

City of La Verkin

435 North Main St., La Verkin Utah, 84745

(435) 635-2581 Fax (435) 635-2104

www.laverkin.org

La Verkin City Council Meeting Agenda Wednesday, September 21, 2022, 6:00 p.m. Council Chambers, 111 S. Main, La Verkin, Utah

- A. Meeting Called to Order:** Invocation by Invitation; Pledge of Allegiance
- B. Consent Agenda:** (Items on the consent agenda may not require discussion. These items will be a single motion unless removed at the request of the Mayor or City Council.)
1. Declarations of conflict of interest
 2. Agenda
 3. Minutes: September 7, 2022, regular meeting
 4. Checks & Invoices: \$129,066.40
- C. Business:**
1. Presentation, discussion, and possible action to approve a donation to the Senior Companion and Foster Grandparent programs.
 2. Discussion and possible action to approve Ordinance No. 2022-10; an ordinance amending the La Verkin City Code to eliminate vacation rentals as a permitted use in residential zones, to restrict them in the Tourist Commercial Zone, and to increase the civil penalty for operating a business without a license.
 3. Discussion and possible action to update the City logo.
- D. Mayor & Council Reports:**
- Mayor Wilson:*
- Blair Gubler: Washington County Solid Waste, Homeland Security/CERT*
- Wise: Planning Commission/Zoning, Beautification/Trails Committee, Economic Development/Tourism, Confluence Park*
- Micah Gubler: Public Safety, Recreation/City Festivals*
- Hirschi: Fire District, Ash Creek Special Service District, DTEC*
- Hardy: Southwest Mosquito Abatement, Historical Preservation*
- E. Citizen Comment & Request for Future Agenda Items:** No action may be taken on a matter raised under this agenda item. This item is reserved for the citizens of La Verkin who have items not listed on this agenda. There is a time limit of 15 minutes with each individual taking no more than 3 minutes.
- F. Adjourn:**

In compliance with the American with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Christy Ballard, City Recorder, (435) 635-2581, at least 48 hours in advance.

Certificate of Posting

The undersigned City Recorder does hereby certify that the agenda was sent to each member of the governing body, sent to the Spectrum newspaper, posted on the State website at, posted on the La Verkin City website at www.laverkin.org and at the city office buildings 111 S. Main and 435 N. Main on September 16, 2022.

Christy Ballard, City Recorder

La Verkin City Invoice Register - 9/1/2022 to 9/14/2022 - All Invoices

9/15/2022

Invoice No.	Vendor	Check No.	Input Date	Due Date	Amount	Account No.	Account Name	Description
RFD 100039094.	*Bowler, Randall	50000	9/2/2022	9/2/2022	\$28.35 28.35	512330	Turn on Fee/Renter Deposit	Deposit Refund: 100039094 - *Bowler, Randall
PR090922-258	AFLAC		9/14/2022	9/14/2022	\$117.27 117.27	102224	Health Savings Account	AFLAC EE
1027368	ALSCO	50001	9/7/2022	9/10/2022	\$52.01 1.57 3.64 5.20 2.60 11.44 11.44 3.12 2.60 2.60 5.20 2.60	104160.270 104240.250 104410.250 104410.250 104410.745 516340.250 516340.450 56310.250 56310.450 56350.250 56350.440	Bldg B&G OPERATION AND M Inspect EQUIPMENT OPERATI Streets EQUIPMENT OPERATI Streets EQUIPMENT OPERATI Streets STREET IMPROVEME O&M EQUIPMENT OPERATIN O&M SYSTEMS MAINTENANC Irrigation EQUIPMENT OPERA Irrigation WATER MAIN REPAIR Drainage EQUIPMENT OPERA Drainage NEW SERVICES	Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel
1028430	ALSCO	50001	9/8/2022	9/7/2022	\$57.13 1.70 4.00 5.71 2.86 12.57 12.57 3.43 2.86 2.86 5.71 2.86	104160.270 104240.250 104410.250 104410.250 104410.745 516340.250 516340.450 56310.250 56310.450 56350.250 56350.440	Bldg B&G OPERATION AND M Inspect EQUIPMENT OPERATI Streets EQUIPMENT OPERATI Streets EQUIPMENT OPERATI Streets STREET IMPROVEME O&M EQUIPMENT OPERATIN O&M SYSTEMS MAINTENANC Irrigation EQUIPMENT OPERA Irrigation WATER MAIN REPAIR Drainage EQUIPMENT OPERA Drainage NEW SERVICES	Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel
Vendor Total:					\$109.14			
25110	APT US & C	50002	9/9/2022	8/1/2022	\$159.00 159.00	104140.210	Admin BOOKS, SUBSCRIPTION	Membership annual renewal
22051	ARCHIVE SOCIAL, INC.	50003	9/8/2022	7/1/2022	\$2,988.00 2,988.00	104620.610	Comm COMMUNITY DEVELOP	Social media archiving
08312022	ASH CREEK SPECIAL SERVICE DIST		9/6/2022	10/15/2022	\$47,735.82 47,735.82	526260.520	Sewer PAYMENT TO ASH CRE	Aug 2022- a credit for H Howard - from billing error in July
SEP22762	BLOMQUIST HALE CONSULTING GR	50004	9/8/2022	9/15/2022	\$86.22 86.22	101562	PEHP/AFLAC Insurance Cleanin	Employee assistance coverage
UT202202434	BLUE STAKES OF UTAH 811		9/8/2022	9/25/2022	\$36.93 36.93	516660.450	Admin SYSTEMS MAINTENAN	Billable email notifications
340372	BUCK'S ACE HARDWARE		9/8/2022	10/10/2022	\$15.11 0.44 1.06 1.51 0.76 3.32 3.32	104160.270 104240.250 104410.250 104410.250 104410.745 516340.250	Bldg B&G OPERATION AND M Inspect EQUIPMENT OPERATI Streets EQUIPMENT OPERATI Streets EQUIPMENT OPERATI Streets STREET IMPROVEME O&M EQUIPMENT OPERATIN	Spray paint.epoxy Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel Equipment repairs and Fuel

La Verkin City

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9/15/2022

Invoice No.	Vendor	Check No.	Input Date	Due Date	Amount	Account No.	Account Name	Description
16059	BUSINESS SOLUTIONS GROUP		9/12/2022	9/9/2022	0.91	516340.450	O&M SYSTEMS MAINTENANC	Equipment repairs and Fuel
					0.76	536310.250	Irrigation EQUIPMENT OPERA	Equipment repairs and Fuel
					0.76	536310.450	Irrigation WATER MAIN REPAIR	Equipment repairs and Fuel
					1.51	556350.250	Drainage EQUIPMENT OPERA	Equipment repairs and Fuel
					0.76	556350.440	Drainage NEW SERVICES	Equipment repairs and Fuel
					\$628.72		Admin OFFICE EXPENSE, SUP	
					284.49	104140.240	Admin ATTORNEY/IN HOUSE	
					77.45	104140.310	Admin OFFICE EXPENSE, SUP	
					165.47	516660.240	Irrigation OFFICE EXPENSE, S	Billing cards
					35.44	536310.240	Drainage OFFICE EXPENSE, S	
					65.87	556350.240		
091322	Citi Cards		9/13/2022	9/13/2022	\$44.81		Admin OFFICE EXPENSE, SUP	
					20.16	104140.240	Admin ATTORNEY/IN HOUSE	
					5.46	104140.310	Admin OFFICE EXPENSE, SUP	
					11.65	516660.240	Irrigation OFFICE EXPENSE, S	
					2.54	536310.240	Drainage OFFICE EXPENSE, S	
					5.00	556350.240		
1670641	Citi Cards		9/12/2022	9/9/2022	\$27.74		Admin MISCELLANEOUS SER	Supplies
					27.74	104140.610		
2757861	Citi Cards		9/13/2022	9/13/2022	\$482.56		Parks RAP Tax	Bulletin Board for Cemetery
PO# 4553					482.56	104510.480		
43618034908	Citi Cards		9/7/2022	9/4/2022	\$360.75		Admin OFFICE EXPENSE, SUP	
					162.34	104140.240	Admin ATTORNEY/IN HOUSE	
					44.49	104140.310	Admin OFFICE EXPENSE, SUP	
					95.80	516660.240	Irrigation OFFICE EXPENSE, S	
					20.04	536310.240	Drainage OFFICE EXPENSE, S	
					38.08	556350.240		
7840821	Citi Cards		9/9/2022	8/31/2022	\$1,211.17		Bldg B&G OPERATION AND M	Repair and Service on the 2 ton
					36.32	104160.270	Inspect EQUIPMENT OPERATI	Equipment repairs and Fuel
					84.78	104240.250	Streets EQUIPMENT OPERATI	Equipment repairs and Fuel
					121.12	104410.250	Streets EQUIPMENT OPERATI	Equipment repairs and Fuel
					60.56	104410.250	Streets STREET IMPROVEME	Equipment repairs and Fuel
					266.46	104410.745	O&M EQUIPMENT OPERATIN	Equipment repairs and Fuel
					266.46	516340.250	O&M SYSTEMS MAINTENANC	Equipment repairs and Fuel
					72.67	516340.450	Irrigation EQUIPMENT OPERA	Equipment repairs and Fuel
					60.56	536310.250	Drainage WATER MAIN REPAIR	Equipment repairs and Fuel
					60.56	536310.450	Drainage EQUIPMENT OPERA	Equipment repairs and Fuel
					121.12	556350.250	Drainage NEW SERVICES	Equipment repairs and Fuel
					60.56	556350.440		
895169930	Citi Cards		9/12/2022	9/9/2022	\$212.43		Admin MISCELLANEOUS SER	Supplies
					212.43	104140.610		
					\$2,339.46			
RFD 100041145.	Clarkson, Kierra		9/10/2022	9/10/2022	\$59.76		Turn on Fee/Renter Deposit	Deposit Refund: 100041145 - Clarkson, Kierra
					59.76	512330		
433549	D.A.T. MANAGEMENT, INC.	50007	9/8/2022	9/16/2022	\$98.00		O&M EQUIPMENT OPERATIN	Random drug testing
					98.00	516340.250		
101319	Davis Air Tec	50008	9/9/2022	7/1/2022	\$3,031.18		Streets STREET IMPROVEME	Repair HVAC at 111 S Main- part ordered in March 2022
PO# 4539					3,031.18	104410.745		

La Verkin City
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9/15/2022

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080622	Davis Food & Drug #4/Farmers Market	50009	9/9/2022	8/6/2022	\$77.32	104253.270	Animal B&G OPERATIONS AN	Cleaning products
082422	Davis Food & Drug #4/Farmers Market	50009	9/9/2022	8/24/2022	\$52.92	104210.250	Police EQUIPMENT OPERATIN	Drinks, food
082722	Davis Food & Drug #4/Farmers Market	50009	9/9/2022	8/27/2022	\$46.32	104540.610	Rec MISCELLANEOUS EXPEN	Seed display for Peach days
082922	Davis Food & Drug #4/Farmers Market	50009	9/9/2022	8/29/2022	\$4.47	104540.610	Rec MISCELLANEOUS EXPEN	Seed display for Peach days
083122	Davis Food & Drug #4/Farmers Market	50009	9/7/2022	9/15/2022	\$47.34	104540.610	Rec MISCELLANEOUS EXPEN	Supplies for Cops and Cars
83122	Davis Food & Drug #4/Farmers Market	50009	9/9/2022	8/31/2022	\$8.49	104540.610	Rec MISCELLANEOUS EXPEN	Seed display for Peach days
	Vendor Total:				\$236.86			
083122	Empire Waste Services	50011	9/9/2022	8/31/2022	\$282.20	104140.280	Admin UTILITIES	
					203.18	516660.280	Admin UTILITIES	
					70.55	556350.250	Drainage EQUIPMENT OPERA	
					8.47			
R10901221	GUBLER, KYLE W	50013	9/1/2022	9/1/2022	\$500.00	104140.250	Admin EQUIPMENT OPERATIN	Car allowance
090422	Harrison, Melissa	50014	9/8/2022	9/4/2022	\$100.00	102331	Building/Park Rental deposit	Return 1/2 deposit. had to have floors cleaned
PR090922-6099	Health Equity		9/14/2022	9/14/2022	\$1,895.08	102224	Health Savings Account	PEHP Health Equity
1979800-1	HUMANE SOCIETY OF UTAH ST. GEO	50015	9/8/2022	8/26/2022	\$10.00	104253.250	Animal EQUIPMENT OPERATI	medication
1988602-1	HUMANE SOCIETY OF UTAH ST. GEO	50015	9/8/2022	8/26/2022	\$2.38	104253.250	Animal EQUIPMENT OPERATI	E collar
2014929	HUMANE SOCIETY OF UTAH ST. GEO	50015	9/8/2022	9/6/2022	\$120.25	104253.250	Animal EQUIPMENT OPERATI	Fancy spay, rabies, Medicine, DA2PP
	Vendor Total:				\$132.63			
2022-1899	HURRICANE CITY JUSTICE COURT	50016	9/8/2022	8/29/2022	\$250.00	104121.240	Police JUSTICE COURT	Septembeber Court billing
2022-1947	HURRICANE CITY JUSTICE COURT	50016	9/6/2022	9/10/2022	\$1,265.53	104121.240	Police JUSTICE COURT	Indignet counsel billing July 2022
	Vendor Total:				\$1,515.53			
080422	HURRICANE CITY POWER	50017	9/8/2022	8/15/2022	\$20.03	104140.280	Admin UTILITIES	LaVerkin City sign power
40270	HURRICANE READY MIX LLC	50018	9/8/2022	8/8/2022	\$331.98	516340.450	O&M SYSTEMS MAINTENANC	Road base, fill dirt
40319	HURRICANE READY MIX LLC	50018	9/8/2022	8/11/2022	\$186.42	516340.450	O&M SYSTEMS MAINTENANC	Road base
40390	HURRICANE READY MIX LLC	50018	9/8/2022	8/18/2022	\$101.92	516340.450	O&M SYSTEMS MAINTENANC	Fill dirt

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	Vendor Total:				\$620.32			
R10901222	JOHNSON, MARIDEE	ACH.0901221131.262	9/1/2022	9/1/2022	\$1,000.00	104510.120	Parks PART TIME EMPLOYEE	Activities Director
092022	LaVerkin City Petty Cash	50019	9/8/2022	9/8/2022	\$58.18	104210.250	Police EQUIPMENT OPERATI	Certified letter - code enforcement
					50.09	104210.250	Inspect EQUIPMENT OPERATI	Certified letter- Jeppson
PR090922-147	LEGAL SHIELD		9/14/2022	9/14/2022	8.09	104240.250	Misc Payable	LegalShield
67475	MEGA-PRO INTERNATIONAL		9/12/2022	9/8/2022	\$1,807.15	104540.610	Rec MISCELLANEOUS EXPEN	Cops and Cars T shirts
67520	MEGA-PRO INTERNATIONAL		9/12/2022	9/8/2022	\$432.25	104540.610	Rec MISCELLANEOUS EXPEN	Shirts for Cops and Cars
	Vendor Total:				\$2,239.40			
1022	NATURES MAID CLEANING	50039	9/12/2022	9/11/2022	\$200.00	104160.250	Bldg EQUIPMENT OPERATING	435 N Main cleaning
					100.00	104160.270	Bldg B&G OPERATION AND M	435 N Main cleaning
1025	NATURES MAID CLEANING	50039	9/14/2022	9/13/2022	\$100.00	102331	Building/Park Rental deposit	Cleaning 111 S Main- left dirty took deposit from customer
	Vendor Total:				\$300.00			
RFD 100039916.	Nielsen, Isaac & Makayla	50021	9/1/2022	9/1/2022	\$76.31	512330	Turn on Fee/Renter Deposit	Deposit Refund: 100039916 - Nielsen, Isaac & Makayla
RFD 21787.0906	Olds, Jessi & Clint	50022	9/6/2022	9/6/2022	\$20.79	512330	Turn on Fee/Renter Deposit	Deposit Refund: 21787 - Olds, Jessi & Clint
000171737	Opticare of Utah		9/12/2022	9/8/2022	\$260.14	101562	PEHIP/AFLAC Insurance Cleanin	Employee eye insurance
221003	Pelorus Methods, Inc.		9/12/2022	9/30/2022	\$2,600.00	104140.315	Admin COMPUTER EQUIPME	Software and support
					1,000.00	104210.315	Police COMPUTER EQUIPMEN	Software and support
					525.00	516660.315	Admin SOFTWARE OR INFOR	Software and support
					275.00	536310.315	IrrigationCOMPUTER EQUIPM	Software and support
					275.00	556350.315	Drainage SOFTWARE & COMP	Software and support
3316181351	PITNEY BOWES	50023	9/8/2022	9/15/2022	\$174.66	104140.240	Admin OFFICE EXPENSE, SUP	
					73.60	104140.310	Admin ATTORNEY/IN HOUSE	
					22.86	516660.240	Admin OFFICE EXPENSE, SUP	
					50.00	536310.240	Irrigation OFFICE EXPENSE, S	
					9.73	556350.240	Drainage OFFICE EXPENSE, S	
					18.47			
15926	Preston's Mobile Shredding	50024	9/8/2022	9/8/2022	\$39.95	104140.280	Admin UTILITIES	
					28.76	516660.280	Admin UTILITIES	
					9.99	556350.250	Drainage EQUIPMENT OPERA	
0124-0922	ROCKY MOUNTAIN POWER		9/12/2022	9/25/2022	\$49.96	104510.280	Parks UTILITIES	Power Plant trailhead park
6683751	SCHOLZEN PRODUCTS CO INC	50026	9/8/2022	9/15/2022	\$133.92	104160.270	Bldg B&G OPERATION AND M	Vaccur truck repair parts
					4.01			

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6684497	SCHOLZEN PRODUCTS CO INC	50026	9/8/2022	9/15/2022	9.37	104240.250	Inspect EQUIPMENT OPERATI	Equipment repairs and Fuel
6684646	SCHOLZEN PRODUCTS CO INC	50026	9/8/2022	9/11/2022	13.39	104410.250	Streets EQUIPMENT OPERATI	Equipment repairs and Fuel
6684714	SCHOLZEN PRODUCTS CO INC	50026	9/8/2022	9/11/2022	6.70	104410.250	Streets EQUIPMENT OPERATI	Equipment repairs and Fuel
6685856	SCHOLZEN PRODUCTS CO INC	50026	9/8/2022	9/25/2022	29.46	104410.745	Streets STREET IMPROVEME	Equipment repairs and Fuel
	Vendor Total:				29.46	516340.250	O&M SYSTEMS MAINTENANC	Equipment repairs and Fuel
					8.04	516340.450	Irrigation EQUIPMENT OPERA	Equipment repairs and Fuel
					6.70	536310.250	Irrigation WATER MAIN REPAIR	Equipment repairs and Fuel
					6.70	536310.450	Drainage EQUIPMENT OPERA	Equipment repairs and Fuel
					13.39	556350.250	Drainage NEW SERVICES	Equipment repairs and Fuel
					6.70	556350.440		
					\$24.06		Irrigation WATER MAIN REPAIR	Irrigation repair Hobeins
					24.06	536310.450		
					\$76.46		Irrigation WATER MAIN REPAIR	customer repair on Irrigation
					76.46	536310.450		
					\$261.46		Parks EQUIPMENT OPERATIN	Scrubber valve, hard hat
					261.46	104510.250		
					\$31.62		O&M SYSTEMS MAINTENANC	Water repair supplies
					31.62	516340.450		
	Vendor Total:				\$527.52			
082322	SKOUSEN, JOCELYN	50027	9/8/2022	8/23/2022	\$275.00	102331	Building/Park Rental deposit	Deposit return
1259	SNOW CANYON CONSTRUCTION	50028	9/9/2022	8/30/2022	\$3,500.00		Streets STREET IMPROVEME	Install vavle cans/ collars and cement test pit holes
					3,500.00	104410.745		
334178	Southwest Utah Public Health Departme		9/6/2022	9/25/2022	\$120.00		Admin PRODUCT OR SERVIC	Water sample testing
1615	Spay Doc, Inc	50029	9/8/2022	8/6/2022	\$130.00	516660.410	Animal EQUIPMENT OPERATI	Mammary tumor surgery
7363449596	STAPLES		9/12/2022	9/15/2022	\$75.84	104253.250		
					34.13	104140.240	Admin OFFICE EXPENSE, SUP	
					9.10	104140.310	Admin ATTORNEY/IN HOUSE	
					20.61	516660.240	Admin OFFICE EXPENSE, SUP	
					4.00	536310.240	Irrigation OFFICE EXPENSE, S	Paper
					8.00	556350.240	Drainage OFFICE EXPENSE, S	
					\$27.29		Admin OFFICE EXPENSE, SUP	
					12.28	104140.240	Admin ATTORNEY/IN HOUSE	
					3.27	104140.310	Admin OFFICE EXPENSE, SUP	
					7.10	516660.240	Irrigation OFFICE EXPENSE, S	Binders
					1.91	536310.240	Drainage OFFICE EXPENSE, S	
					2.73	556350.240		
	Vendor Total:				\$103.13			
224022	STEAMROLLER COPIES		9/12/2022	8/3/2022	\$102.72	104540.610	Rec MISCELLANEOUS EXPEN	Cops and Cars flyers
3-327983	STEAMROLLER COPIES		9/13/2022	9/13/2022	\$157.00	104540.610	Rec MISCELLANEOUS EXPEN	Posters & Signs for Cops & Cars
327678	STEAMROLLER COPIES	50030	9/8/2022	7/28/2022	\$19.50	104540.610	Rec MISCELLANEOUS EXPEN	Peach days seed display
	Vendor Total:				\$279.22			
R10901223	STEGELICH, RYKER	50031	9/1/2022	9/1/2022	\$400.00	104510.120	Parks PART TIME EMPLOYEE	Website / social media
					400.00			

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Royalty PO# 4537	SUZYS CLOSET	50032	9/9/2022	8/25/2022	\$132.00	104540.610	Rec MISCELLANEOUS EXPEN	Tiara's for Miss LaVerkin pagent
09012022	U.S. POSTAL SERVICE	49997	9/1/2022	9/1/2022	\$625.34		Admin OFFICE EXPENSE, SUP	
					285.40	104140.240	Admin ATTORNEY/IN HOUSE	
					75.14	104140.310	Admin OFFICE EXPENSE, SUP	
					164.00	516660.240	Irrigation OFFICE EXPENSE, S	
					35.27	536310.240	Drainage OFFICE EXPENSE, S	
					65.53	556350.240		
32233	Utah Barricade Company	50033	9/8/2022	9/6/2022	\$4,782.75		Streets STREET IMPROVEME	Street signs and posts
PO# 4532					4,782.75	104410.745		
072922	UTAH RETIREMENT SYSTEMS	08302022	9/2/2022	9/2/2022	(\$216.27)		Retirement Payable	Error on Retirement
					-216.27	102223		
PR090922-501	UTAH RETIREMENT SYSTEMS		9/14/2022	9/14/2022	\$11,390.26		Retirement Payable	401k
					759.94	102223	Retirement Payable	Retirement
					9,287.62	102223	Retirement Payable	401K Loan
					42.70	102223	Retirement Payable	457
					1,000.00	102223	Retirement Payable	Roth IRA
					300.00	102223		
					\$11,173.99			
PR083122-449	Utah State Tax Commission		9/1/2022	9/1/2022	\$50.00		State Withholding	State Income Tax
					50.00	102222		
PR090922-449	Utah State Tax Commission		9/14/2022	9/14/2022	\$2,200.36		State Withholding	State Income Tax
					2,200.36	102222		
					\$2,250.36			
083022	Utah Taxpayers Association	50034	9/9/2022	8/27/2022	\$97.50		Council EQUIPMENT OPERATI	Annual subscription
					97.50	104111.250		
52844	WCWCD		9/8/2022	9/25/2022	\$3,094.58		Admin PRODUCT OR SERVIC	Water devekopment surcharge fee
					3,094.58	516660.410		
Refund: 705601	Weaver, William	50035	9/1/2022	9/1/2022	\$85.87		Accounts Receivable	Refund: 705601 - Weaver, William
					85.87	511311		
RI0901224	Weeks, James	ACH.0901221131.7220	9/1/2022	9/1/2022	\$1,500.00		Admin ATTORNEY	
					1,500.00	104140.311		
090222	ZIONS FIRST NATIONAL BANK CC		9/8/2022	9/2/2022	\$70.00		Comm COMMUNITY DEVELOP	supplies
					70.00	104620.610		
090622	ZIONS FIRST NATIONAL BANK CC		9/8/2022	9/6/2022	\$480.27		Bldg B&G OPERATION AND M	Coolers for Crew
					14.41	104160.270	Inspect EQUIPMENT OPERATI	Equipment repairs and Fuel
					33.62	104240.250	Streets EQUIPMENT OPERATI	Equipment repairs and Fuel
					48.03	104410.250	Streets EQUIPMENT OPERATI	Equipment repairs and Fuel
					24.01	104410.250	Streets STREET IMPROVEME	Equipment repairs and Fuel
					105.66	104410.745	O&M EQUIPMENT OPERATI	Equipment repairs and Fuel
					105.66	516340.250	O&M SYSTEMS MAINTENANC	Equipment repairs and Fuel
					28.82	516340.450	Irrigation EQUIPMENT OPERA	Equipment repairs and Fuel
					24.01	536310.250	Drainage WATER MAIN REPAIR	Equipment repairs and Fuel
					24.01	536310.450	Drainage EQUIPMENT OPERA	Equipment repairs and Fuel
					48.03	556350.250	Drainage NEW SERVICES	Equipment repairs and Fuel
					24.01	556350.440		

La Verkin City
Invoice Register - 9/1/2022 to 9/14/2022 - All Invoices

9/15/2022

Invoice No.	Vendor	Check No.	Input Date	Due Date	Amount	Account No.	Account Name	Description
5 - 2017 Sales Tax	ZIONS FIRST NATIONAL BANK.	50036	9/1/2022	9/1/2022	\$550.27			
					\$17,900.00	304715.810	Principal Payment - 2017: 300	Principal - 2017 Sales Tax Rev - Roads
					12,000.00		Interest Payment - 2017: 300 W	Interest - 2017 Sales Tax Rev - Roads
					5,900.00	304715.820		
PR083122-234	ZIONS FIRST NATIONAL BANK.	09012022	9/1/2022	9/1/2022	\$435.06			
					312.04	102221	FICA & FWT Withholding	Social Security Tax
					73.02	102221	FICA & FWT Withholding	Medicare Tax
					50.00	102221	FICA & FWT Withholding	Federal Income Tax
PR090922-234	ZIONS FIRST NATIONAL BANK.		9/14/2022	9/14/2022	\$11,492.48			
					6,396.94	102221	FICA & FWT Withholding	Social Security Tax
					1,496.10	102221	FICA & FWT Withholding	Medicare Tax
					3,599.44	102221	FICA & FWT Withholding	Federal Income Tax
Vendor Total:					\$29,827.54			
Total:					\$129,066.40			
GL Account Summary								
					346.36	101562	PEHP/AFLAC Insurance Clearin	
					11,927.54	102221	FICA & FWT Withholding	
					2,250.36	102222	State Withholding	
					11,173.99	102223	Retirement Payable	
					2,012.35	102224	Health Savings Account	
					56.33	102225	Misc Payable	
					475.00	102331	Building/Park Rental deposit	
					97.50	104111.250	Council EQUIPMENT OPERATI	
					1,515.53	104121.240	Police JUSTICE COURT	
					159.00	104140.210	Admin BOOKS, SUBSCRIPTION	
					872.40	104140.240	Admin OFFICE EXPENSE, SUP	
					500.00	104140.250	Admin EQUIPMENT OPERATIN	
					251.97	104140.280	Admin UTILITIES	
					237.77	104140.310	Admin ATTORNEY/IN HOUSE	
					1,500.00	104140.311	Admin ATTORNEY	
					1,000.00	104140.315	Admin COMPUTER EQUIPME	
					240.17	104140.610	Admin MISCELLANEOUS SER	
					100.00	104160.250	Bldg EQUIPMENT OPERATING	
					158.45	104160.270	Bldg B&G OPERATION AND M	
					103.01	104210.250	Police EQUIPMENT OPERATIN	
					525.00	104210.315	Police COMPUTER EQUIPME	
					144.56	104240.250	Inspect EQUIPMENT OPERATI	
					262.63	104253.250	Animal EQUIPMENT OPERATI	
					77.32	104253.270	Animal B&G OPERATIONS AN	
					292.45	104410.250	Streets EQUIPMENT OPERATI	
					11,742.84	104410.745	Streets STREET IMPROVEME	
					1,400.00	104510.120	Parks PART TIME EMPLOYEE	
					261.46	104510.250	Parks EQUIPMENT OPERATIN	
					49.96	104510.280	Parks UTILITIES	
					482.56	104510.480	Parks RAP Tax	
					2,757.24	104540.610	Rec MISCELLANEOUS EXPEN	
					3,058.00	104620.610	Comm COMMUNITY DEVELOP	
					56,031.75		Total	
					12,000.00	304715.810	Principal Payment - 2017: 300	
					5,900.00	304715.820	Interest Payment - 2017: 300 W	
					17,900.00		Total	
					85.87	511311	Accounts Receivable	

La Verkin City
Invoice Register - 9/1/2022 to 9/14/2022 - All Invoices

9/15/2022

Invoice No.	Vendor	Check No.	Input Date	Due Date	Amount	Account No.	Account Name	Description
					185.21	512330	Turn on Fee/Renter Deposit	
					526.91	516340.250	O&M EQUIPMENT OPERATIN	
					768.93	516340.450	O&M SYSTEMS MAINTENANC	
					514.63	516660.240	Admin OFFICE EXPENSE, SUP	
					80.54	516660.280	Admin UTILITIES	
					525.00	516660.315	Admin SOFTWARE OR INFOR	
					3,214.58	516660.410	Admin PRODUCT OR SERVIC	
					36.93	516660.450	Admin SYSTEMS MAINTENAN	
					5,938.60		Total	
					47,735.82	526260.520	Sewer PAYMENT TO ASH CRE	
					108.93	536310.240	Irrigation OFFICE EXPENSE, S	
					97.49	536310.250	Irrigation EQUIPMENT OPERA	
					275.00	536310.315	IrrigationCOMPUTER EQUIPM	
					198.01	536310.450	Irrigation WATER MAIN REPAIR	
					679.43		Total	
					203.68	556350.240	Drainage OFFICE EXPENSE, S	
					204.63	556350.250	Drainage EQUIPMENT OPERA	
					275.00	556350.315	Drainage SOFTWARE & COMP	
					97.49	556350.440	Drainage NEW SERVICES	
					780.80		Total	
					\$129,066.40		GL Account Summary Total	



**AmeriCorps
Seniors**



Making a Difference

September 2022

Update - LaVerkin \$700 Donation

Five County AOG Senior Companion and Foster Grandparent Programs are grateful for the support you have been in the past. We hope we can continue to serve our community for many years to come.

The following is a brief reminder of what our programs are all about:

Senior Companions assist their fellow seniors in the community by providing transportation for essential errands, companionship, light housekeeping, and respite for care givers. Each Senior Companion is assigned 5-10 clients who they visit once a week for 3-4 hours.

Foster Grandparent serve in local schools working one-on-one with children who have "exceptional or special needs". They assist the children with reading and math skills. More importantly the Foster Grandparent offers support and compassion to the children. Some Foster Grandparents work with one class, while others move from class to class.

To qualify to serve as a Foster Grandparent or a Senior Companion a person must be over 55 years old, be income eligible (earn less than \$2265 per month) and be willing to serve a minimum of 15 hours per week. These seniors receive a small stipend of \$3.15 per hour for their service and are reimbursed for mileage.

The past couple of years have been hard on our programs, especially the Foster Grandparent Program in Washington County. I am happy to report that we are coming back strong. We have had 6 Foster Grandparents join our program in August! We are still receiving a few calls each week. We have room for 3-4 more Foster Grandparents and 3-4 Senior Companions. It is so great to be on this side of the pandemic!

Thank you again for your support. If you have any questions call Joni Lyman at 435-673-3548 x122.

~Funded by the Corporation for National & Community Service~

~Sponsored Five County Association of Governments~

1070 W. 1600 S., Bldg. B. St. George, UT 84770

Phone 435-673-3548 ~ Fax 435-673-3540

ORDINANCE NO. 2022-_____

AN ORDINANCE AMENDING THE LaVERKIN CITY CODE TO ELIMINATE VACATION RENTALS AS A PERMITTED USE IN RESIDENTIAL ZONES AND TO RESTRICT THEM IN TOURIST/RESORT COMMERCIAL ZONES, AND TO INCREASE THE CIVIL PENALTY FOR OPERATING A BUSINESS WITHOUT A LICENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Title 3 of *The LaVerkin City Code* (“LVCC”) defines what constitutes a business in the community of LaVerkin and sets forth the City’s regulations thereof, including the regulation of vacation rentals as defined in Section (Sec.) 10-1-6, LVCC (*cf.*, Sec. 3-1-1, re the terms: business, engaging in business, place of business, and each separate place of business) ; and

WHEREAS, Title 10 of LVCC (the “Zoning Title of LaVerkin City”) “is designed and enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants, and to promote and provide for the peace and good order, comfort, convenience, and aesthetics of the present and future inhabitants and businesses of the city, including, among other things, the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classifying land uses and land development and protecting the tax base, securing economy in governmental expenditures, fostering agricultural and other industries, protecting urban and nonurban development, and protecting property values” (Sec. 10-1-2.A, LVCC); and

WHEREAS, “to accomplish the purposes of [said] title, the city may enact ordinances, resolutions, and rules . . . that it considers necessary or appropriate for the use and development of land within the city, including ordinances . . . governing uses, density, open spaces, structures, buildings, . . . street and building orientation and width requirements, . . . unless expressly prohibited by law” (Sec. 10-1-2.); and

WHEREAS, “[u]ses of land which are not expressly permitted within a zone are . . . declared to be expressly prohibited therein,” (Sec. 10-1-3.B, LVCC); and

WHEREAS, pursuant to the provisions of Titles 3 and 10, LVCC, the City Council (on July 1, 2015) adopted Ordinance Nos. 2015-04 and 2015-05, allowing vacation rentals as a permitted use in most of the zones within the City (including residential zones, and all commercial zones) and providing for their licensing, and operations, maintenance, cleanliness, safety, and sanitary conditions; and

WHEREAS, at the time that these ordinances were adopted, vacation rentals were just beginning to be recognized as a presence in the area and as a viable alternative to traditional transient lodging (such as motels, hotels, inns, lodges, and bed and breakfast establishments); and it was widely perceived by the members of the City Council that vacation rentals would thus appear/develop within the community in a slow, orderly, and dispersed manner, without the need for significant oversight or restrictions on their location by the City; and

ORDINANCE NO. 2022-_____

WHEREAS, since that time, vacation rentals have become a very popular option for tourists visiting the region, and the Hurricane Valley region was noted by a prominent national magazine as being one of the most popular locations for vacation rentals in the country; and

WHEREAS, by 2018, because --

- (a) the number of actual vacation rentals was increasing, and the number of inquiries to the City with regards to such lodging and the requirements for constructing or converting existing buildings to/for such uses was growing each month; and
- (b) multiple parcels of the City's commercially-zoned property were being considered or proposed by developers or landowners for use as vacation rentals, reducing the amount of commercially-zone space for other commercial uses needed by the City to support the residents and the tourist industry in town (hotels and existing vacation rentals) such as restaurants, bike shops, etc.; and
- (c) the then current ordinances did not provide for a limitation on numbers, percentage, spacing, location, or density of vacation rentals in the City's residential zones; and
- (d) some residential areas of the community had been significantly (and negatively) impacted by an inordinate number, percentage and/or concentration of vacation rentals (the Zion View Estates subdivision being one of the hardest hit), giving the permanent residents of such areas the impression and fear that they were losing the feel and character of their neighborhoods (and that they no longer knew who their neighbors were or would be); and
- (e) there was significant (and in some parts of the community) apparent widespread concern that, if measures were not taken to stop the inflow and development of such transient lodging within the City's residential neighborhoods --
 - (1) safety and property values might or would diminish, and
 - (2) frustrations, fear, noise, and distrust would increase, and
 - (3) LaVerkin would be transformed from a tourist-friendly (or tourist-accommodating) community to a tourist community, with a loss of unity, neighborliness, safety, and hometown feel; and

therefore adopted Ordinance No. 2018-01, and Res. R-2018-01, further regulating vacation rentals, restricting them to the Tourist/Resort Commercial zone and certain residential zones, and establishing a 10% quota or limitation (to be later reduced by ordinance to 7.5%) in each of the residential zones where vacation rentals were permitted; and

ORDINANCE NO. 2022-_____

WHEREAS, the City has been advised that the new and larger elementary school (previously intended to be constructed in the City of LaVerkin—providing elementary education opportunities for its young residents and those of adjacent communities) was delayed due to a previously-unintended leveling-off or decrease of school-age children in the area due to the conversion of so much of the City’s inventory of residential dwellings to temporary, short-term residential (vacation rental) purposes, thus reducing the immediate need for new facilities; and

WHEREAS, the City’s rental rates and the sales prices for residential dwellings in the City have risen dramatically in recent years, making it harder and harder to find affordable housing town for current and future City residents and their children; and

WHEREAS, the County Commission and the city councils of neighboring and other communities within the County have recently taken action to temporarily stop or to restrict the number of vacation rentals allowed within their jurisdictions, thus increasing the desirability and demand for such rentals within the community of LaVerkin—particularly with its proximity to Zion National Park; and

WHEREAS, the City is currently divided by resolution into eight (8) areas, the first seven (7) of which have all met or exceeded the 7.5% quotation or limitation; and the last one of which no house has yet be subject to a request for conversion under the 2018 ordinance to use as a vacation rental; and

WHEREAS, pursuant to Resolution R-2019 and its predecessor(s), a list has been maintained by the City Recorder of potential applicants who desire to convert their dwellings to vacation rentals in areas but for which no available license may be granted because the areas where the dwellings are located have met or exceeded the 7.5% quota or limitation (with the number on said list being 68); and

WHEREAS, Section 10-9a-504, *Utah Code Ann.* (1953) (“UCA”), provides that, without prior consideration of or recommendation by/from the Planning Commission, the City Council—if it makes a finding of **compelling, countervailing public interest**—may enact an ordinance (a) establishing a **temporary land use regulation** (b) for any part or all of the area within the municipality (c) which prohibits or regulates a land use and/or the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval (d) for a period not to exceed six months; and

WHEREAS, in April of this year, the City Council specifically found that:

- a. Interest in vacation rentals remained high in the City; and
- b. the number of actual vacation rentals continued to increase (both legal and illegal);
and

ORDINANCE NO. 2022-_____

- c. there was significant and widespread concern that, if measures are not taken to stop the continual inflow and development of such transient lodging (both new, within the Tourist/Resort Commercial zone; and converted from other residential use within the City's residential neighborhoods) --
 - (1) the City would continue to lose valuable/prime commercial land to a quasi-residential (commercial) use of vacation rentals instead of other commercial uses desired and needed by the community to support the residents and businesses, and guests and visitors, to the community; and
 - (2) commercial diversity in the Tourist/Resort Commercial zone would continue to diminish and force related commercial uses into the Commercial Retail and General Commercial zones, reducing services and goods availability for non-tourist commercial purposes needed or desired by and within the community; and
 - (3) the abundance of vacation rentals was adversely affecting and competing with the City's current and growing hotel industry; and
 - (4) safety and property values might or would diminish, and
 - (5) parking along roadways in residential zones would continue to increase and be inordinately burdened by commercial uses and associated users/visitors; and
 - (6) frustrations, fear, noise, light, traffic, and distrust would increase, and
 - (7) the number of approved and licensed vacation rentals was so large that there was not sufficient time and resources to locate, pursue, and close down unlicensed vacation rentals; and
 - (8) more and more dwellings would be lost to use as and for vacation rentals, thus reducing the City's supply of available residential dwellings for purchase or rent for traditional residential purposes, thus --
 - (a) diminishing the quality of life and neighborhood cohesiveness in residential neighborhoods; and
 - (b) continuing to significantly drive up the cost of available housing for purchase or rental; and

ORDINANCE NO. 2022-_____

- (c) adversely impacting the City's ability to provide for affordable housing within the community (particularly at a time when the area and the State in general is facing an affordable-housing crisis); and
 - (9) LaVerkin would be transformed from a tourist-friendly (or tourist-accommodating) community to a tourist community, with a loss of unity, neighborliness, safety, and hometown feel; and
- d. the resulting detriment to the community constituted a compelling, countervailing public interest—warranting prompt action by the City Council; and

WHEREAS, on April 6, 2022, the City Council adopted Ordinance 2022-04 (a “moratorium” or temporary land regulation restricting VRs in the City), and expressed therein the desire of the City Council that the Planning Commission:

- Review the matter of vacation rentals in the community, and
- Take or hear such public input as deemed necessary and prudent with regards to such matter, and
- Fashion or develop proposed rules, regulations, and restrictions that address the public's and Council's concerns with regards to the orderly growth, siting, development, and use of vacation rentals within the city limits of LaVerkin; and
- Forward such proposed rules and regulations, to the City Council, in the form of one or more proposed ordinances at least one month prior to sunset date of this Ordinance (which is October 3, 2022); and

WHEREAS, after consideration discussion by the Planning Commission, a public hearing was duly advertised ("noticed up") and held on the 14th day of September, 2022, and public input was taken with regards to the abovementioned application; and

WHEREAS, upon consideration of said public input and further discussion of the members of the Planning Commission, the Planning Commission recommended that the City Council approve certain changes, amendments, and/or deletions to Chapters 3 and 10 of the LVCC; and

WHEREAS, it is the intent of the City Council to allow the continued use of currently-existing and approved Vacation Rentals, for so long as such use is not abandoned, subject to continued regulation and application of the LVCC and to the extent herein and hereinafter provided for their continuance, regulation, and licensing; and

ORDINANCE NO. 2022-_____

WHEREAS, it is also the intent of the City Council to review and update, as necessary, the General Plan and explore the possibility of allowing (a) limited vacation rentals in exterior accessory dwelling units (“EADUs”), if and when such may be permitted, and (b) vacation rentals in certain areas of the “Topside” when it is developed (e.g., as or as a part of vacation villages, etc.); and

WHEREAS, the City Council, having considered the matter, deems the following proposed changes, amendments, and/or deletions to Chapters 3 and 10 of the LVCC to be in the best interests of the City and its residents, guests, and businesses.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF LaVERKIN, UTAH, THAT THE FOLLOWING CHANGES, AMENDMENTS, AND DELETIONS BE MADE TO CHAPTERS 3 AND 10 OF THE LaVERKIN CITY CODE:

SECTION I: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY REVISING THE PROVISIONS OF SUBSECTION C OF SECTION 3-1-5-2:

Subsection C of Section 3-1-3-2 of *The LaVerkin City Code* (“LVCC”) is hereby amended to read as follows:

- C. Provided that, group homes, day care facilities, preschools, dance studios, and short-term rentals (where and to the extent permitted, including those grandfathered under prior law) shall not qualify for the fee exemption regardless of whether or not they are allowed in the zone as a home occupation.

SECTION II: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY REVISING THE PROVISIONS OF SUBSECTION C.3 OF SECTION 3-1-6:

Subsection C of Section 3-1-6, LVCC, is hereby amended to read as follows:

- 3. Civil Penalty: Any business for which a license is required and is not otherwise exempt, that transacts business in this City without such license, is subject to the imposition of a civil penalty of two hundred fifty dollars (\$250.00) (to be assessed in addition to any other fees, and regardless of the application or assessment, by a court, of any criminal penalties which may attach to such conduct).

ORDINANCE NO. 2022-_____

SECTION III: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY REVISING THE DEFINITION OF “TRANSIENT LODGING FACILITY OR TRANSIENT LODGE FACILITIES” SET FORTH IN THE PROVISIONS OF SECTION 3-11-1:

The definition of “TRANSIENT LODGING FACILITY OR TRANSIENT LODGING FACILITIES set forth in Section 3-11-1, LVCC, is hereby amended to read as follows:

TRANSIENT LODGING FACILITY OR TRANSIENT LODGING FACILITIES (Also Known Herein By The Phrase HOTEL, MOTEL OR RESORT): Facilities providing transient lodging for a fee, where and to the extent permitted (including those grandfathered under prior law), and includes, but is not limited to, hotels, motels, motor hotels, inns, lodges, bed and breakfast establishments, condominiums constituting standard lodging units under section 3-8-1 of this title, resorts, resort camps, tourist courts, hostels, dormitories and similar facilities; and shall mean every building, or structure, with all buildings and facilities in connection therewith, kept, used, maintained as, advertised as, or held out to the public to be, a place where living accommodations are furnished to transient guests or to groups normally occupying such facilities on a seasonal or short term basis.

SECTION IV: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY REVISING THE PROVISIONS OF TITLE AND THE INTRODUCTORY PARAGRAPH OF SUBSECTION A SECTION 3-11-12:

The Title and the Introductory Paragraph of Subsection A of Section 3-11-12, LVCC, is hereby amended to read as follows:

3-11-12: BED AND BREAKFAST AND VACATION RENTAL FACILITIES (WHEN, WHERE, AND TO THE EXTENT PERMITTED, INCLUDING THOSE GRANDFATHERED UNDER PRIOR LAW):

- A. Transient Facilities: Bed and breakfast ("BnB") and vacation rental ("VR") facilities (when, where, and to the extent permitted, including those grandfathered under prior law) are and constitute transient facilities, subject to government regulation, the licensing requirements of chapter 1 of this title, and the transient room tax imposed pursuant to chapter 8 of this title. However, there are substantial differences between the character of BnB and VR facilities and other types of transient facilities, and the degree of regulation necessary to protect against harm to occupants of BnBs and VRs and adjoining properties. Therefore BnBs and VRs:

ORDINANCE NO. 2022-_____

SECTION V: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY REVISING THE PROVISIONS OF SUBSECTION K.1 OF SECTION 3-11-12:

Subsection K.1 of Section 3-11-12, LVCC, is hereby amended to read as follows:

1. Restrictions imposed by this subsection are in recognition of the premise that BnBs and VRs provide lodging for a transient population that may or may not honor neighborhood mores or exhibit neighborly consideration to the same extent as permanent residents. No new VR facility may be created or operated, and no existing VR facility may be expanded, in residential zones: these rules and regulations apply to those VR facilities licensed and operational before they were no longer permitted in residential zones.

SECTION VI: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY REVISING THE DEFINITION OF "VACATION RENTAL (VR)" SET FORTH IN THE PROVISIONS OF SECTION 10-1-6:

The definition of "VACATION RENTAL (VR)" set forth in Section 10-1-6, LVCC, is hereby amended to read as follows:

VACATION RENTAL (VR): Sometimes known as a vacation home, vacation condominium (or "condo"), or vacation dwelling, a fully furnished overnight transient lodging facility (as that term is defined in section 3-11-1 of this code), other than the owner's primary residency, and not constituting a boarding house, that: a) is rented and used temporarily for recreational purposes (such as vacations), and b) complies with all applicable rules, regulations, and occupancy loads of the international building codes. [VRs are currently limited to Tourist/Resort-Commercial zones.]

SECTION VII: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY REVISING THE TITLE TO SECTION 10-6A-2-1:

Section 10-6A-2-1, LVCC, is hereby amended to read as follows:

10-6A-2-1: BED AND BREAKFAST FACILITIES:

See section 10-7-20 of this title.

ORDINANCE NO. 2022-_____

SECTION VIII: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY
REVISING THE TITLE TO SECTION 10-6B-2-1:

Section 10-6B-2-1, LVCC, is hereby amended to read as follows:

10-6B-2-1: BED AND BREAKFAST FACILITIES:

See section 10-7-20 of this title.

SECTION IX: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY
REPEALING AND DELETING SECTION 10-6B-2-1:

Section 10-6C-2-1, LVCC, is deleted and repealed.

SECTION X: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY
REVISING THE TITLE TO SECTION 10-6B-2-1:

Section 10-6D-2-1, LVCC, is hereby amended to read as follows:

10-6D-2-1: BED AND BREAKFAST FACILITIES:

See section 10-7-20 of this title.

SECTION XI: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY
REPEALING AND DELETING SECTION 10-6F-2-1:

Section 10-6F-2-1, LVCC, is deleted and repealed.

ORDINANCE NO. 2022-_____

SECTION XII: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY REVISING THE PARAGRAPH OF 10-6G2-2 BEGINNING WITH THE PHRASE "TOURIST SUPPORT":

The paragraph of Section 10-6G2-2, LVCC, beginning with the phrase "Tourist support" is hereby amended to read as follows:

Tourist support, including hotels, motels, inns, lodges, bed and breakfast facilities and/or vacation rentals (VRs), and tourist information, curio and souvenir shops, camera and photo shops. [VRs are allowed with an approved site plan and development agreement; and are limited to developments that are at least two (2) acres in size and for which VRs and their private and limited public space do not cumulatively occupy more than fifteen percent (15%) of the development.] Condominiums and timeshare units are allowed with a development agreement. Recreational vehicles (RVs), small transient living quarters not specified hereinabove (including, but not limited to, cabins and yurts), subject to the provisions of section 10-6G2-2-5 of this article.

SECTION XIII: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY REVISING THE PROVISIONS OF SECTION 10-7-20:

Section 10-7-20, LVCC, is hereby amended to read as follows:

10-7-20: BED AND BREAKFAST FACILITIES AND VACATION RENTALS:

- A. In any zone provided for in this title, where bed and breakfast facilities (BnBs) and/or vacation rentals (VRs) are allowed as permitted uses (or permitted uses, with conditions), such BnBs and/or VRs are subject to and shall fully comply with the applicable provisions and conditions of: 1) title 3, chapters 1, 8, and 11, of this Code, 2) title 4, "Public Health And Safety", of this Code (including noise, odor, and nuisance restrictions), 3) title 9, chapter 1, "Building Related Codes", of this Code, 4) section 10-7-17, "Home Occupations", of this chapter, 5) chapter 10, "Off Street Parking", of this title, and 6) chapter 11, "Sign Regulations", of this title, except as otherwise specifically provided herein.

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- B. Licensed BnBs and/or VRs shall be permitted, in the below- designated zones, as follows, subject to the provisions, conditions, and restrictions provided herein:

Zone	BnB	VR	Specific Limitations
Zone	BnB	VR	Specific Limitations
R-1-8 (One-Family Residential)	X		
R-1-10 (One- and Two-Family Residential)	X		(single-family dwellings only)
R-A-1 (Residential-Agricultural)	X		
R-1-14 (Low-Density Residential)	X		
MH (Mobile Home)			
Comm-T (Tourist/Resort Commercial)	X	X	(with an approved site plan, development agreement, and as limited in Section 10-6G2-2)

- C. In order to: 1) maintain neighborhood aesthetics, stability, safety, and cohesion, 2) limit commercial creep, and 3) mitigate the potential negative impacts of transient lodging on residential neighborhoods: VRs (grandfathered under prior law) and/or BnBs may be allowed in existing single-family dwellings in the above-referenced residential and mobile home zones of the City to the extent that:
1. They are properly licensed under title 3 of this Code.
 2. The use of a dwelling as a BnB or VR does not:
 - a. Change the appearance of the dwelling or property for residential purposes; or
 - b. Allow for, facilitate, or otherwise permit the occupancy load (under section 3-11-12 of this Code and this section) or the dwelling limitations of the underlying zone (under this title) to be exceeded.
 3. The BnB or VR facility is properly maintained, painted and kept in good repair - and associated grounds and landscaped areas are properly maintained and watered - in order that the use does not detract from the general appearance of the neighborhood.

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4. All parking is provided for off-street, and is not to be allowed on the public rights-of-way.
 - a. Required parking areas and access to parking areas shall be maintained and available for use at all times.
 - b. Parking may not consume or otherwise impact more than forty percent (40%) of a front yard.
 - c. The required number of off-street parking spaces shall be as follows:
 - (1) BnBs shall require two (2) parking spaces for the resident family, plus 1.1 spaces for each non-resident living or sleeping unit, plus adequate parking for accessory uses pertaining to the use of the property for a bed and breakfast facility.
 - (2) VRs shall require 1.1 spaces for each living or sleeping unit (defined, for purposes of this subsection, to mean each room in the facility designated for sleeping purposes and offered for such use by guests or patrons), plus adequate parking for accessory uses pertaining to the use of the property for a vacation rental.
5. The occupancy load of the BnB or VR structure, as established or amended (before use by the City's building official), is not to be exceeded, and in no case shall be greater than fifteen (15) (not counting the resident household in a BnB).
6. With regards to VRs (where permitted or are grandfathered as nonconforming uses):
 - a. Those who license their residential structures as a VR, but fail to use their structure for that purpose and to collect the applicable taxes thereon (including the Transient Tax), at least once before the end of the following calendar year following licensing, or during any subsequent calendar year thereafter, may lose their right to continue said use after the end of that period of nonuse: it shall be considered lapsed and the use abandoned.

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- b. A purchaser or grantee of a residential structure, that was properly licensed by the seller or grantor as a VR immediately prior to the purchase or conveyance, may continue to license and operate the residential structure as a VR to the same extent as his or her predecessor in interest, provided that:
 - (1) The residential unit was licensed as a VR through the date of the sale (in or under the name of the seller); and
 - (2) The purchaser or grantee, not later than forty-five days following the later of the closing on the purchase or recording the deed on the property containing the residential structure that had been licensed as a VR, provides the City's Business License Clerk or City Recorder with a written Notice of Intent (letter), indicating the purchaser's or grantee's intent to license and use the residential unit as a VR; and
 - (3) The purchaser applies for and receives, within six months of the date of the above- referenced closing or recording, a business license to operate the residential unit as a VR.
- 7. Notwithstanding the prohibition of signs in subsection 10-7-17A8 of this chapter, one unlighted wall identification sign measuring not more than twenty (20) square feet shall be permitted.

SECTION XIV: REPEAL OF CONFLICTING PROVISIONS.

All ordinances and resolutions, or parts or provisions thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent that they conflict herewith.

SECTION XV: SEVERABILITY.

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

ORDINANCE NO. 2022-_____

SECTION XVI: EFFECTIVE DATE.

In the opinion of the City Council of LaVerkin City, it is necessary for the preservation of the peace, welfare, health, and safety of the inhabitants of LaVerkin City that this Ordinance take effect as soon as possible. This Ordinance, therefore, shall take effect immediately upon its passage and first publication as provided by law.

PASSED AND ADOPTED by the City Council of LaVerkin City this _____ day of _____, 2022.

KELLY WILSON, Mayor

ATTEST:

CHRISTY BALLARD, City Recorder

Proposed Amendments to The LaVerkin City Code:

3-1-5-2: LICENSE FEE EXEMPTION FOR HOME-BASED BUSINESSES:

State law currently provides an exemption from the licensing fee requirements of this chapter for home-based businesses.

- A. Such businesses are home occupations permitted under section 10-7-17 of this Code, where the combined offsite impact of the business and the primary residential use of the residential dwelling does not materially exceed the offsite impact of the primary residential use alone.
- B. To qualify for such an exemption, all of the following must be true with respect to the home occupation:
 1. The business must be a permitted use, as a home occupation, under the City's zoning law (see section 10-7-17 of this Code).
 2. There shall be no: a) daily home deliveries or pick-ups of goods and/or materials or b) frequent deliveries or pick-ups by large vehicles with a gross vehicle weight rating of twelve thousand (12,000) pounds or greater.
 3. There shall be no multiple client or patron (group) drop-offs, assemblies or performances on-site (dance studios, recitals, etc.) which may result in more than three (3) additional vehicles being parked on-site or within the neighborhood (on the street or otherwise) at any given time.
 4. There shall be no storage of flammable, toxic, explosive, noxious, or other deleterious chemicals or materials, related to the business, anywhere on the premises.
 5. The business use:
 - a. Shall be clearly incidental and secondary to the residential use of the dwelling,
 - b. Shall be conducted - and all supplies and business materials stored - within the dwelling (i.e., no outside storage or storage in accessory buildings);
 - c. May not change the character of the dwelling,
 - d. May not exceed twenty five percent (25%) of the total footprint of the dwelling, and
 - e. May not preclude the use of the garage for its intended use under this Code (i.e., to park vehicles).
 6. All employees of the business must lawfully reside within the dwelling, in accordance with the City's applicable zoning laws and ordinances; and
 7. There shall be no lawful requirement nor request made for:
 - a. Fire and/or other Code inspections; and/or
 - b. The issuance of a business license (for State, Health Department, financing, or other non-City purposes).

- C. Provided that, group homes, day care facilities, preschools, dance studios, and short-term rentals (where and to the extent permitted, including those grandfathered under prior law) shall not qualify for the fee exemption regardless of whether or not they are allowed in the zone as a home occupation.

3-1-6: BUSINESS LICENSE TERM AND PAYMENT DATES:

A. Term:

1. New (First Year) And Renewal Licenses: Except as provided in subsection A2 of this section, the annual license shall date from January 1 of each year and shall expire on December 31 of each year.
2. Initial Applications After October 31: A business license granted by the City to an applicant, pursuant to an application for a new business license application submitted after October 31, shall extend and be in force (without additional fee) until December 31 of the year following such application.

3. Inspections Made: Notwithstanding the provisions of subsections A1 and A2 of this section, no license shall be granted and validly in force until any and all required inspections have been made, all City administrative approvals have been given, and all licensing and delinquency related fees (including any such unpaid fees from prior years) are paid by the applicant.

B. Due And Payable:

1. Except as provided in subsection B2 of this section, annual licensing fees shall be due and payable on or before December 31 of the year immediately prior to year for which the business license is applicable and in force; and shall become delinquent if not paid, in full, prior to February 1 of the year in which the business license is applicable and in force.
2. Payment for initial business licenses are due and payable at the time of application thereof; and no license shall be issued until such payment is made. There is no grace period for the payment of such fees wherein business may lawfully be transacted.

C. Delinquency Fee, And Civil Penalty, And Collection Costs:

1. Delinquency Related Fees: Delinquency related fees shall mean and include any fees and costs provided for in this subsection C.
2. Late Fees: Any license not renewed and paid for (in full) prior to the date that it becomes delinquent, shall incur a late fee, which shall be established by resolution and which may be changed from time to time. No license may be issued until such fees are paid in full.
3. Civil Penalty: Any business for which a license is required and is not otherwise exempt, that transacts business in this City without such license, is subject to the imposition of a civil penalty of two hundred fifty dollars (\$250.00) (to be assessed in addition to any other fees, and regardless of the application or assessment, by a court, of any criminal penalties which may attach to such conduct).

4. Enforcement: The failure to pay fees provided for under this chapter and/or otherwise engaging in business without the required business license further subject(s) the applicant to:

- a. The assessment and required repayment, by the applicant, of enforcement costs incurred by the City or otherwise attributable to such delinquency and/or illegal conduct, including costs and a reasonable attorney fee.
- b. A finding that the business no longer qualifies to be treated as an ongoing business for which a renewal license may be secured, thereby requiring, in addition to the payment of any and all outstanding licensing fees and delinquency related fees, that a new business license be applied for, and any and all required inspections made and City administrative approvals given, prior to the time that business may be lawfully transacted. (Ord. 2011-12, 10-19-2011)

CHAPTER 11

CLEANLINESS, SAFETY, AND SANITARY CONDITIONS IN TRANSIENT LODGING FACILITIES

SECTION:

- 3-11-1: Definitions
- 3-11-2: General
- 3-11-3: Water Supplies
- 3-11-4: Wastewater Disposal
- 3-11-5: Plumbing
- 3-11-6: Operations And Maintenance
- 3-11-7: Swimming Pools
- 3-11-8: Solid Waste
- 3-11-9: Management
- 3-11-10: Administrative Provisions
- 3-11-11: Occupancy
- 3-11-12: Bed And Breakfast And Vacation Rental Facilities (When, Where, and to the Extent Permitted, including those Grandfathered under Prior Law)
- 3-11-13: Penalty; Suspension Or Revocation Of License
- 3-11-13-5: Developments And Resorts
- 3-11-1: DEFINITIONS:

CITY: The city of LaVerkin and its officials, employees, and representatives; and shall commonly have reference to the city inspector and/or the director of operations.

DEPARTMENT: The Utah department of health.

DIRECTOR: The executive director of the Utah department of health.

PET: A domesticated companion animal that is not included in the definition of a service animal or support animal under federal or state law that allows access of the animal to hotel, motel, and resort facilities.

PET FRIENDLY: The designation of certain guestrooms or all guestrooms by an owner or operator to allow pets to stay in a guestroom with the guest.

TRANSIENT LODGING FACILITY OR TRANSIENT LODGING FACILITIES (Also Known Herein By The Phrase HOTEL, MOTEL OR RESORT): Facilities providing transient lodging for a fee, where and to the extent permitted (including those grandfathered under prior law), and includes, but is not limited to, hotels, motels, motor hotels, inns, lodges, bed and breakfast establishments, condominiums constituting standard lodging units under section 3-8-1 of this title, resorts, resort camps, tourist courts, hostels, dormitories and similar facilities; and shall mean every building, or structure, with all buildings and facilities in connection therewith, kept, used, maintained as, advertised as, or held out to the public to be, a place where living accommodations are furnished to transient guests or to groups normally occupying such facilities on a seasonal or short term basis.

UNITS: Accommodations, within or part of a transient lodging facility, that serve one or more persons (regardless of the type or name of the transient lodging facility).

WASTEWATER: Discharges from all plumbing facilities such as restrooms, kitchen, and laundry fixtures, either separately or in combination. (Ord. 2013-09, 7-17-2013)

3-11-12: BED AND BREAKFAST AND VACATION RENTAL FACILITIES (WHEN, WHERE, AND TO THE EXTENT PERMITTED, INCLUDING THOSE GRANDFATHERED UNDER PRIOR LAW):

A. Transient Facilities: Bed and breakfast ("BnB") and vacation rental ("VR") facilities (when, where, and to the extent permitted, including those grandfathered under prior law) are and constitute transient facilities, subject to government regulation, the licensing requirements of chapter 1 of this title, and the transient room tax imposed pursuant to chapter 8 of this title. However, there are substantial differences between the character of BnB and VR facilities and other types of transient facilities, and the degree of regulation necessary to protect against harm to occupants of BnBs and VRs and adjoining properties. Therefore BnBs and VRs:

1. Shall be operated and maintained in general conformity with:
 - a. The spirit and intent of this chapter.
 - b. The intent of the city council that such uses be operated and maintained in such a manner as to be compatible with and not adversely affect neighboring permitted uses within the community.

b. For each guest, an adequate daily supply of at least the following sanitary supplies: hot and cold running water, soap, towels, toilet paper, and clean linen.

3. Each BnB and VR facility shall be cleaned after the departure of each guest and before the arrival of any subsequent guest.

I. Inspections:

1. Each BnB and VR facility shall comply with all applicable building and building related codes, and shall cooperate with any fire, land use, code enforcement, building, health, or other inspection conducted by municipal officials, to ensure compliance.

2. An inspection of a BnB or VR facility/property, for compliance with these regulations, will be performed at the time of business license review. Additional inspections may be performed with twenty four (24) hour notice to the license holder if deemed necessary by the city; provided that, no prior notice is required in situations where emergency conditions exist or the city has a good faith belief that the safety of the occupants is in danger and/or the occupancy load of the facility is being exceeded.

J. Contact Information; Contact Person(s):

1. License holders and owners of BnB and VR facilities shall, at all times that they are operational, provide and maintain with the city up to date and current personal contact information regarding such holder, owner, operator of the facility, and/or other responsible party (known herein as "contact person(s)").

2. Such contact person(s) shall: a) be a resident of Washington County; b) be able to provide information on current occupants to police and/or emergency personnel as needed; and c) respond to complaints and concerns within one hour of any phone call. Failure to respond is a violation hereof and may result in fines to the business license holder and property owner.

K. BnB And VR Facilities In Residential Zones:

1. Restrictions imposed by this subsection are in recognition of the premise that BnBs and VRs provide lodging for a transient population that may or may not honor neighborhood mores or exhibit neighborly consideration to the same extent as permanent residents. **No new VR facility may be created or operated, and no existing VR facility may be expanded, in residential zones: these rules and regulations apply to those VR facilities licensed and operational before they were no longer permitted in residential zones.**

2. A business license for a BnB or VR in a residential zone shall only be approved and issued, or renewed, by the city if:

a. The BnB or VR dwelling unit is located in an existing single-family dwelling.

b. The owner of the BnB or VR facility provides address labels and stamped envelopes for all other residential property owners within three hundred feet (300') of the facility, so that the city may provide to those owners: 1) a copy of the regulations set forth in this subsection, 2) the contact information for the facility owner, and 3) the responsible party contact number for concerns.

3. The BnB or VR facility and property shall be maintained to the following minimum standards:

2. Shall be operated and maintained, and otherwise governed, by the terms, conditions, and provisions of sections 3-11-2 and 3-11-10 of this chapter (except that daily inspections shall not be required), this section, and the remedial and penalty provisions of section 3-11-13 of this chapter.

B. Management: Each BnB facility must maintain an office on the premises in the charge and under the immediate supervision of a manager or attendant at all times. Such office shall remain continuously open and staffed whenever there are guests registered or present and whenever the facility is open to receive guests.

C. Disclosure Of Available Rooms:

1. Each BnB and vacation rental (hereinafter "VR") facility shall disclose to the business license officer the current number of rooms available and/or held out for public accommodation, or, in the case of VRs, the total number of people the dwelling can safely accommodate (which number shall first be determined by the city building official, in accordance with the applicable building codes):

a. At the time of initial licensure or license renewal; and
b. Within seventy two (72) hours of any change in the number of such available rooms or accommodation of guests.

2. The occupancy load shall be prominently posted within the BnB or VR facility.

D. Display Of License: A current, valid business license shall be posted in a conspicuous place in each BnB and VR facility.

E. Occupancy: It shall be unlawful for any BnB or VR facility unit to be occupied by a greater number of persons than that which: 1) it is designed or furnished to accommodate and 2) is permitted under the applicable building and building related codes adopted by the city (see title 9, chapter 1 of this code). The requirements of said codes differ for facility occupancies of ten (10) or fewer persons, and for occupancies of greater than ten (10) persons.

F. Responsibility For Minors: No BnB or VR facility unit shall be rented, leased, or registered to any person under the age of eighteen (18) years. Each person to whom a BnB or VR facility unit is rented, leased, or registered shall be responsible for any minors occupying such unit, and shall remain on the BnB or VR facility premises at all times while there are minors occupying such unit.

G. Length Of Stay: No person shall occupy or contract to occupy any unit or combination of units at any one BnB or VR facility for longer than twenty nine (29) consecutive days, and no BnB or VR facility shall permit any person to occupy or contract to occupy any unit or combination of units on the facility premises for longer than twenty nine (29) consecutive days.

H. Sanitary Facilities:

1. Each BnB or VR facility unit held out for public accommodation must comply with the minimum rules established by the Utah department of health.

2. It shall be unlawful to rent, lease, or otherwise hold out for public accommodation any transient lodging facility unit which does not have:

a. A complete operable bathroom, including flush toilet, sink, and bath or shower in working order; and

a. Structures shall be properly maintained, painted and kept in good repair, and grounds and landscaped areas shall be properly maintained and watered, in order that the use does not detract from the general appearance of the neighborhood; and

b. Required parking areas and access to parking areas shall be maintained and available for use at all times. Parking for this use shall be contained on the site, and shall not be allowed on the public rights of way. Parking may not impact more than forty percent (40%) of a front yard.

4. The use of a dwelling as a BnB or VR shall not change the appearance of the dwelling or property for residential purposes.

5. Outdoor pools, hot tubs or spas shall not be used between the hours of eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M.

6. The owner or operator of the BnB or VR facility shall ensure that occupants thereof do not:

a. Create noises that by reason of time, nature, intensity or duration are out of character with noises customarily heard in the surrounding residential neighborhood.

b. Disturb the peace of surrounding residential property residents.

c. Interfere with the privacy of or trespass onto surrounding residential properties.

d. Allow pets to do anything listed in subsections K6a through K6c of this section.

e. Engage in any disorderly or illegal conduct, including illegal consumption of drugs and alcohol.

7. A sign informing guests of all regulations shown above must be posted in a prominent location in or on the BnB or VR facility.

L. Application Of This Section: The requirements of this section shall be in effect throughout the time a BnB or VR business license is in effect on the property, notwithstanding that such property may be occupied by the owner or nonpaying guests of the owner. The City finds that, given the practical difficulty of determining whether or not the occupants are paying guests, enforcement of the requirements shall be based on whether the property is licensed as a BnB or VR at the relevant time.

M. Violations; Remedies: Owners, operators, and license holders of BnBs and VRs, and owners of the property whereupon such BnBs and VRs are situated, who violate the provisions of this section (herein known as "violators") are subject to the remedies and penalties set forth in section 3-11-13 of this chapter, provided that: (Ord. 2015-05, 7-1-2015)

1. Violation of any subsection of this section shall constitute a separate violation for each day it occurs or continues. Operation of a BnB or VR facility without a current LaVerkin City business license is considered a violation; and each day of operation shall be considered a separate offense. Evidence of operation shall not require verification of the presence of guests, but may be determined by any manner not proscribed by State or Federal law. (Ord. 2018-01, 1-3-2018)

2. Violators shall be issued written citations containing a description of the nature of the violation and the amount of fine levied in accordance with the fee schedule for an infraction, provided that, such fine shall not be less than two hundred fifty dollars (\$250.00).

3. The business license for a BnB or VR facility may be revoked, suspended, or denied renewal if three (3) citations are issued within any twelve (12) month period. (Ord. 2015-05, 7-1-2015)

TITLE 10 ZONING REGULATIONS

CHAPTER 1

GENERAL PROVISIONS

10-1-6: DEFINITIONS:

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this title:

- A. Words used in the present tense include the future;
- B. The singular number shall include the plural and the plural the singular;
- C. The word "used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used;
- D. The word "shall" is mandatory and not directory, and the word "may" is permissive;

VACATION RENTAL (VR): Sometimes known as a vacation home, vacation condominium (or "condo"), or vacation dwelling, a fully furnished overnight transient lodging facility (as that term is defined in section 3-11-1 of this code), other than the owner's primary residency, and not constituting a boarding house, that: a) is rented and used temporarily for recreational purposes (such as vacations), and b) complies with all applicable rules, regulations, and occupancy loads of the international building codes. [VRs are currently limited to Tourist/Resort-Commercial zones.]

ARTICLE A. ONE-FAMILY RESIDENTIAL (R-1-8)

SECTION:

- 10-6A-1: Purpose
- 10-6A-2: Permitted Uses
- 10-6A-2-1: Bed And Breakfast Facilities **And Vacation Rentals**
- 10-6A-3: Height Regulations
- 10-6A-4: Area, Width And Yard Requirements
- 10-6A-5: Modifying Regulations

10-6A-2-1: BED AND BREAKFAST FACILITIES **AND VACATION RENTALS:**

See section 10-7-20 of this title. (Ord. 2018-01, 1-3-2018)

ARTICLE B. ONE- AND TWO-FAMILY RESIDENTIAL (R-1-10)

SECTION:

- 10-6B-1: Purpose
- 10-6B-2: Permitted Uses
- 10-6B-2-1: Bed And Breakfast Facilities **And Vacation Rentals**
- 10-6B-3: Height Regulations
- 10-6B-4: Area, Width And Yard Requirements
- 10-6B-5: Modifying Regulations

10-6B-2-1: BED AND BREAKFAST FACILITIES **AND VACATION RENTALS:**

See section 10-7-20 of this title. (Ord. 2018-01, 1-3-2018)

ARTICLE C. MULTIPLE-FAMILY RESIDENTIAL (R-3-6)

SECTION:

- 10-6C-1: Purpose
- 10-6C-2: Permitted Uses
- 10-6C-2-1: Vacation Rentals In Single-Family Dwellings**
- 10-6C-3: Height Regulations
- 10-6C-4: Area, Width And Yard Requirements
- 10-6C-5: Modifying Regulations
- 10-6C-6: Grandfathered Uses

10-6C-2-1: VACATION RENTALS IN SINGLE-FAMILY DWELLINGS: Vacation rentals may be allowed in this zone as a permitted use in single-family dwellings, subject to section 10-7-20 of this title. (Ord. 2018-01, 1-3-2018)

ARTICLE D. RESIDENTIAL-AGRICULTURAL (R-A-1)

SECTION:

- 10-6D-1: Purpose
- 10-6D-2: Permitted Uses
- 10-6D-2-1: Bed And Breakfast Facilities **And Vacation Rentals**
- 10-6D-3: Height Regulations
- 10-6D-4: Area, Width And Yard Requirements
- 10-6D-5: Modifying Regulations

10-6D-2-1: BED AND BREAKFAST FACILITIES **AND VACATION RENTALS:**

See section 10-7-20 of this title. (Ord. 2018-01, 1-3-2018)

ARTICLE D1. LOW DENSITY RESIDENTIAL (R-1-14)

SECTION:

- 10-6D1-1: Purpose
- 10-6D1-2: Permitted Uses
- 10-6D1-2-1: Bed And Breakfast Facilities **And Vacation Rentals**
- 10-6D1-3: Height Regulations
- 10-6D1-4: Area, Width And Yard Requirements
- 10-6D1-5: Modifying Regulations

10-6D1-2-1: BED AND BREAKFAST FACILITIES AND VACATION RENTALS:
See section 10-7-20 of this title. (Ord. 2018-01, 1-3-2018)

ARTICLE F. MOBILE HOME (MH)

SECTION:

- 10-6F-1: Purpose
- 10-6F-2: Permitted Uses
- 10-6F-2-1: Vacation Rentals In Single-Family Dwellings**
- 10-6F-3: Height Regulations
- 10-6F-4: Area, Width And Yard Requirements
- 10-6F-5: Modifying Regulations

10-6F-2-1: VACATION RENTALS IN SINGLE-FAMILY DWELLINGS:
Vacation rentals may be allowed in this zone as a permitted use in single-family dwellings, subject to section 10-7-20 of this title. (Ord. 2018-01, 1-3-2018)

ARTICLE G2. TOURIST/RESORT COMMERCIAL (COMM-T)

SECTION:

- 10-6G2-1: Purpose

- 10-6G2-2: Permitted Uses
- 10-6G2-2-5: Recreational Vehicle Resorts And Small Transient Living Quarters
- 10-6G2-3: Prohibited Uses (Rep. by Ord. 2007-26, 10-3-2007)
- 10-6G2-4: Height Regulations
- 10-6G2-5: Area, Width And Yard Requirements
- 10-6G2-6: Screening Requirement
- 10-6G2-7: Easement Required

10-6G2-2: PERMITTED USES:
The following shall be permitted uses:

Accessory buildings: secondary buildings and uses customarily incidental to permitted uses.

Art dealers and galleries, including fine arts, photography, and graphic design.

Automobiles: tourism related automobile rental agencies, for the short term rental of motor vehicles other than (and not including) recreational vehicles (RVs), travel trailers, storage/moving vans and/or trailers, motorized watercraft (except as provided hereinbelow).

Banks and financial offices, including banks, ATM machines, investment and securities agencies, tax service agencies.

Bicycles, ATVs, snowmobiles, motorcycles, mopeds, motor scooters, jet skis, and similar small/portable motorized and nonmotorized transportation, including sales, rental, parts sales, and service and/or repair (where service/repair facilities are conducted inside an enclosed building and constitute an integral part of the sales structure).

Car wash, including hand and automated car wash and car vacuum facilities.

Clothing: includes retail sales/rental, shoes, accessories, screen printing, t-shirt shops.

Communications: includes cable, phone, internet, satellite, and wireless services.

Food: includes restaurants, ice cream parlors, cafes, juice bars, internet cafes, coffee shops, eateries, fast food, delis, buffets, bakeries, grocery stores, convenience marts, patio and outdoor.

Health and beauty: includes hair or nail salons, wig sales and styling, barbershops, tanning facilities, consultants, fitness facilities, gyms, spas, outpatient weight control and diet services, yoga, cosmetic sales and production, massage.

Museums: includes art, cultural, history, science and musicology displays.

Parking: includes areas whether underground, in parking structures or open lots for temporary customer parking. Shall not include parking for storage as a business.

Postal and shipping services.

Professional offices, including real estate brokers, title and mortgage companies, property management, insurance offices, offices incident to other permitted uses.

Public or quasi-public area: includes municipal buildings and offices, parks, schools, libraries, and fountains.

Recreation facilities, including golf, minigolf, go-carts, bumper cars, laser tag, bowling, recreation/sports center, skating rinks and parks, movie theaters, theaters for stage productions, amusement parks, water parks, swimming pools, billiards, arcade games, tennis, paintball game centers, hiking and biking trails, festivals, no alcohol dance centers for recreation or instruction.

Recreation sales, rental and service: sports gear; camping, fishing and hunting equipment; outfitters; excursions.

Retail stores and shops: games and game supplies (except gambling devices), trophies and awards, movie sales and rentals, book sales, video device rental and sales, electronics, party supplies, antiques, coins, florists, jewelry, stained glass, variety stores, gifts, crafts sales and supplies, hobby shops, sunglasses, balloons, novelties and toys, not to include pawnbrokers.

Self-service vending facilities, including vending machines and self-service (unmanned) business structures/facilities, subject to the conditions set forth in chapter 7 of this title.

Special events, including wedding/reception centers, banquet halls, convention centers, resort/meeting centers, concert halls and open air concert venues.

Tourist support, including hotels, motels, inns, lodges, bed and breakfast facilities and/or vacation rentals (VRs) (with an approved site plan), and tourist information, curio and souvenir shops, camera and photo shops. VRs are allowed with an approved site plan and development agreement, and are limited to developments that are at least two (2) acres in size and for which VRs and their private and limited public space do not cumulatively occupy more than fifteen percent (15%) of the development. Condominiums and timeshare units are allowed with a development agreement. Recreational vehicles (RVs), small transient living quarters not specified hereinabove (including, but not limited to, cabins and yurts), subject to the provisions of section 10-6G2-2-5 of this article.

Transportation: taxis, shuttles, bus stops.

Travel agencies.

CHAPTER 7 SUPPLEMENTAL AND QUALIFYING REGULATIONS

SECTION:

- 10-7-1: Scope
- 10-7-2: Lot Standards
- 10-7-3: Dwelling Structures Per Lot

- 10-7-4: Space Requirements
- 10-7-5: Minimum Height Regulations
- 10-7-6: Clear View Of Intersecting Streets
- 10-7-7: Fences, Walls And Hedges
- 10-7-8: Water And Sewage Requirements
- 10-7-9: Curbs, Gutters, Sidewalks And Street Improvements
- 10-7-10: Floodplain Use
- 10-7-11: Road Standards And Width Requirements; Exceptions
- 10-7-12: Flag Lots
- 10-7-13: Dedication Of Private Streets
- 10-7-14: Recreational Vehicle Storage And Temporary Occupancy
- 10-7-15: Allowance For Mobile Sales Offices And Model Homes
- 10-7-16: Underground Power Required
- 10-7-17: Home Occupations
- 10-7-18: Self-Service Vending Facilities
- 10-7-19: Animals In Residential Zones, Where Permitted
- 10-7-20: Bed And Breakfast Facilities And Vacation Rentals
- 10-7-21: Internal Accessory Dwelling Units

10-7-20: BED AND BREAKFAST FACILITIES AND VACATION RENTALS:

- A. In any zone provided for in this title, where bed and breakfast facilities (BnBs) and/or vacation rentals (VRs) are allowed as permitted uses (or permitted uses, with conditions), such BnBs and/or VRs are subject to and shall fully comply with the applicable provisions and conditions of: 1) title 3, chapters 1, 8, and 11, of this Code, 2) title 4, "Public Health And Safety", of this Code (including noise, odor, and nuisance restrictions), 3) title 9, chapter 1, "Building Related Codes", of this Code, 4) section 10-7-17, "Home Occupations", of this chapter, 5) chapter 10, "Off Street Parking", of this title, and 6) chapter 11, "Sign Regulations", of this title, except as otherwise specifically provided herein.
- B. Licensed BnBs and/or VRs shall be permitted, in the below- designated zones, as follows, subject to the provisions, conditions, and restrictions provided herein:

Zone	BnB	VR	Specific Limitations
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Zone	BnB	VR	Specific Limitations
R-1-8 (One-Family Residential)	X	X	
R-1-10 (One- and Two-Family Residential)	X	X	(single-family dwellings only)
R-3-6 (Multiple-Family Residential)		X	(single-family dwellings only)
R-A-1 (Residential-Agricultural)	X	X	
R-1-14 (Low-Density Residential)	X	X	
MH (Mobile Home)		X	(single-family dwellings only)
Comm-T (Tourist/Resort Commercial)	X	X	(with an approved site plan, development agreement, and as limited in Section 10-6C2-2)

C. The City (excluding the Tourist/Resort Commercial Zone and zones where VRs are not a permitted use (with or without conditions)) shall be divided into four (4) or more areas, as determined and depicted by the City Council and established by resolution, for the purpose of determining a limitation on the use of residential structures for VR purposes.

CD. In order to: 1) maintain neighborhood aesthetics, stability, safety, and cohesion, 2) limit commercial creep, and 3) mitigate the potential negative impacts of transient lodging on residential neighborhoods: VRs (grandfathered under prior law) and/or BnBs may be allowed in existing single-family dwellings in the above-referenced residential and mobile home zones of the City to the extent that:

1. They are properly licensed under title 3 of this Code.
2. The use of a dwelling as a BnB or VR does not:
 - a. Change the appearance of the dwelling or property for residential purposes; or
 - b. Allow for facilitate, or otherwise permit the occupancy load (under section 3-11-12 of this Code and this section) or the dwelling limitations of the underlying zone (under this title) to be exceeded.
3. The BnB or VR facility is properly maintained, painted and kept in good repair - and associated grounds and landscaped areas are properly maintained and watered - in order that the use does not detract from the general appearance of the neighborhood.
4. All parking is provided for off-street, and is not to be allowed on the public rights-of-way.
 - a. Required parking areas and access to parking areas shall be maintained and available for use at all times.
 - b. Parking may not consume or otherwise impact more than forty percent (40%) of a front yard.
 - c. The required number of off-street parking spaces shall be as follows:

- (1) BnBs shall require two (2) parking spaces for the resident family, plus 1.1 spaces for each non-resident living or sleeping unit, plus adequate parking for accessory uses pertaining to the use of the property for a bed and breakfast facility.
- (2) VRs shall require 1.1 spaces for each living or sleeping unit (defined, for purposes of this subsection, to mean each room in the facility designated for sleeping purposes and offered for such use by guests or patrons), plus adequate parking for accessory uses pertaining to the use of the property for a vacation rental.

5. The occupancy load of the BnB or VR structure, as established or amended (before use by the City's building official), is not to be exceeded, and in no case shall be greater than fifteen (15) (not counting the resident household in a BnB).

6. With regards to VRs (where permitted or grandfathered as non-conforming uses):
 - a. The use is subject to the availability of licenses, which licenses and associated right may lapse if not timely used pursuant to subsection D6b of this section (to prevent the speculative acquisition of a VR license in order to preserve the right to use one's residential structure as a VR at some possible future date, and thus negatively impact the right of others to license and use their structures as a VR during such period of nonuse). (Ord. 2018-01, 1-3-2018)
 - b. No more than seven and one-half percent (7.5%) of the residential units, eligible under subsection B of this section, in any given area of the City established pursuant to subsection C of this section and determined by the City Council may be licensed and used as VRs.
 - (1) No new VR use can be permitted and licensed which would cause the 7.5 percent limitation to be exceeded.

a. (2) Those who license their residential structures as a VR, but fail to use their structure for that purpose and to collect the applicable taxes thereon (including the Transient Tax), at least once before the end of the following calendar year following licensing, or during any subsequent calendar year thereafter, may lose their right to continue said use after the end of that period of nonuse: it shall be considered lapsed and the use abandoned. shall not be used in the 7.5 percent limitation referenced above to prevent others from seeking and acquiring the right to have a VR.

b. (3) A purchaser or grantee of a residential structure, that was properly licensed by the seller or grantor as a VR immediately prior to the purchase or conveyance, may continue to license and operate the residential structure as a VR to the same extent as his or her predecessor in interest, regardless of whether the 7.5 percent limitation has been reached in the area in which the structure is situated, provided that:

- (1) (A) The residential unit was licensed as a VR through the date of the sale (in or under the name of the seller); and
- (2) (B) The purchaser or grantee, not later than forty-five days following the closing on the purchase or recording the deed on the property containing the residential structure that had been licensed as a VR, provides the City's Business License Clerk or City Recorder with a written Notice of Intent (letter), indicating the purchaser's or grantee's intent to license and use the residential unit as a VR; and
- (3) (C) The purchaser applies for and receives, within six months forty-five (45) days of the date of the above-referenced closing or recording, a business license to operate the residential unit as a VR.

c. No new structure shall be built for the immediate purpose of housing a VR use.

d. Absent extenuating circumstances justifying relief (e.g., mobilization, deployment, death, hospitalization, or involuntary loss of the job of an occupant, requiring or resulting in a move from the premises by the applicant), and relief having been granted by the City Council (upon application to the City Council therefor), a structure shall not qualify for use as a VR unless:

(1) It has been properly licensed and operating as a VR or BnB immediately prior to a request by a new applicant for a VR business license.

(2) It has been used as a residence for a period of not less than one year prior to a request being made by the applicant for a VR business license.

7. Notwithstanding the prohibition of signs in subsection 10-7-17A8 of this chapter, one unlighted wall identification sign measuring not more than twenty (20) square feet shall be permitted.

