

Item No. 8. Discussion: The Providence City Council will discuss zoning enforcement for accessory buildings.

Item No. 9. Discussion: The Providence City Council will discuss impact fees.

Item No. 10. Discussion: The Providence City Council will discuss park improvements for property located at 800 South 400 East.

Staff Reports: Items presented by Providence City Staff will be presented as information only.

Council Reports: Items presented by the City Council members will be presented as informational only; no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

Executive Session Notice:

The Providence City Council may enter into a closed session to discuss pending or reasonably imminent litigation as allowed by Utah Code 52-4-205(1)(c).

The Providence City Council may enter into a closed session to discuss professional competence or other factors allowed by Utah Code 52-4-205(1)(a).

The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property Utah Code 52-4-205(1) (d) and (e).

Agenda posted the 22 day of July 2016.


Skarlet Bankhead
City Recorder

If you are disabled and/or need assistance to attend council meeting, please call 752-9441 before 5:00 p.m. on the day of the meeting.

Pursuant to Utah Code 52-4-207 Electronic Meetings – Authorization – Requirements the following notice is hereby given:

- Providence City Ordinance Modification 015-2006, adopted 11/14/2006, allows City Council member(s) to attend by teleconference.
- The anchor location for this meeting is: Providence City Office Building, 15 South Main, Providence, UT.
- Member(s) will be connected to the electronic meeting by teleconference.

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 **July 12, 2016 6:00 PM**

3 **Providence City Office Building**

4 **15 South Main, Providence UT**

5
6 Call to Order: Mayor Calderwood

7 Roll Call of City Council Members: Mayor Calderwood

8 Attendance: Jeff Baldwin, John Drew, Dennis Giles, Roy Sneddon

9 Pledge of Allegiance: Mayor Calderwood

10 Excused: Kirk Allen

11
12 **Approval of the minutes**

13 **Item No. 1.** The Providence City Council will consider approval of the minutes of June 14, 2016 City Council
14 meeting.

15 **Motion to approve the minutes of June 14, 2016 with the following corrections: J Drew, second – D Giles**

- 16 • Page 4, line 2 - similar to a decrease

17 **Vote: Yea: J Baldwin, J Drew, D Giles, R Sneddon**

18 **Nay: None**

19 **Abstained: None**

20 **Excused: K Allen**

21 **Item No. 2.** The Providence City Council will consider approval of the minutes of June 28, 2016 City Council
22 meeting.

23 **Motion to approve the minutes of June 28, 2016: J Drew, second – J Baldwin**

- 24 • Page 4, line 2 – has looked at, line 14 - some not come
- 25 • Page 7, line 3 – Wyman to Lyman, can we not ride up the road to Providence Canyon
- 26 • Page 7, line 6 – J Baldwin’s comment, line 46 – Curt not, line 8 – see a violation or you have to sign a
27 complaint, Line 10 - fix it
- 28 • Page 8, line 1 – some communities require the company to come back and put on the Ha5 within 18
29 months after completion.

30 **Vote: Yea: J Baldwin, J Drew, D Giles, R Sneddon**

31 **Nay: None**

32 **Abstained: None**

33 **Excused: K Allen**

34 **Public Comments:** Citizens may appear before the City Council to express their views on issues within the City’s
35 jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total
36 time allotted to public comment is 15 minutes The City Council may act on an item, if it arose subsequent to the
37 posting of this agenda and the City Council determines that an emergency exists.

- 38 • Laura Fisher commented on J Drew’s letter to the editor in Sunday’s paper. The letter, referencing the
39 new building, street resurfacing, parks and higher impact fees, seems like its purpose was to stir up or
40 perpetuate controversy. The Council approves budgets and she thought that is where the decisions are
41 made in regards to road maintenance. Feels there are enough parks and the mountains and open spaces
42 serve the need for parks. She feels the comparison of Providence to Nibley was shocking. City Council has
43 the power to raise impact fees and developers should pay their own way through impact fees. She does
44 not feel the city is playing catch up to development in regards to water. She thought the letter sounded
45 like he was not on the City Council. She thinks there is a possibility of suggesting problems, when the
46 problems are eternal. City is not a business trying to make more money to build more things.
- 47 • J Drew said impact fees require a capital facilities study first. When impact fees are not updated, then
48 residents are left to make up the difference. State code requires the general plan be updated every 5
49 years. Impact fees, water – this takes many months of study, we don’t know what is needed and what the
50 costs will be. Water has to be taken care of before development comes. We need to look to the future
51 and decide how we want the city to be. We need to decide how the city looks, not developers. We need a
52 5 or 10 year road for plans, not resurfacing, but replacing. Road base is sometimes 12”, but code requires
53 36”. Nibley has a stellar reputation as far as planning and development. An economic development plan is

1 also required by the state.

- 2 • There was further discussion between J Drew and L Fisher regarding the points of the letter and
- 3 development for Providence City.
- 4 • R Sneddon said it is a mischaracterization to suggest roads here need 36" of road base. Number of axels
- 5 and their weight is small and the number of repetitions is small here in Providence.
- 6 • Mayor Calderwood said portions of the general plan have been addressed by the Planning Commission.
- 7 The council is not bound by the general plan, it is a guide.
- 8 • Kathleen Alder commented on the general plan. She has been to planning and zoning meetings. There is
- 9 no business that can run and be successful without a general plan. She asked each council member if they
- 10 have looked at the general plan. She feels the plan is vague, she does not feel it is a good plan. It needs to
- 11 be updated and challenged the mayor and council to get the plan going. Decisions made by planning and
- 12 zoning can follow the general plan. She would like to see a vision statement addressing who we want to
- 13 be and what kind of businesses do we want to attract.
- 14 • Mayor said there was a plan and two weeks ago the planning commission and council varied from the
- 15 plan, but there is a general plan in place.
- 16 • J Drew said the general plan makes everyone's job easier. If for whatever reason the city ends up in court
- 17 with a developer, it can be said that the city has a general plan that was followed. Currently, our plan is
- 18 one size fits all, it needs to be amended. He was asked by the Mayor to represent the City Council at
- 19 Planning Commission. He takes that job seriously and is working to get the general plan more defined and
- 20 pull all the elements together. If it is revisited every year, it is easier to update.
- 21 • K Alder said she would like to see Providence be successful. She has had enough of the negativism, she
- 22 would like to see more people involved. Get a plan in place so your jobs can be easier.
- 23 • Brian Cox also commented on the letter to the editor in today's paper. He feels Providence can only grow
- 24 so much so all the more important for a general plan.
- 25 • Richard Eames likes planning. Would like to know from J Drew or Rob why we are only doing 3 blocks of
- 26 road per year. R Stapley said that is what the budget covers at the current costs. R Eames does not think
- 27 there is a city that does their streets every three or five years. Has never seen 36" of road base.
- 28 • R Stapley said new roads with 3" asphalt should last about 20 years. New technology, like HA5 will bring
- 29 extra life, but it is yet to be seen how much it will add to the life of a road.
- 30 • R Sneddon commented that there is no way to discuss pavement design off the tops of our heads. We
- 31 need qualified people for that discussion. Rob is doing a great job with limited funds, and it is our job to
- 32 help him with funding the best we can. It is not a simple straight forward thing to rebuild roads.

33 **Business Items:**

34 **Item No. 1. Order of the Providence City Council:** The Providence City Council will consider an Order restricting

35 the use of fireworks in certain areas of the City.

36 **Motion to approve the order restricting the use of fireworks: J Baldwin, second – R Sneddon**

- 37 • S Bankhead said this is the same order we've used in the past. Brent Speth from Logan City Fire sits on
- 38 Executive Staff and has helped with this plan. After July 4th there were four fires in Cache County and two
- 39 of them were in Providence. Area to be restricted will be as follows:
 - 40 ○ Beginning at approximately 450 North 300 East, all properties north of 450 North and east of 300
 - 41 East continuing south to 100 South, all properties south of 100 South and east of Main Street
 - 42 continuing south to 500 South, all properties south of 500 South, continuing west to Meadow
 - 43 Lane, all properties west of Meadow Lane, continuing north to 300 South, then all properties
 - 44 west of Garden Drive continuing north to Golf Course Rd, all properties north of Golf Course
 - 45 Road, continuing east to 100 West, all properties west of 100 West continuing north to Spring
 - 46 Creek Parkway, all properties north of Spring Creek Parkway continuing east to approximately
 - 47 450 North 300 East.
- 48 • J Baldwin feels it is too restrictive. He prefers instead, no fireworks east of any developed street in
- 49 Providence.
- 50 • R Sneddon said favors the restriction.
- 51 • J Drew said the grass is high and there is potential for fire. He favors the restriction.
- 52 • Mayor Calderwood said if you walk along the mountain there is a lot of high green grass, but at the
- 53 bottom of the grass is a lot of dead vegetation.

- D Giles said some of the areas that aren't restricted are just as dry as some of the areas that are restricted.
- S Bankhead said it is a restrictive map, and it is practically impossible to enforce and there are developed streets that have only one or two houses and empty dry lots.

Vote: **Yea:** R Sneddon, J Drew
Nay: J Baldwin, D Giles
Abstained: None
Excused: K Allen

Mayor Calderwood cast a tie-breaking vote in favor of the restriction. The Order passed.

Item No. 2. Ordinance 2016-016. The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 10 Zoning Regulations, Chapter 6 Use Regulations, Section 1 Use Chart including but not limited to adding the words "counter top or" before the words "cabinet shop" in Item H. Industry and Manufacturing, Use 3.

Motion to approve Ordinance 2016-016: J Baldwin, second - R Sneddon

- S Bankhead explained the background of this ordinance. As planning commission reviewed the use chart, they decided some uses had to be given their own line items, such as cabinet shop and countertop shop. They also made recommendations that other uses be allowed as a home business by conditional use. After much discussion they decided there are some businesses that should not be allowed in any residential zones. She reviewed other changes the Planning Commission has recommended to the Use Chart.
- S Bankhead also discussed CHD and CGD. C (conditional) and P (permitted) uses can be added to the CGD if the council so chooses. She explained that conditional use means a use is okay as long as negative impact is mitigated.
- There was discussion regarding uses in certain zones of the city. Non-conforming businesses and variances were also discussed.

Vote: **Yea:** J Baldwin, J Drew, D Giles, R Sneddon
Nay: None
Abstained: None
Excused: K Allen

Item No. 3. Discussion: The Providence City Council will discuss options for a future culinary water reservoir.

- Max Pierce, city engineer, addressed the council. This is an effort to narrow down possible locations for a zone 2 tank and to determine what type of piping would be associated with the tank. He explained pressure zones to the audience. He explained how each of the locations would operate and discussed the pros and cons of each location. These are schematic designs.
- Mayor explained this project is three or four years out.
- J Drew asked if the city is at capacity during high water use periods. He thinks three or four years out might be pushing it.
- M Pierce said the water master plan showed the need for a new water tank back in 2007. There are three main areas to look at. First is source (water rights). Providence is doing very well. Weather is the biggest impact. 2007 was the worst year for weather impact and there were a number of leaks. Distribution is another area to look at. Our distribution system is in good shape. There are areas that need to be addressed, but otherwise, it is in good shape. Storage is another area to consider. This is looked at by zone and this is where the city needs to focus efforts.
- Mayor said impact fees will help pay for some of the new tank, but the tank will serve the city, not just one development. We also have the ability to go from one tank to another if one tank fails or has negative issues.
- J Drew said developers can help pay for the costs of a tank with participation from the city. He felt the city should seriously consider donated land.
- R Stapley said there are a lot of variables when it comes to tank needs. We have a pretty elaborate system for our little town. Now is the time to begin and start planning for our water storage. We haven't ever run out of water, but it could happen easily so we need to start planning for our needs.
- Pros and cons of each option were further discussed.

1 • R Stapley said our system is designed to maximize gravity feed which saves a lot of money in pumping.
2 **Item No. 4. Resolution 033-2016:** The Providence City Council will consider for adoption a resolution approving the
3 Development and Public Improvement Installation Agreement for Little Baldy Place Subdivision, a 37-lot residential
4 subdivision located generally at 80 North Sherwood Drive.

5 **Motion to approve Resolution 033-2016: J Drew, second - D Giles**

- 6 • J Baldwin asked if there were any water rights being donated to the city.
- 7 • S Bankhead said the water requirement has been met according to our ordinance. 159.73 acre feet has
8 been calculated. Stan Checketts felt this was too much water for 34 acres. However, this property was
9 annexed in 2004 and at that time 0.714 acre feet for each ERC (household connection) was required. Now
10 estimations are a little more sophisticated and we know exactly how many homes are coming in, that is
11 why there is a difference between the 2004 requirement and now. The water is municipal use. They are in
12 non-use category now but they are assigned to the well location out on the north site.
- 13 • S Checketts commented that he would like to have the water for the future use of the city. He would
14 prefer not to have the future reservoir on his property. He does not want to donate the property, but
15 there is potential for more development in the north end of the city so he has offered to donate the
16 property for that future development.
- 17 • R Stapley showed the council the plan for the tank in Stan Checketts' development.
- 18 • S Bankhead explained to the audience where that reservoir will be located.
- 19 • Mayor Calderwood encouraged the council to continue this item and not vote on this agreement because
20 of the topography and CUP requirements.
- 21 • J Drew asked Stan Checketts what kind of interest he has seen in this subdivision.
- 22 • S Checketts said at one time there was a lot of interest, but because of the restrictions and the lengthy
23 process, interest has died down.
- 24 • J Drew said in past council and planning commission meetings there has been interest in SFE subdivisions.
25 He thinks the lots will sell quickly.
- 26 • Andrea Diamond said it has been discussed that maybe estate isn't the best way to sell lots, but those lots
27 will draw certain people who will spend that kind of money to have estate lots.
- 28 • Steve Jenson also agreed there is a demand for estate and larger lots.
- 29 • Mayor Calderwood said there is still no confirmed engineering on the fault line.
- 30 • S Bankhead said the geotech report was received by the city today. She read from the Development
31 Agreement regarding the relocation of the deer trail. The Bonneville Shoreline Trail area will be protected.
32 She reviewed other items in the Agreement regarding building on hazardous slopes. Stan has identified
33 the hazardous slopes that will require a conditional permit use.
- 34 • J Baldwin feels this can move forward without further delay.
- 35 • R Sneddon said this is the best reiteration, but still needs work. He doesn't want people buying lots and
36 then finding out they have CUP restrictions.
- 37 • S Bankhead said that is not part of the Development Agreement, but there will be another shorter
38 document that will be recorded at the county recorder's office that will identify CUP's and hazard overlay
39 zones. People will know they are building in a hazardous area.
- 40 • There was more discussion about the fault line.
- 41 • J Baldwin suggested changing the wording from may to will on line 1 in 8.6 of the Development
42 Agreement.
- 43 • R Sneddon feels the earthquake issue needs to be further clarified. The Development Agreement does not
44 clarify anything except the fact that there is a problem. He feels engineers should address the subdivision
45 as if all lots were in an earthquake zone.
- 46 • Mayor Calderwood said he only wanted to see the City indemnified from all liability in the Development
47 Agreement.
- 48 • J Baldwin commented that any home going in that subdivision will be built to earthquake and hazardous
49 slope specifications.

50 **Vote: Yea: J Baldwin, J Drew, D Giles**
51 **Nay: R Sneddon**
52 **Abstained: None**
53 **Excused: K Allen**

1 **Item No. 5. Discussion:** The Providence City Council will discuss compensation for members of the Providence City
2 Planning Commission.

- 3 • J Drew felt \$50/meeting would be a good place to start. Planning Commission has committed to meeting
4 every week until they are done with the general plan. He had a question about compensation for Utah
5 League of Cities and Towns.
- 6 • S Bankhead said the city pays registration fees and pays for training expenses (travel, lodging, etc.).
- 7 • Rowan Cecil recommends the chairman be paid more than other commissioners.
- 8 • There was discussion about paying the chairman \$75/meeting.

9 **Item No. 6. Discussion:** The Providence City Council will discuss implementing merit increases for City employees.

- 10 • Mayor Calderwood said the council did approve a 3% increase in the past.
- 11 • J Baldwin handed out a report showing current rates/wages with proposed increases showing new
12 rates/wages. It was based on a percentage increase.
- 13 • There was discussion about merit based increases.
- 14 • S Bankhead said evaluations could be made now. Supervisors have an idea of employees are performing.
- 15 • J Drew said if a merit based increase is going to be implemented, employees need to be notified.
- 16 • Mayor Calderwood said Human Resources would need to be utilized.
- 17 • J Drew said supervisors would also have to be trained.
- 18 • J Baldwin said if a 3% is approved for this year, then a system needs to be in place so that at this time next
19 year there is a record of performance for merit pay.
- 20 • Mayor Calderwood said we do not have employee reviews, but there is documentation on employee
21 performance.
- 22 • J Drew commented that evaluations aren't necessarily a negative thing.
- 23 • Sharell Eames objects to merit pay. She hopes the council will discuss this with employees.
- 24 • Andrea Diamond and Richard Eames also commented on merit pay.
- 25 • Mayor Calderwood said the city provides a service to the citizens. There are a lot of services that go
26 through the city. He suggested a 3% increase this year and then continuing the discussion for merit pay.
- 27 • J Drew said his concern is supervisors doing their job. He feels across the board raises are fine but then
28 accountability is compromised.

29 **Item No. 7. Discussion:** The Providence City Council will discuss off-highway vehicle use and Providence City Code
30 Title 5 Chapter 9 Off-Highway Vehicles.

31 **Motion to continue Items No. 7, 8 and 9 to next council meeting: J Drew, second – J Baldwin**

32 **Vote: Yea: J Baldwin, J Drew, D Giles, R Sneddon**
33 **Nay: None**
34 **Abstained: None**
35 **Excused: K Allen**

36 **Item No. 8. Discussion:** The Providence City Council will discuss zoning enforcement for accessory buildings.

37 **Item No. 9. Discussion:** The Providence City Council will discuss park improvements for property located at 800
38 South 400 East.

39 **Staff Reports:** Items presented by Providence City Staff will be presented as information only.

40 Rob Stapley provided a written report for each council member and the Mayor which included the following:

- 41 • Fuhriman Drive project is under construction. Curb is scheduled to be done on Thursday.
- 42 • 300 East 10th South project has most of the new road sub-grade in and the contractor plans on starting
43 the retaining wall this week.
- 44 • 400 South rebuild is moving along.
- 45 • Crack seal and HA5 has been completed for this year.
- 46 • Line striping is scheduled for July 14th.
- 47 • Birch Creek Construction began the water utility upgrades for 400 S. on Monday.
- 48 • Nothing new to report for sanitary sewer or storm water.
- 49 • Requests for proposals are coming in soon for xeriscape concepts for Jay's Well Park.

50 S Bankhead said the council has received the monthly invoice register in their packet. There were no further
51 questions from the council.

1 **Council Reports:** Items presented by the City Council members will be presented as informational only; no formal
2 action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and
3 the City Council determines that an emergency exists.

- 4 • No council reports.

5
6 **Executive Session Notice:**

7 The Providence City Council may enter into a closed session to discuss pending or reasonably imminent litigation as
8 allowed by Utah Code 52-4-205(1)(c).

9 The Providence City Council may enter into a closed session to discuss professional competence or other factors
10 allowed by Utah Code 52-4-205(1)(a).

11 The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property
12 Utah Code 52-4-205(1) (d) and (e).

13 There was no executive session.

- 14 • No executive session.

15 **Motion to adjourn: J Drew, second – J Baldwin**

16 **Vote: Yea: J Baldwin, J Drew, D Giles, R Sneddon**

17 **Nay: None**

18 **Abstained: None**

19 **Excused: K Allen**

20 Meeting adjourned at 10:00 pm.

21 Minutes recorded and prepared by C Craven.

22
23
24
25
26
27

Don W. Calderwood, Mayor

Skarlet Bankhead, City Recorder



Providence City

15 South Main Street
Providence, UT 84332
(435) 752-9441 • Fax: (435)753-1586

PROVIDENCE CITY COUNCIL NOTICE OF PUBLIC HEARING

Project Type: Vacate and relocate a public utility easement

Applicant: Kory Smith and Josh Maughan

Project Location/Description: Proposed vacation and relocation of the Public Utility Easements (PUE) located between Lots 4 and 5 of the Edgehill Drive Estates Subdivision, and located between Lot 5 of the Edgehill Drive Estates Subdivision and Lot 34 East Edgehill Estates Phase 2, located at 292 Edgehill Drive

Hearing Date: July 26, 2016

Hearing Time: 6:15 PM

Hearing Location: Providence City Office Building, 15 South Main, Providence UT

Prior to making a recommendation on the proposed vacation and relocation of the Public Utility Easements (PUE) located between Lots 4 and 5 of the Edgehill Drive Estates Subdivision, and located between Lot 5 of the Edgehill Drive Estates Subdivision and Lot 34 East Edgehill Estates Phase 2, located at 292 Edgehill Drive, the City Council is holding a public hearing. The purpose of the public hearing is to provide an opportunity for anyone interested to comment on the proposal before action is taken. The City Council invites you to attend the hearing in order to offer your comments.

If you are disabled and/or need assistance to attend the public hearing, please call 752-9441 before 5:00 p.m. on the day of the meeting.

Thank you,

Skarlet Bankhead
City Recorder

Newspaper Publication Date(s): 07/16/2016

Posting Date: 07/15/2016

Posting Locations:

1. Providence City Office Building, 15 South Main
2. Providence City website www.providencacity.com
3. Utah Public Notice Website
4. 292 Edgehill Drive

PROVIDENCE CITY COUNCIL
NOTICE OF PUBLIC HEARING

Hearing Description: 2017 Budget Adjustments for the Capital Project Fund (CPF) Increasing the CPF Prior Year Funds revenue from \$345,000 to \$785,000; and increasing Administrative Expense Construction Improvements from \$0.00 to \$200,000 and Public Works Parks Construction Improvements from \$0.00 to \$240,000. A \$445,000 increase moving money from fiscal year ending 06/30/2016 to fiscal year ending 06/30/2017.

Hearing Date: Tuesday, July 26, 2016

Hearing Time: 6:30 p.m.

Hearing Location: Providence City Office Building, 15 South Main, Providence UT

Prior to making adjustments to the 2017 Budgets for Capital Project Fund, the City Council is holding a public hearing. The purpose of the public hearing is to provide an opportunity for anyone interested to comment on the adjustments before action is taken. The City Council invites you to attend the hearing in order to offer your comments.

If you are disabled and/or need assistance to attend the public hearing, please call 752-9441 before 5:00 p.m. on the day of the meeting.

Thank you,


Skarlet Bankhead
City Recorder

Newspaper Publication Date(s): 07/16/2016

Posting Date: 07/15/2016

Posted on www.providencacity.com and the Utah Public Notice Website

1
2
3 **Ordinance No. 2016-017**

4 AN ORDINANCE VACATING AND RELOCATING THE PUBLIC UTILITY EASEMENTS (PUE) LOCATED BETWEEN
5 LOTS 4 AND 5 OF THE EDGEHILL DRIVE ESTATES SUBDIVISION, AND LOCATED BETWEEN LOT 5 OF THE
6 EDGEHILL DRIVE ESTATES SUBDIVISION AND LOT 34 EAST EDGEHILL ESTATES PHASE 2, LOCATED AT 292
7 EDGEHILL DRIVE

8 WHEREAS UCA § 10-9a-102.(2) states “. . . municipalities may enact all ordinances, resolutions, and rules
9 and may enter into other forms of land use controls . . .” and

10
11 WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the
12 prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality and its
13 present and future inhabitants and businesses, to protect the tax base, to secure economy in
14 governmental expenditures, to foster the state's agricultural and other industries, to protect both urban
15 and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide
16 fundamental fairness in land use regulation, and to protect property values in areas that may be
17 considered sensitive, including but not limited to fire danger, slope, soil content.

18
19 WHEREAS Kory Smith and Josh Maughan filed a petition with the City for vacation and relocation of the
20 Public Utility Easements (PUE) located between Lots 4 and 5 of the Edgehill Drive Estates Subdivision, and
21 located between Lot 5 of the Edgehill Drive Estates Subdivision and Lot 34 East Edgehill Estates Phase 2,
22 located at 292 Edgehill Drive.

- 23 • The Applicants would like to eliminate Lot 5 of Edgehill Drive Estates and absorb a portion of the
24 lot into lot 34 of East Edgehill Drive Estates and the other portion in Lot 4 of Edgehill Drive
25 Estates.
26 • The City Council considered the following:
27 Findings of Fact:
28 ○ UCA § 10-9a-609.5 outlines the requirements for a petition to request vacation of an
29 easement.
30 ○ UCA § 10-9a-609.5(2) and UCA § 10-9a-208 requires the City Council hold a public
31 hearing.
32 ○ UCA 10-9a-609.5(3) The legislative body may adopt an ordinance granting a petition to
33 vacate some or all of a . . . easement if the legislative body finds that: (a) good cause
34 exists for the vacation; and (b) neither the public interest nor any person will be
35 materially injured by the vacation.

36 Conclusions of Law:

- 37 ○ The petition meets the requirements of UCA § 10-9a-609.5.
38 ○ On July 26, 2016, the Providence City Council held a public hearing pursuant to UCA §
39 10-9a-609.5(2) and UCA § 10-9a-208.
40 ○ The City Council finds good cause exists for the vacation.
41 ○ The City Council finds neither the public interest nor any person will be materially
42 injured by the vacation.

43 Conditions:

- 44 ○ After adoption and signature, this ordinance will be recorded in the office of the Cache
45 County Recorder.
46 ○ The Applicants will continue with the amended plat process.

47
48 THEREFORE be it ordained by the Providence City Council

- 49 • This ordinance shall be adopted based on the findings of fact, conclusions of law, and conditions
50 listed above.
51 • This ordinance shall become effective immediately upon passage and posting.
52

1 Ordinance adopted by vote of the Providence City Council this 26 day of July 2016.

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

Council Vote:

Allen, Kirk	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Baldwin, Jeff	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Drew, John	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Giles, Dennis	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Sneddon, Roy	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent

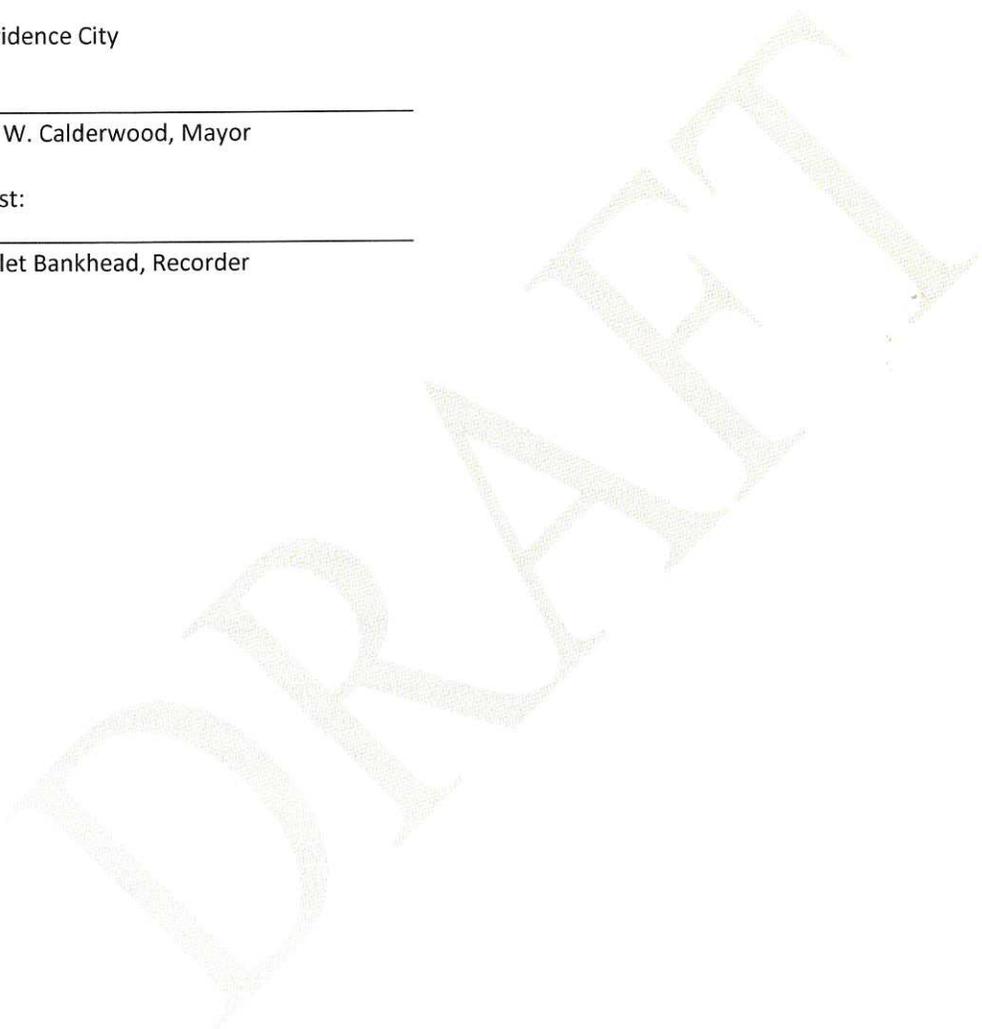
Signed by Mayor Don W Calderwood this day of July 2016.

Providence City

Don W. Calderwood, Mayor

Attest:

Skarlet Bankhead, Recorder



Ordinance No. 2016-013

AN ORDINANCE AMENDING PROVIDENCE CITY CODE TITLE 2 BOARDS AND COMMISSIONS, CHAPTER 1 PLANNING COMMISSION TO ALLOW PLANNING COMMISSION MEMBERS (INCLUDING ALTERNATE MEMBERS) TO BE COMPENSATED FOR MEETING ATTENDANCE.

WHEREAS UCA § 10-3-702 states "The governing body may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by this act or any other provision of law. . ." and

WHEREAS UCA § 10-9a-301(2) states: "The legislative body may fix per diem compensation for the members of the planning commission, based on necessary and reasonable expenses and on meetings actually attended."

WHEREAS Providence City desires to compensate planning commission members (including alternate members) for meetings actually attended.

- Providence City Code 2-1-1:D. currently states: "Members shall be selected without respect to political affiliation and shall serve without compensation except for the payment of reasonable expenses."
- It is proposed Providence City Code 2-1-1:D be amended as follows: Members shall be selected without respect to political affiliation and shall ~~serve without compensation except for the payment of reasonable expenses~~ **be compensated based on reasonable expenses and on meetings actually attended. The compensation rate for meetings actually attended shall be established by resolution of the City Council.**

THEREFORE be it ordained by the Providence City Council

- The attached code amendment shall be approved based on the
- This ordinance shall become effective immediately upon passage and posting.

Ordinance adopted by vote of the Providence City Council this 26 day of July 2016.

Council Vote:

Allen, Kirk	() Yes	() No	() Excused	() Abstained	() Absent
Baldwin, Jeff	() Yes	() No	() Excused	() Abstained	() Absent
Drew, John	() Yes	() No	() Excused	() Abstained	() Absent
Giles, Dennis	() Yes	() No	() Excused	() Abstained	() Absent
Sneddon, Roy	() Yes	() No	() Excused	() Abstained	() Absent

Signed by Mayor Don W Calderwood this day of July 2016.

Providence City

Don W. Calderwood, Mayor

Attest:

Skarlet Bankhead, Recorder

Resolution 034-2016

A RESOLUTION ESTABLISHING COMPENSATION FOR PLANNING COMMISSION MEMBERS (INCLUDING ALTERNATE MEMBERS) AT THE RATE OF \$50 PER MEETING, FOR MEETINGS ACTUALLY ATTENDED.

WHEREAS UCA § 10-7-717 Purpose of resolutions, states, "Unless otherwise required by law, the governing body may exercise all administrative powers by resolution . . ."

WHEREAS UCA § 10-9a-301(2) states: "*The legislative body may fix per diem compensation for the members of the planning commission, based on necessary and reasonable expenses and on meetings actually attended.*"

WHEREAS Providence City desires to compensate planning commission members (including alternate members) for meetings actually attended.

- On July 26, 2016, the Providence City Council adopted Ordinance 2016-013 amending Providence City Code 2-1-1:D allowing compensation for planning commission members for meetings actually attended.
- The Providence City Council members have suggested \$75 per meeting actually attended for the chair and \$50 per meeting actually attended per member for all other members, including alternate members.

THEREFORE be it resolved by the Providence City Council:

- The above rates shall be approved.
- This resolution shall become effective immediately upon passage.

Passed by vote of the Providence City Council this 26 day of July, 2016.

Council Vote:

Allen, Kirk	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Baldwin, Jeff	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Drew, John	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Giles, Dennis	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Sneddon, Roy	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent

Providence City

Don W Calderwood, Mayor

Attest:

Skarlet Bankhead, Recorder

Resolution 035-2016

A RESOLUTION ADJUSTING THE 2017 CAPITAL PROJECT FUND BUDGET.

WHEREAS UCA § 10-7-717 Purpose of resolutions, states, "Unless otherwise required by law, the governing body may exercise all administrative powers by resolution . . ."

WHEREAS Providence City Council moved money into the 2016 Capital Project Fund for projects anticipated to be completed during the 2016 Budget Year.

- Several projects were not completed during the 2016 Budget Year.
- The following 2017 Capital Project Fund Budget (CFP) adjustments are recommended:
 - Increase CPF Prior Year Funds revenue from \$345,000 to \$785,000; a \$440,000 increase. This money was transferred from the General Fund to the CPF in previous budget years. It is not a new transfer from the General Fund to the CPF.
 - Increase Administrative Expense Construction Improvements from \$0.00 to \$200,000, a \$200,000 increase, for the 164 North Gateway Drive building remodel.
 - Increase Public Works Parks Construction improvements from \$0.00 to \$240,000, a \$240,000 increase, for the lighting project at Zollinger Park.
- Prior to making the above budget adjustments, the City Council held a public hearing on July 26, 2016. The purpose of the public hearing was to provide an opportunity for anyone interested to comment on the adjustments before action is taken.

THEREFORE be it resolved by the Providence City Council:

- The above described budget adjustments shall be approved.
- This resolution shall become effective immediately upon passage.

Passed by vote of the Providence City Council this 26 day of July, 2016.

Council Vote:

Allen, Kirk	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Baldwin, Jeff	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Drew, John	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Giles, Dennis	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Sneddon, Roy	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent

Providence City

Don W Calderwood, Mayor

Attest:

Skarlet Bankhead, Recorder

Resolution 036-2016

A RESOLUTION GRANTING AN UNDERGROUND RIGHT OF WAY EASEMENT TO ROCKY MOUNTAIN POWER AT ZOLLINGER PARK FOR THE PROVIDENCE BALL PARK LIGHTS PROJECT.

WHEREAS UCA § 10-7-717 Purpose of resolutions, states, “Unless otherwise required by law, the governing body may exercise all administrative powers by resolution . . .”

WHEREAS Providence City desires to increase capacity for use at the tennis courts and southwest ballfield located at Zollinger Park.

- Rocky Mountain Power has prepared the attached Underground Right of Way Easement, in which Providence City is granting an easement to Rocky Mountain Power for a right of way 15 feet in width and 400 feet in length, more or less, and described in the attached Underground Right of Way Easement.

THEREFORE be it resolved by the Providence City Council:

- The attached Underground Right of Way Easement shall be approved.
- The Mayor is hereby authorized to execute the attached Underground Right of Way Easement.
- This resolution shall become effective immediately upon passage.

Passed by vote of the Providence City Council this 26 day of July, 2016.

Council Vote:

Allen, Kirk	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Baldwin, Jeff	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Drew, John	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Giles, Dennis	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Sneddon, Roy	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent

Providence City

Don W Calderwood, Mayor

Attest:

Skarlet Bankhead, Recorder

REV05042015

Return to:

Rocky Mountain Power

Lisa Louder/Jim Knight

1407 West North Temple Ste. 110

Salt Lake City, UT 84116

Project Name: Providence Ball Park Lights

WO#: 6190631

RW#:

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, **Providence City, a municipal corporation of the State of Utah** ("Grantor"), hereby grants Rocky Mountain Power, an unincorporated division of PacifiCorp its successors and assigns, ("Grantee"), an easement for a right of way 15 feet in width and 400 feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of underground electric power transmission, distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: wires, fibers, cables and other conductors and conduits therefor; and pads, transformers, switches, cabinets, and vaults on, across, or under the surface of the real property of Grantor in **Cache** County, State of **Utah** more particularly described as follows and as more particularly described and/or shown on Exhibit(s) **A and B** attached hereto and by this reference made a part hereof:

Legal Description: See exhibit B

Assessor Parcel No.

02-096-0056

Together with the right of access to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefor) the future right to keep the right of way clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

At no time shall Grantor place or store any flammable materials (other than agricultural crops), or light any fires, on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns.

To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

Dated this _____ day of _____, 20__.

Don Calderwood Mayor

(Insert Grantor Name Here) GRANTOR

Acknowledgment by Trustee, or Other Official or Representative Capacity:

STATE OF _____)
) ss.
County of _____)

On this ___ day of _____, 20 __, before me, the undersigned Notary Public in and for said State, personally appeared _____ (representative's name), known or identified to me to be the person whose name is subscribed as _____ (title/capacity in which instrument is executed) of _____ and acknowledged to me that (he/she/they) executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(notary signature)

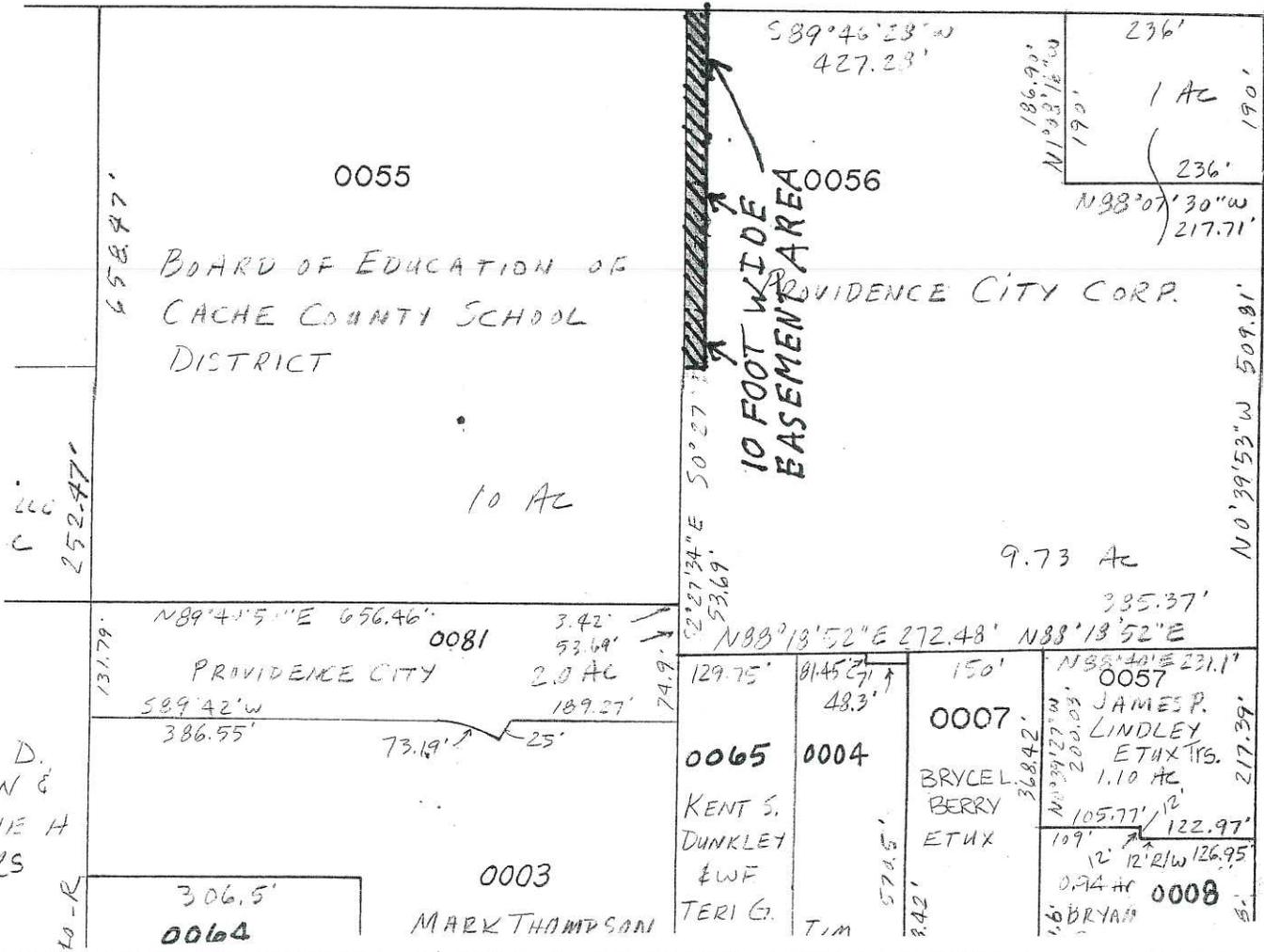
NOTARY PUBLIC FOR _____ (state)
Residing at: _____ (city, state)
My Commission Expires: _____ (d/m/y)

Property Description

Section: 10 Township 11 N, Range 1 E,
 SALT LAKE BASE AND Meridian
 County: Cache
 State: Utah
 Parcel Number: 02-096-0056



100 NORTH ST. (PROV.)



SEE 02-093

CC#: 11506 WO#: 6190631

Landowner Name: PROVIDENCE CITY

Drawn by: jk

This drawing should be used only as a representation of the location of the easement being conveyed. The exact location of all structures, lines and appurtenances is subject to change within the boundaries of the described easement area.

EXHIBIT A



SCALE: NONE

Property Description

Beginning at the Southwest corner of Lot 11, Block 27, Plat "A", Providence Farm Survey, and running thence North $02^{\circ}27'34''$ West along a fence line, 609.84 feet to the true point of beginning and running thence North $88^{\circ}18'52''$ East, 272.48 feet; thence North $88^{\circ}18'52''$ East, 385.37 feet (East, 385.95 feet by record) to the West right-of-way line of 200 West Street; thence North $0^{\circ}39'53''$ West along said West right-of-way line 509.81 feet to a fence line; thence North $88^{\circ}07'30''$ West, along said fence line, 217.71 feet (West, 236.00 feet by record) to a fence line intersection; thence North $1^{\circ}08'16''$ West along said fence 186.90 feet (North 190.00 feet by record) to the South right-of-way line of 100 North Street; thence South $89^{\circ}46'28''$ West along said South right-of-way line 427.28 feet to a fence line; thence South $0^{\circ}27'36''$ West along said fence line 667.80 feet to a fence line intersection; thence South $2^{\circ}27'34''$ East along a fence line 53.69 feet to the true point of beginning. Containing 9.73 acres. 2-91-12,23

02-091-0022
0023

CC#: 11506

WO#: 6190631

Landowner Name: Providence City

Drawn By: jk

SCALE: NONE SHEET 1 OF 1

EXHIBIT B



Resolution 037-2016

A RESOLUTION AMENDING THE PROVIDENCE CITY MASTER PLAN SHEET NO 5-B FUTURE RE-ZONE OF EXISTING DISTRICTS. THIS MAP IS THE PLAN FOR FUTURE REZONING OF EXISTING DISTRICTS WITHIN THE PROVIDENCE CITY CORPORATE LIMITS.

WHEREAS UCA § 10-7-717 Purpose of resolutions, states, "Unless otherwise required by law, the governing body may exercise all administrative powers by resolution . . ."

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of the City and its present and future inhabitants and businesses.

WHEREAS Providence City desires to amend the Providence City Master Plan Sheet No 5-B Future Re-Zone of existing Districts. This Map is the plan for future rezoning of existing districts within the Providence City Corporate limits.

- The Providence City Planning Commission held a public hearing on July 13, 2016. The purpose of the public hearing was to provide an opportunity for anyone interested to comment on the proposed amendments to the Providence City Master Plan Sheet No 5-B Future Re-Zone of existing Districts. This Map is the plan for future rezoning of existing districts with in the Providence City Corporate limits before action was taken.
- On July 13, 2016, the Planning Commission took the following action:
 - **Motion to recommend to city council that the property located at 400 East and 1000 South, commonly known as the Baker property be changed from ARG to SFL on the future rezone map and continue discussion on the rest of the map at a future meeting: M Harbin, second – R Cecil**
Vote: Yea: R Cecil, A Diamond, M Harbin, J Parker, W Simmons
Nay: None
Abstained: None
Excused:None
- The attached map reflects the change recommended by the Planning Commission.

THEREFORE be it resolved by the Providence City Council:

- The above described amendment to the Master Plan Sheet No. 5-B Future Rezone of Existing Districts shall be approved based upon the recommendation of the Planning Commission.
- Master Plan Sheet No. 5-B Future Rezone of Existing Districts shall be updated to reflect the amendment.
- This resolution shall become effective immediately upon passage.

Passed by vote of the Providence City Council this 26 day of July, 2016.

Council Vote:

Allen, Kirk	() Yes	() No	() Excused	() Abstained	() Absent
Baldwin, Jeff	() Yes	() No	() Excused	() Abstained	() Absent
Drew, John	() Yes	() No	() Excused	() Abstained	() Absent
Giles, Dennis	() Yes	() No	() Excused	() Abstained	() Absent
Sneddon, Roy	() Yes	() No	() Excused	() Abstained	() Absent

Providence City

Don W Calderwood, Mayor

Attest:

Skarlet Bankhead, Recorder

PROVIDENCE CITY MASTER PLAN

SHEET No. 3-8

FUTURE RE-ZONE OF EXISTING DISTRICTS

THIS MAP IS THE BASIS FOR FUTURE
RE-ZONING OF EXISTING DISTRICTS WITHIN
THE PROVINCE OF QUEBEC
AS PROVIDED BY THE 1991

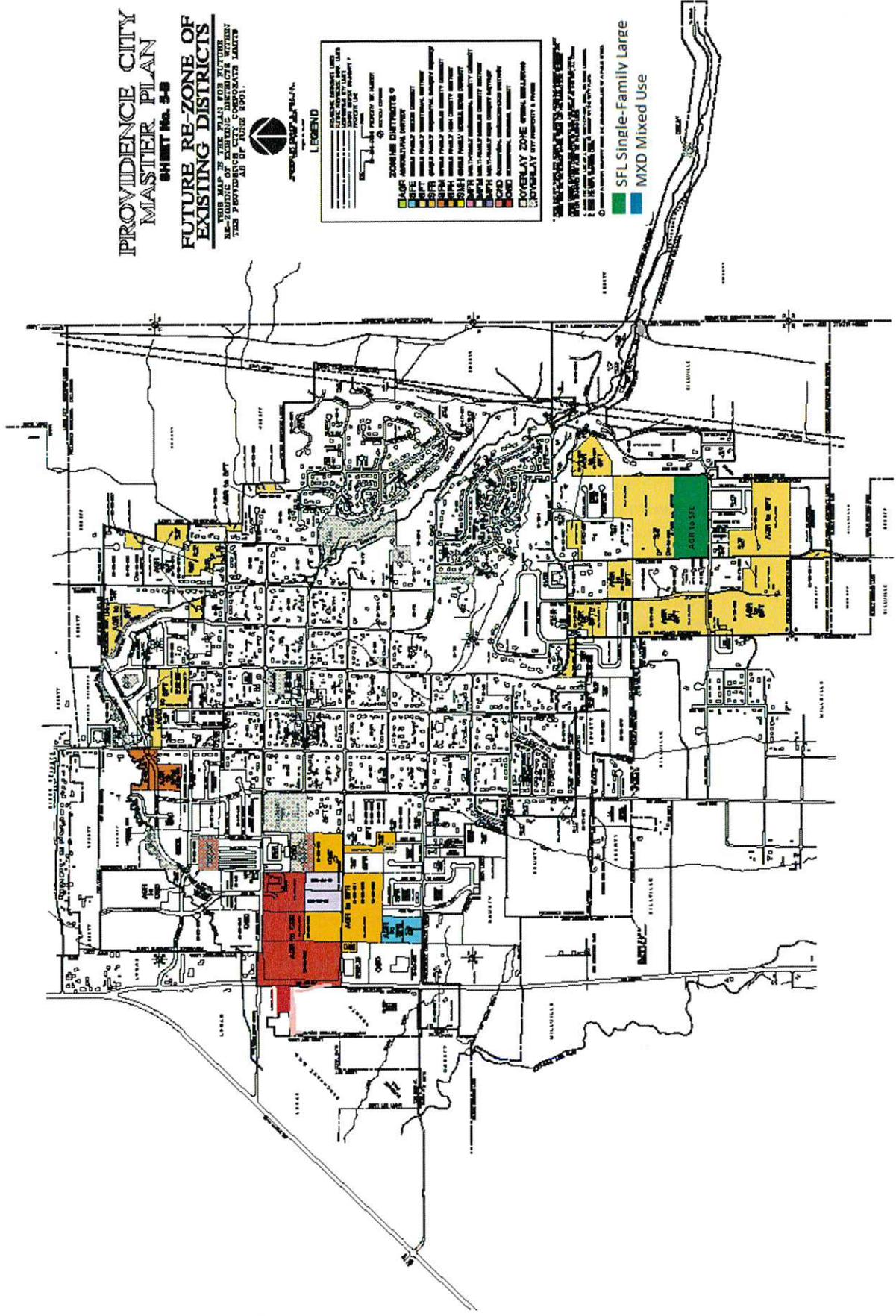


PROVINCE OF QUEBEC

LEGEND

	EXISTING DISTRICT BOUNDARIES
	FUTURE RE-ZONE BOUNDARIES
	STREET LAYOUT
	RAILWAY LAYOUT
	WATER BODIES
	PARKS
	INDUSTRIAL ZONES
	RESIDENTIAL ZONES
	COMMERCIAL ZONES
	OFFICE ZONES
	HIGH DENSITY RESIDENTIAL ZONES
	MEDIUM DENSITY RESIDENTIAL ZONES
	LOW DENSITY RESIDENTIAL ZONES
	AGRICULTURAL ZONES
	FOREST ZONES
	OPEN SPACE ZONES
	OVERLAY ZONES
	CITY PROPERTY & PARKS

SFL Single-Family Large
MXD Mixed Use



Ordinance No. 2016-018

AN ORDINANCE AMENDING PROVIDENCE CITY CODE TITLE 5 CHAPTER 9 OFF-HIGHWAY VEHICLES

WHEREAS UCA § 10-3-702 states "The governing body may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by this act or any other provision of law. . ." and

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values in areas that may be considered sensitive, including but not limited to fire danger, slope, soil content.

WHEREAS the Providence City Council desires to amend Providence City Code Title 5 Chapter 9 Off-Highway Vehicles by prohibiting snowmobiles on the City streets and other changes identified in the attached code amendment.

- Providence City staff has prepared the attached code amendment.

THEREFORE be it ordained by the Providence City Council

- The attached code amendment shall be approved.
- This ordinance shall become effective immediately upon passage and posting.

Ordinance adopted by vote of the Providence City Council this 26 day of July 2016.

Council Vote:

Allen, Kirk	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Baldwin, Jeff	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Drew, John	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Giles, Dennis	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Sneddon, Roy	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent

Signed by Mayor Don W Calderwood this day of July 2016.

Providence City

Don W. Calderwood, Mayor

Attest:

Skarlet Bankhead, Recorder

CHAPTER 9

OFF HIGHWAY VEHICLES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53

- 5-9-1: Purpose
- 5-9-2: Definitions
- 5-9-3: Operation on City Streets
- 5-9-4: Equipment
- 5-9-5: Punishment and Fines

5-9-1: PURPOSE. This chapter is intended to regulate the operation of Off Highway Vehicles (OHVs) on the streets of Providence.

5-9-2: DEFINITIONS.

- Adult Supervision: Direct visual supervision by a licensed driver who is at least 18 years of age.
- Golf Cart: A (3) or (4) wheeled-vehicle with a seating capacity of (2) to (4) persons, originally designed and produced for operation on golf courses.
- Implement of husbandry: Every vehicle designed or adapted and used exclusively for an agricultural operation and only incidentally operated or moved upon the highways.
- Off Highway Vehicle or OHV: Any ~~snowmobile~~, all-terrain vehicle (ATV) or off-road motorcycle as defined by Utah Code 41-22-2. NOTE: This term DOES NOT include any vehicle designed to carry a disabled person, any vehicle not specifically designed for recreational use, any vehicle licensed by the state of Utah for on-highway use, or farm machinery including OHVs registered as an implement of husbandry when operated in accordance with Utah Code 41-22-5.5.
- Operate: To control the movement of or otherwise use an off highway vehicle.
- Operator: The person who is in actual physical control of an off highway vehicle.
- Owner: A person, other than a person with a security interest, having a property interest or title to an off highway vehicle and entitled to the use and possession of that vehicle.
- Street: A public right-of-way, including a highway, avenue, boulevard, parkway, road, lane
- Utah OHV Education Certificate: An OHV operator's license issued by the State of Utah to OHV operators age 8 and older that have successfully completed a prescribed course of instruction on OHV use. Note: There are different certificates for each type of OHV (motorcycle, ATV, snowmobile, etc).

1
2 5-9-3: OPERATION OF OHVS ON PROVIDENCE CITY STREETS:
3

- 4 A. Any person operating an OHV or golf cart on the streets of Providence City is subject to the
5 provisions of all applicable traffic ordinances, except where superseded by this ordinance.
6
- 7 B. Any person operating an OHV or golf cart on the Providence City streets must meet one of the
8 following licensure requirements:
9
- 10 1. Operators age 16 and older must have in their possession a valid state driver's license/learner's
11 permit **OR** Utah OHV Education Certificate for the OHV type they are operating.
12
- 13 2. Operators under the age of 16 must have in their possession a Utah OHV Education Certificate
14 for the OHV type they are operating **AND** be accompanied by an adult. This section pursuant to
15 Utah Code 41-22-30. Operators age 15 may substitute a valid Utah Driver Learner's Permit for
16 the adult supervision requirement.
17
- 18 3. Golf carts may be operated with a valid state driver's license **OR** learner's permit.
19
- 20 4. Operators whose OHV is registered as an implement of husbandry are exempt from these
21 licensure requirements, provided said operation is in accordance with Utah Code 41-22-5.5.
22
- 23 C. This ordinance designates all Providence City Streets as OHV routes per Utah Code 41-22-10.5.1
24 with the following exceptions:
25 1. State Road 165
26 2. County Road 238 (200 West, 100 North from 100 West to 200 West, 100 West north of
27 100 North)
28 3. 100 North west of 200 West
29 NOTE: Crossing exception streets is permitted pursuant to Utah Code 41-22-10.3.1.
30
- 31 D. An OHV shall not be operated on Providence City streets in excess of the posted speed limit.
32
- 33 E. Operating an OHV on cultivated, landscaped, or otherwise developed property is prohibited
34 unless allowed by the property owner.
35
- 36 F. OHV use within the boundaries of Providence City parks is restricted to the parking lots.
37
- 38 G. Operating an OHV on a sidewalk is prohibited.
39
- 40 H. No person under the age of (18) shall operate or ride as a passenger on an OHV within
41 Providence City without wearing protective headgear pursuant to Utah Code 41.22.10.8.
42
- 43 ~~I. Where an OHV is not equipped with a headlight and taillight, a safety flag defined by the Utah
44 Code 41-22-10.7.d may be substituted in the place of headlights and taillights.~~
45
- 46 J. Operating an OHV between one half-hour after sunset to one half-hour before sunrise without a
47 headlight and taillight functioning is not permitted. Proper signaling must be used when stopping
48 or turning.
49
- 50 K. Snowmobiles ~~may only~~ **cannot** be operated on Providence City Streets ~~when sufficient snow or
51 ice is present to preclude damage to roadways and shoulders by the snowmobile's steering and
52 propulsion systems.~~
53

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

5-9-4: OHV EQUIPMENT. An OHV operated on Providence City Streets must be equipped with:

- (a) Brakes adequate to control the movement of and to stop and hold the vehicle under normal operating conditions.
- (b) Headlights and taillights ~~or a safety flag per section 2(g).~~
- (c) An unmodified noise suppression device and United States Forest Service approved spark arrestor. ~~Spark arrestors are not applicable for snowmobiles.~~ This subsection is not applicable to vehicles relying solely on electricity for propulsion.

5-9-5: LICENSING AND INSURANCE. At all times a registration card and proof of liability insurance shall be kept with the OHV and shall be available for inspection by a law enforcement officer.

5-9-6: PUNISHMENT AND FINES. Any person who violates any provision of this ordinance, upon conviction, is guilty of a Class C Misdemeanor. The fine for any violation of this ordinance is \$75. Punishments related to this ordinance may not take precedence over punishments and fines charged for violating other Providence City, county, state or federal ordinances, but may be assessed in addition to the fines levied for violating this ordinance.

