDING KANAB CITY LAND USE ORDINANCE CONCERNING
CHAPTER 4 “Outdoor Residential Lighting”**

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 June 7th 2016 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 section 4-33

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 28th day of, June 2016.

KANAB CITY

MAYOR

ATTEST:

RECORDER

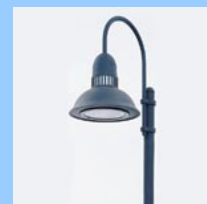
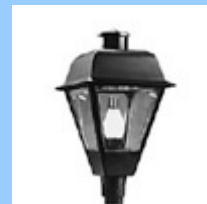
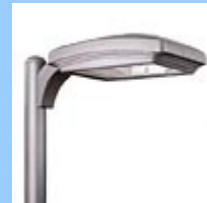
**Proposed amendment to Chapter 4 Supplementary Regulations, to create a new
Section 4-33 Outdoor Residential Lighting**

4-33 Outdoor Residential Lighting

Down Lighting: To protect the views of the night sky, and to keep light from unreasonably interfering with another's property enjoyment, all outside lighting shall be "down lighting" so that lighting does not trespass to adjoining properties. All exterior lighting should provide for the illumination of buildings and grounds for safety purposes, but in an aesthetic manner. All exterior lighting shall be shielded, hooded, or directed so that no direct light is allowed to directly trespass onto adjacent properties.

*The above restrictions do not apply to street lights or public parking lots, or holiday lighting.

**Examples of Dark-Sky
Sensitive Lighting**





KANAB
— UTAH —

Kanab City
Planning Commission
76 N Main, Kanab, UT 84741
435-644-2534

Date: June 13, 2016
To: City Manager, Joe Decker
From: Mike Reynolds, Land Use Coordinator
Subject: Revisions to the Kanab City Land Use Ordinance

On June 7, 2016 the Kanab City Planning Commission conducted a public hearing on Recommended Amendment to the Kanab City Land Use Ordinance Chapter 4, adding **4-33 Outdoor Residential Lighting**. The Recommended Amendment reads as follows;

Down Lighting: To protect the views of the night sky, and to keep light from unreasonably interfering with another's property enjoyment, all outside lighting shall be "down lighting" so that lighting does not trespass to adjoining properties. All exterior lighting should provide for the illumination of buildings and grounds for safety purposes, but in an aesthetic manner. All exterior lighting shall be shielded, hooded, or directed so that no direct light is allowed to directly trespass onto adjacent properties. *The above restrictions do not apply to street lights or public parking lots, or holiday lighting.

The purpose of the amendment is to minimize the effect of spot and flood lights in the residential area. The wording is consistent with the wording in Chapter 6 regarding Down Lighting. There were no objections or concerns voiced during the public hearing. I received no objections or concerns from the public prior to the Public Hearing.

At the conclusion of each public hearing, Mike Downward made a motion to Recommend to the Kanab City Council the amendment to Kanab City Land Use Ordinance Chapter 4. Marty Ott made the second and Motion passed unanimously.

Mike Reynolds
Land Use Coordinator
Kanab, Utah 84741

ORDINANCE NO. 6-3-16 O

**AN ORDINANCE AMENDING KANAB CITY LAND USE ORDINANCE CONCERNING
CHAPTER 18 “Density Formula Multifamily”**

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 June 21st 2016 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 18 section 18-4 and 18-6

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 28th day of, June 2016.

KANAB CITY

MAYOR

ATTEST:

RECORDER

Bob Proposed

Possible Zoning Code amendment to RM (Multi Family) zones (new portion is underlined)draft #4 by BN 5/24/16

Note: The purpose of this draft is to provide an alternate concept for the regulation of project density. Rather than prescribing a density formula (table, etc) with increasing lot size requirements based on the number of proposed units, the following draft relies on the site development standards to limit the maximum site density. The building height (35'), building coverage (50% max), parking (2.25 stalls/unit) and the landscaping (30% of site) will act to limit the amount of units feasible for a property. Smaller sized units could result in more overall units (ie, higher density), and larger units could result in less overall units (lower density). Credit for this concept goes to Attorney Jeff Stott, who raised this idea as a simpler way to deal with the issue of site density. In addition to simplifying the density issue, this concept would reduce the number of Multi Family zones from five to one, eliminating the need for a RM-7, RM-9, RM-11, RM-13, and RM-15 zones, and simply having one Multi Family zone.

Chapter 18 Multi-Family Residential Zones

Section 18-4 Density Regulations-Flexibility

The density shall ~~not exceed the densities given in the following table~~ is considered somewhat flexible and is subject to the approval of a site development plan by the City Council upon recommendation of the Planning Commission, per Chapter 9 Site Plan Review. The proposed project density must comply with the site development standards set forth in the Kanab Land Use Ordinance, and more specifically with the building height limitations set forth in section 18-3, the parking requirements in section 6-4, and the building coverage and landscaping standards set forth in section 18-6.

Note: The following table is deleted.

UNITS	MINIMUM LOT SIZE				
	RM-7	RM-9	RM-11	RM-13	RM-15
1st unit	12,000 sq ft	11,000 sq ft	10,000 sq ft	9,000 sq ft	8,000 sq ft
2nd and each additional unit	6,000 sq ft	5,000 sq ft	4,000 sq ft	3,000 sq ft	2,500 sq ft

Section 18-5 Area, Width, and Yard Requirements (Replaces existing table)

Zone	Area	Width	Front Setback	Side Setback	Rear Setback
RM	12,000	100'	25'	10'	10'

Proposed amendment to Chapter 18, Multi-Family Residential Zones

(draft #4, 6-14-16; proposed new wording is underlined)

Section 18-6 Modifying Regulations

A. The front yard setback area ~~may~~ **shall not** be used for the parking of motor vehicles ~~required as a part of the parking requirement or for additional visitor parking,~~ **except for tandem parking (behind another a vehicle) within the normal driveway area. Unless otherwise approved by the Planning Commission, the driveway area shall not exceed 50% of the front setback area.**

B. Side yard setback on a street side yard of a corner lot shall be the same as the front yard setback required for the district.

C. All accessory buildings located at least ten (10) feet behind the main building may have a rear yard and side yard of two (2) feet except on the street side of a corner lot.

D. The side and rear setbacks on interior lot boundary lines shall be twenty (20) feet along all boundaries for all two (2) story buildings. An additional ten (10) feet shall be added to the setback for each story over two (2) stories.

E. In group dwellings, no two buildings may be located closer together than 10 feet and the front on any dwelling or to a side or a rear property line on interior lot boundary lines less than 25 feet.

F. At least ~~30~~ **25** percent of the land area of any parcel shall be landscaped.¹ **Except for the driveway area and walkways, the front yard setback area shall be landscaped.**

G. Land coverage of all buildings shall not exceed 50 percent of the lot or parcel acreage.

H. **A site plan meeting the requirements of section 9-3 is required for multi-family residential buildings in the Multi-Family Residential Zones.**

I. **Two (2) parking spaces required for each unit**

¹**One half (1/2) of the landscaping must be in the front area**

Section 18-7 Supplementary Regulations

Supplementary regulations are provided in Chapter 4 of this



KANAB
— UTAH —

Kanab City

76 N Main, Kanab, Utah 84741

435-644-2534

Land Use Coordinator

435-616-0784

Date: June 24, 2016
To: Joe Decker, City Manager
From: Mike Reynolds, Land Use Coordinator
Subject: Staff Report; revisions to Kanab City Land Use Ordinance Chapter 18

On June 21, 2016, the Planning Commission conducted its third public hearing discussing revisions to Kanab City Land Use Ordinance Chapter 18-4 (Density Formula Multifamily) and 18-6 as related to 18-4. Public hearings were conducted on May 17, June 7, and June 21, 2016. During the last two meetings then public hearings, the commissioners began discussing and considering a percentage base density formula. Central to the discussion and public hearing were considerations for small, medium, and large type apartment units and how to accommodate the many variables. Secondly, the Planning Commission wanted to take a proactive approach in encouraging developers by eliminating some of the confusion and ease some restrictions in the RM zones. Finally, the Commission hoped to provide contractors and developers a simplified formula for multifamily designs that will work in all RM zones eliminating the numerical designation 7 through 15.

The percentage base formula would divide a parcel into three distinct sections of building(s) footprint, landscaping, and parking. By assigning these percentages, it solved all the problem of trying to figure the number of allowed units based an acre or portions of an acre. In basic terms, the footprint of the total building(s) can consume a maximum of 50% of the parcel, Landscaping must consume a minimum of 25% of the parcel (one half must be in the front area), and parking would be the remaining 25%. Notice the constant is the minimum requirement of Landscaping at 25%. The building(s) footprint and parking are dependent upon each other. Along with the percentage formula, the Commission lowered the parking requirement for multifamily residential from 2.25 parking spaces per unit to 2 parking spaces per unit. Buildings containing more units may require a larger parking lot that will ultimately reduce the footprint of the building(s).

During the discussion and public hearings regarding proposed revisions to Kanab City Land Use Ordinance Chapter 18, there were no objections or concerns from the citizens. During all three public hearings citizens in attendance participated in the discussion and all comments were positive in nature and tended to agree with the direction of the commission. I received positive feedback from several contractors and developers on the percentage base formula for density as applied to Chapter 18.

Melvin Watson made the motion to Recommend revisions to Kanab City Land Use Ordinance Chapter 18 (18-4, 18-5, and 18-6) as proposed by City Planner Bob Nicholson with the exception of setting the minimum landscaping at 25% and one half of that landscaping must be in the front area, and reduce parking requirements for Multifamily Residential from 2.25 to 2 parking spaces per unit. Discussion followed to clarify the parking and landscaping. Marty Ott 2nd the motion. A roll call vote was conducted and passed unanimously.

Mike Reynolds, Land Use Coordinator

KANAB CITY RESOLUTION 6-3-16 R

Resolution Amending the Fiscal Year 2015/2016 Budget

WHEREAS, the City of Kanab is desirous of adopting Budgets for the fiscal year ending June 30, 2015 and

WHEREAS, said Budgets have been reviewed by the City Council, and a public hearing has been held, and the Budgets have been found to be acceptable, and

WHEREAS, said Budgets and supporting schedules have been of public record available for public inspection for more than 10 days prior to the passage of this Resolution, and

WHEREAS, notice of time and place of the required public hearing on said Budgets has been properly given.

NOW THEREFORE,

BE IT HEREBY RESOLVED that the attached Budgets and supporting schedules for the operation of the City of Kanab be and are hereby adopted for the fiscal year ending June 30, 2016.

Passed by the City Council of the City of Kanab this 28th day of June, 2016

Robert Houston, Kanab City Mayor

Attest: Joseph Decker, Recorder

	Budget	New Request
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Revenue

10-31-30	\$	725,000.00	\$	800,000.00	Sales Tax
10-31-31	\$	580,000.00	\$	640,000.00	Resort Tax
10-31-32	\$	132,000.00	\$	160,000.00	TRT
10-31-33	\$	215,000.00	\$	245,000.00	MET
10-36-91	\$	-	\$	130,000.00	General Fund (Swimming pool)
45-30-72	\$	-	\$	330,000.00	Transfer to Capital Projects (swimming Pool, Excess Balance)

Expenditures

10-41-24	\$	12,500.00	\$	23,500.00	Office Expence (admin)
10-54-99	\$	-	\$	10,000.00	Capital (Police)
10-58-26	\$	25,000.00	\$	27,500.00	Equipment (Fire)
10-59-33	\$	10,000.00	\$	33,000.00	Plan Checks(Building)
10-60-44	\$	216,000.00	\$	327,000.00	Class C Roads (Streets)
10-62-65	\$	100,000.00	\$	125,000.00	Fuel Purchases (airport)
10-64-11	\$	48,500.00	\$	65,000.00	Salaries (Parks)
10-70-11	\$	-	\$	330,000.00	General Fund Transfer To Capital Project (Swimming pool, Excess Balance)
10-64-13	\$	38,300.00	\$	46,000.00	Benefits (Parks)
51-80-24	\$	10,000.00	\$	18,000.00	Office Expence (Water)
51-95-90	\$	200,000.00	\$	275,000.00	Capital Outlay (Water)