



# THE CITY OF WEST JORDAN CITY COUNCIL MEETING March 22, 2023

Thomas M. Rees Justice Center  
8040 S Redwood Road  
West Jordan, UT 84088

Zoom Webinar ID: **879 1232 5218** Password: **8000** [Click Here to Join](#)

*Members of the City Council not attending in person may participate in the electronic meeting using the Zoom information below.*

*Interested parties are encouraged to attend the council meeting in person. Those unable to attend in person may participate electronically via Zoom Webinar when called upon by the Council Chair in one of the following ways:*

- *In your web browser, go to [join.zoom.us](https://join.zoom.us) and enter the **Webinar Meeting ID: 879 1232 5218** and **Password: 8000***
- *On your phone dial one of the following numbers: 346-248-7799 or 312-626-6799 and enter **Webinar Meeting ID: 879 1232 5218** and **Password: 8000***
- *Parties may also view the meeting live-streamed on the [City of West Jordan's YouTube Channel](#)*

*To view current City Council agendas and packet information, please visit <https://westjordan.primegov.com/public/portal>*

## CITY COUNCIL MEETING 6:00 PM

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. PUBLIC COMMENT**

*Comments should be directed to the Council Chair and commenters should not expect any debate with or responses from the City Council, Mayor, or City Staff. However, as a point of personal privilege Council Members, the Mayor, and Staff may respond to public comments if recognized by the Council Chair. Members of the City Council strive to create a respectful and professional decorum during Council Meetings so that the meeting can be conducted in an orderly, efficient, effective, and dignified manner. It is our desire that each person attending a City Council meeting feel safe, respected, and comfortable participating in their government. We hope that commenters will have that same goal and strive to do their best to keep comments respectful, professional, and free from profanity, personal attacks, and indecency. When addressing the Council, please provide your full name and limit your remarks to three (3) minutes. Written comments may be submitted if a citizen does not wish to speak.*

- 4. PUBLIC HEARINGS**

- a. Ordinance No. 23-09** amending Title 13-13-10(G) "Landscaping Requirements" and 13-18-10(E)(2) "Urban Forestry" changing the clearance of tree canopy height from 15 feet to 14 feet and make other clarifying changes.

## 5. BUSINESS ITEMS

- a. **Resolution No. 23-015** approving an interlocal agreement with the Salt Lake County Clerk to administer the 2023 municipal elections.
- b. **Ordinance No. 23-12** an ordinance amending the 2009 West Jordan City Code (General Business Regulations and Licensing Requirements; amending city code sections 4-1A-1 through 4-1D-5 inclusive)
- c. **Ordinance No. 23-11** amending 2009 West Jordan City Code (Provisions Regarding Conditional Use Permits and Appeals, to conform to recent revisions to Utah Code Ann. Section 10-9a-507; specifically amending City Code Sections 13-7e-1 through 13-7e-13 inclusive and Sections 15-5-1, 15-5-3, 15-5-6, and 15-6-1)
- d. **Resolution No. 23-019** through **Resolution No. 23-032** Recognizing the General Plan Committee Members

## 6. CONSENT ITEMS

*Routine items on the Consent Agenda not requiring public discussion by the City Council or which have been discussed previously may be adopted by one single motion. A Council member may request to remove an item from the consent agenda for individual discussion and consideration.*

- a. Approve Meeting Minutes
  - March 8, 2023 – Regular City Council Meeting
- b. **Resolution No. 23-013** authorizing the Mayor to sign the Grant Agreement between the Cultural Arts Society of West Jordan and the City

## 7. COUNCIL MEETING WRAP UP

- a. City Council Remarks
- b. Council Administrative Items

## 8. ADJOURN

### **\*NEW BUSINESS**

*New Business Items are matters appearing for the first time on a Council agenda. This notifies the Council the matter will be considered at a future meeting. The introduction of the item allows the Council appropriate preparation time.*

- **Resolution No. 23-010** providing advice and consent to appoint Catherine Paquette Richardson to serve on the Planning Commission.

## **\*UNFINISHED BUSINESS**

*Unfinished Business Items are matters that have been introduced that remain unresolved. Updates are listed to assist in planning or resolution.*

- **Soccer Complex** – Council discussed West Jordan Soccer Complex agreement during a Work Session on October 12, 2022. Ongoing dialog.
- **Landlord / Tenant Agreements** – discussed a proposed Landlord / Tenant agreement during Committee of the Whole on December 21, 2022. Scheduled for Committee of the Whole on March 15, 2023.
- **Veteran’s Memorial Park Master Plan** – introduced to Council during a Work Session on February 9, 2022. Currently with Administration. RFP for consultant closed on March 1, working on awarding bid.
- **City Center Visioning** – Council discussed City Center visioning during a Strategic Planning Work Session on February 9, 2022 and again during a Work Session on March 9, 2022. Currently with staff and in coordination with Station Area Plan working group.

## **UPCOMING CITY COUNCIL MEETINGS**

- Wednesday, April 12, 2023 – Regular City Council Meeting – 6:00p
- Thursday, April 13, 2023 – Committee of the Whole Meeting – 6:00p
- Wednesday, April 26, 2023 – Regular City Council Meeting – 6:00p
- Tuesday, May 9, 2023 – Committee of the Whole Meeting – 6:00p
- Wednesday, May 10, 2023 – Regular City Council Meeting – 6:00p
- Wednesday, May 17, 2023 – Committee of the Whole Meeting – 6:00p
- Wednesday, May 24, 2023 – Regular City Council Meeting – 6:00p

**Interested parties may contact the Council PRIOR to the meeting in one of the following ways:** *(your comment will not be part of the meeting but will be provided to all members of the entire City Council)*

- *Call the 24-hour Public Comment Line PRIOR to the meeting and leave a message: (801) 569-5052. Please include your name and phone number.*
- *Send an email to [councilcomments@westjordan.utah.gov](mailto:councilcomments@westjordan.utah.gov). Please include your name and phone number.*

*You can follow the City Council on Twitter @WJCityCouncil and on Facebook @WestJordanCityCouncil*

*In accordance with the Americans with Disabilities Act, the City of West Jordan will make reasonable accommodations for participation in the meeting. Request for assistance can be made by contacting the West Jordan City Council Office at 801-569-5017, providing at least three working days' advance notice of the meeting.*

***ELECTRONIC PARTICIPATION***

*One or more council members may participate electronically in this meeting using online video conferencing technology per Utah Code (§52-4-207) and West Jordan City Ordinance 1-13-1-E. Members' participation via electronic communication will be broadcast and amplified so other Council Members and all other persons present in the Council Chambers will be able to hear or see the communication.*

***INTELLECTUAL PROPERTY PERMISSION NOTICE***

*By attending this meeting/event, you consent to the use of your photograph, voice, likeness, and image in broadcasts of this meeting/event, and in subsequent productions drawn from video or audio recordings of this meeting/event, in the sole and absolute discretion of the City of West Jordan. The city retains copyright for all video and audio recordings. Video and audio recordings may not be modified, manipulated, or distributed in any way without the express written consent of the City's Chief Executive Officer.*

***CERTIFICATE OF POSTING***

*I certify that the foregoing agenda was posted at the principal office of the public body, on the Utah Public Notice website <https://www.utah.gov/pmn/>, on West Jordan City's website <https://westjordan.primegov.com/public/portal>, and notification was sent to the Salt Lake Tribune, Deseret News, and the West Jordan Journal.*

***Please note:*** *agenda items are subject to change and may be reordered or tabled in order to accommodate the needs of the City Council, staff, and the public.*

***Posted and dated March 17, 2023      Cindy M. Quick, MMC, Council Office Clerk***



# REQUEST FOR COUNCIL ACTION

**Action:** Need Council to Take Action

**Meeting Date Requested** : 03/22/2023

**Presenter:** Melissa Worthen/Pamela Bloom

**Deadline of item** :

**Department Sponsor:** Council Office

**Agenda Type:** Public Hearing

**Time Requested:** 10 minutes presentation, 10 minutes council

*(Council may elect to provide more or less time)*

**1. AGENDA SUBJECT**

Ordinance No. 23-09 amending Title 13-13-10(G) and 13-18-10(E)(2) adjusting the tree canopy height for clearance and visibility.

**2. EXECUTIVE SUMMARY**

Council is being asked to amend this section of code regarding tree height canopy from 15 feet to 14 feet and making technical changes for clarification in measuring tree height.

During the December 21, 2022 Committee of the Whole meeting council members discussed proposed amendments to city code regarding tree clearance height. A majority of Council Members were in favor to amend the code requiring trees be trimmed to 14 feet. It was also requested that residents be allowed a period of time to bring the tree in compliance unless it's a safety hazard. Regarding the measurement of tree height, the following language was suggested "the measurement applies to 14 feet above any portion of the parking lane or travel lane".

**3. TIME SENSITIVITY / URGENCY**

Any urgency is related to enforcement

**4. FISCAL NOTE**

Fiscal impacts would depend on any additional requests by the council outside of the height.

**5. STAFF ANALYSIS**

Council Office staff recommends using the word perpendicular rather than gravitationally vertical. Council discretion on tree height.

**6. PLANNING COMMISSION RECOMMENDATION**

The requested amendment was brought to the March 7, 2023 Planning Commission for consideration and recommendation. Commission Members questioned the need for the proposed amendment, it was their understanding staff preferred keeping the 15 feet tree clearance height and the requested amendment was based on an ask from only two residents. Public comment was received by Fire Marshall Brockbank noting that there was a requirement that trees cannot be any lower than 13'6". Commissioners felt there was not sufficient justification for the amendment. Assistant City Attorney Duncan Murray recommended using the language gravitationally vertical in measuring trees and keep the remaining clarifying amendments proposed.

Commission Members forwarded a positive recommendation to the city to leave the tree clearance height requirement at 15 feet and add the words "gravitationally vertical" after the word above which passed unanimously 6-0.

**7. MOTION RECOMMENDED**

Move to approve Ordinance No. 23-09 amending Title 13-13-10(G) and 13-18-10(E)(2) adjusting the tree canopy height for clearance and visibility.

**8. MAYOR RECOMMENDATION**

None at this time

**9. PACKET ATTACHMENT(S)**

Ordinance No. 23-09

Meeting Minutes

1 THE CITY OF WEST JORDAN, UTAH  
2 ORDINANCE NO. 23-09

3 AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE  
4 (AMENDING TREE CANOPY HEIGHT REQUIREMENTS;  
5 AND AMENDING CITY CODE SECTIONS 13-13-10 AND 13-18-10)

6 WHEREAS, the City of West Jordan (“City”) adopted West Jordan City Code (“City Code”) in 2009; and the City Council of the City (“Council” or “City Council”) desires to amend certain sections of the City Code, regarding and related to Tree Canopy Height Requirements (“proposed City Code amendments”); and

10 WHEREAS, the Planning Commission of the City (“Planning Commission”) held a public hearing and provided a recommendation on March 7, 2023, regarding the proposed City Code amendments, which are all land use regulations, including City Code Sections 13-13-10 and 13-18-10; and

14 WHEREAS, the City Council held a work session (“Committee of the Whole Meeting”) on December 21, 2022 and a public hearing on March 22, 2023, regarding the proposed City Code amendments, and now determines the following:

- 17 1. The proposed City Code amendments conform to the General Plan and are consistent with the adopted goals, objectives and policies described therein;
- 19 2. The proposed City Code amendments are appropriate given the context of the request and there is sufficient justification for a modification to this title;
- 21 3. The proposed City Code amendments will not create a conflict with any other section or part of this title or the General Plan; and
- 23 4. The proposed City Code amendments do not relieve a particular hardship, nor do they confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy; and

26 WHEREAS, the City Council finds it to be in the best interest of the public health, safety, and welfare of the residents of the City to adopt the following proposed City Code amendments.

28 NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH AS FOLLOWS:

30 **Section 1. Amendment of Code Provisions.** City Code Sections 13-13-10 and 13-18-10 are amended to read as shown on Attachments 1 and 2 to this Ordinance.

32 **Section 2. Severability.** If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

34 **Section 3. Effective Date.** This Ordinance shall become effective immediately upon posting or publication as provided by law and upon (i) the Mayor signing the Ordinance, (ii) the City Council duly overriding the veto of the Mayor as provided by law, or (iii) the Mayor failing to sign or veto the Ordinance within fifteen (15) days after the City Council presents the Ordinance to the Mayor.

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40 PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THIS  
41 \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

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43 CITY OF WEST JORDAN

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46 By: \_\_\_\_\_  
47 Christopher McConnehey  
48 Council Chair

49 ATTEST:  
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52 \_\_\_\_\_  
53 Cindy M. Quick, MMC  
54 Council Office Clerk

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58 <b>Voting by the City Council</b>	<b>"YES"</b>	<b>"NO"</b>
59 Council Chair Christopher McConnehey	<input type="checkbox"/>	<input type="checkbox"/>
60 Council Vice-Chair Pamela Bloom	<input type="checkbox"/>	<input type="checkbox"/>
61 Council Member Kelvin Green	<input type="checkbox"/>	<input type="checkbox"/>
62 Council Member Zach Jacob	<input type="checkbox"/>	<input type="checkbox"/>
63 Council Member David Pack	<input type="checkbox"/>	<input type="checkbox"/>
64 Council Member Kayleen Whitelock	<input type="checkbox"/>	<input type="checkbox"/>
65 Council Member Melissa Worthen	<input type="checkbox"/>	<input type="checkbox"/>

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68 **PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON** \_\_\_\_\_.

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70 Mayor's Action: \_\_\_\_\_ Approve \_\_\_\_\_ Veto

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73 By: \_\_\_\_\_  
74 Mayor Dirk Burton Date

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81 Tangee Sloan, CMC  
82 City Recorder



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**STATEMENT OF APPROVAL/PASSAGE** (check one)

\_\_\_\_\_ The Mayor approved and signed Ordinance No. 23-09.

\_\_\_\_\_ The Mayor vetoed Ordinance No. 23-09 on \_\_\_\_\_ and the City Council timely overrode the veto of the Mayor by a vote of \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_ Ordinance No. 23-09 became effective by operation of law without the Mayor’s approval or disapproval.

\_\_\_\_\_  
Tangee Sloan, CMC  
City Recorder

**CERTIFICATE OF PUBLICATION**

I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and that a short summary of the foregoing ordinance was published on the Utah Public Notice Website on the \_\_\_\_\_ day of \_\_\_\_\_ 2023. The fully executed copy of the ordinance is retained in the Office of the City Recorder pursuant to Utah Code Annotated, 10-3-711.

\_\_\_\_\_  
Tangee Sloan, CMC  
City Recorder

*(Attachments on the following pages)*

1 **Planning Commission Recommendation:**

2

3 13-13-10: LANDSCAPE MAINTENANCE:

4 A. Intent: The developer, his the developer's successor, and/or subsequent owners of a site for  
5 which landscape plans were required shall be responsible for the maintenance, repair, and  
6 replacement of all landscaping elements. Park strips shall be maintained by the owner of  
7 property abutting city easements, rights of way and park strips.

8 B. Irrigation Systems: Irrigation systems shall be maintained in good working condition and  
9 adjusted to ensure optimal operation and efficient water use.

10 C. Malfunctioning systems that are no longer conveying water as specified shall be repaired  
11 or replaced.

12 D. Landscaping: All landscape plants shall be maintained in good condition to present a  
13 healthy, neat, and orderly appearance. Plants not in this condition shall be removed and replaced  
14 when necessary.

15 E. Trees: Tree maintenance and pruning on private property shall be the responsibility of the  
16 property owner or tenant.

17 1. For any tree in a park strip or within the landscape setback area where there is no park  
18 strip, property owners or tenants are not permitted to remove or conduct major pruning (twenty  
19 percent (20%) or more of the crown), without prior approval from the city's urban forester. As a  
20 condition of such approval, the permittee may be required to replace the tree.

21 2. Protect trees against damage caused by maintenance equipment, such as lawn/sod/turf  
22 mowers, weed trimmers, snowblowers and snowplows.

23 F. Grounds Maintenance: Landscaped areas shall be kept free of refuse and debris.

24 G. Clearance and Visibility. Any portion of a tree that is in the park strip public right of way  
25 or that overhangs the public right of way from private property may be removed up to the  
26 property line at any time without notice by the City. However, the requirements below are  
27 minimums that shall be maintained.

28 1. Trees adjacent to pedestrian walkways shall have a minimum canopy clearance of eight  
29 feet (8') above grade.

30 2. Tree canopies that extend over streets shall be pruned to provide canopy clearance of at  
31 least fifteen feet (15') gravitationally vertical above street pavement in travel lanes and parking  
32 lanes.

33 3. Plants in the intersection sight triangle shall be pruned to maintain maximum heights  
34 specified in this standard. (Ord. 21-10, 6-9-2021)

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38 13-18-10: INJURING TREES:

39 A. It shall be unlawful to injure or destroy a tree on any City tree planting strip, public park,  
40 or other public property, including but not limited to the following:

41 1. Constructing a concrete, asphalt, brick or gravel sidewalk or otherwise covering or filling  
42 up the ground area without irrigation and aeration around any tree so as to restrict oxygen, light,  
43 or water from tree roots without written consent from the Urban Forester;

44 2. Piling or storing building material, equipment, or other substance around any tree so as to  
45 cause injury;

46 3. Applying any injurious matter on or around any tree, or on the ground around it, or on  
47 any adjacent lawn or sidewalk;

48 4. Posting a sign on any tree, tree-stake or guard, or by fastening a guy wire, cable or rope  
49 to a tree, tree-stake, guard or nails;

50 5. Injuring a tree, tree-stake, or guard with a vehicle or animal, or in any other manner  
51 which causes injury or death to a tree or lawn on public property; and

52 6. Hanging a swing, hammock, slack lines or other similar object on a City owned tree.

53 B. Tree stakes or guards may be placed around a public tree by an adjacent property owner,  
54 with permission of the Urban Forester, provided the same are placed near a tree for the purpose  
55 of protecting or training the tree.

56 C. A tree located on City property in the immediate vicinity of an excavation, demolition, or  
57 construction of a building, structure, street, or utility work shall be protected from unnecessary  
58 injury. Tree protection specifications and standards shall be obtained from the Urban Forester  
59 and strictly adhered to. Any potential injury or damage shall be guarded against with a tree  
60 protection zone as provided in the City arboricultural standards and specifications. Tree  
61 protection shall be coordinated with the Urban Forester, throughout the project, in order to  
62 mitigate damage to the tree and danger to the public. During the construction phase, the  
63 contractor shall ensure regular and adequate irrigation of each public tree as provided in the  
64 arboricultural standards and specifications. Such irrigation shall be documented.

65 D. Any person who destroys or injures a tree belonging to the City may be required to pay to  
66 the City the appraised value replacement, or repair cost associated with such action as provided  
67 by the ISA and the Council of Tree and Landscape Appraisers.

68 E. It shall be unlawful to top any public tree without the authorization by the Urban Forester.  
69 All pruning procedures shall follow the most recent revisions of ANSI A300 pruning standards,  
70 as amended. Trees under utility wires or other obstructions where standard pruning practices are  
71 impracticable may be exempted from this section with prior approval of the Urban Forester.

72 1. Every owner of any tree overhanging any street or right-of-way within the City shall  
73 prune the branches so that such branches do not obstruct the access or use of road by emergency

74 vehicles, light from any street lamp, the view of any street intersection, or the ability of  
75 pedestrians to use the sidewalk.

76 2. There shall be a clear space of fifteen feet (15') **gravitationally vertical** above the street  
77 surface and eight feet (8') above the sidewalk surface.

78 3. Said owners shall remove any dead or dangerous tree, or broken or decayed limbs that  
79 constitute a hazard to the safety of the public.

80 4. The City shall have the authority to prune any tree or shrub on private property when it  
81 interferes with pedestrian use of a sidewalk, vehicle use of a public street, visibility of any traffic  
82 control device or sign, or sight triangle at an intersection, or City owned streetlights. The  
83 property owner may be charged with the equipment, vehicle, and crew cost accrued in the  
84 pruning or removal of such tree. (Ord. 18-05, 1-24-2018)

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**Clean Version (Planning Commission Recommendation):**

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13-13-10: LANDSCAPE MAINTENANCE:

A. Intent: The developer, the developer’s successor, and/or subsequent owners of a site for which landscape plans were required shall be responsible for the maintenance, repair, and replacement of all landscaping elements. Park strips shall be maintained by the owner of property abutting city easements, rights of way and park strips.

B. Irrigation Systems: Irrigation systems shall be maintained in good working condition and adjusted to ensure optimal operation and efficient water use.

C. Malfunctioning systems that are no longer conveying water as specified shall be repaired or replaced.

D. Landscaping: All landscape plants shall be maintained in good condition to present a healthy, neat, and orderly appearance. Plants not in this condition shall be removed and replaced when necessary.

E. Trees: Tree maintenance and pruning on private property shall be the responsibility of the property owner or tenant.

1. For any tree in a park strip or within the landscape setback area where there is no park strip, property owners or tenants are not permitted to remove or conduct major pruning (twenty percent (20%) or more of the crown), without prior approval from the city's urban forester. As a condition of such approval, the permittee may be required to replace the tree.

2. Protect trees against damage caused by maintenance equipment, such as lawn/sod/turf mowers, weed trimmers, snowblowers and snowplows.

F. Grounds Maintenance: Landscaped areas shall be kept free of refuse and debris.

G. Clearance and Visibility. Any portion of a tree that is in the park strip public right of way or that overhangs the public right of way from private property may be removed up to the property line at any time without notice by the City. However, the requirements below are minimums that shall be maintained.

1. Trees adjacent to pedestrian walkways shall have a minimum canopy clearance of eight feet (8') above grade.

2. Tree canopies that extend over streets shall be pruned to provide canopy clearance of at least fifteen feet (15’) gravitationally vertical above street pavement in travel lanes and parking lanes.

3. Plants in the intersection sight triangle shall be pruned to maintain maximum heights specified in this standard. (Ord. 21-10, 6-9-2021)

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151 any adjacent lawn or sidewalk;

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170 the City the appraised value replacement, or repair cost associated with such action as provided  
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1 **Planning Commission Recommendation:**

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26 property line at any time without notice by the City. However, the requirements below are  
27 minimums that shall be maintained.

28 1. Trees adjacent to pedestrian walkways shall have a minimum canopy clearance of eight  
29 feet (8') **above grade at all possible perpendiculars between the walkway surface and tree.**

30 2. Tree canopies that extend over streets shall be pruned to provide canopy clearance of at  
31 least **fifteen feet (15') above street pavement in travel lanes and parking lanes fourteen feet (14')**  
32 **at all possible perpendiculars between the street surface and tree.**

33 3. Plants in the intersection sight triangle shall be pruned to maintain maximum heights  
34 specified in this standard. (Ord. 21-10, 6-9-2021)



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38 13-18-10: INJURING TREES:

39 A. It shall be unlawful to injure or destroy a tree on any City tree planting strip, public park,  
40 or other public property, including but not limited to the following:

41 1. Constructing a concrete, asphalt, brick or gravel sidewalk or otherwise covering or filling  
42 up the ground area without irrigation and aeration around any tree so as to restrict oxygen, light,  
43 or water from tree roots without written consent from the Urban Forester;

44 2. Piling or storing building material, equipment, or other substance around any tree so as to  
45 cause injury;

46 3. Applying any injurious matter on or around any tree, or on the ground around it, or on  
47 any adjacent lawn or sidewalk;

48 4. Posting a sign on any tree, tree-stake or guard, or by fastening a guy wire, cable or rope  
49 to a tree, tree-stake, guard or nails;

50 5. Injuring a tree, tree-stake, or guard with a vehicle or animal, or in any other manner  
51 which causes injury or death to a tree or lawn on public property; and

52 6. Hanging a swing, hammock, slack lines or other similar object on a City owned tree.

53 B. Tree stakes or guards may be placed around a public tree by an adjacent property owner,  
54 with permission of the Urban Forester, provided the same are placed near a tree for the purpose  
55 of protecting or training the tree.

56 C. A tree located on City property in the immediate vicinity of an excavation, demolition, or  
57 construction of a building, structure, street, or utility work shall be protected from unnecessary  
58 injury. Tree protection specifications and standards shall be obtained from the Urban Forester  
59 and strictly adhered to. Any potential injury or damage shall be guarded against with a tree  
60 protection zone as provided in the City arboricultural standards and specifications. Tree  
61 protection shall be coordinated with the Urban Forester, throughout the project, in order to  
62 mitigate damage to the tree and danger to the public. During the construction phase, the  
63 contractor shall ensure regular and adequate irrigation of each public tree as provided in the  
64 arboricultural standards and specifications. Such irrigation shall be documented.

65 D. Any person who destroys or injures a tree belonging to the City may be required to pay to  
66 the City the appraised value replacement, or repair cost associated with such action as provided  
67 by the ISA and the Council of Tree and Landscape Appraisers.

68 E. It shall be unlawful to top any public tree without the authorization by the Urban Forester.  
69 All pruning procedures shall follow the most recent revisions of ANSI A300 pruning standards,  
70 as amended. Trees under utility wires or other obstructions where standard pruning practices are  
71 impracticable may be exempted from this section with prior approval of the Urban Forester.

72 1. Every owner of any tree overhanging any street or right-of-way within the City shall  
73 prune the branches so that such branches do not obstruct the access or use of road by emergency

74 vehicles, light from any street lamp, the view of any street intersection, or the ability of  
75 pedestrians to use the sidewalk.

76 2. There shall be a clear space of ~~fifteen feet (15') above the street surface~~ fourteen feet  
77 (14') at all possible perpendiculars between the street surface and tree and eight feet (8') above  
78 ~~the sidewalk surface~~ at all possible perpendiculars between the sidewalk surface and tree.

79 3. Said owners shall remove any dead or dangerous tree, or broken or decayed limbs that  
80 constitute a hazard to the safety of the public.

81 4. The City shall have the authority to prune any tree or shrub on private property when it  
82 interferes with pedestrian use of a sidewalk, vehicle use of a public street, visibility of any traffic  
83 control device or sign, or sight triangle at an intersection, or City owned streetlights. The  
84 property owner may be charged with the equipment, vehicle, and crew cost accrued in the  
85 pruning or removal of such tree. (Ord. 18-05, 1-24-2018)

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**Clean Version (Planning Commission Recommendation):**

13-13-10: LANDSCAPE MAINTENANCE:

A. Intent: The developer, the developer’s successor, and/or subsequent owners of a site for which landscape plans were required shall be responsible for the maintenance, repair, and replacement of all landscaping elements. Park strips shall be maintained by the owner of property abutting city easements, rights of way and park strips.

B. Irrigation Systems: Irrigation systems shall be maintained in good working condition and adjusted to ensure optimal operation and efficient water use.

C. Malfunctioning systems that are no longer conveying water as specified shall be repaired or replaced.

D. Landscaping: All landscape plants shall be maintained in good condition to present a healthy, neat, and orderly appearance. Plants not in this condition shall be removed and replaced when necessary.

E. Trees: Tree maintenance and pruning on private property shall be the responsibility of the property owner or tenant.

1. For any tree in a park strip or within the landscape setback area where there is no park strip, property owners or tenants are not permitted to remove or conduct major pruning (twenty percent (20%) or more of the crown), without prior approval from the city's urban forester. As a condition of such approval, the permittee may be required to replace the tree.

2. Protect trees against damage caused by maintenance equipment, such as lawn/sod/turf mowers, weed trimmers, snowblowers and snowplows.

F. Grounds Maintenance: Landscaped areas shall be kept free of refuse and debris.

G. Clearance and Visibility. Any portion of a tree that is in the park strip public right of way or that overhangs the public right of way from private property may be removed up to the property line at any time without notice by the City. However, the requirements below are minimums that shall be maintained.

1. Trees adjacent to pedestrian walkways shall have a minimum canopy clearance of eight feet (8') at all possible perpendiculars between the walkway surface and tree.

2. Tree canopies that extend over streets shall be pruned to provide canopy clearance of at least fourteen feet (14') at all possible perpendiculars between the street surface and tree.

3. Plants in the intersection sight triangle shall be pruned to maintain maximum heights specified in this standard. (Ord. 21-10, 6-9-2021)

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13-18-10: INJURING TREES:

A. It shall be unlawful to injure or destroy a tree on any City tree planting strip, public park, or other public property, including but not limited to the following:

1. Constructing a concrete, asphalt, brick or gravel sidewalk or otherwise covering or filling up the ground area without irrigation and aeration around any tree so as to restrict oxygen, light, or water from tree roots without written consent from the Urban Forester;

2. Piling or storing building material, equipment, or other substance around any tree so as to cause injury;

3. Applying any injurious matter on or around any tree, or on the ground around it, or on any adjacent lawn or sidewalk;

4. Posting a sign on any tree, tree-stake or guard, or by fastening a guy wire, cable or rope to a tree, tree-stake, guard or nails;

5. Injuring a tree, tree-stake, or guard with a vehicle or animal, or in any other manner which causes injury or death to a tree or lawn on public property; and

6. Hanging a swing, hammock, slack lines or other similar object on a City owned tree.

B. Tree stakes or guards may be placed around a public tree by an adjacent property owner, with permission of the Urban Forester, provided the same are placed near a tree for the purpose of protecting or training the tree.

C. A tree located on City property in the immediate vicinity of an excavation, demolition, or construction of a building, structure, street, or utility work shall be protected from unnecessary injury. Tree protection specifications and standards shall be obtained from the Urban Forester and strictly adhered to. Any potential injury or damage shall be guarded against with a tree protection zone as provided in the City arboricultural standards and specifications. Tree protection shall be coordinated with the Urban Forester, throughout the project, in order to mitigate damage to the tree and danger to the public. During the construction phase, the contractor shall ensure regular and adequate irrigation of each public tree as provided in the arboricultural standards and specifications. Such irrigation shall be documented.

D. Any person who destroys or injures a tree belonging to the City may be required to pay to the City the appraised value replacement, or repair cost associated with such action as provided by the ISA and the Council of Tree and Landscape Appraisers.

E. It shall be unlawful to top any public tree without the authorization by the Urban Forester. All pruning procedures shall follow the most recent revisions of ANSI A300 pruning standards, as amended. Trees under utility wires or other obstructions where standard pruning practices are impracticable may be exempted from this section with prior approval of the Urban Forester.

176 1. Every owner of any tree overhanging any street or right-of-way within the City shall  
177 prune the branches so that such branches do not obstruct the access or use of road by emergency  
178 vehicles, light from any street lamp, the view of any street intersection, or the ability of  
179 pedestrians to use the sidewalk.

180 2. There shall be a clear space of fourteen feet (14') at all possible perpendiculars between  
181 the street surface and tree and eight feet (8') at all possible perpendiculars between the sidewalk  
182 surface and tree.

183 3. Said owners shall remove any dead or dangerous tree, or broken or decayed limbs that  
184 constitute a hazard to the safety of the public.

185 4. The City shall have the authority to prune any tree or shrub on private property when it  
186 interferes with pedestrian use of a sidewalk, vehicle use of a public street, visibility of any traffic  
187 control device or sign, or sight triangle at an intersection, or City owned streetlights. The  
188 property owner may be charged with the equipment, vehicle, and crew cost accrued in the  
189 pruning or removal of such tree. (Ord. 18-05, 1-24-2018)

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**MINUTES OF THE CITY OF WEST JORDAN  
CITY COUNCIL MEETING**

**Wednesday, May 26, 2021 – 7:00 pm**  
**Approved June 23, 2021**

West Jordan City Council Chambers • 8000 S Redwood Road • West Jordan, UT 84088

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**COUNCIL:** Chair Zach Jacob (joined at 8:37 p.m.), Vice-Chair Kelvin Green, Chad Lamb (absent), Christopher McConnehey, David Pack, Kayleen Whitelock, and Melissa Worthen (absent)

**STAFF:** IT Director Robert Allred, Council Office Director Alan R. Anderson, Community Engagement & Government Affairs Tauni Barker, Mayor Dirk Burton, Public Works Director Brian Clegg, City Planner/Zoning Administrator Larry Gardner, Community Development Director Scott Langford, City Administrator Korban Lee, IT Administrative Assistant Rachel MacKay, Fire Chief Derek Maxfield, Assistant City Attorney Duncan Murray, Economic Development Director Chris Pengra, Council Office Clerk Cindy Quick, Administrative Services Director Danyce Steck, City Recorder Tangee Sloan, and City Attorney Robert Wall

**1. CALL TO ORDER**

Vice Chair Green called the meeting to order at 7:01 p.m.

**2. PLEDGE OF ALLEGIANCE**

City Administrator Korban Lee led participants in the pledge of allegiance.

**3. PRESENTATION**

**a. Autism Support Classroom Donation**

Mikey Jacobson, a teacher at West Jordan High School, spoke of a fundraiser done at West Jordan High for autism awareness. He presented the almost \$1,000 raised to the West Jordan Police Department. An Officer thanked Mr. Jacobson and the Jordan School District. Vice Chair Green contributed the \$31 needed to bring the amount to an even \$1,000. City Administrator Korban Lee recognized the West Jordan Police Department for the advanced preparation and training efforts of the officers. Council Member McConnehey thanked the Police Chief for keeping the Department where it needed to be to take care the needs of the residents, and thanked Mr. Jacobson for his work in the community.

**4. CITIZEN COMMENT**

**Vice Chair Green opened the citizen comment period at 7:15 p.m.**

**Citizen Comments:**

Alexandra Eframo, West Jordan resident, asked for a minute of silence for everyone to count their blessings. She asked everyone to remember all living and departed military on Memorial Day. Ms. Eframo said she appreciated transparency in the budget. She commented that she had not received the West Jordan Journal for one year, and suggested the City use space in the Journal to be transparent about the budget.

**Vice Chair Green closed citizen comments at 7:18 p.m.**

## **5. AGENCY MEETINGS**

At 7:19 pm Council Member McConnehey moved to temporarily recess the meeting to review the agenda for the Fairway Estates Special Service Recreation District, Municipal Building Authority, and Redevelopment Agency and Council Member Kayleen Whitelock seconded the motion. All voted in favor and the motion passed unanimously.

The Council meeting reconvened at 7:50 p.m.

## **6. EXECUTIVE REPORTS TO COUNCIL**

### ***a. Mayor's Report***

Mayor Dirk Burton said he was excited about upcoming high school graduations. He updated the Council regarding new equipment in the Fire Department. The Mayor reported City event brochures would soon be mailed to residents.

### ***b. City Administrator's Report***

Public Works Director Brian Clegg updated the Council regarding current projects. Vice Chair Green said he believed West Jordan had the best Public Works Department in the country. Vice Chair Green and Council Member McConnehey thanked Mr. Clegg for involving the Council in a recent memorial for a former Public Works employee.

City Administrator Korban Lee said the Council was sent a memo regarding Sunset Villas, as well as financial statements for the Cultural Arts Society for the last two years. He said Staff were waiting for Council review of the statements before disbursing the requested funds to the Cultural Arts Society. Mr. Lee spoke of upcoming Memorial Day events. He stated the Council Budget Subcommittee would review proposed use of American Rescue Plan Act (ARPA) funds.

## **7. PUBLIC HEARINGS**

### ***a. Tentative Budget for Fiscal Year 2021-2022***

Administrative Services Director Danyce Steck presented the Tentative Budget for Fiscal Year 2021-2022, with changes discussed by the Council during the work session prior to the Council meeting.

**Vice Chair Green opened a public hearing at 8:00 p.m.**

### **Citizen Comments:**

Bruce Carter, West Jordan resident, said he had reviewed the FY2022 Budget and liked many things the Council had done. He expressed support for improving aesthetics in West Jordan, and for the Community Arts Center project moving forward. He said he liked the economic development aspect, and said he knew Chief Maxfield was excited about the gurney lift systems. Mr. Carter expressed concern about removal of the agenda management system from the budget. He shared personal positive experience with agenda management systems and expressed support for the convenience and the time that could be saved. Mr. Carter encouraged the Council to put agenda management software back in the budget. He commented that all taxing entities had to address inflation, and suggested taxing entities together approach the Legislature about being able to increase property taxes based on the CPI without going through Truth-in-Taxation.

**Vice Chair Green closed the public hearing at 8:04 p.m.**

**MOTION: Council Member McConnehey moved to approve Resolution No. 21-021 adopting the Tentative Budget for Fiscal Year 2021-2022 along with changes as agreed**

upon by the majority of the City Council during tonight’s work session, and hereby set June 9, 2021, as the date for a public hearing regarding the final adoption of the budget and supporting property tax rates.  
**Council Member Whitelock seconded the motion.**

**The vote was recorded as follows:**

<b>Council Chair Jacob</b>	<b>Absent</b>
<b>Vice Chair Green</b>	<b>Yes</b>
<b>Council Member Lamb</b>	<b>Absent</b>
<b>Council Member McConnehey</b>	<b>Yes</b>
<b>Council Member Pack</b>	<b>Yes</b>
<b>Council Member Whitelock</b>	<b>Yes</b>
<b>Council Member Worthen</b>	<b>Absent</b>

**The motion passed 4-0**

***b. Amending City Code Sections affecting Public Notice Requirements***

City Recorder Tangee Sloan stated proposed Ordinance No. 21-17 was prepared to amend sections of City Code affecting public notice requirements. During the 2021 Legislative Session, SB 201 was passed, removing newspaper public noticing requirements. During a recent Special Session, SB 1007 was passed to amend SB 201. Assistant City Attorney Duncan Murray explained recommended amendments to City Code. He explained that SB 1007 set the number of election notices required to be posted in a city to a maximum of ten.

**Vice Chair Green opened a public hearing at 8:12 p.m.**

**Citizen Comments:**

Alexandra Eframo said she was disappointed to not have had an opportunity to speak during the public hearing for the Tentative Budget. She asked whether or not the West Jordan Journal was still published. Ms. Eframo asked if the proposed \$5 million renovation of City Hall was part of the FY2022 Tentative Budget. She stated she was against the proposed renovation.

**Vice Chair Green closed the public hearing at 8:15 p.m.**

City Administrator Korban Lee explained the West Jordan Journal was a monthly journal specific to West Jordan. He said the former newspaper public noticing requirements involved daily newspapers.

**MOTION: Council Member McConnehey moved to approve Ordinance No. 21-17 amending the 2009 West Jordan City Code (Sections Affecting Public Notice Requirements, Including Requiring the Use of the State Notice Website and not Requiring the Use of Newspaper Notice).**  
**Council Member Whitelock seconded the motion.**

**The vote was recorded as follows:**

<b>Council Chair Jacob</b>	<b>Absent</b>
<b>Vice Chair Green</b>	<b>Yes</b>
<b>Council Member Lamb</b>	<b>Absent</b>
<b>Council Member McConnehey</b>	<b>Yes</b>



<b>Council Member Pack</b>	<b>Yes</b>
<b>Council Member Whitelock</b>	<b>Yes</b>
<b>Council Member Worthen</b>	<b>Absent</b>

**The motion passed 4-0**

**8. GUEST REPORT**

**a. Mosquito Abatement**

Brian Hougaard with the South Salt Lake Valley Mosquito Abatement District (SSLVMAD) provided an update regarding SSLVMAD. He recognized Gene Drake, who was present with his wife, and who had represented West Jordan on the SSLVMAD Board for 23 years. Mr. Hougaard provided information regarding how to protect against West Nile Virus, and explained that citizens with ornamental ponds could contact SSLVMAD for an inspection. Mr. Hougaard answered questions from the Council. Vice Chair Green thanked Mr. Hougaard for the presentation. Council Member McConnehey thanked Mr. and Mrs. Drake for their long-term contributions to the community.

**9. BUSINESS ITEMS**

**a. Taylorsville Bennion Improvement District Boundary Adjustment**

Senior Engineer Greg Davenport oriented the Council with a proposed joint resolution between West Jordan and Taylorsville Bennion Improvement District to declare an intent to adjust the common boundary. He described the five steps in the boundary adjustment process.

*Chair Jacob arrived at 8:37 p.m.*

**MOTION: Council Member McConnehey moved to approve Joint Resolution No. 21-017 between West Jordan City and Taylorsville Bennion Improvement District declaring an intent to adjust their common boundary. Council Member Whitelock seconded the motion.**

**The vote was recorded as follows:**

<b>Council Chair Jacob</b>	<b>Yes</b>
<b>Vice Chair Green</b>	<b>Yes</b>
<b>Council Member Lamb</b>	<b>Absent</b>
<b>Council Member McConnehey</b>	<b>Yes</b>
<b>Council Member Pack</b>	<b>Yes</b>
<b>Council Member Whitelock</b>	<b>Yes</b>
<b>Council Member Worthen</b>	<b>Absent</b>

**The motion passed 5-0**

**b. Town Center at Copper Rim**

Vice Chair Green explained that the developer of the Town Center at Copper Rim had submitted revised plans, the Land Use Subcommittee had reviewed the plans, and Staff were in the process of reviewing them. Due to the complexity of the modifications, the public notice timing, and time needed for a Staff review, the June 1st date noted in the previous motion needed to be extended. Vice Chair Green expressed confidence that the item would soon be ready for Council review.

**MOTION: Vice Chair Green moved to continue the Town Center at Copper Rim discussion to a date uncertain. Council Member McConnehey seconded the motion.**

**The vote was recorded as follows:**

<b>Council Chair Jacob</b>	<b>Yes</b>
<b>Vice Chair Green</b>	<b>Yes</b>
<b>Council Member Lamb</b>	<b>Absent</b>
<b>Council Member McConnehey</b>	<b>Yes</b>
<b>Council Member Pack</b>	<b>Yes</b>
<b>Council Member Whitelock</b>	<b>Yes</b>
<b>Council Member Worthen</b>	<b>Absent</b>

**The motion passed 5-0.**

***c. General Plan Committee Appointment***

Vice Chair Green noted that the agenda listed the appointment of Parker Cluff as an alternate to the General Plan Committee. Since the agenda was finalized, a vacancy occurred on the Committee. Vice Chair Green explained that, although the Council would appoint Mr. Cluff as an alternate, Mr. Cluff would automatically assume the vacancy as a full member according to the Committee Bylaws.

**MOTION: Council Member McConnehey moved to approve Resolution No. 21-022 appointing Parker Cluff to serve on the West Jordan General Plan Committee. Vice Chair Green seconded the motion.**

**The vote was recorded as follows:**

<b>Council Chair Jacob</b>	<b>Yes</b>
<b>Vice Chair Green</b>	<b>Yes</b>
<b>Council Member Lamb</b>	<b>Absent</b>
<b>Council Member McConnehey</b>	<b>Yes</b>
<b>Council Member Pack</b>	<b>Yes</b>
<b>Council Member Whitelock</b>	<b>Yes</b>
<b>Council Member Worthen</b>	<b>Absent</b>

**The motion passed 5-0.**

***d. Landscaping Ordinance Text Amendment Update***

The public hearing for proposed Landscaping Ordinance Text Amendments was continued at the previous meeting to June 9, 2021. Vice Chair Green explained this item was included on the agenda to discuss any updates made since the last meeting.

Council Member Whitelock expressed concern with the stated ability (under Exceptions) of the Zoning Administrator to waive or reduce the width of a required landscape buffer if one already existed. Council Member McConnehey said he appreciated the concern and requested Staff response. He suggested replacing “Zoning Administrator” with “City Council”.

City Planner/Zoning Administrator Larry Gardner said he was not sure the particular situation would ever be applicable. He said he understood the concern. Mr. Gardner commented that most final site plans would go to the Planning Commission and suggested changing authority to the Planning Commission. Chair Jacob said he liked the suggestion to change review authority to the Planning Commission, and requested Staff make the change before the next Council meeting. Council Member McConnehey suggested adding the language “unless otherwise required by ordinance or resolution”. City Attorney Rob Wall responded the addition would accomplish what was desired. Vice Chair Green suggested limiting the ability to reduce a buffer by a certain percent

and suggested 20%. Council Member McConnehey responded that, as this provision was infrequently used, he was comfortable leaving more flexibility. Chair Jacob said he agreed with providing flexibility.

Mr. Gardner said Jordan Valley Water Conservancy District had indicated they were happy with the proposed ordinance and expressed appreciation to members of the Council who worked on the subcommittee.

City Administrator Korban Lee explained that adoption of the Landscaping Ordinance at the June 9, 2021, Council meeting would put the City on track for approval of a contract with Jordan Valley Water Conservancy District at their meeting on July 14<sup>th</sup> before rates would increase.

**MOTION: Vice Chair Green moved to continue Ordinance No. 21-10 regarding landscaping requirements, amending the 2009 West Jordan City Code Title 13, Chapter 13 and definitions in Section 13-2-3.  
Council Member McConnehey seconded the motion.**

**The vote was recorded as follows:**

<b>Council Chair Jacob</b>	<b>Yes</b>
<b>Vice Chair Green</b>	<b>Yes</b>
<b>Council Member Lamb</b>	<b>Absent</b>
<b>Council Member McConnehey</b>	<b>Yes</b>
<b>Council Member Pack</b>	<b>Yes</b>
<b>Council Member Whitelock</b>	<b>Yes</b>
<b>Council Member Worthen</b>	<b>Absent</b>

**The motion passed 5-0.**

**10. CONSENT ITEMS**

**a. Approve Meeting Minutes**

- **April 28, 2021 Work Session and Regular City Council Meeting**

The Council reviewed the consent agenda.

**MOTION: Vice Chair Green moved to approve Consent Item 10a.  
Council Member McConnehey seconded the motion.**

**The vote was recorded as follows:**

<b>Council Chair Jacob</b>	<b>Yes</b>
<b>Vice Chair Green</b>	<b>Yes</b>
<b>Council Member Lamb</b>	<b>Absent</b>
<b>Council Member McConnehey</b>	<b>Yes</b>
<b>Council Member Pack</b>	<b>Yes</b>
<b>Council Member Whitelock</b>	<b>Yes</b>
<b>Council Member Worthen</b>	<b>Absent</b>

**The motion passed 5-0.**

**11. CITY COUNCIL REPORTS/REMARKS**

**a. Council Office Report**

The Council Office Director was not in attendance, and no report was given.

***b. City Council Reports / Remarks***

Council Member Whitelock –

- Asked that the Mayor or Staff respond to Ms. Eframo regarding her budget-related concern.
- Thanked Mr. Gardner for his work on the Landscaping Ordinance.
- Thanked the Fire Department for the opportunity to celebrate the two new fire engines with them. She said she was glad ambulances would have gurney lifts.

Council Member Pack –

- Commented that Fire Ops 101 and similar events were a great opportunity to receive better understanding.
- Spoke of events attended and expressed appreciation for diversity in the community.
- Asked why the City did not yet accepting American Express or Discover cards.
- Said he was looking forward to Memorial Day, and stated he was grateful for those who served in any capacity to promote peace.
- Expressed gratitude for collaboration between the Council, Mayor, Staff, and residents.

Vice Chair Green –

- Commended Cindy Quick for her work during the meeting.
- Said he enjoyed being part of the recent Fire Department celebration.
- Expressed condolences to Alan Anderson on the recent passing of a family member.
- Commented that the Farmer’s Market would begin soon.

Mayor Dirk Burton commented that most members of the Healthy West Jordan Committee were heavily involved with COVID-19 work. He said he would reach out to Ms. Eframo. The Mayor said the City currently accepted payments with VISA, Mastercard, and Discover, but not American Express.

***c. Unfinished Business Reports***

The Council reviewed a list of unfinished business items from previous meeting agendas and reviewed a list of items expected to appear on future agendas.

***12. CLOSED MEETING***

No closed meeting.

***13. ADJOURN***

**Council Member McConnehey moved to adjourn the meeting. Vice Chair Green seconded the motion, which passed unanimously. The meeting adjourned at 9:06 p.m.**

*I, Cindy Quick, hereby certify that the foregoing minutes represent an accurate summary of what occurred at the meeting held on May 26, 2021. This document constitutes the official minutes for the West Jordan City Council Meeting.*

Cindy M. Quick, MMC  
Council Office Clerk

Approved this 23<sup>rd</sup> day of June 2021



**MINUTES OF THE CITY OF WEST JORDAN  
CITY COUNCIL MEETING**

**Wednesday, June 9, 2021 – 7:00 pm**  
**Approved July 14, 2021**

West Jordan City Council Chambers • 8000 S Redwood Road • West Jordan, UT 84088

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**COUNCIL:** Chair Zach Jacob, Vice-Chair Kelvin Green, Chad Lamb, Christopher McConnehey, David Pack, Kayleen Whitelock, and Melissa Worthen

**STAFF:** IT Director Robert Allred, Council Office Director Alan R. Anderson, Community Engagement & Government Affairs Director Tauni Barker, Police Lieutenant Richard Bell, Police Lieutenant James Bigelow, Mayor Dirk Burton, Public Works Director Brian Clegg, City Planner/Zoning Administrator Larry Gardner, Community Development Director Scott Langford, City Administrator Korban Lee, IT Administrative Assistant Rachel MacKay, Fire Chief Derek Maxfield, Economic Development Director Chris Pengra, Assistant City Attorney David Quealy, Council Office Clerk Cindy Quick, Deputy Police Chief Jeremy Robertson, Administrative Services Director Danyce Steck, Assistant City Attorney Jared Tingey, Police Lieutenant Brandon Turner, Police Chief Ken Wallentine, and City Attorney Robert Wall

**1. CALL TO ORDER**

Council Chair Jacob called the meeting to order at 7:00 p.m.

**2. PLEDGE OF ALLEGIANCE**

Chief Wallentine led participants in the pledge of allegiance.

**3. CITIZEN COMMENT**

**Council Chair Jacob opened the citizen comment period at 7:03 p.m.**

**Citizen Comments:**

Judy Hanson, West Jordan resident, stated she was representing residents on her street and did not approve of charging \$50 for dumpster rentals. She reported that Sandy City allowed residents to put anything on the curb twice a year for pickup by the city. Ms. Hanson spoke of residents who did not have \$50 to rent a dumpster, and while she agreed that those who abused the free service should be charged, she said she did not believe it was fair to citizens to start charging for a service that had been free for a very long time. Ms. Hanson had served on the West Jordan Planning Commission and City Council. She believed that the Council needed to think of the condition of City roads as a safety issue.

Harold Brown referred to the proposed transfer of funds in the City budget and suggested that the City use emergency fund monies to cover the City's shortfall and replenish the fund when possible.

Charmaine Tarma said she was representing a group of people. She reportedly held 32 police reports between 2008 and July 2010. Ms. Tarma said she opposed her tax dollars being used to torment and persecute certain citizens. She said she looked forward to the day when the Lord Jesus Christ would be invited into City meetings to join the conversation, and said she prayed for freedom for everyone.

Rob Coburn expressed concern regarding the unoccupied Kmart building and the current state of disrepair of the property. He said he understood from a member of staff that a consortium had shown interest in the property and was looking forward to seeing the property cleaned up and become a usable tax base.

Bruce Cutler commented that from a citizen's perspective the City website was difficult to navigate; he thanked the Council for considering agenda management as part of the FY2022 Budget. He announced that he had registered to run for a City Council seat in the 2021 election. Mr. Cutler described past experience, and being relatively new to West Jordan City he felt he had a new perspective on how the City could improve.

David McClain commented that the Mountain View Bike Trail was a jewel of West Jordan and as a professional civil engineer, Mr. McClain was concerned about pavement maintenance on the trail. He asked the City Council to prioritize pavement maintenance on the trail.

Christy Mortensen, through an ASL interpreter, explained she had recently moved to West Jordan from Salt Lake City near East High School. She briefly introduced herself and her husband, and stated they were thrilled to be in West Jordan. Mrs. Mortensen held up a notice of landscaping violation they received, and voiced concern that the notice was very intimidating. She said neighbors had helped them figure the notice out but expressed that many deaf or hard-of-hearing residents would find the language difficult to understand and be frightened. Mrs. Mortensen suggested the notice could be revamped and suggested the City change their approach to be less frightening and intimidating. Council Chair Jacob responded that Staff would reach out to Mr. and Mrs. Mortensen.

David Belnap stated he loved living in West Jordan. He expressed concern about his water bill, which had increased from \$35 in 2007 to over \$200. Mr. Belnap questioned the proposed transfer of funds from the Water Fund to the General Fund stating that the City should hold the General Fund accountable and stop raiding the water utility.

Paul Warner referred to a notice he received regarding an enterprise fund being consolidated and put into the general budget. He spoke of inflation and that it had been a rough year. Mr. Warner stated utility fees should reflect the cost to run the utilities and suggested if the City had overcharged and had extra money in utility funds that the utility fees should be reduced to reflect the actual cost, and collect taxes on something else.

Alexandra Eframo asked for a moment of silence to allow everyone to count their blessings. She said she prayed schools would start having civic classes. Ms. Eframo quoted from the US Constitution noting that everyone should be aware of the Constitution.

**Council Chair Jacob closed citizen comments at 7:38 p.m.**

#### **4. SPECIAL RECOGNITION**

##### **a. DARE America Award Presentation**

Utah DARE Director Tibby Milne recognized Chief Ken Wallentine for receiving a DARE America Award for outstanding executive management. Kim Hawkes, Central Regional Director for DARE America, was pleased when he was informed that Chief Wallentine would receive the national award. Mr. Hawkes presented the 2021 DARE Law Enforcement Executive of the Year award to Chief Wallentine. Chief Wallentine said the DARE program brought him a lot of satisfaction. He commended the officers of the West Jordan Police Department and stated they sent the very best officers to the

schools as DARE officers. Chief Wallentine expressed appreciation for the recognition. Chief Jacob stated he was thankful for the West Jordan Police Department and the work they did.

## **5. AGENCY MEETINGS**

**At 7:45 p.m., Council Vice Chair Green moved to recess the regular Council meeting and convene a meeting of the Fairway Estates Special Service Recreation District.**

**Council Member McConnehey seconded the motion.**

**Council Member McConnehey explained the Council was responsible for the Fairway Estates Special Service Recreation District, Municipal Building Authority, and Redevelopment Agency. The motion passed by unanimous vote (7-0).**

The Council returned to regular meeting at 8:08 p.m.

**Council Member McConnehey motioned to jump ahead on the agenda to hold public hearings prior to executive reports. Council Vice Chair Green seconded the motion, which passed by unanimous vote (7-0).**

## **7. PUBLIC HEARINGS**

**Council Member McConnehey moved to readjust the order of public hearing issues as the Chair saw fit.**

**Council Member Worthen seconded the motion, which passed by unanimous vote (7-0).**

Council Chair Jacob asked those in attendance which public hearing issues they were attending to speak for, and reordered the issues: 7f, 7a, 7b, 7c, 7d, and 7e.

### ***f. Transfer of Enterprise Funds***

Administrative Services Director Danyce Steck explained that under Utah State Code Section 10-6-135.5, "...a city may transfer money in an enterprise fund to another fund to pay for a good, service, project, venture, or other purpose that is not directly related to the goods or services provided by the enterprise for which the enterprise fund was created." She explained noticing and public hearing requirements and explained that the funds proposed for transfer were charged to compensate the City for use of the City's property to provide a service. Ms. Steck explained that water, sewer, solid waste, storm water, and streetlight utilities were considered businesses. Those businesses used the City's space to provide their services. The proposed transfer would pay for the wear and tear on the City's roads and other open spaces. She explained that if the proposed transfer were removed, a 17% property tax increase would be needed to sustain a balanced budget. Ms. Steck stated the transfer was intended to become a stable revenue source for the General Fund. She presented accounting data for City enterprise funds, explained that the \$50 charge for a first-time dumpster rental significantly reduced the amount of the dumpster program subsidized by all customers, and explained use of the administrative services allocation.

**Council Chair Jacob opened a public hearing at 8:33 pm**

### Citizen Comments:

Kevin Hemmet thanked Ms. Steck for her presentation. He said the enterprise transfer may be legal but he questioned whether it was ethical. He commented that many residents struggled to pay their water bills and added that his bill had increased 100% in the last four years. Mr. Hemmet suggested three possible options for the \$2.6 million surplus: return the money to the residents, keep the money in the Water Fund as a slush fund, or put the money toward existing debt.

Loren Watson stated he was representing several residents. He said he had lived in West Jordan for 43 years and had seen the water rates go up and never down. He spoke of the federal government pushing construction of mega-apartments in the suburbs to try to increase the number of liberal voters in the suburbs, and asked how much of the Water Fund was going toward that development. Mr. Watson asked the Council to let citizens know if the Council was being compromised by federal government blackmail to put in low-income housing. He expressed the opinion that the mega-apartments became slums after 20 years.

Kathie Masich said she paid a municipal city tax on all of her utilities and questioned where the money went. She said City utility fees were running the elderly and middle-class residents out of their homes, and said it felt as though only rich people could have any quality of life anymore. Ms. Masich stated West Jordan had a large majority of seniors and she was sure they were feeling the pain. She said the pockets of the middle-class were empty.

Dave Newton thanked the Council for Ron Wood Park. He commented there were many things cities could do that were legal, but should perhaps not be done. He expressed the opinion the City was heading in the wrong direction with the proposed enterprise transfer and should look at other methods.

#### **Council Chair Jacob closed the public hearing at 8:50 pm**

Council Member Worthen asked Ms. Steck to explain why water rates were increased two years ago and why they were adjusted last year. Ms. Steck explained that rates were increased to comply with a debt requirement and adjusted the following year after a water rate study was conducted. With the rate adjustment, the Council adopted water rates that were revenue neutral, with residential and commercial users paying their fair share. Ms. Steck stated Staff did not recommend a water rate change in FY2022.

Council Member Worthen recommended citizens who felt their water bill had gone up astronomically contact the City to try to identify the reason. She said she had personally seen a decrease in her water bill with a change to more water-wise landscaping.

Council Member Whitelock commented that without the proposed enterprise transfer and without a 17% property tax increase, services would need to be cut from the budget. She stated she would not consider cutting public safety, and would not want to cut parks because she knew citizens enjoyed the parks. She asked Ms. Steck the impact on citizens if the Council approved a 17% property tax increase and a refund to the citizens of the enterprise fund 5%. Ms. Steck shared how the rate restructure in 2020 individually affected Council Members, and said a refund of the enterprise fund 5% and a 17% property tax increase would affect the Council Members differently depending on the size of their property and the amount of water they used.

Council Member Lamb shared how his water rate changed from April to May and September to October because of water use and commented that the City offered the opportunity to pay the same amount year-round. He spoke of the City's Fund Balance, and explained the Council approved an enterprise fund transfer to the General Fund in FY2021 because of the economic uncertainty related to COVID-19. With sales tax revenue higher than anticipated in FY2021, the Fund Balance was higher than had been expected. Council Member Lamb stated he would oppose the proposed enterprise fund transfer because of the higher-than-expected fund balance. He said he believed there was a way to



find needed funds in FY2022 without the enterprise fund transfer and without a property tax increase. He pointed out that water would always be an issue, and water rates would continue to go up over time.

Council Member McConnehey spoke of water-conserving changes made in his yard. He said he was not a fan of the proposed enterprise fund transfer. He said the logic made sense, but he was not on board with the philosophy. Council Member McConnehey stated the structure of property tax was different from a utility tax, and briefly explained property taxes for his property. He said he would prefer a property tax increase to cover City revenue needs.

Council Member Pack said he appreciated the different perspectives. He spoke of deferred maintenance, and commented that the City was already mowing City parks every two weeks. He emphasized that Council Members lived in the City and would share in whatever decision was made. Council Member Pack stated the goal was highest and best use.

Council Vice Chair Green stated the last year was a budget fluke, and the Council needed to look at the long-term financial stability of the City, whether through a utility transfer or a change in property tax. He said the Council and public had not yet discussed the Cemetery Perpetual Fund and stated he would rather use the surplus for the Cemetery Perpetual Fund than use General Fund revenues for the cemetery. Regarding the dumpster program, Council Vice Chair Green pointed out the citizens were paying for the dumpsters whether the City charged for individual rentals or not. Without the \$50 charge for initial dumpster rental and \$200 for subsequent dumpster rentals, everyone's utility bill would increase by \$25 per year to pay for the free service. Referring to Ms. Steck, Council Vice Chair Green stated West Jordan had the best Finance Director in the State. He expressed the opinion that the Mayor, Council, and Staff were working hard and being responsible with the budget, and emphasized that if services needed to be cut, they would be core services the citizens wanted and considered important because the City was already running lean.

Council Member Worthen stated the Council lived in West Jordan and paid the same bills other citizens paid. She said she felt the enterprise fund transfer would even things out with entities that did not usually pay those fees. She spoke of cutting back the amount of water used and said she had noticed some businesses watering less than they had prior to the rate adjustment in 2020. Council Member Worthen said she believed Staff had done a great job balancing the budget and emphasized that taxes paid for services and the people behind those services.

Council Chair Jacob stated there was very little public comment on the same topic last year. He said he voted against the transfer last year. He said he understood the argument that the utility transfer would include funds from tax-exempt properties that paid utility fees but not property taxes and said his response last year had been that those entities were tax-exempt for a reason. Council Chair Jacob said the proposed transfer did not feel right to him from a policy standpoint. He explained to the public that the Council vote on this item would occur at the next Council meeting.

**MOTION: Council Vice Chair Green moved to continue the public hearing to June 23, 2021.  
Council Member McConnehey seconded the motion.**

**The vote was recorded as follows:**

<b>Council Chair Jacob</b>	<b>Yes</b>
<b>Council Vice Chair Green</b>	<b>Yes</b>

<b>Council Member Lamb</b>	<b>Yes</b>
<b>Council Member McConnehey</b>	<b>Yes</b>
<b>Council Member Pack</b>	<b>Yes</b>
<b>Council Member Whitelock</b>	<b>Yes</b>
<b>Council Member Worthen</b>	<b>Yes</b>

**The motion passed 7-0.**

City Attorney Rob Wall commented that individuals who already spoke during the public hearing for this topic would not be allowed to speak again at the continued public hearing.

***a. Continued from May 26, 2021 – Landscaping Requirement Amendments***

City Planner/Zoning Administrator Larry Gardner thanked Council Members Whitelock, Green, and McConnehey for helping to work through the landscaping ordinance. He explained proposed amendments to landscaping requirements.

**Council Chair Jacob opened a public hearing at 9:45 pm**

**Citizen Comments:**

David McClain, West Jordan resident, said he knew there was not enough water in the valley for everyone and stated the Council was showing leadership by adopting the landscaping requirements. He expressed support for the proposed landscaping ordinance.

Paul Warner believed the City was moving in the right direction and commented that citizens could have beautiful yards without a lot of grass. He expressed support for the proposed ordinance.

Breanne Patterson, West Jordan resident, said she used to live in Arizona and supported the proposed ordinance. She suggested the City provide visual examples of what the landscaping requirements looked like.

Alexandra Eframo commented that Utah was the second driest state in the nation and water was precious. She said she prayed turf would not be allowed at all and suggested use of artificial turf, stone, and perennial plants.

**Council Chair Jacob closed the public hearing at 9:55 p.m.**

Council Vice Chair Green stated the proposed ordinance included a link to a visual example. He added that Jordan Valley Water Conservation District had great ideas on their website and at their garden (8275 South 1300 West). Council Member McConnehey commented that most of the legal language in the ordinance came from Jordan Valley Water Conservation District. He encouraged residents to read the code. Council Member Worthen stated the Jordan Valley Water Conservation Park was an awesome resource. Council Member Whitelock added that St. George had a conservation garden as well. Council Chair Jacob said he was in favor of the proposed ordinance and wanted to see the City lead out with flipping park strips and finding areas to eliminate unused turf.

**MOTION: Council Member Whitelock moved to approve Ordinance No. 21-10 amending the 2009 City Code Chapter 13 Landscaping Requirements and Section 13-2-3 Definitions.  
Council Member McConnehey seconded the motion.**

Council Member Whitelock thanked Mr. Gardner for his work on the ordinance.

**The vote was recorded as follows:**

<b>Council Chair Jacob</b>	<b>Yes</b>
<b>Council Vice Chair Green</b>	<b>Yes</b>
<b>Council Member Lamb</b>	<b>Yes</b>
<b>Council Member McConnehey</b>	<b>Yes</b>
<b>Council Member Pack</b>	<b>Yes</b>
<b>Council Member Whitelock</b>	<b>Yes</b>
<b>Council Member Worthen</b>	<b>Yes</b>

**The motion passed 7-0.**

**At 10:02 pm, Council Member McConnehey moved for a five minutes recess. Council Vice Chair Green seconded the motion, which passed by unanimous vote (7-0).**

**The Council reconvened at 10:10 pm**

***b. Accessory Dwelling Units***

City Planner/Zoning Administrator Larry Gardner presented a proposed ordinance addressing Internal Accessory Dwelling Units (IACU) and External Accessory Dwelling Units (EADU). The proposed ordinance was the result of many months of work by Staff, the Planning Commission, and the City Council.

**Council Chair Jacob opened a public hearing at 10:16 pm**

Citizen Comments:

None

**Council Chair Jacob closed the public hearing at 10:17 pm**

Council Member McConnehey suggested removing reference to failing septic tanks from the proposed ordinance to avoid putting the City in the position of having to judge what constituted a failing septic tank. Council Vice Chair Green stated the language was taken from State law. He added that if the City did not specify that an ADU could not be placed on a property with a failing septic tank, the City would have to allow an ADU on a property with a failing septic tank.

Council Member McConnehey suggested changing language to state that a property owner with an ADU shall “maintain a valid business license” instead of “obtain a business license”. He asked why the proposed ordinance prohibited installation of separate utility meters for an ADU. Council Vice Chair Green responded the reason for prohibiting a separate meter was to preserve the nature of a single-family home. Staff confirmed the City prohibited installation of separate meters for home-based businesses. Council Member McConnehey stated he was not a fan of that restriction.

Council Member McConnehey referred to the restriction that EADUs were limited to rear yards only and said he did not believe the restriction would make sense for all properties. He suggested the

Council strike the language and rely on existing code that dictated where buildings could be placed. Council Chair Jacob and Council Vice Chair Green expressed agreement.

Council Member Lamb stated he felt ADUs were being pushed on all cities in Utah. He said he understood why ADUs were a topic of conversation, and could see the good, but mostly saw the negative impacts on neighbors who may suddenly find themselves essentially living next to a duplex or apartment complex.

Mr. Wall confirmed the language from the State was “failing septic tanks”. He suggested the City could define what “failing” meant. Responding to a question from Council Member Whitelock, Mr. Wall confirmed that if the City did not adopt an ADU ordinance specific to the City, the situation would default to current State parameters for IADUs.

Council Member Pack said he wished the City had a bit more autonomy with the issue. He suggested clarifying language regarding the allowance of only one ADU per property, whether internal or external. Council Member Pack said he agreed that limiting EADUs to only rear yards would not make sense for all properties.

Responding to a question from Council Chair Jacob, Mr. Gardner explained an ADU would fall under the rental business license category.

**MOTION: Council Member McConnehey moved to approve Ordinance No. 21-18 amending the 2009 West Jordan City Code adding Accessory Dwelling Units to all R-1 Single-family Residential Zones with the following modifications:**

- **13-5B-8A(2) should be changed to “only one accessory dwelling unit. . . (striking out the word internal)**
- **13-5B-8A(4) should state “The property owner shall maintain (strike out obtain) a valid business license. . . “**
- **13-5B-8B(4) should state “External Accessory Dwelling Units (strike out are permitted in rear yards only and) shall not cover more than twenty percent (20%).of the rear and side yard.**

**Council Member Worthen seconded the motion.**

**The vote was recorded as follows:**

<b>Council Chair Jacob</b>	<b>Yes</b>
<b>Council Vice Chair Green</b>	<b>Yes</b>
<b>Council Member Lamb</b>	<b>Yes</b>
<b>Council Member McConnehey</b>	<b>Yes</b>
<b>Council Member Pack</b>	<b>Yes</b>
<b>Council Member Whitelock</b>	<b>Yes</b>
<b>Council Member Worthen</b>	<b>Yes</b>

**The motion passed 7-0.**

***c. Future Land Use Map Amendment and Rezone Request***

Senior Planner Brian Berndt explained the request to amend the Future Land Use Map and rezone property located at 9000 South and Mountain View Corridor/5892 West Dannon Way from Planned Community Zone (P-C) to Light Manufacturing Zone (M-1).

**Council Chair Jacob opened a public hearing at 10:38 pm**

Citizen Comments:

None.

**Council Chair Jacob closed the public hearing at 10:38 pm**

**MOTION: Council Vice Chair Green moved to approve Ordinance No. 21-20 amending the General Plan Land Use Map at 9000 S and Mtn View Corridor / 5892 W Dannon Way redesignating approximately 4.5 acres from Regional Commercial to Light Industrial and rezoning the same property from P-C Zone to M-1 Zone. Council Member McConnehey seconded the motion.**

Council Member Whitelock said she wished the City were looking at the larger piece of property rather than piecemealing the area.

**The vote was recorded as follows:**

<b>Council Chair Jacob</b>	<b>Yes</b>
<b>Council Vice Chair Green</b>	<b>Yes</b>
<b>Council Member Lamb</b>	<b>Yes</b>
<b>Council Member McConnehey</b>	<b>Yes</b>
<b>Council Member Pack</b>	<b>Yes</b>
<b>Council Member Whitelock</b>	<b>Yes</b>
<b>Council Member Worthen</b>	<b>Yes</b>

**The motion passed 7-0.**

***d. Final Budget for Fiscal Year 2022***

Administrative Services Director Danyce Steck said she would include American Rescue Plan Act (ARPA) funds the City expected to receive in the FY2022 Budget for discussion by the Council at the work session scheduled for June 23, 2021. Council Member Whitelock requested the Council receive the information for review prior to the 23<sup>rd</sup>.

**Council Chair Jacob opened a public hearing at 10:44 pm**

Citizen Comments:

None

**Council Chair Jacob closed the public hearing at 10:44 pm**

Council Member McConnehey said he wanted to find a way for the City to be able to provide a free first dumpster rental and suggested no rental fee if five neighbors signed a petition with the requesting resident. Council Chair Jacob said he wanted those who used the service to pay for the service. He said he liked the existing middle-ground. Council Member Whitelock said in her neighborhood, those who could afford the \$50 rental fee were ordering dumpster and inviting neighbors to use them. She said she was comfortable with the current program. Council Member Worthen said she agreed, and suggested members of a neighborhood could coordinate and share the

cost of a dumpster rental. Council Vice Chair Green said he would want to see numbers before approving something like Council Member McConnehey suggested.

Mayor Burton spoke of placing a dumpster in a common area with neighborhood financial cooperation for neighborhood use. Council Member McConnehey asked if the Council would be interested in approving neighborhood service-type events. Council Chair Jacob said he was in favor of leaving the program as it was, with the Mayor able to execute the program within the budget.

***e. Budget Amendments for Fiscal Year 2021***

**Council Chair Jacob opened a public hearing at 10:52 pm**

Citizen Comments:

Alexandra Eframo asked that the Council not approve the \$3 million to update City Hall. She believed an update was not necessary and suggested putting the issue to a vote to see if citizens were willing to pay for a City Hall renovation.

**Council Chair Jacob closed the public hearing at 10:55 pm**

**MOTION: Council Member McConnehey moved to continue the public hearing to June 23, 2021.  
Council Vice Chair Green seconded the motion.**

**The vote was recorded as follows:**

<b>Council Chair Jacob</b>	<b>Yes</b>
<b>Council Vice Chair Green</b>	<b>Yes</b>
<b>Council Member Lamb</b>	<b>Yes</b>
<b>Council Member McConnehey</b>	<b>Yes</b>
<b>Council Member Pack</b>	<b>Yes</b>
<b>Council Member Whitelock</b>	<b>Yes</b>
<b>Council Member Worthen</b>	<b>Yes</b>

**The motion passed 7-0.**

**8. CONSENT ITEMS**

- a. Approve Meeting Minutes***
  - May 12, 2021 Work Session and Regular City Council Meeting***

**MOTION: Council Vice Chair Green moved to approve Consent Item 8a.  
Council Member Whitelock seconded the motion, which passed by unanimous vote (7-0).**

**6. EXECUTIVE REPORTS TO COUNCIL**

***a. Mayor’s Report***

Mayor Burton reported regarding meeting with Senator Harper. Referring to a public comment earlier in the meeting, the Mayor agreed that first-time code violations could be adjusted. He reported watering in City parks had been adjusted to reduce water consumption.

**b. City Administrator's Report**

City Administrator Korban Lee provided an update on construction of pickle ball courts in Ron Wood Park. He reported Cultural Art Society financial statements were forwarded to the Council, and Staff were proceeding with a CPA review of the financial statements. Funds had not yet been distributed to the Cultural Art Society.

**9. CITY COUNCIL REPORTS/REMARKS**

**a. Council Office Report**

Council Office Director Alan Anderson stated the audio balancing in Council Chambers had been much better for that meeting. He asked if the Council wanted to return to holding work sessions in a separate room and moving to Council Chambers for Council meetings as was the practice before the pandemic. A majority of the Council indicated agreement.

**b. City Council Reports / Remarks**

Council Member McConnehey –

- Thanked Public Works personnel for responding to a raccoon incident in his neighborhood.

Council Member Worthen –

- Spoke of upcoming 4<sup>th</sup> of July events.
- Gave a shout-out to the family of Indie Lou and encouraged the Council to become familiar with the family's story.
- Gave a shout-out to Council Vice Chair Green for reminding them of the importance of recognizing Memorial Day and honoring those who served the country. She thanked Council Vice Chair Green for his service to the country.

**c. Unfinished Business Reports**

The Council briefly reviewed a list of unfinished business items from previous agendas, and a list of new business items expected to appear on future agendas.

**WORK SESSION CONTINUED - FIREWORKS DISCUSSION**

Chief Maxfield had reviewed fireworks restrictions with the Fire Marshal commenting that he was comfortable with fireworks restrictions adopted the previous year and did not believe changes were needed for 2021. Chief Maxfield stated precautions had been taken to mitigate risk and he was not any more concerned about the upcoming fireworks season than any other year.

Council Member Whitelock said she had noticed there were more dry lawns than in previous years, and she knew many citizens were concerned about fire risk. Council Member McConnehey suggested the City remind owners of undeveloped property of City Code regarding plant growth and let them know the Code would be enforced. Chief Maxfield commented it would be difficult to identify all private property areas that would be a threat and would be difficult to enforce on all the properties. Council Member McConnehey suggested identifying some of the larger properties that may pose a threat.

Responding to a question from Council Vice Chair Green, City Attorney Rob Wall described fireworks restrictions the City could legally enforce. The Council discussed restriction boundaries. Council Vice Chair Green pointed out the City did not have fireworks restrictions codified by ordinance and suggested putting something in Code for review in March every two years based on historical data provided by the Fire Department.

Council Vice Chair Green said he liked the idea of providing a designated space for citizens to safely and legally set off fireworks. Chief Maxfield described what were considered fireworks. Council Member Worthen asked that the information be shared with the community. Council Chair Jacob expressed a desire for the City to enforce the laws that were in place. Council Member Whitelock asked that the Mayor and Staff do some social media posts about the dangers. Mr. Wall suggested amending the portion of City Code that was clearly in violation of current State law.

**10. CLOSED MEETING**

The Council did not meet in a closed session.

**11. ADJOURN**

**Council Vice Chair Green moved to adjourn the meeting, and Council Member McConnehey seconded the motion. All voted in favor and the motion passed unanimously (7-0).**

**The meeting adjourned at 11:41 p.m.**

*I, Cindy Quick, hereby certify that the foregoing minutes represent an accurate summary of what occurred at the meeting held on June 9, 2021. This document constitutes the official minutes for the West Jordan City Council Meeting.*

Cindy M. Quick, MMC  
Council Office Clerk

Approved this 14<sup>th</sup> day of July 2021





**MINUTES OF THE CITY OF WEST JORDAN  
COMMITTEE OF THE WHOLE**

**Wednesday, December 21, 2022 – 5:30 pm**  
**Approved February 22, 2023**

Thomas M. Rees Justice Center  
8040 S Redwood Road • West Jordan, UT 84088

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**COUNCIL:** Chair Kayleen Whitelock, Vice Chair Kelvin Green, Pamela Bloom, Zach Jacob, Chris McConnehey, David Pack, Melissa Worthen

**STAFF:** Council Office Director Alan Anderson, Council Office Clerk Cindy Quick, Policy Analyst Cassidy Hansen, Public Services Director Isaac Astill, Mayor Dirk Burton, Public Works Director Brian Clegg, Utilities Manager Greg Davenport, City Planner / Zoning Administrator Larry Gardner, Community Development Director Scott Langford, City Administrator Korban Lee, Fire Chief Derek Maxfield, Assistant City Attorney Duncan Murray, Economic Development Director Chris Pengra, Assistant City Attorney Dave Quealy, Administrative Services Director Danyce Steck, Assistant City Attorney Jared Tingey, Police Chief Ken Wallentine, Senior Planner Tayler Jensen, City Recorder Tangee Sloan

## **1. CALL TO ORDER**

Chair Whitelock called the Committee of the Whole to order at 5:30 pm, and noted that Vice Chair Green was participating via Zoom.

## **2. DISCUSSION TOPICS**

***a. Discussion regarding amending the West Jordan 2009 Code Sections 13-7C-1 through 13-7C-9 and Sections 13-7D-1 to 13-7D-9; and Section 13-7I-2; General Plan Amendments and Zoning Ordinance Amendments***

Council Office Director Alan Anderson outlined proposed amendments to City Code. The proposed amendments were reviewed by the Planning Commission in November 2022 and forwarded with a positive recommendation.

Chair Whitelock commented that the Council previously discussed the possibility of some types of development projects presenting to the Committee of the Whole for feedback prior to paying a City fee. A majority of the Council expressed support. City Administrator Korban Lee asked for clarity regarding the size of potential developments the Council wanted to review prior to City fees.

Council Member Jacob pointed out it was the responsibility of the three Council Members assigned to the Land Use Subcommittee to review potential developments and provide feedback. Council Member McConnehey suggested the Committee of the Whole review

potential developments that would require significant modifications to Code to be compliant. Vice Chair Green said the Land Use Subcommittee had provided advice to developers over the last few months, but those recommendations had gone unheeded. He expressed the opinion that a better process would be initial review and feedback from the Committee of the Whole, with the Land Use Subcommittee checking to make sure the feedback was followed.

Mr. Lee said staff would draft language based on Council feedback.

Chair Whitelock referred to proposed language that would increase a comprehensive update to the General Plan from every five years to every ten years, she was not in favor. Assistant City Attorney Duncan Murray agreed that every five years had been the goal but pointed out it had been ten years since the last update had been approved. He stated whatever timeline was approved needed to be followed. Community Development Director Scott Langford commented that clarification regarding what the Council meant by “comprehensive” would help staff. Council Member Bloom suggested removing the word “comprehensive”.

City Attorney Rob Wall said LUDMA required the General Plan be amended every time a zone change inconsistent with the General Plan was approved. Mr. Wall expressed the opinion that it was good practice for the Council to take a good look at the General Plan more frequently than every ten years. Chair Whitelock suggested changing the word “update” to “review”. Mr. Wall did not believe removing the word “comprehensive” would be consistent with LUDMA.

Mr. Anderson suggested a comprehensive update to the General Plan occur every ten years, with a review whenever the Council desired. Mr. Langford would like to update the Water Master Plan, an element of the General Plan, every three years. Chair Whitelock requested that staff look at the proposed language and come back with a recommendation.

Chair Whitelock referred to 13-7C-9 regarding Reapplication, and asked what criteria the Zoning Administrator would use to determine if a subsequent application was “the same or substantially the same request.” Council Member Jacob said it would be a judgement call. Mr. Langford said a clarifying definition could be added if desired. Council Member Jacob said he believed taking away the judgement from the Zoning Administrator may not be the best practice. Mr. Wall commented that the Board of Adjustment would need some guidance, and Vice Chair Green agreed; parameters would be needed in the case of an appeal. Vice Chair Green suggested taking a look at the entire appeal process.

Chair Whitelock expressed concern that proposed language would allow an applicant to choose the date of a Planning Commission public hearing, and she wanted to ensure the Planning Commission and staff would be part of the decision. Council Member Bloom suggested rewording the language. Council Member McConnehey pointed out similarities to proposed language earlier in the document regarding placement of an application on a

City Council agenda. Council Member McConnehey suggested there needed to be a mechanism for staff to recommend to the Council that an application was not complete or needed an adjustment. The Council discussed changing or removing subsection B of 13-7D-7.

Council Member McConnehey suggested that once a Council agenda was published, the decision to change the agenda should belong to the Council, not an applicant. Council Member Jacob agreed, and suggested the same rules should apply to any public hearing noticed on an agenda, not just those related to land use.

Vice Chair Green emphasized that if a report did not include information from all appropriate City departments, it was not complete.

***b. Discussion of Landlord / Tenant Agreements for City Utilities***

Council Members McConnehey and Pack requested this item on the agenda. Council Member McConnehey asked if the Council was interested in setting up a landlord agreement for City utilities. Council Member Pack suggested such an agreement could potentially improve communication. Council Members Jacob and Bloom expressed support for staff bringing back a recommendation.

Chair Whitelock asked about City liability if renters were allowed to order a dumpster. Mr. Wall said there would be some City liability, and recommended the landlord would need to hold the City harmless.

City Administrator Lee asked for clarification that the Council was asking for staff to study the possibility of a landlord/tenant agreement, which was confirmed. He noted they had more information and feedback they could bring back to the Council.

Council Member McConnehey noted the agreement used by Provo City required that if a landlord lived more than 40 miles from a rental unit, a property manager must be involved to help with issues. He suggested such a tool would help create the environment the Council was hoping for in West Jordan.

***c. Discussion of Amendments to Title 13-13-10(G) and 13-18-10(E)(2) to Adjust the Tree Clearance Height for Clearance and Visibility***

Council Members Worthen and Bloom requested this item on the agenda. Council Member Worthen referred to a previous Council discussion regarding tree clearance height for clearance and visibility, and asked if there was Council consensus to reduce the height to 14 feet. Council Members Worthen, Whitelock, Bloom, Pack, and Green expressed support. Council Member McConnehey expressed opposition, and said he preferred 15 feet because of UDOT standards.

Mr. Anderson explained that two sections of Code referred to tree height, with one measured from between curb and gutter, and one measured from parking lanes and traveling lanes. He asked if the Council wanted to establish consistency in how the

measurements were taken. Public Services Director Isaac Astill stated the recognized standard was to measure from where curb and asphalt met. Council Member Bloom expressed support for using the standard method. Council Members Pack and McConnehey also agreed.

Mr. Astill commented that some cities provided notice of noncompliance and gave a time frame for a property owner to take care of the problem. If the trees were still noncompliant after the provided time frame, the city would do the work to bring the trees into compliance.

Council Member Pack said he believed code enforcement needed to have a balance to be both poignant, and respectful. Council Member McConnehey suggested property owners be allowed to provide a pruning schedule showing Code would be met over time to avoid causing damage to trees by removing too much at once.

Mr. Wall suggested the following language: “the measurement applies to any part of the pavement to which the tree hangs.” Seeing no objection from the Council, Chair Whitelock requested addition of the suggested language. Mr. Lee suggested the intent was 14 feet above any portion of parking lane or travel lanes.

### **3. ADJOURN**

**Council Member McConnehey moved to adjourn the Committee of the Whole. Council Member Bloom seconded the motion, which passed by unanimous vote.**

**The meeting adjourned at 6:50 pm**

*I, Cindy Quick, hereby certify that the foregoing minutes represent an accurate summary of what occurred at the meeting held on December 21, 2022. This document constitutes the official minutes for the West Jordan City Committee of the Whole meeting.*

Cindy M. Quick, MMC  
Council Office Clerk

Approved this 22<sup>nd</sup> day of February 2023

**Public Works Vehicles**

Sweeper	10-12'
Dump Truck	12'
Snow Plow	12'
Vactor	13'
Fire Truck	13.5'
Semi Truck	13.5'

**Tree Clearance Codes by City**

City Name	Sidewalk	Parking Lane	Street
Daybreak (S.Jordan)	7'		13'
Highland	8'		13'
Taylorsville	7'		13.5'
Salt Lake	9'		14'
West Valley	7'		14'
Lehi	8'		14'
Sandy	8'		14'
<b>West Jordan</b> (previous code as verified on website 6/15/22)	8'	10'	15'
<b>West Jordan</b> (current code)	8'	15'	15'

**Problem:**

- 1) West Jordan’s tree clearance code is one foot higher than nearby city codes.
- 2) The recent code change from 10’ over the parking lane to 15’ in many cases necessitates large cuts on mature trees.

**Recommended Solution:**

- 1) Please change the West Jordan City Code to 8’ over walkways and 14’ over the street.
- 2) Please train code enforcement officers to avoid unreasonable enforcement such as demanding mature branches be removed if inches short of code. (A 14’ code allows the compliance officer discretion citing violations since the highest city vehicle is 13.5’).

**Let’s all work together to keep our urban forest beautiful!**

Presented to the West Jordan City Council 10/26/22



# REQUEST FOR COUNCIL ACTION

<b>Action:</b> Need Council to take action	<b>Meeting Date Requested</b> : 03/22/2023
<b>Presenter:</b> Tangee Sloan	<b>Deadline of item</b> : 04/28/2023
<b>Department Sponsor:</b> Recorder - Elections	
<b>Agenda Type:</b> BUSINESS ITEMS	
<b>Time Requested:</b> 5 minutes presentation, 10 minutes council	<i>(Council may elect to provide more or less time)</i>

**1. AGENDA SUBJECT**

Consider Resolution No. 23-015 approving an interlocal agreement with the Salt Lake County Clerk to administer the 2023 municipal elections.

**2. EXECUTIVE SUMMARY**

The Elections Division of the Salt Lake County Clerk administers municipal elections in Salt Lake County by interlocal agreement. The Interlocal Cooperation Act, section 11-13-202.5, requires interlocal agreements that require “the public agency to adjust its budget for a current or future fiscal year” to receive approval of the legislative body.

Since the proposed agreement binds the City for these services in the next fiscal year, it requires legislative approval.

**3. TIME SENSITIVITY / URGENCY**

Salt Lake County requires the agreement be approved by April 28, 2023.

**4. FISCAL NOTE**

Actual election administration costs in an amount not to exceed \$220,995 for a “traditional vote” primary and general election in FY 2024.

**5. PLANNING COMMISSION RECOMMENDATION**

N/A

**6. STAFF ANALYSIS**

The City Recorder recommends approval of this agreement.

**7. MOTION RECOMMENDED**

“I move to adopt Resolution No. 23-015 approving the Interlocal Cooperation Agreement between West Jordan and Salt Lake County to administer the 2023 municipal elections.”

**8. MAYOR RECOMMENDATION**

The Mayor recommends approval of Resolution No. 23-015.

**9. PACKET ATTACHMENT(S)**

Resolution No. 23-015  
Interlocal Agreement

**10. OTHER INFORMATION**

Necessity. By law, the City is required to hold a municipal election for Mayor and four (4) district City Council seats in 2023. The general election is to be held in November 2023 and, if necessary, a primary election in August 2023. Through the Election Interlocal, Salt Lake County will provide necessary election administration services for those elections, including but not limited to:

- Ballot layout and design
- Ballot ordering and printing
- Machine programming and testing
- Delivery of supplies and equipment
- Provision of all supplies
- Election vote center/early vote locations
- Vote by Mail administration
- Updating state and county websites
- Tabulating, reporting, auditing, and preparing canvassing election results.
- Conducting recounts as needed
- All notices and mailings required by law (except those required by Utah Code Ann. Ch. 11-14, Part 2 and § 20A-9-203)
- Direct payment of all costs associated with the elections to include vote center workers, training, polling places, rovers.

If the City does not approve the Election Interlocal Agreement with Salt Lake County, it will not have the infrastructure, personnel, machinery, or materials necessary to provide those essential services or otherwise conduct a municipal election in 2023. Staff is not aware of any other viable alternative arrangements.

Cost. The Election Interlocal Agreement requires the City to pay the actual costs for administering the election(s) but includes a “not to exceed” estimate of \$220,995 for a traditional vote primary and general election. The actual costs may be lower than the estimate. If a primary election is unnecessary (i.e. if only 2 or fewer individuals per seat file a declaration of candidacy), the costs would likely be significantly less because only one election would be held.

1 **THE CITY OF WEST JORDAN, UTAH**

2 A Municipal Corporation

3  
4 **RESOLUTION NO. 23-015**

5  
6 **A RESOLUTION APPROVING AN INTERLOCAL COOPERATION**  
7 **AGREEMENT BETWEEN WEST JORDAN AND SALT LAKE COUNTY ON**  
8 **BEHALF OF THE COUNTY CLERK’S ELECTIONS DIVISION FOR THE**  
9 **ADMINISTRATION OF THE 2023 MUNICIPAL ELECTIONS**

10  
11 WHEREAS, the City of West Jordan (“City”) and Salt Lake County (“County”) as governmental  
12 entities are authorized by the Utah Interlocal Cooperation Act, Section 11-13-202, to enter into  
13 agreements to enable the most efficient use of their resources and to provide services that they are each  
14 authorized by statute to provide; and

15  
16 WHEREAS, the City will be holding an election for the position of Mayor and for City Council  
17 District seats 1, 2, 3, and 4 during this calendar year. (“2023 Election”); and

18  
19 WHEREAS, the County has the legal authority to administer municipal elections and is willing to  
20 administer the City’s 2023 Election upon the terms and conditions set forth in the Interlocal Cooperation  
21 Agreement between West Jordan and Salt Lake County on behalf of the County Clerk’s Elections  
22 Division for Municipal Election, attached hereto as Exhibit A (“Interlocal Agreement”); and

23  
24 WHEREAS, the City does not currently have the personnel, machinery, or materials necessary to  
25 properly administer the 2023 Election and it would be the most efficient use of the City’s resources to  
26 have the County administer the 2023 Election; and

27  
28 WHEREAS, the City desires to have the County administer its 2023 Election.

29  
30 NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF WEST JORDAN, UTAH  
31 THAT:

32  
33 Section 1. The City Council approves the Interlocal Agreement, attached hereto as Exhibit A.

34  
35  
36 Section 2. This Resolution shall take effect immediately upon passage.

37  
38 **Approved by the City Council of West Jordan, Utah, this 22<sup>nd</sup> day of March 2023.**

39  
40 CITY OF WEST JORDAN:

41  
42 By: \_\_\_\_\_  
43 Christopher McConnehey  
44 Council Chair

45 ATTEST:

46  
47 \_\_\_\_\_  
48 Cindy M. Quick, MMC  
49 Council Office Clerk



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**Voting by the City Council**

**"YES"**

**"NO"**

- Council Chair Christopher McConnehey
- Council Vice Chair Pamela Bloom
- Council Member Kelvin Green
- Council Member Zach Jacob
- Council Member David Pack
- Council Member Kayleen Whitelock
- Council Member Melissa Worthen

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**EXHIBIT A**  
**To Resolution 23-015**

**INTERLOCAL COOPERATION AGREEMENT**  
**between**  
**WEST JORDAN CITY**  
**and**  
**SALT LAKE COUNTY on behalf of the**  
**COUNTY CLERK'S ELECTION'S DIVISION**  
**FOR MUNICIPAL ELECTION**

THIS AGREEMENT is made and entered into the \_\_\_\_ day of \_\_\_\_\_, 2023, by and between SALT LAKE COUNTY (the "County"), a body corporate and politic of the State of Utah, on behalf of the Salt Lake County Clerk's Office, Elections Division; and WEST JORDAN CITY (the "City") a municipal corporation created under the laws of the State of Utah.

**RECITALS:**

WHEREAS, the County desires to provide the services of its clerk's office, elections division, to the City for the purpose of assisting the City in conducting the City's 2023 primary and general municipal elections; and

WHEREAS, the City desires to engage the County for such services; and

WHEREAS, the parties are public agencies and are therefore authorized by the Utah Interlocal Cooperation Act, UTAH CODE §§ 11-13-101 to -608 (2022), to enter into agreements to cooperate with each other in a manner which will enable them to make the most efficient use of their resources and powers.

**AGREEMENT:**

NOW THEREFORE, in exchange for valuable consideration, including the mutual covenants contained in this Agreement, the parties covenant and agree as follows:

1. **Term.** The County shall provide election services described below to the City commencing on the date this Agreement is approved by both parties and terminating on December 31, 2023. Either party may cancel this Agreement upon thirty (30) days written notice to the other party. Upon such cancellation, each party shall retain ownership of any property it owned prior to the date of this Agreement, and the City shall own any property it created or acquired pursuant to this Agreement.

2. **Scope of Work.** The services to be provided by the County shall be as set forth in the Scope of Work, attached hereto and incorporated by reference as Exhibit "A." Generally, the County shall perform the listed election functions as set forth in Exhibit "A" and as needed to ensure implementation of the City's 2023 primary and general municipal elections.

3. **Legal Requirements.**

a. The County and the City understand and agree that the City's 2023 primary and general municipal elections are the City's elections. The City shall be responsible for compliance with all legal requirements for these elections. The City agrees to translate ballot issues, if any, into Spanish. The County will provide the remaining Spanish translations for the ballot and other election materials as required by law. The County agrees to work with the City in complying with all legal requirements for the conduct of these elections and conduct these elections pursuant to the direction of the City, except as provided in this Agreement and Exhibit "A." The County agrees to disclose and maintain election results through its website merely as a courtesy and convenience to the City. The City, and not the County, is responsible to resolve any and all election questions, problems, and legal issues that are within the City's statutory authority.

b. The County and the City understand and agree that if the County provides services or resources to conduct an instant runoff voting election as described in sections 20A-4-603 and -604, UTAH CODE (2022) (“Rank Choice Voting”), the estimated cost of administering such an election will be provided to the City at a later time.

c. If the City decides to hold a Rank Choice Voting election, then, in accordance with Utah Code § 20A-4-602(3)(a), it shall provide the Lt. Governor and the County notice of its intent to use Rank Choice Voting as its selected method of voting, no later than May 1, 2023.

d. The County has the full ability to conduct Rank Choice Voting for races involving no more than 10 candidates. The City therefore acknowledges that if the County conducts a Rank Choice Voting race involving more than 10 candidates, then the County will be able to count only the first ten valid preference rankings cast by each voter in that race. The City hereby assumes full risk and liability for, and agrees to indemnify and hold harmless the County, its agents, officers and employees from and against, any and all actions, claims, lawsuits, contests, controversies, challenges, proceedings, liability, damages, losses and expenses (including attorney’s fees and costs) arising out of or resulting from the City’s decision to use of Rank Choice Voting in a race involving more than 10 candidates. Moreover, the County reserves the right to refuse to conduct a City election, or any contest, that includes a Rank Choice Voting race involving more than 10 candidates. The County’s exercise of such a right shall be effective immediately upon written notice to the City and shall not be construed as a breach

of, or an event of default under, this Agreement, and said exercise shall be without any liability of, or penalty to, the County.

4. **Cost.** In consideration of the services performed under this Agreement, the City shall pay the County. The estimated cost of such services shall be provided in Exhibit "B," and will be attached hereto and incorporated by reference. The County shall provide a written invoice to the City at the conclusion of the elections, and the City shall pay the County within thirty days of receiving the invoice. The invoice shall contain a summary of the costs of the election and shall provide the formula for allocating the costs among the issues and jurisdictions participating in the elections. In the case of a vote recount, election system audit, election contest, or similar event arising out of the City's election, the City shall pay the County's actual costs of responding to such events, based on a written invoice provided by the County. The invoice amount for these additional services may cause the total cost to the City to exceed the estimate given to the City by the County. For such consideration, the County shall furnish all materials, labor and equipment to complete the requirements and conditions of this Agreement.

5. **Governmental Immunity.** The City and the County are governmental entities and subject to the Governmental Immunity Act of Utah, UTAH CODE §§ 63G-7-101 to – 904 (2022) (the "Governmental Immunity Act"). Nothing in this Agreement shall be deemed a waiver of any rights, statutory limitations on liability, or defenses applicable to the City or the County under the Governmental Immunity Act or common law. Each party shall retain liability and responsibility for the acts and omissions of their representative officers. In no event shall this Agreement be construed to establish a partnership, joint venture or other similar relationship between the parties and nothing contained herein shall authorize either party to act as an agent for the other. Each of the parties hereto

assumes full responsibility for the negligent operations, acts and omissions of its own employees, agents and contractors. It is not the intent of the parties to incur by Agreement any liability for the negligent operations, acts, or omissions of the other party or its agents, employees, or contractors.

6. **No Obligations to Third Parties.** The parties agree that the County's obligations under this Agreement are solely to the City. This Agreement shall not confer any rights to third parties.

7. **Indemnification.** Subject to the provisions of the Act, the City agrees to indemnify and hold harmless the County, its agents, officers and employees from and against any and all actions, claims, lawsuits, proceedings, liability, damages, losses and expenses (including attorney's fees and costs), arising out of or resulting from the performance of this Agreement to the extent the same are caused by any negligent or wrongful act, error or omission of the City, its officers, agents and employees and including but not limited to claims that the County violated any state or federal law in the provision of election services under this Agreement.

8. **Election Records.** The City shall maintain and keep control of all of its records created pursuant to this Agreement and from the elections relevant to this Agreement. The City shall respond to all public record requests related to this Agreement and the underlying elections and shall retain its election records consistent with the Government Records Access and Management Act, UTAH CODE §§ 63G-2-101 to -901 (2022), and all other relevant local, state and federal laws.

9. **Service Cancellation.** If the Agreement is canceled or terminated as provided above, the City shall pay the County on the basis of the actual services performed according to the terms of this Agreement. Upon cancellation or termination of

this Agreement by either party, the County shall submit to the City an itemized statement for services rendered under this Agreement up to the time of said cancellation or termination and based upon the dollar amounts for materials, equipment and services set forth herein.

10. **Legal Compliance.** The County, as part of the consideration herein, shall comply with all applicable federal, state and county laws governing elections. The City agrees that the direction it gives the County under Utah Code § 20A-5-400.1(2)(a) and this Agreement shall likewise be in strict compliance with all such applicable laws. The County shall be under no obligation to comply with any direction from the City that is not demonstrably consistent with all applicable federal, state and county laws governing elections.

11. **Agency.** No agent, employee or servant of the City or the County is or shall be deemed to be an employee, agent or servant of the other party. None of the benefits provided by either party to its employees including, but not limited to, workers' compensation insurance, health insurance and unemployment insurance, are available to the employees, agents, or servants of the other party. The City and the County shall each be solely and entirely responsible for its own acts and for the acts of its own agents, employees and servants during the performance of this Agreement.

12. **Force Majeure.** Neither party shall be liable for any excess costs if the failure to perform arises from causes beyond the control and without the fault or negligence of that party, e.g., acts of God, fires, floods, strikes or unusually severe weather. If such condition continues for a period in excess of 60 days, the City or the County shall have the right to terminate this Agreement without liability or penalty effective upon written notice to the other party.



13. **Notices.** Any notice or other communication required or permitted to be given under this Agreement shall be deemed sufficient if given by a written communication and shall be deemed to have been received upon personal delivery, actual receipt, or within three (3) days after such notice is deposited in the United States mail, postage prepaid, and certified and addressed to the parties as set forth below:

Salt Lake County     Salt Lake County Mayor  
2001 South State Street, N2-100  
Salt Lake City, Utah 84190

and

Ann Stoddard  
Admin/Fiscal Manager  
Salt Lake County Clerk's Office  
2001 South State, Suite S1-200  
Salt Lake City, Utah 84190-1050  
email: astoddard@slco.org

City

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
email: \_\_\_\_\_

14. **Required Insurance Policies.** Both parties to this Agreement shall maintain insurance or self-insurance coverage sufficient to meet their obligations hereunder and consistent with applicable law.

15. **Independent Contractor.** Because the County is consolidating election functions in order to conduct multiple, simultaneous elections on August 15, 2023, and on November 7, 2023, certain decisions by the County referenced in Exhibit "A" may not be subject to review by the City. It is therefore understood by the parties that the County will act as an independent contractor with regard to its decisions regarding resources,

procedures and policies based upon providing a consistent type, scope and level of service to all participating jurisdictions made for the benefit of the whole as set forth in Exhibit "A."

16. **No Officer or Employee Interest.** It is understood and agreed that no officer or employee of the County has or shall have any pecuniary interest, direct or indirect, in this Agreement or the proceeds resulting from the performance of this Agreement. No officer or employee of the City or any member of their families shall serve on any County board or committee or hold any such position which either by rule, practice or action nominates, recommends or supervises the City's operations or authorizes funding or payments to the City.

17. **Ethical Standards.** The City represents that it has not: (a) provided an illegal gift to any County officer or employee, or former County officer or employee, or to any relative or business entity of a County officer or employee, or relative or business entity of a former County officer or employee; (b) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, other than bona fide employees of bona fide commercial agencies established for the purpose of securing business; (c) breached any of the ethical standards set forth in State statute or section 2.07, Salt Lake County Code of Ordinances; or (d) knowingly influenced, and hereby promises that it will not knowingly influence, any County officer or employee or former County officer or employee to breach any of the ethical standards set forth in State statute or Salt Lake County ordinance.

18. **Interlocal Agreement.** In satisfaction of the requirements of the Utah Interlocal Cooperation Act, UTAH CODE §§ 11-13-101 to -608 (2022), (the "Interlocal Act"), in connection with this Agreement, the City and the County agree as follows:

a. This Agreement shall be approved by each party, pursuant to section 11-13-202.5 of the Interlocal Act;

b. This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each party, pursuant to Section 11-13-202.5 of the Interlocal Act;

c. Any duly executed original counterpart of the Agreement shall be filed with the keeper of records of each party, pursuant to section 11-13-209 of the Interlocal Act;

d. Except as otherwise specifically provided herein, each party shall be responsible for its own costs of any action performed pursuant to this Agreement, and for any financing of such costs; and

e. No separate legal entity is created by the terms of this Agreement. No real or personal property shall be acquired jointly by the parties as a result of this Agreement. To the extent that a party acquires, holds or disposes of any real or personal property for use in the joint or cooperative undertaking contemplated by this Agreement, such party shall do so in the same manner that it deals with other property of such party.

f. County and City Representatives.

i. The County designates the County Clerk as the County's representative to assist in the administrative management of this Agreement and to coordinate performance of the services under this Agreement.

ii. The City designates the City's \_\_\_\_\_  
[title] as the City's representative in its performance of this Agreement. The

City's Representative shall have the responsibility of working with the County to coordinate the performance of its obligations under this Agreement.

19. **Counterparts.** This Agreement may be executed in counterparts by the City and the County.

20. **Governing Law.** This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance. All actions including but not limited to court proceedings, administrative proceedings, arbitration and mediation proceedings, shall be commenced, maintained, adjudicated and resolved within Salt Lake County.

21. **Integration.** This Agreement embodies the entire agreement between the parties relating to the subject matter of this Agreement and shall not be altered except in writing signed by both parties.

[SIGNATURE PAGE TO FOLLOW]

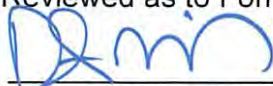
IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

SALT LAKE COUNTY:

\_\_\_\_\_  
Mayor or Designee  
Date: \_\_\_\_\_

Recommended for Approval:

\_\_\_\_\_  
Lannie Chapman  
Salt Lake County Clerk

Reviewed as to Form:  
 Adam Miller  
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\_\_\_\_\_  
Deputy District Attorney  
Date: \_\_\_\_\_

WEST JORDAN CITY:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
By: \_\_\_\_\_  
Date: \_\_\_\_\_

**Exhibit "A"**  
**2023 Municipal Elections**  
**Scope of Work**

The City agrees to the consolidation of all election administrative functions to ensure the successful conduct of multiple, simultaneous municipal, local district elections and county elections and the County agrees to conduct vote by mail/consolidated polls elections for the City.

In a consolidated election, decisions made by the County regarding resources, procedures and policies are based upon providing the same scope and level of service to all the participating jurisdictions and the City recognizes that such decisions, made for the benefit of the whole, may not be subject to review by the City.

Services the County will perform for the City include, but are not limited to:

- Ballot layout and design
- Ballot ordering and printing
- Machine programming and testing
- Delivery of supplies and equipment
- Provision of all supplies
- Election vote centers/early vote locations
- Vote by Mail administration
- Updating state and county websites
- Tabulating, reporting, auditing and preparing canvassing election results
- Conducting recounts as needed
- All notices and mailings required by law (except those required by Utah Code Ann. Ch. 11-14, Part 2 and § 20A-9-203)
- Direct payment of all costs associated with the elections to include vote center workers, training, vote centers, rovers.

The City will provide all voter education outreach related to Rank Choice Voting, if applicable.

The City will provide the County Clerk with information, decisions, and resolutions and will take appropriate actions required for the conduct of the elections in a timely manner.

The County will provide a good faith estimate for budgeting purposes (Exhibit "B"). Election costs are variable and are based upon the offices scheduled for election, the number of voters, the number of jurisdictions participating as well as any direct costs incurred.

The City will be invoiced for its pro-rata share of the actual costs of the elections which are estimated in Exhibit B. In the event of a state or county special election being held in conjunction with a municipal election, the scope of services and associated costs, and the method of calculating those costs, will remain unchanged.

## Exhibit “B” 2023 Election Costs West Jordan

Below is the good faith estimate for the upcoming **2023 Municipal Election** for **West Jordan**. Assumptions for providing this estimate consist of the following:

- A. Active voters (as of 1/27/2023): **53,543**
- B. Election for the offices below:

<b>2023 Offices</b>
Mayor
Council District 1
Council District 2
Council District 3
Council District 4

All billing will be based on actual costs.

If your municipality pursues traditional voting, **not** ranked choice voting (RCV), **and** has a Primary Election and a General Election, the estimated cost would be \$220,995.

If your municipality chooses RCV for the General Election **and** cancels the Primary Election, the estimated cost would be \$164,238 for the General Election **plus** RCV costs (see below).

If your municipality chooses RCV for the Primary Election **and** holds a traditional voting General Election, the estimated cost would be \$220,995 **plus** the RCV costs (see below).

RCV Costs will be applied on a sliding scale, see below. If your municipality chooses to hold a RCV election for either the Primary or the General, the added costs will be dependent upon how many other municipalities opt into RCV.

As an example, if West Jordan is the only municipality to hold a RCV election, the costs would be as quoted above plus \$36,156. You can see if two municipalities choose RCV, your added costs would be \$18,078. (See the chart below for the additional cost depending on how many municipalities participate.)

Number of participating municipalities	Allocated costs
1	\$ 36,156
2	\$ 18,078
3	\$ 12,052
4	\$ 9,039
5	\$ 7,231
6	\$ 6,026
7	\$ 5,165
8	\$ 4,520
9	\$ 4,017
10	\$ 3,616
11	\$ 3,287
12	\$ 3,013

Number of participating municipalities	Allocated costs
13	\$ 2,781
14	\$ 2,583
15	\$ 2,410
16	\$ 2,260
17	\$ 2,127
18	\$ 2,009
19	\$ 1,903
20	\$ 1,808
21	\$ 1,722
22	\$ 1,643
23	\$ 1,572

# REQUEST FOR COUNCIL ACTION

**Action:** Need Council to take action

**Meeting Date Requested** : 03/22/2023

**Presenter:** Brock Hudson

**Deadline of item** :

**Department Sponsor:** Comm. Development - Bus. Lic

**Agenda Type:** BUSINESS ITEMS

**Time Requested:** 5 minutes presentation, 10 minutes council

*(Council may elect to provide more or less time)*

## 1. AGENDA SUBJECT

**Ordinance No. 23-12** an ordinance amending the 2009 West Jordan City Code (General Business Regulations and Licensing Requirements; amending city code sections 4-1A-1 through 4-1D-5 inclusive)

## 2. EXECUTIVE SUMMARY

Council is being asked to approve the updated Business Licensing code to bring it current with state statutes as well as update the application process to include online applications and payment options. The proposed language will improve the process and simplify the requirements to obtain a license.

During a Committee of the Whole meeting on November 16, 2022 Council discussed proposed amendments to the business regulations and licensing requirements. Council directed staff to further simplify the application process and make it more user friendly for businesses and citizens to obtain licenses and include the following suggestions:

- Determine if BCI background checks are really needed for all license types
- Numerous deletions of unnecessary definitions and other changes in the Definition section (i.e. removal of Shooting Gallery definition)
- Update and remove the following Application Requirements:
  - 50% or more of employees need to be stockholders
  - Do not require knowing who signs checks in the company
  - Do not require US Citizenship
  - Do not require posting of business hours
- Can't give anything to a minor without parents' consent – why?
- Reduce license posting and display required section to one line instead of 11
- Encourage creative business of felons
  - Ensure restrictions were pertinent to the type of business being run
- Do not require someone that transfers their business to go start the license process over
- Work with applicant on questions rather than throwing out the license altogether
- Change facsimile to copy
- Allow all types of payments
- Strike out the requirements regarding curfew
- Research whether the owner was liable for employees acts of violation
- Streamline and simplify the process – make it user friendly

The updated code incorporates Council suggestions. Text highlighted in blue incorporates council suggestions along with further clarification. Text highlighted in yellow indicates language proposed at the November meeting.

## 3. TIME SENSITIVITY / URGENCY

No Urgency



**4. FISCAL NOTE**

No fiscal impact

**5. PLANNING COMMISSION RECOMMENDATION**

N/A

**6. STAFF ANALYSIS**

The Business License regulation changes will establish a less restrictive process to obtain a business license as well as streamline the application process.

**7. MOTION RECOMMENDED**

Motion to approve Ordinance No. 23-12 amending City Code (General Business Regulations and Licensing requirements, amending city code sections 4-1A-1 through 4-1D-5 inclusive)

**8. MAYOR RECOMMENDATION**

N/A

**9. PACKET ATTACHMENT(S)**

Ordinance No. 23-12

Attachment 1 – Business License Amendments - Legislative

Attachment 2 – Business License Amendments - Clean

1 THE CITY OF WEST JORDAN, UTAH  
2 ORDINANCE NO. 23-12

3 AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE  
4 (GENERAL BUSINESS REGULATIONS AND LICENSING REQUIREMENTS;  
5 AMENDING CITY CODE SECTIONS 4-1A-1 THROUGH 4-1D-5 INCLUSIVE)  
6

7 WHEREAS, the City of West Jordan (“City”) adopted West Jordan City Code (“City  
8 Code”) in 2009; and the City Council of the City (“City Council”) desires to amend certain sections  
9 of the City Code, regarding and related to General Business License Regulations, which include  
10 City Code Sections 4-1A-1 through 4-1D-5 inclusive (“proposed City Code amendments”); and

11 WHEREAS, the proposed City Code amendments are not land use regulations; and

12 WHEREAS, the City Council held Committee of the Whole Meetings (“Work Sessions”)  
13 on August 10, 2022 and November 16, 2022, and has held a regular public meeting on March 22,  
14 2023, regarding the proposed City Code amendments; and

15 WHEREAS, the City Council finds it to be in the best interest of the public health, safety,  
16 and welfare of the residents of the City to adopt the following proposed City Code amendments.

17 NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
18 WEST JORDAN, UTAH AS FOLLOWS:

19 Section 1. Amendment of Code Provisions. City Code Sections 4-1A-1 through 4-1D-5  
20 inclusive are amended to read as shown in Attachments 1 and 2.

21 Section 2. Severability. If any provision of this Ordinance is declared to be invalid by a  
22 court of competent jurisdiction, the remainder shall not be affected thereby.

23 Section 3. Effective Date. This Ordinance shall become effective immediately upon posting  
24 or publication as provided by law and upon (i) the Mayor signing the Ordinance, (ii) the City Council  
25 duly overriding the veto of the Mayor as provided by law, or (iii) the Mayor failing to sign or veto  
26 the Ordinance within fifteen (15) days after the City Council presents the Ordinance to the Mayor.  
27

28 PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THIS  
29 \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

30  
31 CITY OF WEST JORDAN

32  
33 By: \_\_\_\_\_  
34 Christopher McConnehey  
35 Council Chair

36 ATTEST:  
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39 \_\_\_\_\_  
40 Cindy M. Quick, MMC  
41 Council Office Clerk

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**Voting by the City Council**

**"YES"      "NO"**

Council Chair Christopher McConnehey	<input type="checkbox"/>	<input type="checkbox"/>
Council Vice-Chair Pamela Bloom	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Kelvin Green	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Zach Jacob	<input type="checkbox"/>	<input type="checkbox"/>
Council Member David Pack	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Kayleen Whitelock	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Melissa Worthen	<input type="checkbox"/>	<input type="checkbox"/>

**PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON \_\_\_\_\_.**

Mayor's Action: \_\_\_\_\_ Approve      \_\_\_\_\_ Veto

By: \_\_\_\_\_  
Mayor Dirk Burton      Date \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Tangee Sloan, CMC  
City Recorder

**STATEMENT OF APPROVAL/PASSAGE** (check one)

\_\_\_\_\_ The Mayor approved and signed Ordinance No. 23-12.

\_\_\_\_\_ The Mayor vetoed Ordinance No. 23-12 on \_\_\_\_\_ and the City Council timely overrode the veto of the Mayor by a vote of \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_ Ordinance No. 23-12 became effective by operation of law without the Mayor's approval or disapproval.

\_\_\_\_\_  
Tangee Sloan, CMC  
City Recorder

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**CERTIFICATE OF PUBLICATION**

I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and that a short summary of the foregoing ordinance was published on the Utah Public Notice Website on the \_\_\_\_\_ day of \_\_\_\_\_ 2023. The fully executed copy of the ordinance is retained in the Office of the City Recorder pursuant to Utah Code Annotated, 10-3-711.

\_\_\_\_\_  
Tangee Sloan, CMC  
City Recorder

*(Attachments on the following pages)*

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**Attachments to**  
**ORDINANCE NO. 23-12**  
**AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE**  
**(GENERAL BUSINESS REGULATIONS AND LICENSING REQUIREMENTS;**  
**AMENDING CITY CODE SECTIONS 4-1A-1 THROUGH 4-1D-5 INCLUSIVE)**

*(See the following pages)*

1 **Attachment 1**

2  
3 **[Attachment to ORDINANCE NO. 23-12**

4 **AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE**  
5 **(GENERAL BUSINESS REGULATIONS AND LICENSING REQUIREMENTS;**  
6 **AMENDING CITY CODE SECTIONS 4-1A-1 THROUGH 4-1D-5 INCLUSIVE)]**

7  
8 **Legislative Version:**

9  
10 **TITLE 4**

11 **BUSINESS AND LICENSE REGULATIONS**

12  
13 **CHAPTER 1**

14 **GENERAL BUSINESS REGULATIONS AND LICENSING REQUIREMENTS**

15  
16 **ARTICLE A. GENERAL PROVISIONS**

17 **SECTION:**

18 4-1A-1: Purpose

19 4-1A-2: Definitions

20 4-1A-3: Applicability Of This Chapter

21 4-1A-4: General Business And Special Business Licenses Needed

22  
23 4-1A-1: PURPOSE:

24 Pursuant to its inherent police powers within statutory authority granted by the state to  
25 protect the health and welfare of its **citizens residents and businesses**, the city intends by  
26 this title to regulate and license businesses and occupations undertaken and operating  
27 within its corporate limits; to maintain a current index of licensed businesses and  
28 occupations; and to raise revenues sufficient, among other things, to offset the costs of  
29 administering this title by imposing license fees upon such businesses and occupations.  
30 (Ord. 12-13, 6-13-2012)

31  
32 4-1A-2: DEFINITIONS:

33 The following words, terms, and phrases, when used in this title, shall have the meanings  
34 ascribed to them in this section, except where the context clearly indicates a different

35 meaning. The definitions in this section are also applicable to all subsequent chapters in  
36 this title. For words, terms, and phrases which are not defined in this title, the definitions  
37 in sections 13-2-3 or 17-1-6 or elsewhere in this code or in the Utah Code Ann. shall have  
38 the meanings ascribed to them in those sections in this code or in the Utah Code Ann.,  
39 except where the context clearly indicates a different meaning; these definitions may also  
40 be used to supplement the definitions in this title.

41 Unless otherwise indicated, the definitions found within the Utah alcoholic beverage  
42 control act, Utah Code Ann. Annotated title 32B, are incorporated into this chapter as  
43 though set forth in their entirety. In addition to these definitions, the following words and  
44 phrases used in this chapter shall have the following meanings unless a contrary meaning  
45 is clearly indicated. The definitions in this section are also applicable to all other chapters  
46 in this title.

47 ACCESSORY DWELLING UNIT: A separately leasable dwelling unit on a subdivided lot that  
48 is incidental to the principal dwelling unit, as further described in title 13.

49 ADULT: A person who is either: (a) "emancipated" pursuant to the definition in Utah Code  
50 Ann. section 80-7-102 or successor provisions; or (b) age eighteen (18) years of age or  
51 older; and who is not the subject of a court order for guardianship which limits the person's  
52 rights. For purposes of alcohol, tobacco, and other substances, the applicable definitions in  
53 the Utah Code Ann. should be used.

54 ADULT BOOKSTORE OR ADULT VIDEO STORE: Any commercial establishment which:

55 —A. Excludes minors from more than fifteen percent (15%) of the retail floor or shelf  
56 spaces of the premises; or

57 —B. As one of its principal purposes, offers for sale or rental, for any form of consideration:  
58 1) any pictures or written material, whether alone or in a book or magazine; 2) motion  
59 pictures, on film, tape or electronic media; or 3) sound recordings, the central theme of any  
60 of which depicts or describes specified sexual activities or specified anatomical areas; or 4)  
61 instruments, devices or paraphernalia which are designated for use in connection with  
62 specified sexual activities, except for legitimate medically recognized contraceptives. As  
63 used in this definition, "principal purposes" means fifteen percent (15%) or more of the  
64 business's gross yearly sales measured in any year.

65 ADULT BUSINESSES: All adult bookstores, adult video stores, adult motion picture theaters  
66 and adult theaters.

67 ADULT MOTION PICTURE THEATER: A commercial establishment which:

68 —A. Excludes minors from the showing of two (2) consecutive exhibitions; repeated  
69 showings of any single exhibition shall not be considered a consecutive exhibition; or

70 —B. Shows for any form of consideration motion pictures, slides, or similar photographic  
71 reproductions which are primarily characterized by the depiction or description of  
72 specified sexual activities or specified anatomical areas.

73 ADULT THEATER: A theater, concert hall, auditorium or similar commercial establishment  
74 which:

75 —A. Holds itself out as such a business;

76 —B. Excludes minors from the showing of two (2) consecutive exhibitions; or

77 —C. Features persons who appear in live performances in a state of nudity, or which are  
78 characterized by the exposure of specified anatomical areas or by specified sexual  
79 activities.

80 ADVOCATING: Speech or conduct intended to inform, promote or support religious belief,  
81 political position or charitable activities.

82 AGREEMENT: Unless otherwise indicated qualified, the binding agreement entered with  
83 the city as part of the good landlord program.

84 AGRICULTURAL VENDOR: A person engaged in the sale of fruits and/or vegetables from  
85 stands, motor vehicles or roadsides.

86 ALCOHOLIC BEVERAGE (AND RELATED TERMS): Means and includes "beer" and "liquor",  
87 as they are defined in this section. See the definitions found within the Utah alcoholic  
88 beverage control act, Utah Code Ann. title 32B, and in section 17-1-6 of this code.

89 ANTIQUE DEALER: Any person engaging in the business of purchasing, bartering,  
90 exchanging or selling old or archaic items which are indicative of an older culture,  
91 excluding numismatic items, bullion items, and precious metals and/or precious gems.

92 APPLICANT: A person or business possessing a business license from the city, and any  
93 person or business seeking a business license from the city. If the application is made by a  
94 corporation, partnership, limited partnership, individual or business entity (as defined in  
95 this section) doing business under an assumed name, each partner, principal, officer,  
96 director, manager, assistant manager, and any shareholder (corporate or personal) of more  
97 than twenty percent (20%) fifty one percent (51%) or more of the stock of the business  
98 entity shall also be considered an applicant. Any holding company or any entity holding  
99 more than twenty percent (20%) fifty one percent (51%) or more of an applicant shall be  
100 considered an "applicant" for purposes of this title.

101 APPLICATION: The completed forms provided by the business licensing authority with all  
102 attachments required by this title for the issuance of a permit or license.

103 ARCADE: A place of business containing more than three (3) automatic amusement devices.

104 AUCTION HOUSE: A business where property is sold on an ongoing basis by auction to the  
105 highest bidder.

106 AUCTIONEER: A person who conducts an auction.

107 AUTOMATIC AMUSEMENT DEVICES: Each machine which, upon the insertion of a coin,  
108 trade token, slug, or similar object, operates, or may be operated, as a game or contest of  
109 skill or amusement of any kind or description, and which contains no automatic payoff for



110 the return of money to the player. An "automatic amusement device" is hereby further  
111 defined as any machine, apparatus or contrivance which is used, or which may be used, as a  
112 game of skill and amusement wherein, or whereby, the player initiates, employs or directs  
113 any force generated by the machine, but specifically excludes a "musical mechanical  
114 device" as defined in this section. Such term shall include, but is not limited to, such devices  
115 as mechanical or electronic marble machines, pinball machines, skill balls, mechanical grab  
116 machines which yield prizes, electronic skill games of all types and all games, operations or  
117 similar transactions however called or by whatever name indicated. This definition is  
118 intended to be broadly construed and to include, but not be limited to, devices and  
119 activities otherwise defined in this section; provided, however, that this definition does not  
120 include single coin operated devices held for private amusement in private residences.

121 BCI BACKGROUND CHECK: An original or copy, dated no older than one hundred eighty  
122 (180) days prior to the date of the application, of either:

123 A. A Utah department of public safety bureau of criminal identification, verified criminal  
124 history report personal to the applicant; ~~or~~

125 B. Verification by the Utah department of public safety bureau of criminal identification  
126 that no criminal history rising to the level of a "disqualifying factor" (pursuant to the  
127 definition in this section or any other applicable meaning) status exists for the applicant; ~~or~~

128 C. A government-issued and verified criminal history report from the applicant's current  
129 state of residence or recent state of residence.

130 BEER, LIGHT BEER, MALT LIQUOR AND MALTED BEVERAGE: Any beverage containing  
131 sixty three one hundredths of one percent (0.63%) of alcohol by volume, or one half of one  
132 percent (0.5%) of alcohol by weight, but not more than four percent (4%) of alcohol by  
133 volume or three and two-tenths percent (3.2%) by weight, fermentation, infusion or  
134 decoction of any malted grain. Beer may or may not contain hops or other vegetable  
135 products. Beer includes products referred to as malt liquor, malted beverages or malt  
136 coolers.

137 BILLIARD HALL: Business premises containing more than three (3) tables on which  
138 billiards, bagatelle or pool is played by the public for a fee. This definition includes virtual  
139 games operating through computer simulation.

140 BOWLING ALLEY: An amusement hall where bowling and related activities are played by  
141 the public for a fee.

142 BULLION: Items of or containing gold, silver, platinum or palladium in any form or shape,  
143 including, but not limited to, bars, ingots or medallions which:

144 —A. Are gold or silver coins originally minted or manufactured as legal tender in their  
145 country of origin, but which, because of their physical condition, have little or no  
146 numismatic value and which are bought, sold, bartered or exchanged based on the value of  
147 the gold or silver they contain and are commonly known as "junk silver" or "junk gold"; or

148 —B. Carry a hallmark which:

149 ~~1. Identifies the manufacturer;~~  
150 ~~2. States the degree or percentage of purity; and~~  
151 ~~3. States the weight of the item; and~~

152 ~~C. Are of a purity at or exceeding eighty percent (80%), i.e., the item is composed of or~~  
153 ~~contains eighty (80) parts of gold, silver, platinum and/or palladium to twenty (20) parts of~~  
154 ~~other metal.~~

155 ~~"Bullion" does not include sterling silver flatware or utensils and does not include jewelry~~  
156 ~~containing gold, silver, platinum or palladium.~~

157 ~~BULLION DEALER: Any person who engages in the business of purchasing, selling,~~  
158 ~~bartering or exchanging bullion.~~

159 BUSINESS: Means and includes:

160 A. All activities, trades, professions or callings undertaken, operated or engaged in within  
161 the corporate limits of the city of West Jordan carried on for the purpose of economic gain  
162 or economic benefit, except that the acts of employees rendering service to employers shall  
163 not be included in the term "business" unless otherwise specifically prescribed.

164 B. As used in this title, the owning and operating of one or more residential rental units,  
165 whether a single-family home, a residential dwelling complex (such as a duplex, triplex or  
166 larger apartment complex) or mobile home park, or otherwise, for economic gain, ~~or~~  
167 economic benefit, or personal benefit shall be deemed to be a business.

168 C. Activities, trades, professions or callings undertaken, operated, or engaged in for the  
169 purpose of economic gain, ~~or~~ economic benefit, or personal benefit within the confines of a  
170 person's individual's residence building or within or from an ancillary structure on the  
171 same property as the person's individual's building will constitute a "business" subject to  
172 the requirements of this title.

173 D. There is no regulatory distinction in this title between a "business" and an  
174 "occupation". Both are a "business".

175 BUSINESS ENTITY: A specific partnership, limited partnership, corporation, association,  
176 limited liability company, or other entity, but not a "dba", listed as "active" and "current" on  
177 the Utah division of corporations' business entity website or the equivalent website of  
178 another state or territory of the Unites States of America.

179 BUSINESS LICENSE AUTHORITY: The city administrator or an authorized designee.

180 ~~CARD ROOM: Any room where there is played any backgammon, cards, checkers, chess, or~~  
181 ~~other games of similar nature, or any game played with beans, buttons, dice or similar~~  
182 ~~devices, or to keep, maintain or operate in the city any table on which said games are~~  
183 ~~played, where charge is made for the use of the room, use of the tables or for the privilege~~  
184 ~~of playing on such tables or in such room. This definition includes virtual games operating~~  
185 ~~through computer simulation.~~

186 CERTIFICATE: A card representing an issued city solicitor's license.

187 CHARITABLE ACTIVITIES: Advocating by persons or entities that either are, or support, a  
188 charitable organization.

189 CHARITABLE ORGANIZATION (AND RELATED TERMS): Includes any person, joint venture,  
190 partnership, limited liability company, corporation, association, group, or other entity that  
191 is organized or established: a) as a benevolent, educational, voluntary health, philanthropic,  
192 humane, patriotic, religious or eleemosynary, social welfare or advocacy, public health,  
193 environmental or conservation, or civic organization; b) for the benefit of a public safety,  
194 law enforcement or firefighter fraternal association; or c) for any charitable purpose. A  
195 "charitable organization" includes a chapter, branch, area or office, or similar affiliate or  
196 any person soliciting contributions within the state for a charitable organization, that has  
197 its principal place of business outside the city or the state of Utah pursuant to See the  
198 definitions in Utah Code Ann. Annotated section 13-22-2, or successor provisions its  
199 successor statute.

200 CHRISTMAS TREE: A cut tree, usually fir or evergreen, but including any tree sold to be  
201 decorated and used as part of the Christmas celebration and commemoration.

202 CHRISTMAS TREE BUSINESS: To sell, offer to sell or display for sale Christmas trees to the  
203 public for profit. Each location at which Christmas trees are sold, offered or displayed for  
204 sale shall be considered a separate business.

205 CITY ADMINISTRATOR: The city administrator of the city.

206 COINS: Pieces of metal money issued by any government as legal tender in the country of  
207 origin and includes commemorative coins, mint sets and proof sets, but does not include  
208 items manufactured primarily for transfer as bullion, including, but not limited to,  
209 Krugerrands, Maple Leafs and Austrian Coronas. "Coin" refers to a single piece of money as  
210 defined in this definition.

211 COMMUNITY LOCATION (AND RELATED TERMS):

212 See the definitions in:

213 A. For alcoholic beverages, Utah Code Ann. section 32B-1-102, or successor provisions;

214 B. For cannabis production establishments, Utah Code Ann. section 4-41a-102, or  
215 successor provisions;

216 C. For medical marijuana, Utah Code Ann. section 26-61a-102, or successor provisions;

217 D. For retail tobacco specialty business, Utah Code Ann. sections 10-8-41.6 and 17-50-  
218 333, or successor provisions; and

219 E. For tobacco, electronic cigarette, and nicotine product retail permits, Utah Code Ann.  
220 section 26-62-102, or successor provisions.

221 A. A public or private kindergarten, elementary, middle, junior high, or high school;

- 222 ~~B. A licensed childcare facility or preschool;~~
- 223 ~~C. A trade or technical school;~~
- 224 ~~D. A church;~~
- 225 ~~E. A public library;~~
- 226 ~~F. A public playground;~~
- 227 ~~G. A public park;~~
- 228 ~~H. A youth center or other space used primarily for youth oriented activities;~~
- 229 ~~I. A public recreational facility; or~~
- 230 ~~J. A public arcade.~~

231 COMPETENT INDIVIDUAL: ~~A person~~ An individual claiming or appearing to be at least  
232 eighteen (18) years of age and of sufficiently sound mind and body, to be able to engage in  
233 rational thought, conversation, and conduct.

234 COMPLETED APPLICATION: A fully completed application form; a BCI check; two (2)  
235 copies of the original identification, relied on by the applicant to establish proof of identity;  
236 and the tendering of all required fees.

237 ~~CONVENIENCE STORE: An establishment serving a limited market area and engaged in the~~  
238 ~~retail sale or rental, from the premises, of primarily food, beverages and other frequently or~~  
239 ~~recurrently needed items for household use, excluding gasoline sales. These products must~~  
240 ~~constitute forty five percent (45%) or more of the store's gross monthly proceeds. The~~  
241 ~~store's signage must clearly identify it as a convenience store and not as another type of~~  
242 ~~store.~~

243 CRIMINAL CONVICTION OR CRIMINALLY CONVICTED: The final entry of a conviction,  
244 whether by a plea of no contest, guilty, entry of a judicial or jury finding of guilt, which  
245 judicial determination has not been set aside on appeal or pursuant to a writ of habeas  
246 corpus. The criminal conviction is that offense of which the applicant or registered solicitor  
247 was convicted, without regard to the reduced status of the charge after completion of  
248 conditions of probation or parole, and charges dismissed under a plea in abeyance or  
249 diversion agreement.

250 ~~CURRENCY: Paper money or money of a material other than metal which was originally~~  
251 ~~printed, minted or manufactured as legal tender in the country of origin and includes~~  
252 ~~commemorative currency.~~

253 ~~DANCE STUDIO: A place where people are taught to dance, with or without the payment of~~  
254 ~~a fee.~~

255 DISQUALIFYING FACTORS: Anything specifically defined in this title as requiring the denial  
256 or suspension of a certificate license, plus any of the following:

257 A. Criminal charges are currently pending against the applicant or a key employee and  
258 the criminal charges bear a substantial relationship to the applicant's or licensee's ability to  
259 safely, competently, or legally practice the occupation, profession, or type of business;

260 B. The applicant or a key employee has been criminally convicted of a felony, within the  
261 last ten (10) years and the criminal conviction bears a substantial relationship to the applicant's  
262 or licensee's ability to safely, competently, or legally practice the occupation, profession, or type  
263 of business;

264 C. The applicant or a key employee has been criminally convicted of a misdemeanor  
265 within the past five (5) years and the criminal conviction bears a substantial relationship to the  
266 applicant's or licensee's ability to safely, competently, or legally practice the occupation,  
267 profession, or type of business;

268 D. A final civil judgment has been entered against the applicant or a key employee within  
269 the last five (5) years indicating that: 1) the applicant or key employee had either engaged  
270 in fraud or intentional misrepresentation; or 2) the applicant or key employee engaged in  
271 wilful willful and malicious activity causing injury to another entity or to the property of  
272 another entity;

273 E. The applicant or key employee is currently subject to a protective order based on  
274 physical or sexual abuse issued by a court of competent jurisdiction;

275 ~~F. The applicant is currently on parole or probation to any court, penal institution or~~  
276 ~~governmental entity, including being under house arrest or subject to a tracking device (for~~  
277 ~~this purpose probation includes pleas in abeyance, diversions, etc.); or~~

278 FG. The applicant has an outstanding arrest warrant from any jurisdiction.;or

279 GH. The applicant, or any principal of the applicant, has administrative, civil or criminal  
280 citations or charges pending or on appeal, brought or assessed by the state or another  
281 jurisdiction, and based on violations of applicable licensing or regulatory requirements in  
282 connection with the business proposed to be conducted.

283 DOOR TO DOOR SOLICITATION, HOME SOLICITATION, OR RESIDENTIAL SOLICITATION:

284 The practice of engaging in or attempting to engage in conversation with any person  
285 individual at a residence, whether or not that person individual is a competent individual,  
286 while making or seeking to make or facilitate a home door to door solicitation sale, or  
287 attempting to further the sale of goods and/or services. See sections 4-2F-1 through 4-2F-  
288 16 inclusive.

289 DOOR TO DOOR SOLICITATION SALE, HOME SOLICITATION SALE, OR RESIDENTIAL  
290 SOLICITATION SALE: To make or attempt to make a sale of goods or services by a solicitor  
291 at a residence by means of door to door solicitation, regardless of the means of payment or  
292 consideration used for the purchase; the time of delivery of the goods or services; or the  
293 previous or present classification of the solicitor as a solicitor, peddler, hawker, itinerant  
294 merchant, or similar designation.

295 EMPLOY: Hiring an individual to work for pecuniary or any other form of compensation,  
296 whether such person individual is hired on the payroll of the employer, as an independent  
297 contractor, as an agent, or in any other form of employment relationship.

298 EMPLOYEE: The operator, owner, or manager of a business and any persons individuals  
299 employed by such person operator, owner, or manager in the operation of the business in  
300 any capacity, and also any salesperson, agent, leased employee or independent contractor  
301 engaged in the business in any capacity.

302 EMPLOYMENT AGENCY: Any person or persons, including an entity, procuring or obtaining  
303 for money or other valuable consideration, either directly or indirectly, any work or  
304 employment for persons seeking the same, or to otherwise engage in such business, or in  
305 any way to act as a broker or go-between between employers and persons seeking work;  
306 provided that the term "employment agency" does not include any person operating such  
307 an office or business exclusively for schoolteachers provided such an office or business  
308 does not receive directly or indirectly, for employment information or assistance rendered,  
309 a commission or other remuneration valued in excess of five percent (5%) of the amount of  
310 the first year's salary of the person to whom such information is furnished.

311 ENGAGING IN BUSINESS: Means and includes, but is not limited to, the sale or offer for sale  
312 of tangible personal property at retail or wholesale, the manufacturing of goods, including  
313 foodstuffs, the owning or operating of rental property, the building and development of  
314 real property, and the rendering of personal services for others for compensation, but does  
315 not include the rendering of personal services by an employee to his the employee's  
316 employer under any arrangement or contract of personal employment.

317 ESCORT: Any person who, for pecuniary compensation, dates, socializes, visits, consorts  
318 with or accompanies or offers to date, consort, socialize, visit or accompany another person  
319 or other persons to or about social affairs, entertainment or places of amusement, or within  
320 any place of public or private resort, or any business or commercial establishment or any  
321 private quarters. An "escort" shall not be construed to include persons who provide  
322 business or personal services, such as private nurses, aides for the elderly or handicapped,  
323 social secretaries or similar service personnel whose relationship with their patron is  
324 characterized by a bona fide contractual relationship having a duration of more than  
325 twelve (12) hours and who provide a service not principally characterized as dating or  
326 socializing. An "escort" shall also not be construed to include persons providing services  
327 such as singing telegrams, birthday greetings, or similar activities characterized by  
328 appearances in a public place, contracted by a party other than the person for whom the  
329 service is being performed and of a duration not longer than one hour.

330 ESCORT SERVICE: An individual or entity who, for pecuniary compensation, furnishes or  
331 offers to furnish one or more escorts, or provides or offers to introduce patrons to escorts.

332 ESCORT SERVICE RUNNER: Any third person, not an escort, who, for pecuniary  
333 compensation, acts in the capacity of an agent or broker for an escort service, escort or  
334 patron by contacting or meeting with escort services, escorts or patrons at any location  
335 within the city, whether or not such third person is employed by such escort service, escort,  
336 patron or by another business, or is an independent contractor or self-employed.

337 EXEMPT RENTAL DWELLING UNIT: A rental dwelling unit contained within a single  
338 building containing up to three (3) other dwelling units (i.e., a duplex, triplex or fourplex)  
339 wherein one of the dwelling units is owner occupied by the owner of the building.

340 FEES OR FEE SCHEDULE: The city's comprehensive consolidated fee schedule as it relates  
341 to business license fees, disproportionate rental dwelling unit fees, and the discount fees  
342 associated with the good landlord program.

343 GENERAL SECONDHAND DEALER: Any person engaging in the business of purchasing,  
344 bartering, exchanging or selling of any secondhand merchandise of value other than  
345 antiques, precious metals or numismatic pieces. For the purpose of this title, a "general  
346 secondhand dealer" shall not include any person who:

347 —A. Deals solely in the purchasing, bartering, exchanging or selling of used motor vehicles  
348 or trailers;

349 —B. Is a scrap metal processor;

350 —C. Is a store, office or place of business operated by a charitable organization which  
351 acquires secondhand goods or merchandise exclusively by charitable donation;

352 —D. Engages in a business which requires a license pursuant to this title; or

353 —E. Is a person who deals solely in the consignment sale of used clothing, provided such  
354 clothing does not include jewelry or furs.

355 GROSS SALES:

356 —A. Total sales at invoice values, not reduced by customer discounts, returns or  
357 allowances, or other adjustments. Gross sales includes the amount of any manufacturer's or  
358 importer's excise tax included in the price of the product or property sold, even though the  
359 manufacturer or importer is also the wholesaler or retailer thereof, and whether or not the  
360 amount of such tax is stated as a separate charge.

361 —B. "Gross sales" shall not include:

362 —1. The amount of any federal tax, except excise taxes imposed upon or with respect to  
363 retail or wholesale sales, whether imposed upon the retailer, wholesaler, jobber or upon  
364 the consumer, and regardless of whether or not the amount of federal tax is stated to  
365 customers as a separate charge; and

366 —2. The amount of net Utah state sales tax.

367 HOME SOLICITATION: See the "Door To Door Solicitation" definition in this section.

368 HOME SOLICITATION SALE: To make or attempt to make a sale of goods or services by a  
369 solicitor at a residence by means of door to door solicitation, regardless of the means of  
370 payment or consideration used for the purchase; the time of delivery of the goods or  
371 services; or the previous or present classification of the solicitor as a solicitor, peddler,  
372 hawker, itinerant merchant, or similar designation. See the "Door To Door Solicitation Sale"  
373 definition in this section.

374 ICE CREAM WAGON: A vehicle holding, offering and selling ice cream products by means of  
375 cruising residential neighborhoods and parks and thus seeking customers.

376 INDIVIDUAL: A natural or physical person; in other words, an individual human being, who  
377 is an "adult", as defined in this section.

378 JUKEBOX OR MUSICAL MECHANICAL AMUSEMENT DEVICE: Includes each machine  
379 vending recorded music, or a period of radio or television entertainment in return for the  
380 insertion or deposit therein of a coin, trade token, slug, or similar object.

381 LEGITIMATE ARTISTIC MODELING: A person contracted in writing for nude modeling or  
382 appearance, whether on an outcall basis or otherwise, which contract is signed more than  
383 forty eight (48) hours in advance of the modeling or appearance; provided that during such  
384 nude modeling or appearance, it is unlawful to:

385 ~~—A. Appear nude or seminude in the presence of persons under the age of eighteen (18);~~

386 ~~—B. Allow, offer or agree to any touching of any other person;~~

387 ~~—C. Allow, offer or agree to commit prostitution, solicitation of prostitution, solicitation of~~  
388 ~~a minor, or undertaking activities harmful to a minor;~~

389 ~~—D. Allow, offer, commit or agree to any specified sexual activities;~~

390 ~~—E. Allow, offer, agree or permit any person to masturbate in the presence of the~~  
391 ~~individual contracted to appear nude;~~

392 ~~—F. Allow, offer or agree for the individual appearing nude to be within five feet (5') of any~~  
393 ~~other person while performing or while nude or seminude.~~

394 LICENSED PREMISES: Any building, enclosure, room, or equipment used in connection with  
395 the conduct of the business, including, but not limited to, the sale, storage, service,  
396 manufacture, distribution or consumption of alcoholic beverages.

397 LIQUOR (AND RELATED TERMS): Alcohol, or any alcoholic, spirituous, vinous, fermented,  
398 malt or other liquid or combination of liquids, a part of which is spirituous, vinous or  
399 fermented, and all other drinks or drinkable liquids, which contain more than one-half of  
400 one percent (0.5%) of alcohol by volume which is suitable to use for beverage purposes;  
401 except that the term shall not include any beverage defined as beer, malt liquor or malted  
402 beverage that has an alcohol content of less than four percent (4%) alcohol by volume. See  
403 the definitions found within the Utah alcoholic beverage control act, Utah Code Ann. title  
404 32B, and in section 17-1-6 of this code.

405 MASSAGE THERAPY AND MASSAGE THERAPIST (AND RELATED TERMS): See the  
406 definitions found in Utah Code Ann. section 58-47b-102. The practice whereby a person,  
407 either by the hands or with a mechanical or electrical apparatus, administers to another  
408 person effleurage (stroking), friction (rubbing), petrissage (kneading), tapotement  
409 (percussion) and vibration (shaking or trembling), or variations of these, and the use of  
410 rehabilitative procedures involving the muscles by nonintrusive means and without spinal  
411 manipulation. The practice of massage may include the use of oil rubs, heat lamps, salt



412 glows, hot and cold packs or tub, shower, steam or cabinet baths. For purposes of this title,  
413 "massage" also includes shiatsu and reiki therapy.

414 MASSAGE APPRENTICE: A person who is licensed as a massage apprentice by the state of  
415 Utah.

416 MASSAGE ESTABLISHMENT: Any place where massages are given for hire.

417 MASSAGE TECHNICIAN: A person who is licensed as a massage technician by the state of  
418 Utah.

419 MECHANICAL BULL: An automatic amusement device that is ridden by the public.

420 MINOR: Any person individual under the age of twenty one (21) years who does not meet  
421 the definition of "adult" as set forth in this section, or as otherwise set forth in the  
422 applicable provisions of the Utah Code Ann.

423 NO SOLICITATION SIGN: A reasonably visible and legible sign that states "No Soliciting",  
424 "No Solicitors", "No Salespersons", "No Trespassing", or words of similar import.

425 NONPUBLIC DANCES: Dances conducted and sponsored by public or private schools, not  
426 for profit associations, the city or churches for the students or members thereof, even  
427 though an admission fee is charged. Dances conducted in private homes on a private basis  
428 shall not be deemed to be public dances, and shall be exempt from the licensing provisions  
429 of this title.

430 NUDE DANCING AGENCY AND SEMINUDE DANCING AGENCY: Any person who furnishes,  
431 books or engages or offers to furnish, book or otherwise engage the service of a  
432 professional dancer licensed pursuant to this title for performance or appearance at a  
433 business licensed for nude entertainment, seminude dancing bars, or adult theaters.

434 NUDE ENTERTAINMENT BUSINESS: Any business, including an adult theater, where  
435 employees perform or appear, in the presence of patrons of the business, in a state of  
436 nudity or seminudity. A business shall also be presumed to be a nude entertainment  
437 business if the business holds itself out as such a business. Notwithstanding the foregoing,  
438 "nude entertainment business" does not include:

439 —A. A preparatory school licensed by the state, or a college, junior college or university  
440 supported entirely or partly by taxation.

441 —B. A private college or university which maintains and operates educational programs in  
442 which credits are transferable to a college, junior college or university supported entirely  
443 or partly by taxation.

444 NUDITY (AND RELATED TERMS) STATE OF NUDITY: See the definitions found in Utah  
445 Code Ann. section 10-8-41.5 or successor provisions.

446 A. The human body in a state of undress allowing the viewing of the anus, genitals, or  
447 female nipple or areola.

448 ~~—B. A state of dress which fails to opaquely cover the anus, genitals, or nipple or areola of~~  
449 ~~the female breast.~~

450 NUMBER OF EMPLOYEES: The average number of employees engaged in business at the  
451 place of business each regular working day during the preceding calendar year. ~~In~~  
452 ~~computing such number, each regular full time employee shall be counted as one full time~~  
453 ~~employee and each employee which is not a regular full time employee shall be counted as~~  
454 ~~a part time employee.~~

455 NUMISMATIC DEALER: Any person who engages in the business of purchasing, selling,  
456 bartering or exchanging coins or currency.

457 OPERATOR: The manager or other natural person individual principally in charge of a  
458 sexually oriented business.

459 ~~OUTCALL SERVICES: Services of a type performed by a sexually oriented business~~  
460 ~~employee away from the licensed premises, including, but not limited to, escorts, models,~~  
461 ~~dancers, entertainers and other similar employees, regardless of the location of the~~  
462 ~~premises of the licensed business employing the outcall employee.~~

463 OWNER: The person having ownership.

464 OWNER OCCUPIED: A residence occupied as a primary residence by the legal owner of the  
465 building within which the residence exists. For example a single-family home occupied as a  
466 primary residence by the legal owner of the building is owner occupied. Similarly a  
467 residence within a fourplex building occupied as a primary residence by the legal owner of  
468 the building, even though the other three (3) residences in the building are occupied by  
469 third parties under rental agreements, is owner occupied.

470 PARTICIPANT: A temporary merchant, not licensed as such, participating in a sales event.

471 PATRON: Any person individual who contracts with or employs any escort services or  
472 escort, or is a customer of any business licensed pursuant to this title.

473 ~~PAWNBROKER: Any person who loans money on deposit of personal property, or deals in~~  
474 ~~the purchase, exchange or possession of personal property on condition of selling the same~~  
475 ~~back again to the pledger or depositor, or who loans or advances money on personal~~  
476 ~~property by taking chattel mortgage security thereon and takes or receives such personal~~  
477 ~~property into his or her possession, and who sells the unredeemed pledges together with~~  
478 ~~such new merchandise as will facilitate the sale of same.~~

479 ~~PECUNIARY COMPENSATION: Any commission, fee, salary, tip, gratuity, hire fee, profit,~~  
480 ~~reward or any other form of consideration given in return for goods or services offered by~~  
481 ~~a business.~~

482 PERSON: Includes any individual, group of individuals, partnership, corporation,  
483 association business entity, group of business entities, or other legal entity or legal entities.

484 PLACE OF BUSINESS: Each separate location at or from which business is conducted or  
485 transacted. For this purpose branch locations and mobile business locations are each  
486 considered a separate place of business requiring a business license.

487 ~~POLITICAL POSITION: Any actually held belief, or information for, against, or in~~  
488 ~~conjunction with any political, social, environmental or humanitarian belief or practice.~~

489 PREMISES: Any room, house, building, structure, or place licensed by or defined in this title.

490 ~~PRIVATE SCHOOL: For the purposes of this title, any school accredited by the state of Utah,~~  
491 ~~whether by formal state action or by state acceptance of accreditation given to an academic~~  
492 ~~program, which has been accepted as an alternative to public schools.~~

493 PROGRAM: As used in this title, the good landlord program of the city.

494 PROPRIETOR: Any person who, as the owner, lessee, or proprietor manager, has under that  
495 person's control ~~an arcade a business.~~

496 ~~PUBLIC DANCE: Any dance to which the general public may gain admission, with or~~  
497 ~~without the payment of a fee, or any dance which is conducted in the normal course of~~  
498 ~~business on the premises of a restaurant, tavern or private club, but shall not include any~~  
499 ~~dance conducted on or in any public park, street or public grounds by permission of the~~  
500 ~~city, under the supervision of the city administrator or his/her assignee, or the Salt Lake~~  
501 ~~County recreation department.~~

502 ~~PUBLIC DANCE HALL: Any room, place or space in which a public dance is held and in~~  
503 ~~which dancing or providing space for dancing is the principal business.~~

504 ~~PUBLIC SCHOOLS: The public education system and higher education system as defined in~~  
505 ~~article X of the Utah constitution and as implemented by appropriate state statutes.~~

506 REGISTERED SOLICITOR: Any person individual who has been issued a current certificate  
507 residential solicitation license by the city (see sections 4-2F-1 through 4-2F-16 inclusive).

508 ~~RELIGIOUS BELIEF: Any sincerely held belief, or information for, against, or in conjunction~~  
509 ~~with, any theistic, agnostic, or atheistic assumption, presumption or position, or religious~~  
510 ~~doctrine, dogma or practice, regardless of whether or not the belief or information is~~  
511 ~~endorsed by any other person or public or private entity.~~

512 ~~RELIGIOUS OR CHARITABLE ORGANIZATION: Any organization which can provide written~~  
513 ~~approval from the internal revenue service that the organization has been granted tax~~  
514 ~~exempt status under section 501(c)(3) of the internal revenue code, or its successor.~~

515 RENTAL DWELLING UNIT: Any individual dwelling unit, other than an exempt dwelling  
516 unit, that is rented, leased, or hired out, or provided as a benefit to be used or occupied as a  
517 home or residence. This definition is inclusive of any buildings or accessory dwelling units,  
518 apartment buildings, or other buildings so arranged, designed, built, rented, let, or hired  
519 out to be used or occupied as the home, residence, or dwelling unit of one or more families  
520 living independently of each other. For the purpose of this definition, a residence that is  
521 under a bona fide contract of sale to an occupying purchaser is not a rental dwelling unit.

522 RESIDENCE: Any living unit contained within any building or structure that is occupied by  
523 any **person individual** as a dwelling, together with the lot or other real property on which  
524 the living unit is located. This term does not include the sidewalk, public street or public  
525 rights of way.

526 **RESIDENTIAL SOLICITATION: See the "Door To Door Solicitation" definition in this section.**

527 **RESIDENTIAL SOLICITATION SALE: See the "Door To Door Solicitation Sale" definition in**  
528 **this section.**

529 **RESIDENTIAL TREATMENT FACILITIES: An adult daycare (limited and general), group**  
530 **home (large and small), residential substance abuse treatment home (large and small),**  
531 **and/or transitional home (large and small), all as defined in title 13 of this code.**  
532 **"Residential treatment facilities" is a special purpose definition used to apply general**  
533 **requirements to each of its constituent defined facilities.**

534 RESPONSIBLE PERSON **OR ENTITY**: That person **or entity** responsible to refund any money  
535 or reversing any credit card charges for persons who timely rescind any sale pursuant to  
536 applicable contractual rights or legal requirements, and the competent individual in a  
537 residence to whom a sale of goods or services is made or attempted to be made by means of  
538 a home solicitation sale.

539 SALE OF GOODS OR SERVICES: The conduct and agreement of a solicitor and the competent  
540 individual in a residence regarding particular goods or services that entitles the consumer  
541 to rescind the same within three (3) days under any applicable federal, state or local law.

542 SALES EVENT: An event where two (2) or more temporary merchants, not more than one  
543 of whom is licensed as a temporary merchant, display any goods, wares or services at a  
544 location in the city for the purpose of sale or soliciting orders to be filled in the future, for  
545 financial gain or profit.

546 **SCRAP METAL PROCESSOR: Any person who, from a fixed location, utilizes machinery and**  
547 **equipment for processing and manufacturing iron, steel or nonferrous scrap into prepared**  
548 **grades, and whose principal product is scrap iron, scrap steel or nonferrous metallic scrap**  
549 **for sale for remelting purposes.**

550 **SECONDHAND COMPACT DISC DEALER: Any person engaging in the business of**  
551 **purchasing, bartering, exchanging or selling secondhand compact discs or "CDs", including**  
552 **DVDs.**

553 **SECONDHAND COMPUTER DEALER: Any person engaging in the business of purchasing,**  
554 **bartering, exchanging or selling secondhand computers and/or computer parts.**

555 **SECONDHAND JUNK COLLECTOR: Any person not having a fixed place of business within**  
556 **the corporate limits of the city who goes from house to house or place to place gathering,**  
557 **collecting, or otherwise dealing solely in secondhand rags, papers, metals or other articles**  
558 **commonly known as "junk" for his own account.**

559

560 ~~SECONDHAND JUNK DEALER: Any person engaging in the business of purchasing,~~  
561 ~~bartering, exchanging or selling;~~

562 ~~—A. Secondhand metals other than precious metals; or~~

563 ~~—B. Glass, rags, rubber, paper or other articles commonly known as "junk" from a fixed~~  
564 ~~place of business.~~

565 ~~For the purpose of this title, a "junk dealer" shall not include a scrap metal processor.~~

566 ~~SECONDHAND PRECIOUS METAL AND/OR PRECIOUS GEM DEALER: Any person engaging~~  
567 ~~in the business of purchasing, bartering, exchanging or selling, in any form;~~

568 ~~—A. Secondhand gold, silver, platinum or other precious metals, or secondhand articles~~  
569 ~~containing any of such metals, but not including "coins", "currency" or "bullion"; or~~

570 ~~—B. Secondhand precious gems or any secondhand articles containing any precious gems.~~

571 SELL, SALE, AND TO SELL: Any transaction, exchange, or barter whereby, for any  
572 consideration, an alcoholic beverage is either directly or indirectly transferred, solicited,  
573 ordered, delivered for value, or by any means or under any pretext is promised or obtained,  
574 whether done by a person as principal, proprietor, or as an agent, servant or employee,  
575 unless otherwise defined in the alcoholic beverage control act or regulations adopted by  
576 the state alcoholic beverage control commission.

577 ~~SEMINUDE: A state of human undress in which opaque cloth or other opaque material fully~~  
578 ~~covers only the areola of the female breast, the genitals, pubic region, and anus.~~

579 ~~SEMINUDE BOOKING AGENCY: Any person which furnishes, books, or otherwise engages~~  
580 ~~or offers to furnish, book, or otherwise engage the service of a professional dancer licensed~~  
581 ~~pursuant to this title for seminude performance or appearance.~~

582 ~~SEMINUDE ENTERTAINMENT BUSINESS: A business, including adult theater, where~~  
583 ~~employees perform or appear in the presence of patrons of the business seminude. A~~  
584 ~~business shall also be presumed to be a seminude entertainment business if the business~~  
585 ~~holds itself out as such a business.~~

586 SERVICES: Those intangible goods or personal benefits offered, provided, or sold to a  
587 competent individual.

588 SEXUALLY ORIENTED BUSINESS (AND RELATED TERMS): See the definitions found in  
589 Utah Code Ann. section 10-8-41.5 or successor provisions. An adult bookstore, adult video  
590 store, adult motion picture theater, adult theater, escort service, nude and/or seminude  
591 dancing agency, nude and/or seminude entertainment business or entertainer, and/or an  
592 outcall service. "Legitimate artistic modeling", as defined in this article, is not a sexually  
593 oriented business. This definition does not include a sex therapist or similar individual  
594 licensed by the state to provide bona fide sexual therapy or counseling, licensed medical  
595 practitioner, licensed nurse, psychiatrist, psychologist, nor shall it apply to any educator  
596 licensed by the state for activities in the classroom.

597 **SEXUALLY ORIENTED BUSINESS EMPLOYEES:**

598 ~~—A. Those employees who work on the premises of the sexually oriented business in~~  
599 ~~activities related to the sexually oriented portion of the business. This includes all~~  
600 ~~managing employees, dancers, entertainers, escorts, models and other similar employees~~  
601 ~~whether or not hired as employees, agents or as independent contractors.~~

602 ~~—B. Sexually oriented business employees do not include individuals whose work is not~~  
603 ~~directly related to the sexually oriented portion of the business such as janitors,~~  
604 ~~bookkeepers and similar employees, cooks, serving persons, bartenders and similar~~  
605 ~~employees, except where they are managers or supervisors of the business or where the~~  
606 ~~employee will be required or chooses to appear in the sexually oriented business in a nude~~  
607 ~~or seminude condition.~~

608 ~~—C. All persons making outcall meetings, including escorts, models, entertainers, guards,~~  
609 ~~escort runners, drivers, chauffeurs and other similar employees, are sexually oriented~~  
610 ~~business employees, regardless of the location of the premises of the licensed business~~  
611 ~~employing the outcall employee.~~

612 **SHOOTING GALLERY:** A place of business where shooting of any kind is done, including a  
613 shooting range.

614 **SOLICITING, SOLICIT, SOLICITATION:** Any of the following activities when conducted on a  
615 door to door home contact basis:

616 A. Seeking to obtain sales or orders for the exchange of goods, wares, merchandise or  
617 perishables of any kind, for any kind of remuneration or consideration, regardless of  
618 whether advance payment is sought;

619 B. Seeking to obtain prospective customers to apply for or to purchase insurance,  
620 subscriptions to publications, or publications;

621 C. Seeking to obtain contributions of money or any other thing of value for the benefit of  
622 any person **or entity**;

623 D. Seeking to obtain orders or prospective customers for goods or services;

624 E. Seeking to engage an individual in conversation at a residence for the purpose of  
625 promoting or facilitating the receipt of information regarding religious belief, political  
626 position, charitable conduct, or a home solicitation sale.

627 F. Other activities falling within the commonly accepted definition of soliciting, such as  
628 hawking or peddling.

629 **SOLICITOR, SOLICITORS:** A person or persons **An individual or individuals** engaged in door  
630 to door solicitation. A **solicitor's residential solicitation** license **and certificate** does not  
631 authorize or enable hawking goods or contacting people in public places, in a park or on the  
632 street. **See sections 4-2F-1 through 4-2F-16 inclusive.**

633 ~~SPECIFIED ANATOMICAL AREAS: The human male or female pubic area or anus with less~~  
634 ~~than a full opaque covering, or the human female breast from the beginning of the areola,~~  
635 ~~or nipple to its end with less than full opaque covering.~~

636 SPECIFIED CRIMINAL ACTS: Any act defined in title 76 of the Utah Code Ann. or in titles 6  
637 or 7 of this code as a crime.

638 ~~A. Providing material harmful to minors;~~

639 ~~B. Prostitution or prostitution offenses;~~

640 ~~C. Unlawful sexual intercourse with a minor;~~

641 ~~D. Lewdness or gross lewdness;~~

642 ~~E. Rape;~~

643 ~~F. Object rape;~~

644 ~~G. Forcible sexual abuse;~~

645 ~~H. Contributing to the delinquency of a minor;~~

646 ~~I. Pornographic, obscene harmful materials, or lewd performance offenses;~~

647 ~~J. Any sexual offense involving a child;~~

648 ~~K. Any offense involving theft or dishonest practices;~~

649 ~~L. Any offense against government order;~~

650 ~~M. Racketeering enterprise offenses;~~

651 ~~N. Money laundering and currency transportation reporting offenses;~~

652 ~~O. Furnishing alcohol, drugs or paraphernalia, or sale of firearms to a minor;~~

653 ~~P. Offenses committed in other jurisdictions which are substantially similar to those~~  
654 ~~listed in this definition, regardless of the exact title of the offense; or~~

655 ~~Q. Attempt, aiding, abetting, solicitation, or conspiracy to commit any of the offenses~~  
656 ~~described in this definition.~~

657 SPECIFIED SEXUAL ACTIVITIES: Any sexual act defined in title 76 of the Utah Code Ann. or  
658 in titles 6 or 7 of this code as a crime.

659 ~~A. Acts of:~~

660 ~~— 1. Masturbation;~~

661 ~~— 2. Human sexual intercourse;~~

662 ~~— 3. Sexual copulation between a person and a beast;~~

663 ~~4. Fellatio;~~  
664 ~~5. Cunnilingus;~~  
665 ~~6. Bestiality; or~~  
666 ~~7. Anal copulation between two (2) persons or person and a beast.~~  
667 ~~B. Manipulating, caressing or fondling by any person of:~~  
668 ~~1. The genitals of a human, including oneself;~~  
669 ~~2. The pubic area of a human, including oneself; or~~  
670 ~~3. The covered or uncovered female nipple or areola, including of oneself.~~  
671 ~~C. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre~~  
672 ~~costume, or the condition of being fettered, bound or otherwise physically restrained on~~  
673 ~~the part of one so clothed.~~  
674 SUBSTANTIATED REPORT: An oral, written or electronic report that is submitted to and  
675 documented by the city that provides any of the following information regarding a person  
676 **or business** holding a city business license of any type:  
677 A. Documented verification of a previously undisclosed disqualifying factor;  
678 B. Probable cause that the person **or business** has committed a disqualifying factor which  
679 has not yet been determined to be a disqualifying factor;  
680 C. Documented, eyewitness accounts that the person **or business** has engaged in  
681 repeated patterns of behavior that demonstrates failure by the person **or business** to  
682 adhere to the requirements of this title; or  
683 D. Probable cause that continued licensing of the person **or business** demonstrates  
684 exigent circumstances that threaten the health, safety or welfare of any **individuals or**  
685 **entities person or persons** within the city.  
686 TEMPORARY MERCHANT:  
687 A. Any person, whether a resident of the city or not, who within the limits of the city:  
688 1. Engages in a temporary business of selling and/or delivering goods, wares or  
689 services, or who conducts meetings open to the general public where franchises,  
690 distributorships, contracts or business opportunities are offered to the public; or  
691 2. Sells, offers or exhibits for sale any goods, wares or services, franchises,  
692 distributorships, contracts or business opportunities, during the course of or any time  
693 within six (6) months after a lecture or public meeting pertaining to such goods, wares,  
694 services, franchises, business opportunities, contracts or distributorships.  
695 B. The foregoing notwithstanding, a "temporary merchant", for the purposes of this title,  
696 shall not include the following:



697 1. A person who shall occupy any business establishment for the purpose of  
698 conducting a permanent business therein; provided, however, that no person shall be  
699 relieved from the provisions of this title by reason of a temporary association with any  
700 local dealer, trader, merchant or auctioneer, or by conducting such temporary or transient  
701 business in connection with, as a part of, or in the name of any local dealer, trader,  
702 merchant or auctioneer; or

703 2. Any sales of merchandise damaged by smoke or fire, or of bankrupt concerns,  
704 where such stock has been acquired from a merchant or merchants of the city regularly  
705 licensed and engaged in business; provided, however, no such stock of merchandise shall  
706 be augmented by new goods; or

707 3. A person who sells ~~his or her~~ the person's own property which was not acquired  
708 for resale, barter or exchange, and who does not conduct such sales more than twice during  
709 any calendar year; or

710 4. Art exhibits, where participating artists sell their original works, and which do not  
711 contain any sales of artwork purchased or taken on consignment and held for resale,  
712 providing such art exhibits are sponsored by a local, responsible organization; or

713 5. "Religious or charitable organizations", as defined in this section; or

714 6. Sales of goods, wares or services at a convention, meeting or exposition which is  
715 not open to nor advertised to the general public, to the extent such sales are made to  
716 registered members of the sponsoring organization, provided the sponsoring organization  
717 or its designated agent delivers to the city license supervisor, at least fifteen (15) days in  
718 advance of such convention, meeting or exposition, a statement of the organization's  
719 qualification for this exemption and a statement of the common interest or category of  
720 those who will be attending such convention, meeting or exposition; and providing all  
721 persons selling or purchasing goods, wares or services at such convention, meeting or  
722 exposition shall wear or display in a conspicuous manner a tag stating the name of the  
723 sponsoring organization.

724 TEMPORARY MERCHANT SPONSOR: Any person who leases or rents a building or portion  
725 of a building, or other space, for the purpose of conducting a sales event with two (2) or  
726 more participants.

727 TOBACCO PRODUCT: As defined in Utah Code Ann. subsection 10-8-41.6(1)(j) or successor  
728 provisions.

729 ~~A. Any cigar, cigarette, or electronic cigarette as defined in Utah code section 76-10-101;~~

730 ~~B. A tobacco product as defined in Utah code section 59-14-102, including:~~

731 ~~1. Chewing tobacco; or~~

732 ~~2. Any substitute for a tobacco product, including flavoring or additives to tobacco;~~  
733 ~~and~~

734 ~~C. Tobacco paraphernalia as defined in Utah code section 76-10-104.1.~~

735 TOBACCO SPECIALTY BUSINESS: As defined in Utah Code Ann. subsection 10-8-41.6(1)(h)  
736 or successor provisions. A commercial retail establishment that, through signage, floor  
737 space allocation and sales revenue, demonstrates it is substantially engaged in the offer and  
738 sale of tobacco products. Any one or more of the following factors indicate the operation of  
739 a tobacco specialty business:

740 —A. The sale of tobacco products accounts for more than thirty five percent (35%) of the  
741 total quarterly gross receipts for the establishment for two (2) successive calendar  
742 quarters; to facilitate the city's perception of this factor, a licensee operating a retail sales  
743 business that includes the offer of tobacco products shall send to the city's business license  
744 administrator quarterly gross sales information within ten (10) business days of the end of  
745 each calendar quarter. This quarterly data provision requirement does not apply to  
746 businesses already licensed as a tobacco specialty business, or to business locations within  
747 which an area is licensed by the state of Utah as a pharmacy;

748 —B. The name of the business evidences holding oneself out as a tobacco specialty  
749 business; e.g., "Smoke Shop", "Vape Shop", etc., as opposed to "Tommy's Trinkets" or  
750 "Nonie's Notions";

751 —C. The allocation of floor and shelf space inside the business shows a focus on tobacco  
752 products. Forty percent (40%) or more is devoted to the offer, display and/or storage of  
753 tobacco products.

754 TRANSIENT AUCTION HOUSE: Any person or any agent, servant or employee of any person  
755 who shall sell, or offer for sale at auction, any goods, wares, merchandise or articles for  
756 value in or from any hotel, rooming house, dwelling house, boarding house, store,  
757 storeroom, stall, tent, building, structure, stand or other place indoors or outdoors, and  
758 who shall occupy such place for the purpose of conducting a temporary business in that  
759 place.

760 WAIVER: The written form provided to an applicant by the city wherein applicant agrees  
761 that the city may obtain a name/date of birth BCI background check on the applicant for  
762 licensing purposes under this title and which contains applicant's signature, which is either  
763 executed in the presence of the business licensing authority, or notarized at the time the  
764 waiver is signed. (Ord. 12-13, 6-13-2012; amd. Ord. 13-14, 3-27-2013; Ord. 16-01, 1-13-  
765 2016; Ord. 16-06, 1-13-2016; Ord. 16-11, 3-23-2016; Ord. 21-04, 2-10-2021)

766

767 4-1A-3: APPLICABILITY OF THIS CHAPTER:

768 The provisions of this chapter apply to all businesses and employees in the city. (Ord. 12-  
769 13, 6-13-2012)

770

771 4-1A-4: GENERAL BUSINESS AND SPECIAL BUSINESS LICENSES NEEDED:

772 Certain types of businesses have additional and special licensing and business conduct  
773 requirements, and these are set forth in chapter 2 of this title. For these specially addressed

774 types of business, a general business license and a special business license will be required,  
775 including the payment of such license fees as are provided from time to time by the city  
776 council. (Ord. 12-13, 6-13-2012)

777

778 ARTICLE B. BUSINESS LICENSES

779 SECTION:

780 4-1B-1: Unlawful To Conduct Business Within The City Without A Business License

781 4-1B-2: ~~Responsibility For Obtaining A Business License [Reserved]~~

782 4-1B-3: Business License Authority

783 4-1B-4: Powers Of Business License Authority, Including Applicant Investigation

784 4-1B-5: City Inspection Authority

785 4-1B-6: License Nontransferable; Limited To Licensed Name And Premises

786 4-1B-7: License Application Requirements

787 4-1B-8: Furnishing False Information

788 4-1B-9: Application Numbering And Filing

789 4-1B-10: Engaging In Business Prohibited During Investigation

790 4-1B-11: Applicant Investigation [Reserved]

791 4-1B-12: Issuance Of License

792 4-1B-13: Index Of Licensed Persons And Businesses

793 4-1B-14: License Available for Inspection Posting And Display Required

794 4-1B-15: Exemptions For Nonprofit Businesses, Organizations And Other Entities  
795 [Reserved]

796 4-1B-16: License Fees

797 4-1B-17: License Year; Fee Payments And Prorations

798 4-1B-18: Late Payment Penalty And Consequences

799 4-1B-19: Fee Exemptions For Businesses Operating For Profit

800 4-1B-20: Mistakes In Fee Calculations

801 4-1B-21: Deviations Prohibited

802 4-1B-22: License Fee Collection; Civil Actions Authorized

- 803 4-1B-23: Refunds
- 804 4-1B-24: No License Transfers; and Change of License Information
- 805 4-1B-25: Designation Of Agent For Service Of Process
- 806 4-1B-26: Recordkeeping Required
- 807 4-1B-27: Illegality Or Deceptive Artifices [Reserved]
- 808 4-1B-28: Hours Of Operation
- 809 4-1B-29: Dealing With Certain Persons Prohibited [Reserved]
- 810 4-1B-30: License Termination Following Cessation Of Operations
- 811 4-1B-31: Equivalent Alternative Methods Of Regulation [Reserved]

812

813 4-1B-1: UNLAWFUL TO CONDUCT BUSINESS WITHIN THE CITY WITHOUT A BUSINESS  
814 LICENSE:

815 A. Unless specifically exempt from such requirement in this title or other applicable  
816 law, it shall be unlawful for any person to engage in or carry on any business within  
817 the City city, without first procuring a business license, or for any person to continue  
818 to engage in or carry on a business when the required business license has been  
819 suspended or revoked; and

820 B. Every person engaging in business within the city shall apply for and maintain in full  
821 force and effect a valid city business license. (Ord. 12-13, 6-13-2012)

822

823 4-1B-2: RESPONSIBILITY FOR OBTAINING A BUSINESS LICENSE [Reserved]:

824 Every person engaging in business within the City shall apply for and maintain in full force  
825 and effect a valid City business license. (Ord. 12-13, 6-13-2012)

826

827 4-1B-3: BUSINESS LICENSE AUTHORITY:

828 The business license authority shall have responsibility for issuing business licenses and  
829 collecting ensuring all business license fees are paid and taxes, based on the rates and  
830 charges established by law ordinance or resolution and as set forth in the City's general  
831 city's consolidated fee schedule, and assist in the enforcement of civil and criminal actions  
832 brought against persons violating this title. (Ord. 12-13, 6-13-2012)

833

834

835 4-1B-4: POWERS OF BUSINESS LICENSE AUTHORITY, **INCLUDING APPLICANT**  
836 **INVESTIGATION:**

837 The business license authority and all license inspectors in the performance of their official  
838 duties shall have and exercise all the powers allowed by law the following powers:

839 ~~—A. Notices Of Violation; Criminal Referrals: The business license authority may issue~~  
840 ~~notices of violation and seek suspension or revocation of a license and/or assess fines for~~  
841 ~~violations of the provisions of this title using the procedures set forth in title 16 of this~~  
842 ~~Code, and may refer cases to the criminal authorities for prosecution as crimes.~~

843 ~~—B. Inspections: The business license authority and any authorized agent may enter free~~  
844 ~~of charge, during normal business hours, the physical space being used or occupied by any~~  
845 ~~business, in conformity with law, and demand the exhibition of the applicable City license~~  
846 ~~for the current term from any person engaged or employed in the operation or transaction~~  
847 ~~of such business or the operation of such vehicle, and may generally inquire into and~~  
848 ~~inspect the conduct and operations of the business.~~

849 ~~—C. Right To Consider Individual Officers Of An Artificial Entity: In determining whether~~  
850 ~~the applicant is entitled to a business license, the business license authority may disregard~~  
851 ~~the corporate or business entity status, if any, of the applicant and examine the~~  
852 ~~qualifications, or lack of qualifications, of the individual owners, officers, agents and~~  
853 ~~employees of the business entity.~~

854 ~~—D. Conditions Precedent To License Issuance: The business license authority shall not~~  
855 ~~issue a license unless the application forms have been properly completed and the annual~~  
856 ~~business license fee for the first year has been paid in advance. The business license~~  
857 ~~authority may require the applicant to fully disclose the nature and scope of the proposed~~  
858 ~~business activity. In making the determination to issue the business license, the business~~  
859 ~~license authority may look to the previous activities of the business or its principals and~~  
860 ~~employees.~~

861 **EA.** Time Period Within Which To Act On License; Denial: The business license authority  
862 may take up to **ninety (90) thirty (30)** days from the date when the **license completed**  
863 application is received by the business license authority, to review an application and  
864 investigate the relevant facts. If the business license authority concludes to deny an  
865 application, a statement of the facts and reasons for the denial shall be given to the  
866 applicant.

867 ~~—F. Time Extensions: Upon a showing of good cause, the business license authority may~~  
868 ~~grant extensions of time.~~

869 **GB.** License Authority Denial: The business license authority shall have the authority,  
870 without a hearing, to deny a license for the reasons provided for in this article, subject to  
871 appeal rights.

872 **HC.** Business License Authority Investigation: The business license authority may, on **his**  
873 **or her** the business license authority's own initiative or in response to complaints from the

874 general public or any city department or division, investigate and gather evidence of  
875 violations of this title or other circumstances which may give rise to a denial, suspension or  
876 revocation; or seek the police department's or other investigative organization's assistance  
877 or investigations. In particular, the business license authority may, prior to the issuance of  
878 any business license required by this title, investigate any applicant for such license, if  
879 there is reasonable cause to believe that the applicant:

880 1. Has filed an application which is incomplete, erroneous, or false in any respect,  
881 except that any individual name or business entity name that is substantially similar to the  
882 correct name shall not be deemed to be incomplete, erroneous, or false;

883 2. Fails in any respect to qualify to do business in the city under any federal, state or  
884 city law, rule or regulation;

885 3. Has committed such act or acts as may be grounds for revocation or denial of a  
886 license application under any federal, state or city law, rule or regulation; or

887 4. Investigation is required by city ordinance. (Ord. 12-13, 6-13-2012)

888

889 4-1B-5: CITY INSPECTION AUTHORITY:

890 A. New Business Premises Inspections: Prior to the issuance of a license to a person to  
891 engage in a new business not previously licensed under this title, the person or applicant  
892 shall, subject to constitutional limitations, permit inspections to be made of the prospective  
893 place of business by representatives of the appropriate departments of the city to ensure  
894 compliance with zoning, building, fire and health, and other codes, statutes, ordinances, and  
895 laws which may apply to the business and premises for which a license application was  
896 submitted. No license shall be granted without the approval of all such required  
897 inspections.

898 B. Periodic Inspection; Time To Correct: Places of business licensed within the city shall  
899 be inspected periodically by departments of the city, county or the state for compliance  
900 with zoning, building, fire and health codes. Written notice shall be given by a code  
901 enforcement officer ~~the business license authority~~ to a licensed person or business upon the  
902 finding of any code infractions, which shall provide for time sixty (60) days in which to  
903 correct such infractions, pursuant to title 16, unless the noncompliant issue constitutes a  
904 hazard or exigent circumstance requiring immediate remediation under law. Failure to  
905 bring the licensed premises into legal compliance may result in the revocation of the  
906 license by the city.

907 C. Identifying Violations: From time to time one or more agents of the city, including, but  
908 not limited to, police officers, code enforcement officers, and community enforcement  
909 officers, are authorized and required to enter and examine the physical locations and space  
910 occupied and used by any business or vehicle, for which a city license is required. They  
911 shall determine if such places of business, persons and vehicles are properly licensed and  
912 that no business, other than the one described in and covered by the license, is operating or  
913 transacting business. They may issue citations or otherwise enforce the law, and shall

914 advise the business license authority of each person doing business in violation of this title.  
915 (Ord. 12-13, 6-13-2012)

916

917 4-1B-6: LICENSE ~~NONTRANSFERABLE;~~ LIMITED TO LICENSED NAME ~~AND PREMISES:~~

918 ~~—A. No Transfer Of License: No license granted or issued under the provisions of this title~~  
919 ~~shall be in any manner assignable or transferable unless authorized by the business license~~  
920 ~~authority in writing; or authorize any person, other than is therein named, to do business;~~  
921 ~~or authorize any other business, calling, trade or profession than is therein described to be~~  
922 ~~done or transacted; or the business, calling, trade or profession therein described to be~~  
923 ~~done or transacted, at any place other than is therein provided.~~

924 ~~—B. No Transfer Of Entity Ownership: If an entity is the licensee, the licensee may not~~  
925 ~~transfer more than ten percent (10%) of the ownership interest in such entity within any~~  
926 ~~two (2) year period without notice to and approval by the business license authority.~~

927 ~~—C. Duty To Use Name Identified In License Application:~~ It is unlawful for a business to do  
928 business under any name other than the business name specified in the application. (Ord.  
929 12-13, 6-13-2012)

930

931 4-1B-7: LICENSE APPLICATION REQUIREMENTS:

932 A. ~~Written~~ Application: Applications for licenses and permits required by this title shall  
933 be made ~~in writing online~~ to the business license authority in the absence of provision to  
934 the contrary; ~~which applications shall be made upon forms provided by the city.~~ The  
935 application shall show:

936 1. Legal Name: The correct legal name of each applicant, corporation, partnership,  
937 limited partnership or entity doing business under an assumed name.

938 2. Doing Business Under Assumed Name: If the applicant is a ~~corporation, partnership,~~  
939 ~~limited partnership, individual or business~~ entity doing business under an assumed name,  
940 submittal of the information required for individual applicants for each partner, principal,  
941 officer, director, and any shareholder (corporate or personal) of ~~more than twenty percent~~  
942 ~~(20%) fifty-one percent (51%) or more of the ownership interest of the stock of any~~  
943 ~~applicant. Any holding company or any business entity holding more than twenty percent~~  
944 ~~(20%) fifty-one percent (51%) or more of the ownership interest of an applicant shall be~~  
945 considered an applicant for purposes of disclosure under this article.

946 ~~3. Signatories: Identification by all corporations, partnerships or noncorporate entities~~  
947 ~~included on the application of each individual authorized by the corporation, partnership~~  
948 ~~or noncorporate entity to sign the checks for such corporation, partnership or~~  
949 ~~noncorporate entity.~~

950 4. Applicant Information: For all applicants, a statement of the business address,  
951 contact information, and other information requested of the forms provided by the  
952 business license authority which are not disallowed by law;

953 ~~— a. Any other names or aliases used by the individual;~~

954 ~~— b. The age, date and place of birth;~~

955 ~~— c. Present business address and telephone number (if applicable);~~

956 ~~— d. Present residence and telephone number; and~~

957 ~~— e. Utah driver's license, social security or identification number.~~

958 5. Age or Business Entity; Citizenship: Acceptable written proof that an individual is at  
959 least twenty one(21) years of age and a U. S. citizen each applicant is a person, as defined in  
960 section 4-1A-2, and is either (a) an individual and an adult, as defined in section 4-1A-2 of  
961 this code, or (b) a business entity, as defined in section 4-1A-2; provided that the business  
962 license authority is empowered to waive this the age requirement in appropriate cases.

963 ~~6. Employment History: A statement of the business, occupation and employment~~  
964 ~~history of the applicant for three (3) years immediately preceding the date of the filing of~~  
965 ~~the application.~~

966 ~~67.~~ License Type: The kind of license desired, stating in detail the business to be  
967 performed, practiced or carried on.

968 ~~78.~~ License Class: The class of license desired, if the particular business activity has  
969 special licenses divided into classes.

970 ~~89.~~ Place: The place where such business, calling, trade or profession is to be carried  
971 on, giving the street number if such business is to be carried on in any building or  
972 enclosure.

973 ~~910.~~ Term: The period of time for which such license is desired to be issued (i.e., an  
974 ongoing business activity or a temporary business activity).

975 ~~11. Convictions: Disclosure of all class B misdemeanor and higher criminal convictions~~  
976 ~~for five (5) years prior to the application date and all felony criminal convictions for the~~  
977 ~~applicant, individual or other entity subject to disclosure under this article. This disclosure~~  
978 ~~shall include the date, place, nature of each conviction or plea of no contest, and sentence of~~  
979 ~~each conviction or other disposition; identifying the convicting jurisdiction and sentencing~~  
980 ~~court; and providing the court identifying case numbers or docket numbers.~~

981 ~~1012.~~ Application Fee: A nonrefundable application fee in an amount adopted by the  
982 city council in its uniform consolidated fee schedule.

983 ~~13. Additional Information:~~

984 ~~— a. The application may also request such additional information as may reasonably be~~  
985 ~~needed to demonstrate that the applicant;~~



986 ~~— (1) Meets all requirements of applicable city ordinances, including requirements~~  
987 ~~regarding unexpunged criminal convictions;~~

988 ~~— (2) Is not in default under the provisions of any city ordinance; and~~

989 ~~— (3) Is not overdue on any indebtedness or obligation owed to the city.~~

990 ~~— b. The application may also require information reasonably calculated to~~  
991 ~~demonstrate that the proposed use of any premises by the applicant will not be in violation~~  
992 ~~of city zoning regulations, that the principals of the applicant's business are properly~~  
993 ~~bonded if bonding is required, and that the applicant will otherwise be in full compliance~~  
994 ~~with all applicable city, state and federal laws and ordinances.~~

995 B. Accuracy And Veracity Required: The truthfulness, completeness and accuracy of all of  
996 information provided by an applicant shall be attested to by the applicant or an authorized  
997 representative thereof.

998 C. Misleading Prohibited: Failure to provide all required information or providing false  
999 or misleading information in the application shall constitute grounds for denial of the  
1000 application or revocation of an existing permit or license, and shall constitute a  
1001 misdemeanor, if done ~~wilfully-wilfully~~ with the intent to mislead the city.

1002 D. Notice Of Change To Application Information: Any change in the information required  
1003 to be submitted under this article for a business license shall be given in writing to the  
1004 business license authority within fourteen (14) days after such change. (Ord. 12-13, 6-13-  
1005 2012)

1006

1007 4-1B-8: FURNISHING FALSE INFORMATION:

1008 It is unlawful for any person to ~~wilfully willfully~~ give the licensee or ~~his or her the licensee's~~  
1009 agents or employees false or misleading information which the licensee is required by this  
1010 chapter to obtain from such person. (Ord. 12-13, 6-13-2012)

1011

1012 4-1B-9: APPLICATION NUMBERING AND FILING:

1013 The license application, with ~~any other~~ accompanying ~~documents~~ statements and bonds,  
1014 shall be numbered by the business license authority in the ~~manner deemed to be~~  
1015 ~~appropriate by the business license authority. order in which they appear in the license~~  
1016 ~~supervisor's office and, after numbering, the bonds shall be filed in the office of the~~  
1017 ~~business license authority, and the applications shall be filed in the office of the business~~  
1018 ~~license authority in the order in which they are recorded in the business license master list.~~  
1019 ~~Each application shall bear its proper number and shall be filed in said office.~~ (Ord. 12-13,  
1020 6-13-2012)

1021

1022

1023 4-1B-10: ENGAGING IN BUSINESS PROHIBITED DURING INVESTIGATION:

1024 It is unlawful for any person applying for a business license which requires investigation by  
1025 the business license authority to engage in the business for which license application is  
1026 made, until such investigation is completed and the license approved and issued. (Ord. 12-  
1027 13, 6-13-2012)

1028

1029 4-1B-11: ~~APPLICANT INVESTIGATION [Reserved]:~~

1030 ~~—A. Investigation: The business license authority may, prior to the issuance of any~~  
1031 ~~business license required by this title, investigate any applicant for such license, if there is~~  
1032 ~~reasonable cause to believe that the applicant:~~

1033 ~~— 1. Has filed an application which is incomplete, erroneous or false in any respect;~~

1034 ~~— 2. Fails in any respect to qualify to do business in the city under any federal, state or~~  
1035 ~~city law, rule or regulation; or~~

1036 ~~— 3. Has committed such act or acts as may be grounds for revocation or denial of a~~  
1037 ~~license application under any federal, state or city law, rule or regulation; or~~

1038 ~~— 4. Investigation is required by city ordinance.~~

1039 ~~—B. Documents And Witnesses: The business license authority may compel the production~~  
1040 ~~of documents and witnesses in order to conduct such investigation as provided by this~~  
1041 ~~section.~~ (Ord. 12-13, 6-13-2012)

1042

1043 4-1B-12: ISSUANCE OF LICENSE:

1044 A. License Issuance: Within thirty (30) days after receiving a completed application and  
1045 completion of any needed investigation, or as in law specifically required, the business  
1046 license authority shall issue the license, provided all fees are paid and legal requirements  
1047 met, or shall deny the license if the legal requirements are not met.

1048 B. Formal Requirements: All ~~certificates of~~ licenses shall be signed by the business  
1049 license authority, which may be by ~~facsimile electronic~~ signature, and shall contain the  
1050 following information:

1051 1. The name of the person to whom such ~~certificate license~~ has been issued;

1052 2. The kind of license, and the class of license, if such licenses are divided into classes;

1053 3. The term of the license, stating the commencing date and the expiration date.

1054 C. Issuance Approval: No new business license ~~certificate~~ which requires inspection or  
1055 approval of any department of city government, whether new or renewal, shall be  
1056 delivered or mailed to the applicant, until all legal requirements for the issuance or renewal  
1057 have been met. (Ord. 12-13, 6-13-2012; amd. Ord. 15-22, 8-25-2015)

1058

1059 4-1B-13: INDEX OF LICENSED PERSONS AND BUSINESSES:

1060 The business license authority shall keep a registry containing the names of the businesses  
1061 and persons holding business licenses. (Ord. 12-13, 6-13-2012)

1062

1063 4-1B-14: LICENSE AVAILABLE FOR INSPECTION POSTING AND DISPLAY REQUIRED:

1064 Each license shall be available for inspection during business hours. Every certificate of  
1065 license issued shall be posted by the applicant in a conspicuous place upon the wall of the  
1066 building, room or office of the store or place in which such licensed business is carried on,  
1067 so that the same may be easily seen, and when such certificate of license shall have expired  
1068 or be revoked or suspended, it shall be removed by the applicant from such place in which  
1069 it has been posted; and no certificate of license which is not in force and effect shall be  
1070 permitted to remain posted upon the wall or any part of any room, store, office or place of  
1071 business after the period of such certificate or license has expired. It shall be the duty of  
1072 each and every person and business holding a business license from the city to show the  
1073 license certificate at any proper time when requested so to do by any police officer or  
1074 license inspector. Any person holding a separate business license must have such license  
1075 on their person at all times during the business activity. (Ord. 12-13, 6-13-2012)

1076

1077 4-1B-15: EXEMPTIONS FOR NONPROFIT BUSINESSES, ORGANIZATIONS AND OTHER  
1078 ENTITIES [Reserved]:

1079 The provisions of this title shall not be deemed or construed to require the payment of a  
1080 license fee for the issuance of a license to any institution or organization which is  
1081 conducted, managed or carried on wholly for the benefit of charitable purposes from which  
1082 profit is not derived, directly or indirectly, by any person; nor shall the payment of a license  
1083 fee be required to issue a license for the conducting of any entertainment, concert,  
1084 exhibition or lecture whenever the receipts from such are to be appropriated to any  
1085 church, school, governmental entity, or nonprofit organization. (Ord. 12-13, 6-13-2012)

1086

1087 4-1B-16: LICENSE FEES:

1088 Annual license and other fees shall be those periodically adopted by the city council in its  
1089 uniform consolidated fee schedule. (Ord. 12-13, 6-13-2012)

1090

1091 4-1B-17: LICENSE YEAR; FEE PAYMENTS AND PRORATIONS:

1092 A. Fees To Be Paid In Advance In U.S. Legal Tender: All license fees shall be paid in  
1093 advance in legal tender of the United States at the main office of in any manner allowed by  
1094 the city.

1095

1096 B. License Year; Renewal Date; ~~Prorations~~:

1097 1. License Year; Good Landlord Program: Except for any first year prorations, a "license  
1098 year" will run for twelve (12) consecutive calendar months following the date of  
1099 commencement and end on the last day of the twelfth month. Notwithstanding the  
1100 foregoing, participants in the city's "good landlord" program, governed by chapter 2, article  
1101 R of this title, must renew their good landlord certification every four (4) years **and provide**  
1102 **the business license authority with a copy of the certificate of completion**, and thus good  
1103 landlord certification will run for forty eight (48) consecutive calendar months.

1104 2. Administratively Assigning License Year Dates: Annual licenses issued pursuant to  
1105 this title need not be issued on a calendar year basis. ~~In order to have city licenses come~~  
1106 ~~due for renewal and spread city administrative handling of license issuance and renewals~~  
1107 ~~in a roughly uniform basis throughout the calendar year, the business license authority~~  
1108 ~~shall cause the city to be divided into four (4) geographic quadrants that are periodically~~  
1109 ~~established to equalize estimated licensing activity in the city into fourths. Each geographic~~  
1110 ~~quadrant will be assigned a month of commencement. Licenses issued within each~~  
1111 ~~quadrant shall commence on the first day of that quadrant's designated commencement~~  
1112 ~~month, also known as the "renewal date", as follows: quadrant A, July; quadrant B, October;~~  
1113 ~~quadrant C, January; and quadrant D, April. Licenses for preschools and daycares will not~~  
1114 ~~use the geographic quadrant system.~~

1115 3. ~~Pro Rata Charges For Initial License Period: The initial license period shall run from~~  
1116 ~~the first day of the month the license was issued through the last day of the month~~  
1117 ~~immediately preceding the applicable quadrant's renewal date. The first year's annual~~  
1118 ~~license fee shall be reduced on a pro rata basis, for each quarter of a year for which the~~  
1119 ~~license was not in effect. Any partial quarter or three (3) month period of the license year~~  
1120 ~~in which the initial license was granted shall be counted as a period for which full pro rata~~  
1121 ~~payment is required. This pro rata payment shall be administered so that a license~~  
1122 ~~applicant shall pay a percentage of the annual license fee periodically established in the city~~  
1123 ~~council uniform fee schedule, computed on a license year quarter, as follows:~~

1124 ~~— a. One hundred percent (100%) for a license issued in the first three (3) calendar~~  
1125 ~~months of the initial license year;~~

1126 ~~— b. Seventy five percent (75%) for a license issued in the second three (3) calendar~~  
1127 ~~months of the initial license year;~~

1128 ~~— c. Fifty percent (50%) for a license issued in the third three (3) calendar months of~~  
1129 ~~the initial license year; and~~

1130 ~~— d. Twenty five percent (25%) for a license issued in the fourth three (3) calendar~~  
1131 ~~months of the initial license year.~~

1132 4. ~~Renewal License Fee: Following the pro rata payment, renewal license fees shall be~~  
1133 ~~for a full twelve (12) month license year period.~~

1134 C. Payments: Each license fee shall be paid at the time of an application's filing, whether  
1135 as a new or a late renewal application. The application shall not be processed until the fee  
1136 is paid. (Ord. 12-13, 6-13-2012; amd. Ord. 15-22, 8-25-2015)

1137

1138 4-1B-18: LATE PAYMENT PENALTY AND CONSEQUENCES:

1139 A. Late Renewal Fee Penalties: If a license renewal fee is not paid by the due date, a  
1140 penalty in the amount provided in the **uniform consolidated** schedule of fees and service  
1141 charges shall be added to the original amount.

1142 B. Duty To Cease Business Operations: Any person holding a business license from the  
1143 city whose license renewal fee and accrued penalties remain unpaid for thirty (30)  
1144 calendar days from the original due date shall terminate business operations. No business  
1145 shall be conducted thereafter by such person, **unless and** until:

1146 1. The business license authority approves a reinstatement application or petition for  
1147 renewal of a license following payment of all overdue fees and costs; or

1148 2. A new license application is filed and a new license issued by the business license  
1149 authority.

1150 C. Initial Fee Nonpayment Penalty: When any person engages in any business or  
1151 occupation requiring a license and fee by the provisions of this title, or engages in any  
1152 additional activities which require an additional license and fee, without first paying the  
1153 required license fee, a penalty in the amount provided in the **uniform consolidated**  
1154 schedule of fees and service charges shall be added to the original amount thereof.

1155 D. Collection: All penalties provided for in this section shall be collected by the business  
1156 license authority and the payment thereof shall be enforced by him or her in the same  
1157 manner as the license fees are collected and payment enforced.

1158 E. No License Issuance: No license shall be issued, until all penalties legally assessed  
1159 have been paid in full.

1160 F. Other Enforcement Not Precluded: Nothing in this section shall be construed to  
1161 prevent or in any manner interfere with the enforcement of any criminal or civil penalty  
1162 provision contained in any other title of this code, including, but not limited to, those  
1163 provisions pertaining to operation of businesses without a current and valid business  
1164 license. (Ord. 12-13, 6-13-2012; amd. Ord. 15-22, 8-25-2015)

1165

1166 4-1B-19: FEE EXEMPTIONS FOR BUSINESSES **OPERATING FOR PROFIT**:

1167 Although they shall apply in all respects for the obtaining of a business license pursuant to  
1168 this title, the following persons are exempt from the payment of license fees:

1169 A. **Building Contractors**: Building contractors having no retail product sales and who pay  
1170 construction permit fees, pursuant to applicable city ordinances, but do not have an actual

1171 business location within city limits. However, contractors who operate a construction  
1172 business from a home located within the city are not exempt.

1173 B. Insurance Companies: Insurance companies paying license fees to the state pursuant  
1174 to the provisions of Utah Code Annotated title 31A, chapter 1, or any successor provisions.

1175 C. Nonprofit/Charitable Organizations: The provisions of this title shall not be deemed or  
1176 construed to require the payment of a license fee for the issuance of a license to any  
1177 institution or organization which is conducted, managed or carried on wholly for the  
1178 benefit of charitable purposes from which profit is not derived, directly or indirectly, by  
1179 any person; nor shall the payment of a license fee be required to issue a license for the  
1180 conducting of any entertainment, concert, exhibition or lecture whenever the receipts from  
1181 such are to be appropriated to any church, school, governmental entity, or nonprofit  
1182 organization. (Ord. 12-13, 6-13-2012)

1183

1184 4-1B-20: MISTAKES IN FEE CALCULATIONS:

1185 In no event shall any mistakes made by an applicant or the city in the calculation of a  
1186 license fee prevent or prejudice the collection by the city of the amount actually due from  
1187 any person subject to licensing under this title. Likewise, no such mistakes shall prevent or  
1188 prejudice the refund to licensees of amounts overpaid by reason of mistakes. (Ord. 12-13,  
1189 6-13-2012)

1190

1191 4-1B-21: DEVIATIONS PROHIBITED:

1192 No greater or lesser amounts shall be charged or received for licenses, and no license shall  
1193 be issued for any period of time other than as specifically provided in this title. (Ord. 12-13,  
1194 6-13-2012)

1195

1196 4-1B-22: LICENSE FEE COLLECTION; CIVIL ACTIONS AUTHORIZED:

1197 A. Civil Actions: In all cases where a city ordinance requires that a license be obtained to  
1198 carry on or to engage in any business, occupation or calling within the city, and a fee for  
1199 such license is authorized by ordinance, and the fee is not paid at the time or in the manner  
1200 provided in said ordinance, a civil action may be brought in the name of the city against the  
1201 person failing to pay such license fee, in any court of this state having jurisdiction of such  
1202 action, to recover the fee and any penalty due, together with reasonable attorney fees and  
1203 reasonable costs of collection. In any case where several or diverse amounts of license fees  
1204 remain due and unpaid by any such person, such several amounts of unpaid license fees  
1205 may be joined as separate causes of action in the same complaint in such civil actions. The  
1206 provisions of title 16 may be utilized, as applicable.

1207 B. Other Enforcement: Nothing in this section shall be construed to prevent or in any  
1208 manner interfere with the enforcement of any penalty provision contained in any

1209 ordinance of the city, or to prevent or in any manner interfere with the use of any remedy  
1210 available to the city. (Ord. 12-13, 6-13-2012)

1211

1212 4-1B-23: REFUNDS:

1213 No refund shall be made for any fee paid for a license issued pursuant to this title, unless  
1214 the fee paid was incorrect due to a calculation error or not legally owed under the  
1215 provision of this title. (Ord. 12-13, 6-13-2012)

1216

1217 4-1B-24: NO LICENSE TRANSFERS; AND CHANGE OF LICENSE INFORMATION:

1218 Upon the written consent of the business license authority endorsed on the license, licenses  
1219 issued pursuant to the provisions of this title may be transferred from one place of  
1220 business to another, provided the business or person holding the business license remains  
1221 the same and the nature of the business is unchanged. A transfer fee shall be paid in a sum  
1222 established periodically by the city council in its uniform fee schedule. No transfers of  
1223 licenses are allowed. Any change of ownership, business name, address, or other main  
1224 license information shall require a new application for a new license. (Ord. 12-13, 6-13-  
1225 2012)

1226

1227 4-1B-25: DESIGNATION OF AGENT FOR SERVICE OF PROCESS:

1228 A. Duty To Designate Service Of Process Agent: Before any business license shall be  
1229 issued to a person, the applicant shall file with the business license authority an instrument  
1230 naming a true and lawful agent of such applicant with full power and authority to accept  
1231 service or notice of process for or on behalf of such applicant with respect to any matters  
1232 connected with or arising in connection with such license, which agent, for an individual,  
1233 can be him or herself. The instrument shall also state that applicant for the license consents  
1234 and agrees that any service or notice of process shall be made upon the agent and when so  
1235 made shall be taken and held to be valid, as if personally served upon the applicant  
1236 according to the laws of this or any other state, waiving all claim or right of error by reason  
1237 of such acknowledgment of service or manner of service. (Ord. 12-13, 6-13-2012)

1238

1239 4-1B-26: RECORDKEEPING REQUIRED:

1240 Every person liable for the payment of any license fee imposed by this title shall keep all  
1241 records required by law for three (3) years records which accurately state the amount of  
1242 such person's gross annual sales of goods and services. Such records shall also state the  
1243 number of employees of the business in a manner and format which reasonably permits  
1244 the amount of any license fee for which such person to be liable under the provisions of this  
1245 title may be determined. (Ord. 12-13, 6-13-2012)

1246

1247 ~~4-1B-27: ILLEGALITY OR DECEPTIVE ARTIFICES: [Reserved]~~

1248 ~~Notwithstanding anything else in this title, the business license authority shall not issue a~~  
1249 ~~business license for any business or business activity which would, in the reasonable~~  
1250 ~~opinion of the business license authority:~~

1251 ~~—A. Involve the violation of any city ordinance, county ordinance, state statute or federal~~  
1252 ~~statute, or lawful regulations issued under such ordinances or statutes;~~

1253 ~~—B. Involve activities, under the guise of conducting a legitimate business, which are~~  
1254 ~~fraudulent or deceptive. (Ord. 12-13, 6-13-2012)~~

1255

1256 4-1B-28: HOURS OF OPERATION:

1257 A. Duty To Post Operating Hours: Every licensed business in the city is required to post  
1258 in plain sight, clearly visible by all participants, the relevant operating hours of said place of  
1259 business.

1260 ~~B. Curfew Law Applicable: Any business accepting or catering to minors shall not be~~  
1261 ~~operated in a manner contrary to the curfew provisions of any applicable state, county or~~  
1262 ~~municipal curfew statutes. (Ord. 12-13, 6-13-2012)~~

1263

1264 4-1B-29: ~~DEALING WITH CERTAIN PERSONS PROHIBITED [Reserved]:~~

1265 ~~It is unlawful for any person licensed pursuant to this article, or any employee of any~~  
1266 ~~person licensed pursuant to this article, to receive any items from a person who is under~~  
1267 ~~eighteen (18) years of age, without the written consent of the parent or guardian of such~~  
1268 ~~person, or who is either intoxicated or obviously mentally deficient. (Ord. 12-13, 6-13-~~  
1269 ~~2012)~~

1270

1271 4-1B-30: LICENSE TERMINATION FOLLOWING CESSATION OF OPERATIONS:

1272 Any business license issued pursuant to this article will expire no later than ten (10)  
1273 calendar days following the continuous closure or cessation of business operations for  
1274 which the license was issued, except when cessation or closure is required to repair  
1275 damage caused by flood, fire, earthquake or other natural disaster. (Ord. 12-13, 6-13-2012)

1276

1277 ~~4-1B-31: EQUIVALENT ALTERNATIVE METHODS OF REGULATION: [Reserved]~~

1278 ~~—A. City Administrator Alternate Regulatory Rules: Whenever a person regulated under~~  
1279 ~~this chapter and/or chapter 2 of this title alleges that specified requirements are~~  
1280 ~~impracticable or excessively burdensome as applied to such person, s/he may file with the~~



1281 city administrator a written petition setting forth such allegations and presenting  
1282 suggested methods of regulation of such person by the city in lieu of enforcement of the  
1283 specified requirements of this chapter so objected to. The city administrator may either  
1284 approve or deny the proposed alternative methods of regulation proposed by the  
1285 petitioner or may approve other alternative methods of regulation. Upon approval by the  
1286 city administrator, such alternative regulation shall be as obligatory upon the petitioner as  
1287 if such had been specific requirements set forth in this chapter, the violation of any of  
1288 which alternate regulations shall be a misdemeanor.

1289 —B.— Standards For Approval: The standard for approval of any such alternative regulation  
1290 shall be that they are equivalent to the existing requirements which they would supplant,  
1291 in meeting the objectives of enhancing and protecting the public health, safety and welfare,  
1292 including, but not limited to, inhibiting theft and trafficking of stolen merchandise and  
1293 providing adequate opportunity for examination by the police of suspect transactions.  
1294 (Ord. 12-13, 6-13-2012; amd. Ord. 19-47, 12-04-2019, Effective at 12 noon on January 6,  
1295 2020; Ord. 21-04, 2-10-2021)

1296

1297 ARTICLE C. DENIAL, SUSPENSION, REVOCATION; LICENSE DENIAL APPEAL BOARD  
1298 LICENSE APPEAL AUTHORITY

1299 SECTION:

1300 4-1C-1: Denial Of A Business License

1301 4-1C-2: Revocation Or Suspension Of License

1302 4-1C-3: Procedure For Suspension Or Revocation

1303 4-1C-4: Effect Of Revocation And Suspension

1304 4-1C-5: License Denial Appeal Board License Appeal Authority Established

1305 4-1C-6: Authority And Duties Of Board Administrative Law Judge as the License Appeal  
1306 Authority

1307 4-1C-7: Filing An Appeal Of A Denial, Suspension, or Revocation

1308 4-1C-8: Appeal Hearing

1309 4-1C-9: Decision Of License Denial Appeal Board the License Appeal Authority

1310 4-1C-10: Appeal Of License Denial Appeal Board a License Appeal Authority Decision

1311 4-1C-11: Licensing After Revocation

1312 4-1C-12: Validity Of Business License During Appeal

1313

1314

1315 4-1C-1: DENIAL OF A BUSINESS LICENSE:

1316 A. Reasons For Denial: After a person has made application to the city for a business  
1317 license, including a renewal of an existing business license, the application may be denied  
1318 for any lawful reason, including, but not limited to, the following reasons:

1319 1. The business will be involved in activities that will violate a city, county, state or  
1320 federal law or regulation;

1321 2. The business will be involved in activities on the licensed premises which would  
1322 constitute a public nuisance, or otherwise a menace to the health, welfare and peace of the  
1323 city;

1324 3. The business would involve activities by patrons of the business or business activity  
1325 where it could be shown the patrons are reasonably likely to constitute a public nuisance,  
1326 or to commit violations of law;

1327 4. The business is not in compliance with the city zoning standards or requirements  
1328 applicable to the licensed premises;

1329 5. Issuance of the license would result from fraud or misrepresentation of a material  
1330 fact in the procurement of or application for the license;

1331 6. The business or its employees will be undertaking activities which would constitute  
1332 grounds for revocation or suspension of a business license; or

1333 7. Issuance of the license will jeopardize or unreasonably endanger the public health,  
1334 safety or welfare, or the safety or welfare of any individual, because the applicant or a key  
1335 employee:

1336 a. Does not possess the requisite state or federal licensing to conduct the business  
1337 activity for which the city license is applied;

1338 b. Does not possess the required training, experience, professional degrees or  
1339 licensing normally required for or associated with such business activity;

1340 c. Has been guilty of unprofessional conduct, as proscribed by applicable statute or  
1341 regulation or by applicable regulations or standards of conduct promulgated by the  
1342 professional association or regulatory agency normally associated with that business  
1343 activity;

1344 d. Has been criminally convicted of a class B misdemeanor or greater offense **and the**  
1345 **criminal conviction bears a substantial relationship to the applicant's or licensee's ability to**  
1346 **safely, competently, or legally practice the occupation, profession, or type of business** or is  
1347 **subject to one or more "disqualifying factors" (as defined in article A of this chapter section**  
1348 **4-1A-2); or**

1349 8. For a new application, nonpayment of **a returned check for** the required license fees  
1350 at the time the application is made. For a renewal application, nonpayment of the required  
1351 license renewal fees, plus any penalty due under this title;

1352 9. One of the reviewing departments or divisions of the city, whose approvals are  
1353 required under law has lawfully disapproved the application pursuant to any applicable  
1354 provision of the city code or other applicable law;

1355 10. False, or misleading, or incomplete information given on the application;

1356 11. Noncompliance with any requirement or condition imposed in a conditional use  
1357 permit, a variance or a special exception in connection with any location of the proposed  
1358 business activities;

1359 12. Noncompliance with any ~~City, State or Federal Statutes~~ city, state or federal statutes  
1360 or any Health Department regulations governing the applicant's proposed business.

1361 B. Refusal To Renew: The City city may refuse to renew the business license based on  
1362 any of the grounds provided for revocation or suspension of a license in this title arising at  
1363 or before the time of the submittal and consideration of a license application. (Ord. 12-13,  
1364 6-13-2012)

1365

#### 1366 4-1C-2: REVOCATION OR SUSPENSION OF LICENSE:

1367 A. License Revocable: Under the provisions of this title, the issuance of a license grants  
1368 only a revocable privilege to engage in business and confers no vested rights of any kind or  
1369 nature upon the business or person holding the business license.

1370 B. Revocation Or Suspension: Every business license issued by the City city may be  
1371 revoked or suspended for:

1372 1. Substantiated report of any violation by the licensed person or business or by an  
1373 agent, officer, employee, or invitee of any provisions of this title or any other applicable  
1374 ordinance or law governing the business or activity. The person or business holding a  
1375 business license shall be strictly responsible for the operation of the business or activity in  
1376 conformance with all applicable laws;

1377 2. Substantiated report of fraud or misrepresentation of a material fact in the  
1378 procurement of the license;

1379 3. Failure to pay when due any license fee, tax, charge and/or penalty provided in State  
1380 Statute state statute or City city ordinance;

1381 4. Substantiated report of the violation of City city ordinance or Federal federal or State  
1382 Statute state statute relating to the licensed business and resulting from the conduct of  
1383 such business or activity;

1384 5. Substantiated report of any condition or conduct at or in connection with the  
1385 business;

1386 6. Substantiated report of using or possessing for use a false weight or measure or any  
1387 other device for falsely determining or recording any quantity or quality;

1388 7. Substantiated report of selling, offering or exposing for sale products or commodities  
1389 which vary from the standard of composition or quality described in connection with the  
1390 offer or sale;

1391 8. Substantiated report of activities at or in connection with the business, which are  
1392 fraudulent or deceptive;

1393 9. Substantiated report of failure of the applicant to retain the legal qualifications  
1394 necessary for the business license, including the continuing absence of "disqualifying  
1395 factors" (as defined in article A of this chapter section 4-1A-2); or

1396 10. Substantiated report of failure to properly maintain operational business records  
1397 and other records required in this title for inspection and audit by the City city.

1398 C. Pendency Of License: The City city may revoke or suspend a license for any of the  
1399 grounds listed for denying a license application or a renewal application in this chapter  
1400 arising during the pendency of a business license. (Ord. 12-13, 6-13-2012)

1401

1402 4-1C-3: PROCEDURE FOR SUSPENSION OR REVOCATION:

1403 The business license authority may prosecute a suspension or revocation administratively  
1404 as provided in title 16 of this Code code, and/or as a Class B misdemeanor. (Ord. 12-13, 6-  
1405 13-2012)

1406

1407 4-1C-4: EFFECT OF REVOCATION AND SUSPENSION:

1408 A. If the license is revoked, no new application shall be considered by the business  
1409 license authority until expiration of the time period, in any event not less than one year,  
1410 specified in the order of revocation.

1411 B. A suspension shall be for a period not exceeding six (6) months, following which the  
1412 license shall be reinstated. Should the license be under suspension at the time the license  
1413 would have otherwise been renewed or renewable, the license shall not be renewed until  
1414 expiration of the period of time imposed on the original suspension. (Ord. 12-13, 6-13-  
1415 2012)

1416

1417 4-1C-5: LICENSE DENIAL APPEAL BOARD LICENSE APPEAL AUTHORITY ESTABLISHED:

1418 The administrative law judge license appeal authority shall hear and decide all appeals of  
1419 license denials, suspensions, revocations, and similar actions (collectively referred to as  
1420 "appeals"). The license appeal authority shall have authority to hear evidence in all appeals  
1421 referred to the license appeal authority and, after an appeal hearing, shall prepare a written  
1422 decision and order, as provided in this title and in title 16. Whether as an individual or  
1423 when constituted of more than one person, the person or persons The individual  
1424 designated to hear an appeal shall hereafter be designated as the license denial appeal

1425 board license appeal authority. (Ord. 12-13, 6-13-2012; amd. Ord. 19-47, 12-04-2019,  
1426 Effective at 12 noon on January 6, 2020; Ord. 21-04, 2-10-2021)

1427

1428 4-1C-6: AUTHORITY AND DUTIES OF BOARD ADMINISTRATIVE LAW JUDGE AS THE  
1429 LICENSE APPEAL AUTHORITY:

1430 The license denial appeal board shall have authority to hear evidence in all business license  
1431 denial matters referred to the board and, after such hearing, shall prepare a written  
1432 decision and order, as provided herein. Unless the mayor retains by contract another  
1433 individual to fulfill the responsibilities of the license appeal authority set forth in this title,  
1434 the administrative law judge, identified in title 16, shall be and shall fulfill all the  
1435 responsibilities of the license appeal authority. (Ord. 12-13, 6-13-2012)

1436

1437 4-1C-7: FILING AN APPEAL OF A DENIAL, SUSPENSION, OR REVOCATION:

1438 Appeals of a business license authority's decision to deny, suspend, or revoke a business  
1439 license may be made by filing a written notice of appeal with the city recorder, within  
1440 fifteen (15) days of receipt of the notice of denial, suspension, or revocation. The appeal  
1441 notice shall contain a specific and detailed explanation of the alleged mistake made by the  
1442 business license authority and a specific statement of the relief desired. (Ord. 12-13, 6-13-  
1443 2012; amd. Ord. 19-47, 12-04-2019, Effective at 12 noon on January 6, 2020; Ord. 21-11, 3-  
1444 24-2021)

1445

1446 4-1C-8: APPEAL HEARING:

1447 A. Hearing Date And Time: All hearings shall be conducted at a time, place and day set by  
1448 the license denial appeal board license appeal authority through a written notice of hearing  
1449 provided to all parties. The hearing shall be scheduled to occur no sooner than four (4)  
1450 working days and no later than twenty (20) working days following the city recorder's  
1451 receipt of the notice of appeal and held pursuant to title 16.

1452 B. City Attorney To Present Case: At the hearing, a representative from the city  
1453 attorney's office or another or designee of the business license authority shall present the  
1454 reasons for the decision to deny, suspend, or revoke the license.

1455 C. Licensee Presentation: The applicant, in person or through his or her the applicant's  
1456 attorney, may then present any evidence and/or argument showing reason why the  
1457 business license authority's decision was in error.

1458 D. Sworn Witnesses: All witnesses, if any, shall be sworn to testify truthfully. Either party  
1459 is entitled to confront and cross examine any witnesses.

1460 E. Evidentiary Rules: Any oral or documented evidence may be received, but the license  
1461 denial appeal board shall exclude all privileged, irrelevant, immaterial, or unduly

1462 ~~repetitious evidence.~~ The license appeal authority shall apply the evidentiary rules  
1463 identified in title 16.

1464 F. Grounds For Decision Under Review: If the denial appealed is based on a  
1465 determination of the business license authority that sufficient grounds existed under city,  
1466 state or federal law, the ~~license denial appeal board~~ license appeal authority may  
1467 reexamine the factual nature of the grounds and determine whether they are sufficient to  
1468 sustain the decision of the business license authority.

1469 G. Board License Appeal Authority Lacks Authority To Waive Compliance With  
1470 Requirements: The ~~license denial appeal board~~ license appeal authority does not have the  
1471 authority to waive compliance with applicable provisions of this title, nor can the license  
1472 denial appeal board or to extend deadlines set forth in this title or in title 16, except as  
1473 specifically identified therein.

1474 H. Preponderance Of Evidence Standard Of Review: All factual determinations made by  
1475 the ~~license denial appeal board~~ license appeal authority shall be supported by a  
1476 preponderance of the evidence, presented to the ~~license denial appeal board~~ license appeal  
1477 authority during hearing proceedings. (Ord. 12-13, 6-13-2012; amd. Ord. 21-11, 3-24-  
1478 2021)

1479

1480 4-1C-9: DECISION OF ~~LICENSE DENIAL APPEAL BOARD~~ THE LICENSE APPEAL  
1481 AUTHORITY:

1482 A. Date Decision Due; Findings: The ~~license denial appeal board~~ license appeal authority,  
1483 after hearing all the evidence, shall announce its decision within ~~seven (7)~~ fourteen (14)  
1484 calendar days from the date of hearing, unless for good cause, it extends the time for  
1485 rendering a decision. The ~~board~~ license appeal authority may affirm or reverse the decision  
1486 of the business license authority, and may remand the matter for further action by the  
1487 business license authority. The decision shall be in writing and shall be based upon findings  
1488 of fact and conclusions of law. The ~~board~~ license appeal authority may designate that the  
1489 prevailing party draft the findings of fact and order. If the prevailing party drafts the  
1490 decision, the opposing party shall have five (5) working days from the date the draft is  
1491 submitted within which to file objections to the draft. Upon resolution of all objections to  
1492 the draft, the ~~board~~ license appeal authority shall issue its decision.

1493 B. Service Of Appeal Decision: The decision of the ~~license denial appeal board~~ license  
1494 appeal authority shall be delivered to the applicant by mail, postage prepaid, by electronic  
1495 means, or by personal service, at the discretion of the ~~board~~ license appeal authority.

1496 C. Reversal Of Decision: The denial of the license shall be reversed by the ~~appeals officer~~  
1497 license appeal authority if, upon review of the written appeal and information submitted,  
1498 the ~~appeal board~~ license appeal authority finds that the licensing officer made a material  
1499 mistake of law or fact in denying or suspending the applicant's or registered solicitor's  
1500 certificate license.

1501 D. Affirmation Of Decision: If the written appeal and information submitted indicates  
1502 that the licensing officer properly denied a license the denial shall be affirmed.

1503 E. Administrative Exhaustion Of Remedies: After the ruling of the appeal board license  
1504 appeal authority, the applicant or solicitor is deemed to have exhausted all administrative  
1505 remedies with the city. (Ord. 12-13, 6-13-2012)

1506

1507 4-1C-10: APPEAL OF LICENSE DENIAL APPEAL BOARD A LICENSE APPEAL AUTHORITY  
1508 DECISION:

1509 The license denial appeal board's license appeal authority's decision may be appealed by  
1510 the applicant or the city to the district court within thirty (30) days from the date on which  
1511 the board's license appeal authority's written decision is issued. (Ord. 12-13, 6-13-2012)

1512

1513 4-1C-11: LICENSING AFTER REVOCATION:

1514 A person, whose business license has been revoked, may not be issued a new license for a  
1515 period of twelve (12) months following the revocation. (Ord. 12-13, 6-13-2012)

1516

1517 4-1C-12: VALIDITY OF BUSINESS LICENSE DURING APPEAL:

1518 A. Right To Operate During Appeal: A person or business holding a business license  
1519 subject to an order of the business license authority suspending or revoking the license  
1520 may continue to legally operate the licensed business in compliance with federal, state and  
1521 all other local laws pending a final decision on appeal, or until the time for appeal has  
1522 passed, whichever event occurs first.

1523 B. No Right To Operation Without Valid License Having Been Issued: An applicant for a  
1524 currently unlicensed business shall not operate, and it shall be unlawful for any person to  
1525 conduct business for which a license is required at the premises until a valid business  
1526 license is issued, notwithstanding the city's denial of that license has been appealed. (Ord.  
1527 12-13, 6-13-2012)

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1535 ARTICLE D. ENFORCEMENT

1536 SECTION:

1537 4-1D-1: Powers And Duties Of Police And Inspectors

1538 4-1D-2: Penalties For Violation

1539 4-1D-3: Effect Of Conviction; Prosecution Not Barred

1540 4-1D-4: Injunction

1541 4-1D-5: Liability For Acts Of Employees

1542

1543 4-1D-1: POWERS AND DUTIES OF POLICE AND INSPECTORS:

1544 A. Authorized Enforcement Personnel:

1545 1. All police officers, community enforcement officers, code enforcement officers, and  
1546 City city building inspectors are appointed to act as business license inspectors, and are  
1547 empowered and required to examine all places of business and persons who are required  
1548 to have a business license and to determine if posted licenses are valid and displayed in a  
1549 conspicuous place within the place of business, as required by law available for inspection.

1550 2. Police officers and inspectors shall have and exercise the power to enter free of  
1551 charge, during normal business hours, any place open to the general public and for which a  
1552 license is required. They may require the exhibition of a current license by any person  
1553 engaged or employed in the conduct of such business.

1554 B. Duty To Enforce: It shall be the duty of the City city police officers, community  
1555 enforcement officers, code enforcement officers, and the City city building inspectors, as  
1556 well as the City city business license authority, to cause complaints to be filed against all  
1557 persons violating any of the provisions of this title. Enforcement against pawnshops is  
1558 limited as provided in Utah Code section 13-32a-112.5. (Ord. 12-13, 6-13-2012)

1559

1560 4-1D-2: PENALTIES FOR VIOLATION:

1561 A. Administrative Fines And Penalties: If the City Council city council so authorizes, the  
1562 business license authority license appeal authority may assess administrative penalties for  
1563 violations of this title. Such penalties shall not exceed five hundred dollars (\$500.00) for  
1564 each violation.

1565 B. Violation: Any violation of this title may be prosecuted administratively as provided in  
1566 title 16 of this Code code, and/or as a Class B misdemeanor.

1567 C. Each Sale Without A License Is A Separate Offense: The sale of each article by a  
1568 temporary merchant, a temporary merchant sponsor or a participant, without a license



1569 therefor, shall be a separate offense under and a separate violation of this title. (Ord. 12-13,  
1570 6-13-2012)

1571

1572 4-1D-3: EFFECT OF CONVICTION; PROSECUTION NOT BARRED:

1573 The conviction and punishment of any person for transacting business without a license  
1574 shall not excuse or exempt such person from the payment of any license fees, penalties or  
1575 fines due or unpaid at the time of such conviction, and nothing in this title shall prevent a  
1576 criminal prosecution for any violation of the provisions of this title. (Ord. 12-13, 6-13-  
1577 2012)

1578

1579 4-1D-4: INJUNCTION:

1580 An entity or individual who operates or causes to be operated a business without a valid  
1581 license in violation of the provisions of this chapter is subject to a suit for an injunction in  
1582 addition to the civil and criminal violations provided in this chapter and any other remedy  
1583 available at law or in equity. (Ord. 12-13, 6-13-2012)

1584

1585 4-1D-5: LIABILITY FOR ACTS OF EMPLOYEES:

1586 The holder of a City city business license is strictly liable for any and all acts of his or her  
1587 the holder's own employees and for any violation by them of any provisions of this title.  
1588 (Ord. 12-13, 6-13-2012)

1589

1 **Attachment 2**

2  
3 **[Attachment to ORDINANCE NO. 23-12**

4 **AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE**  
5 **(GENERAL BUSINESS REGULATIONS AND LICENSING REQUIREMENTS;**  
6 **AMENDING CITY CODE SECTIONS 4-1A-1 THROUGH 4-1D-5 INCLUSIVE)]**

7  
8 **Clean Version:**

9  
10 **TITLE 4**

11 **BUSINESS AND LICENSE REGULATIONS**

12  
13 **CHAPTER 1**

14 **GENERAL BUSINESS REGULATIONS AND LICENSING REQUIREMENTS**

15  
16 **ARTICLE A. GENERAL PROVISIONS**

17 **SECTION:**

18 4-1A-1: Purpose

19 4-1A-2: Definitions

20 4-1A-3: Applicability Of This Chapter

21 4-1A-4: General Business And Special Business Licenses Needed

22  
23 **4-1A-1: PURPOSE:**

24 Pursuant to its inherent police powers within statutory authority granted by the state to  
25 protect the health and welfare of its residents and businesses, the city intends by this title  
26 to regulate and license businesses and occupations undertaken and operating within its  
27 corporate limits; to maintain a current index of licensed businesses and occupations; and to  
28 raise revenues sufficient, among other things, to offset the costs of administering this title  
29 by imposing license fees upon such businesses and occupations. (Ord. 12-13, 6-13-2012)

30  
31 **4-1A-2: DEFINITIONS:**

32 The following words, terms, and phrases, when used in this title, shall have the meanings  
33 ascribed to them in this section, except where the context clearly indicates a different  
34 meaning. The definitions in this section are also applicable to all subsequent chapters in

35 this title. For words, terms, and phrases which are not defined in this title, the definitions  
36 in sections 13-2-3 or 17-1-6 or elsewhere in this code or in the Utah Code Ann. shall have  
37 the meanings ascribed to them in those sections in this code or in the Utah Code Ann.,  
38 except where the context clearly indicates a different meaning; these definitions may also  
39 be used to supplement the definitions in this title.

40 Unless otherwise indicated, the definitions found within the Utah alcoholic beverage  
41 control act, Utah Code Ann. title 32B, are incorporated into this chapter as though set forth  
42 in their entirety. In addition to these definitions, the following words and phrases used in  
43 this chapter shall have the following meanings unless a contrary meaning is clearly  
44 indicated. The definitions in this section are also applicable to all other chapters in this title.

45 ACCESSORY DWELLING UNIT: A separately leasable dwelling unit on a subdivided lot that  
46 is incidental to the principal dwelling unit, as further described in title 13.

47 ADULT: A person who is either: (a) "emancipated" pursuant to the definition in Utah Code  
48 Ann. section 80-7-102 or successor provisions; or (b) age eighteen (18) years of age or  
49 older; and who is not the subject of a court order for guardianship which limits the person's  
50 rights. For purposes of alcohol, tobacco, and other substances, the applicable definitions in  
51 the Utah Code Ann. should be used.

52 AGREEMENT: Unless otherwise indicated, the binding agreement entered with the city as  
53 part of the good landlord program.

54 ALCOHOLIC BEVERAGE (AND RELATED TERMS): See the definitions found within the Utah  
55 alcoholic beverage control act, Utah Code Ann. title 32B, and in section 17-1-6 of this code.

56 APPLICANT: A person possessing a business license from the city, and any person seeking a  
57 business license from the city. If the application is made by a business entity (as defined in  
58 this section) doing business under an assumed name, each partner, principal, officer,  
59 director, manager, assistant manager, and any shareholder (corporate or personal) of fifty  
60 one percent (51%) or more of the stock of the business entity shall also be considered an  
61 applicant. Any holding company or any entity holding fifty one percent (51%) or more of an  
62 applicant shall be considered an "applicant" for purposes of this title.

63 APPLICATION: The completed forms provided by the business licensing authority with all  
64 attachments required by this title for the issuance of a permit or license.

65 BCI BACKGROUND CHECK: An original or copy, dated no older than one hundred eighty  
66 (180) days prior to the date of the application, of either:

67 A. A Utah department of public safety bureau of criminal identification, verified criminal  
68 history report personal to the applicant;

69 B. Verification by the Utah department of public safety bureau of criminal identification  
70 that no criminal history rising to the level of a "disqualifying factor" (pursuant to the  
71 definition in this section or any other applicable meaning) status exists for the applicant; or

72 C. A government-issued and verified criminal history report form the applicant's current  
73 state of residence or recent state of residence.

74 BUSINESS: Means and includes:

75 A. All activities, trades, professions or callings undertaken, operated or engaged in within  
76 the corporate limits of the city of West Jordan carried on for the purpose of economic gain  
77 or economic benefit, except that the acts of employees rendering service to employers shall  
78 not be included in the term "business" unless otherwise specifically prescribed.

79 B. As used in this title, the owning and operating of one or more residential rental units,  
80 whether a single-family home, a residential dwelling complex (such as a duplex, triplex or  
81 larger apartment complex) or mobile home park, or otherwise, for economic gain,  
82 economic benefit, or personal benefit shall be deemed to be a business.

83 C. Activities, trades, professions or callings undertaken, operated, or engaged in for the  
84 purpose of economic gain, economic benefit, or personal benefit within the confines of a  
85 individual's residence building or within or from an ancillary structure on the same  
86 property as the individual's building will constitute a "business" subject to the  
87 requirements of this title.

88 D. There is no regulatory distinction in this title between a "business" and an  
89 "occupation". Both are a "business".

90 BUSINESS ENTITY: A specific partnership, limited partnership, corporation, association,  
91 limited liability company, or other entity, but not a "dba", listed as "active" and "current" on  
92 the Utah division of corporations' business entity website or the equivalent website of  
93 another state or territory of the United States of America.

94 BUSINESS LICENSE AUTHORITY: The city administrator or an authorized designee.

95 CHARITABLE ORGANIZATION (AND RELATED TERMS): See the definitions in Utah Code  
96 Ann. section 13-22-2, or successor provisions.

97 CITY ADMINISTRATOR: The city administrator of the city.

98 COMMUNITY LOCATION (AND RELATED TERMS):

99 See the definitions in:

100 A. For alcoholic beverages, Utah Code Ann. section 32B-1-102, or successor provisions;

101 B. For cannabis production establishments, Utah Code Ann. section 4-41a-102, or  
102 successor provisions;

103 C. For medical marijuana, Utah Code Ann. section 26-61a-102, or successor provisions;

104 D. For retail tobacco specialty business, Utah Code Ann. sections 10-8-41.6 and 17-50-  
105 333, or successor provisions; and

106 E. For tobacco, electronic cigarette, and nicotine product retail permits, Utah Code Ann.  
107 section 26-62-102, or successor provisions.

108

109 COMPETENT INDIVIDUAL: An individual claiming or appearing to be at least eighteen (18)  
110 years of age and of sufficiently sound mind and body, to be able to engage in rational  
111 thought, conversation, and conduct.

112 COMPLETED APPLICATION: A fully completed application form; a BCI check; two (2)  
113 copies of the original identification, relied on by the applicant to establish proof of identity;  
114 and the tendering of all required fees.

115 CRIMINAL CONVICTION OR CRIMINALLY CONVICTED: The final entry of a conviction,  
116 whether by a plea of no contest, guilty, entry of a judicial or jury finding of guilt, which  
117 judicial determination has not been set aside on appeal or pursuant to a writ of habeas  
118 corpus. The criminal conviction is that offense of which the applicant or registered solicitor  
119 was convicted, without regard to the reduced status of the charge after completion of  
120 conditions of probation or parole, and charges dismissed under a plea in abeyance or  
121 diversion agreement.

122 DISQUALIFYING FACTORS: Anything specifically defined in this title as requiring the denial  
123 or suspension of a license, plus any of the following:

124 A. Criminal charges are currently pending against the applicant or a key employee and  
125 the criminal charges bear a substantial relationship to the applicant's or licensee's ability to  
126 safely, competently, or legally practice the occupation, profession, or type of business;

127 B. The applicant or a key employee has been criminally convicted of a felony, within the  
128 last ten (10) years and the criminal conviction bears a substantial relationship to the applicant's  
129 or licensee's ability to safely, competently, or legally practice the occupation, profession, or type  
130 of business;

131 C. The applicant or a key employee has been criminally convicted of a misdemeanor  
132 within the past five (5) years and the criminal conviction bears a substantial relationship to the  
133 applicant's or licensee's ability to safely, competently, or legally practice the occupation,  
134 profession, or type of business;

135 D. A final civil judgment has been entered against the applicant or a key employee within  
136 the last five (5) years indicating that: 1) the applicant or key employee had either engaged  
137 in fraud or intentional misrepresentation; or 2) the applicant or key employee engaged in  
138 willful and malicious activity causing injury to another entity or to the property of another  
139 entity;

140 E. The applicant or key employee is currently subject to a protective order based on  
141 physical or sexual abuse issued by a court of competent jurisdiction;

142 F. The applicant has an outstanding arrest warrant from any jurisdiction; or

143 G. The applicant, or any principal of the applicant, has administrative, civil or criminal  
144 citations or charges pending or on appeal, brought or assessed by the state or another  
145 jurisdiction, and based on violations of applicable licensing or regulatory requirements in  
146 connection with the business proposed to be conducted.

147 DOOR TO DOOR SOLICITATION, HOME SOLICITATION, OR RESIDENTIAL SOLICITATION:  
148 The practice of engaging in or attempting to engage in conversation with any individual at a  
149 residence, whether or not that individual is a competent individual, while making or  
150 seeking to make or facilitate a door to door solicitation sale, or attempting to further the  
151 sale of goods and/or services. See sections 4-2F-1 through 4-2F-16 inclusive.

152 DOOR TO DOOR SOLICITATION SALE, HOME SOLICITATION SALE, OR RESIDENTIAL  
153 SOLICITATION SALE: To make or attempt to make a sale of goods or services by a solicitor  
154 at a residence by means of door to door solicitation, regardless of the means of payment or  
155 consideration used for the purchase; the time of delivery of the goods or services; or the  
156 previous or present classification of the solicitor as a solicitor, peddler, hawker, itinerant  
157 merchant, or similar designation.

158 EMPLOY: Hiring an individual to work for pecuniary or any other form of compensation,  
159 whether such individual is hired on the payroll of the employer, as an independent  
160 contractor, as an agent, or in any other form of employment relationship.

161 EMPLOYEE: The operator, owner, or manager of a business and any individuals employed  
162 by such operator, owner, or manager in the operation of the business in any capacity, and  
163 also any salesperson, agent, leased employee or independent contractor engaged in the  
164 business in any capacity.

165 ENGAGING IN BUSINESS: Means and includes, but is not limited to, the sale or offer for sale  
166 of tangible personal property at retail or wholesale, the manufacturing of goods, including  
167 foodstuffs, the owning or operating of rental property, the building and development of  
168 real property, and the rendering of personal services for others for compensation, but does  
169 not include the rendering of personal services by an employee to the employee's employer  
170 under any arrangement or contract of personal employment.

171 FEES OR FEE SCHEDULE: The city's consolidated fee schedule as it relates to business  
172 license fees, disproportionate rental dwelling unit fees, and the discount fees associated  
173 with the good landlord program.

174 HOME SOLICITATION: See the "Door To Door Solicitation" definition in this section.

175 HOME SOLICITATION SALE: See the "Door To Door Solicitation Sale" definition in this  
176 section.

177 INDIVIDUAL: A natural or physical person; in other words, an individual human being, who  
178 is an "adult", as defined in this section.

179 LICENSED PREMISES: Any building, enclosure, room, or equipment used in connection with  
180 the conduct of the business, including, but not limited to, the sale, storage, service,  
181 manufacture, distribution or consumption of alcoholic beverages.

182 LIQUOR (AND RELATED TERMS): See the definitions found within the Utah alcoholic  
183 beverage control act, Utah Code Ann. title 32B, and in section 17-1-6 of this code.

184 MASSAGE THERAPY AND MASSAGE THERAPIST (AND RELATED TERMS): See the  
185 definitions found in Utah Code Ann. section 58-47b-102.

186 MINOR: Any individual who does not meet the definition of “adult” as set forth in this  
187 section, or as otherwise set forth in the applicable provisions of the Utah Code Ann.

188 NO SOLICITATION SIGN: A reasonably visible and legible sign that states "No Soliciting",  
189 "No Solicitors", "No Salespersons", "No Trespassing", or words of similar import.

190 NUDITY (AND RELATED TERMS): See the definitions found in Utah Code Ann. section 10-8-  
191 41.5 or successor provisions.

192 NUMBER OF EMPLOYEES: The average number of employees engaged in business at the  
193 place of business each regular working day during the preceding calendar year.

194 OPERATOR: The manager or other individual principally in charge of a business.

195 OWNER: The person having ownership.

196 OWNER OCCUPIED: A residence occupied as a primary residence by the legal owner of the  
197 building within which the residence exists. For example a single-family home occupied as a  
198 primary residence by the legal owner of the building is owner occupied. Similarly a  
199 residence within a fourplex building occupied as a primary residence by the legal owner of  
200 the building, even though the other three (3) residences in the building are occupied by  
201 third parties under rental agreements, is owner occupied.

202 PARTICIPANT: A temporary merchant, not licensed as such, participating in a sales event.

203 PATRON: Any individual who contracts with or employs any escort services or escort, or is  
204 a customer of any business licensed pursuant to this title.

205 PERSON: Includes any individual, group of individuals, business entity, group of business  
206 entities, or other legal entity or legal entities.

207 PLACE OF BUSINESS: Each separate location at or from which business is conducted or  
208 transacted. For this purpose branch locations and mobile business locations are each  
209 considered a separate place of business requiring a business license.

210 PREMISES: Any room, house, building, structure, or place licensed by or defined in this title.

211 PROGRAM: As used in this title, the good landlord program of the city.

212 PROPRIETOR: Any person who, as the owner, lessee, or manager, has under that person's  
213 control a business.

214 REGISTERED SOLICITOR: Any individual who has been issued a current ~~certificate~~  
215 residential solicitation license by the city (see sections 4-2F-1 through 4-2F-16 inclusive).

216 RENTAL DWELLING UNIT: Any individual dwelling unit that is rented, leased, hired out, or  
217 provided as a benefit to be used or occupied as a home or residence. This definition is  
218 inclusive of any accessory dwelling units, apartment buildings, or other buildings so  
219 arranged, designed, built, rented, let, or hired out to be used or occupied as the home,  
220 residence, or dwelling unit of one or more families living independently of each other. For

221 the purpose of this definition, a residence that is under a bona fide contract of sale to an  
222 occupying purchaser is not a rental dwelling unit.

223 RESIDENCE: Any living unit contained within any building or structure that is occupied by  
224 any individual as a dwelling, together with the lot or other real property on which the living  
225 unit is located. This term does not include the sidewalk, public street or public rights of  
226 way.

227 RESIDENTIAL SOLICITATION: See the “Door To Door Solicitation” definition in this section.

228 RESIDENTIAL SOLICITATION SALE: See the “Door To Door Solicitation Sale” definition in  
229 this section.

230 RESPONSIBLE PERSON: That person responsible to refund any money or reversing any  
231 credit card charges for persons who timely rescind any sale pursuant to applicable  
232 contractual rights or legal requirements, and the competent individual in a residence to  
233 whom a sale of goods or services is made or attempted to be made by means of a home  
234 solicitation sale.

235 SALE OF GOODS OR SERVICES: The conduct and agreement of a solicitor and the competent  
236 individual in a residence regarding particular goods or services that entitles the consumer  
237 to rescind the same within three (3) days under any applicable federal, state or local law.

238 SALES EVENT: An event where two (2) or more temporary merchants, not more than one  
239 of whom is licensed as a temporary merchant, display any goods, wares or services at a  
240 location in the city for the purpose of sale or soliciting orders to be filled in the future, for  
241 financial gain or profit.

242 SELL, SALE, AND TO SELL: Any transaction, exchange, or barter whereby, for any  
243 consideration, an alcoholic beverage is either directly or indirectly transferred, solicited,  
244 ordered, delivered for value, or by any means or under any pretext is promised or obtained,  
245 whether done by a person as principal, proprietor, or as an agent, servant or employee,  
246 unless otherwise defined in the alcoholic beverage control act or regulations adopted by  
247 the state alcoholic beverage control commission.

248 SERVICES: Those intangible goods or personal benefits offered, provided, or sold to a  
249 competent individual.

250 SEXUALLY ORIENTED BUSINESS (AND RELATED TERMS): See the definitions found in  
251 Utah Code Ann. section 10-8-41.5 or successor provisions.

252 SOLICITING, SOLICIT, SOLICITATION: Any of the following activities when conducted on a  
253 door to door home contact basis:

254 A. Seeking to obtain sales or orders for the exchange of goods, wares, merchandise or  
255 perishables of any kind, for any kind of remuneration or consideration, regardless of  
256 whether advance payment is sought;

257 B. Seeking to obtain prospective customers to apply for or to purchase insurance,  
258 subscriptions to publications, or publications;



259 C. Seeking to obtain contributions of money or any other thing of value for the benefit of  
260 any person;

261 D. Seeking to obtain orders or prospective customers for goods or services;

262 E. Seeking to engage an individual in conversation at a residence for the purpose of  
263 promoting or facilitating the receipt of information regarding religious belief, political  
264 position, charitable conduct, or a home solicitation sale.

265 F. Other activities falling within the commonly accepted definition of soliciting, such as  
266 hawking or peddling.

267 SOLICITOR, SOLICITORS: An individual or individuals engaged in door to door solicitation.  
268 A residential solicitation license does not authorize or enable hawking goods or contacting  
269 people in public places, in a park or on the street. See sections 4-2F-1 through 4-2F-16  
270 inclusive.

271 SPECIFIED CRIMINAL ACTS: Any act defined in title 76 of the Utah Code Ann. or in titles 6  
272 or 7 of this code as a crime.

273 SPECIFIED SEXUAL ACTIVITIES: Any sexual act defined in title 76 of the Utah Code Ann. or  
274 in titles 6 or 7 of this code as a crime.

275 SUBSTANTIATED REPORT: An oral, written or electronic report that is submitted to and  
276 documented by the city that provides any of the following information regarding a person  
277 holding a city business license of any type:

278 A. Documented verification of a previously undisclosed disqualifying factor;

279 B. Probable cause that the person has committed a disqualifying factor which has not yet  
280 been determined to be a disqualifying factor;

281 C. Documented, eyewitness accounts that the person has engaged in repeated patterns of  
282 behavior that demonstrates failure by the person to adhere to the requirements of this  
283 title; or

284 D. Probable cause that continued licensing of the person demonstrates exigent  
285 circumstances that threaten the health, safety or welfare of any person or persons within  
286 the city.

287 TEMPORARY MERCHANT:

288 A. Any person, whether a resident of the city or not, who within the limits of the city:

289 1. Engages in a temporary business of selling and/or delivering goods, wares or  
290 services, or who conducts meetings open to the general public where franchises,  
291 distributorships, contracts or business opportunities are offered to the public; or

292 2. Sells, offers or exhibits for sale any goods, wares or services, franchises,  
293 distributorships, contracts or business opportunities, during the course of or any time

294 within six (6) months after a lecture or public meeting pertaining to such goods, wares,  
295 services, franchises, business opportunities, contracts or distributorships.

296 B. The foregoing notwithstanding, a "temporary merchant", for the purposes of this title,  
297 shall not include the following:

298 1. A person who shall occupy any business establishment for the purpose of  
299 conducting a permanent business therein; provided, however, that no person shall be  
300 relieved from the provisions of this title by reason of a temporary association with any  
301 local dealer, trader, merchant or auctioneer, or by conducting such temporary or transient  
302 business in connection with, as a part of, or in the name of any local dealer, trader,  
303 merchant or auctioneer; or

304 2. Any sales of merchandise damaged by smoke or fire, or of bankrupt concerns,  
305 where such stock has been acquired from a merchant or merchants of the city regularly  
306 licensed and engaged in business; provided, however, no such stock of merchandise shall  
307 be augmented by new goods; or

308 3. A person who sells the person's own property which was not acquired for resale,  
309 barter or exchange, and who does not conduct such sales more than twice during any  
310 calendar year; or

311 4. Art exhibits, where participating artists sell their original works, and which do not  
312 contain any sales of artwork purchased or taken on consignment and held for resale,  
313 providing such art exhibits are sponsored by a local, responsible organization; or

314 5. "Religious or charitable organizations", as defined in this section; or

315 6. Sales of goods, wares or services at a convention, meeting or exposition which is  
316 not open to nor advertised to the general public, to the extent such sales are made to  
317 registered members of the sponsoring organization, provided the sponsoring organization  
318 or its designated agent delivers to the city license supervisor, at least fifteen (15) days in  
319 advance of such convention, meeting or exposition, a statement of the organization's  
320 qualification for this exemption and a statement of the common interest or category of  
321 those who will be attending such convention, meeting or exposition; and providing all  
322 persons selling or purchasing goods, wares or services at such convention, meeting or  
323 exposition shall wear or display in a conspicuous manner a tag stating the name of the  
324 sponsoring organization.

325 TEMPORARY MERCHANT SPONSOR: Any person who leases or rents a building or portion  
326 of a building, or other space, for the purpose of conducting a sales event with two (2) or  
327 more participants.

328 TOBACCO PRODUCT: As defined in Utah Code Ann. subsection 10-8-41.6(1)(j) or successor  
329 provisions.

330 TOBACCO SPECIALTY BUSINESS: As defined in Utah Code Ann. subsection 10-8-41.6(1)(h)  
331 or successor provisions.

332 WAIVER: The written form provided to an applicant by the city wherein applicant agrees  
333 that the city may obtain a name/date of birth BCI background check on the applicant for  
334 licensing purposes under this title and which contains applicant's signature, which is either  
335 executed in the presence of the business licensing authority, or notarized at the time the  
336 waiver is signed. (Ord. 12-13, 6-13-2012; amd. Ord. 13-14, 3-27-2013; Ord. 16-01, 1-13-  
337 2016; Ord. 16-06, 1-13-2016; Ord. 16-11, 3-23-2016; Ord. 21-04, 2-10-2021)

338

339 4-1A-3: APPLICABILITY OF THIS CHAPTER:

340 The provisions of this chapter apply to all businesses and employees in the city. (Ord. 12-  
341 13, 6-13-2012)

342

343 4-1A-4: GENERAL BUSINESS AND SPECIAL BUSINESS LICENSES NEEDED:

344 Certain types of businesses have additional and special licensing and business conduct  
345 requirements, and these are set forth in chapter 2 of this title. For these specially addressed  
346 types of business, a general business license and a special business license will be required,  
347 including the payment of such license fees as are provided from time to time by the city  
348 council. (Ord. 12-13, 6-13-2012)

349

350 ARTICLE B. BUSINESS LICENSES

351 SECTION:

352 4-1B-1: Unlawful To Conduct Business Within The City Without A Business License

353 4-1B-2: [Reserved]

354 4-1B-3: Business License Authority

355 4-1B-4: Powers Of Business License Authority, Including Applicant Investigation

356 4-1B-5: City Inspection Authority

357 4-1B-6: License Limited To Licensed Name

358 4-1B-7: License Application Requirements

359 4-1B-8: Furnishing False Information

360 4-1B-9: Application Numbering And Filing

361 4-1B-10: Engaging In Business Prohibited During Investigation

362 4-1B-11: [Reserved]

363 4-1B-12: Issuance Of License

364 4-1B-13: Index Of Licensed Persons And Businesses

365 4-1B-14: License Available for Inspection

366 4-1B-15: [Reserved]

367 4-1B-16: License Fees

368 4-1B-17: License Year; Fee Payments

369 4-1B-18: Late Payment Penalty And Consequences

370 4-1B-19: Fee Exemptions For Businesses

371 4-1B-20: Mistakes In Fee Calculations

372 4-1B-21: Deviations Prohibited

373 4-1B-22: License Fee Collection; Civil Actions Authorized

374 4-1B-23: Refunds

375 4-1B-24: No License Transfers; and Change of License Information

376 4-1B-25: Designation Of Agent For Service Of Process

377 4-1B-26: Recordkeeping Required

378 4-1B-27:-[Reserved]

379 4-1B-28: Hours Of Operation

380 4-1B-29: [Reserved]

381 4-1B-30: License Termination Following Cessation Of Operations

382 4-1B-31: [Reserved]

383

384 4-1B-1: UNLAWFUL TO CONDUCT BUSINESS WITHIN THE CITY WITHOUT A BUSINESS  
385 LICENSE:

386     A. Unless specifically exempt from such requirement in this title or other applicable  
387     law, it shall be unlawful for any person to engage in or carry on any business within  
388     the city, without first procuring a business license, or for any person to continue to  
389     engage in or carry on a business when the required business license has been  
390     suspended or revoked; and

391     B. Every person engaging in business within the city shall apply for and maintain in full  
392     force and effect a valid city business license. (Ord. 12-13, 6-13-2012)

393

394 4-1B-2: [Reserved]:

395 (Ord. 12-13, 6-13-2012)

396

397 4-1B-3: BUSINESS LICENSE AUTHORITY:

398 The business license authority shall have responsibility for issuing business licenses and  
399 ensuring all business license fees are paid, based on the rates and charges established by  
400 ordinance or resolution and as set forth in the city's consolidated fee schedule. (Ord. 12-13,  
401 6-13-2012)

402

403 4-1B-4: POWERS OF BUSINESS LICENSE AUTHORITY, INCLUDING APPLICANT  
404 INVESTIGATION:

405 The business license authority and all license inspectors in the performance of their official  
406 duties shall have and exercise all the powers allowed by law:

407 A. Time Period Within Which To Act On License; Denial: The business license authority  
408 may take up to thirty (30) days from the date when the completed application is received  
409 by the business license authority, to review an application and investigate the relevant  
410 facts. If the business license authority concludes to deny an application, a statement of the  
411 facts and reasons for the denial shall be given to the applicant.

412 B. License Authority Denial: The business license authority shall have the authority,  
413 without a hearing, to deny a license for the reasons provided for in this article, subject to  
414 appeal rights.

415 C. Business License Authority Investigation: The business license authority may, on the  
416 business license authority's own initiative or in response to complaints from the general  
417 public or any city department or division, investigate and gather evidence of violations of  
418 this title or other circumstances which may give rise to a denial, suspension or revocation;  
419 or seek the police department's or other investigative organization's assistance or  
420 investigations. In particular, the business license authority may, prior to the issuance of any  
421 business license required by this title, investigate any applicant for such license, if there is  
422 reasonable cause to believe that the applicant:

423 1. Has filed an application which is incomplete, erroneous, or false in any respect,  
424 except that any individual name or business entity name that is substantially similar to the  
425 correct name shall not be deemed to be incomplete, erroneous, or false;

426 2. Fails in any respect to qualify to do business in the city under any federal, state or  
427 city law, rule or regulation;

428 3. Has committed such act or acts as may be grounds for revocation or denial of a  
429 license application under any federal, state or city law, rule or regulation; or

430 4. Investigation is required by city ordinance. (Ord. 12-13, 6-13-2012)

431

432 4-1B-5: CITY INSPECTION AUTHORITY:

433 A. New Business Premises Inspections: Prior to the issuance of a license to a person to  
434 engage in a new business not previously licensed under this title, the person or applicant  
435 shall, subject to constitutional limitations, permit inspections to be made of the prospective  
436 place of business by representatives of the appropriate departments of the city to ensure  
437 compliance with zoning, building, fire and health, and other codes, statutes, ordinances, and  
438 laws which may apply to the business and premises for which a license application was  
439 submitted. No license shall be granted without the approval of all such required  
440 inspections.

441 B. Periodic Inspection; Time To Correct: Places of business licensed within the city shall  
442 be inspected periodically by departments of the city, county or the state for compliance  
443 with zoning, building, fire and health codes. Written notice shall be given by a code  
444 enforcement officer to a licensed person or business upon the finding of any code  
445 infractions, which shall provide for time in which to correct such infractions, pursuant to  
446 title 16, unless the noncompliant issue constitutes a hazard or exigent circumstance  
447 requiring immediate remediation under law. Failure to bring the licensed premises into  
448 legal compliance may result in the revocation of the license by the city.

449 C. Identifying Violations: From time to time one or more agents of the city, including, but  
450 not limited to, police officers, code enforcement officers, and community enforcement  
451 officers, are authorized and required to enter and examine the physical locations and space  
452 occupied and used by any business or vehicle, for which a city license is required. They  
453 shall determine if such places of business, persons and vehicles are properly licensed and  
454 that no business, other than the one described in and covered by the license, is operating or  
455 transacting business. They may issue citations or otherwise enforce the law, and shall  
456 advise the business license authority of each person doing business in violation of this title.  
457 (Ord. 12-13, 6-13-2012)

458

459 4-1B-6: LICENSE LIMITED TO LICENSED NAME:

460 It is unlawful for a business to do business under any name other than the business name  
461 specified in the application. (Ord. 12-13, 6-13-2012)

462

463 4-1B-7: LICENSE APPLICATION REQUIREMENTS:

464 A. Application: Applications for licenses and permits required by this title shall be made  
465 online to the business license authority in the absence of provision to the contrary. The  
466 application shall show:

467 1. Legal Name: The correct legal name of each applicant, corporation, partnership,  
468 limited partnership, or entity doing business under an assumed name.

469 2. Doing Business Under Assumed Name: If the applicant is a business entity doing  
470 business under an assumed name, submittal of the information required for individual  
471 applicants for each partner, principal, officer, director, and any shareholder (corporate or  
472 personal) of fifty-one percent (51%) or more of the ownership interest of any applicant.  
473 Any business entity holding fifty-one percent (51%) or more of the ownership interest of  
474 an applicant shall be considered an applicant for purposes of disclosure under this article.

475 3. Applicant Information: For all applicants, a statement of the business address,  
476 contact information, and other information requested of the forms provided by the  
477 business license authority which are not disallowed by law.

478 4. Age or Business Entity: Acceptable written proof that each applicant is a person, as  
479 defined in section 4-1A-2, and is either (a) an individual and an adult, as defined in section  
480 4-1A-2 of this code, or (b) a business entity, as defined in section 4-1A-2; provided that the  
481 business license authority is empowered to waive the age requirement in appropriate  
482 cases.

483 5. License Type: The kind of license desired, stating in detail the business to be  
484 performed, practiced or carried on.

485 6. License Class: The class of license desired, if the particular business activity has  
486 special licenses divided into classes.

487 7. Place: The place where such business, calling, trade or profession is to be carried on,  
488 giving the street number if such business is to be carried on in any building or enclosure.

489 8. Term: The period of time for which such license is desired to be issued (i.e., an  
490 ongoing business activity or a temporary business activity).

491 9. Application Fee: A nonrefundable application fee in an amount adopted by the city  
492 council in its consolidated fee schedule.

493 B. Accuracy And Veracity Required: The truthfulness, completeness and accuracy of all of  
494 information provided by an applicant shall be attested to by the applicant or an authorized  
495 representative thereof.

496 C. Misleading Prohibited: Failure to provide all required information or providing false  
497 or misleading information in the application shall constitute grounds for denial of the  
498 application or revocation of an existing permit or license, and shall constitute a  
499 misdemeanor, if done willfully with the intent to mislead the city.

500 D. Notice Of Change To Application Information: Any change in the information required  
501 to be submitted under this article for a business license shall be given in writing to the  
502 business license authority within fourteen (14) days after such change. (Ord. 12-13, 6-13-  
503 2012)

504

505

506 4-1B-8: FURNISHING FALSE INFORMATION:

507 It is unlawful for any person to willfully give the licensee or the licensee's agents or  
508 employees false or misleading information which the licensee is required by this chapter to  
509 obtain from such person. (Ord. 12-13, 6-13-2012)

510

511 4-1B-9: APPLICATION NUMBERING AND FILING:

512 The license application, with any other accompanying documents, shall be numbered by  
513 the business license authority in the manner deemed to be appropriate by the business  
514 license authority. (Ord. 12-13, 6-13-2012)

515

516 4-1B-10: ENGAGING IN BUSINESS PROHIBITED DURING INVESTIGATION:

517 It is unlawful for any person applying for a business license which requires investigation by  
518 the business license authority to engage in the business for which license application is  
519 made, until such investigation is completed and the license approved and issued. (Ord. 12-  
520 13, 6-13-2012)

521

522 4-1B-11: [Reserved]:

523 (Ord. 12-13, 6-13-2012)

524

525 4-1B-12: ISSUANCE OF LICENSE:

526 A. License Issuance: Within thirty (30) days after receiving a completed application and  
527 completion of any needed investigation, or as in law specifically required, the business  
528 license authority shall issue the license, provided all fees are paid and legal requirements  
529 met, or shall deny the license if the legal requirements are not met.

530 B. Formal Requirements: All licenses shall be signed by the business license authority,  
531 which may be by electronic signature, and shall contain the following information:

- 532 1. The name of the person to whom such license has been issued;
- 533 2. The kind of license, and the class of license, if such licenses are divided into classes;
- 534 3. The term of the license, stating the commencing date and the expiration date.

535 C. Issuance Approval: No new business license which requires inspection or approval of  
536 any department of city government, whether new or renewal, shall be delivered or mailed  
537 to the applicant, until all legal requirements for the issuance or renewal have been met.  
538 (Ord. 12-13, 6-13-2012; amd. Ord. 15-22, 8-25-2015)



539

540 4-1B-13: INDEX OF LICENSED PERSONS AND BUSINESSES:

541 The business license authority shall keep a registry containing the names of the businesses  
542 and persons holding business licenses. (Ord. 12-13, 6-13-2012)

543

544 4-1B-14: LICENSE AVAILABLE FOR INSPECTION:

545 Each license shall be available for inspection during business hours. (Ord. 12-13, 6-13-  
546 2012)

547

548 4-1B-15: [Reserved]:

549 (Ord. 12-13, 6-13-2012)

550

551 4-1B-16: LICENSE FEES:

552 Annual license and other fees shall be those periodically adopted by the city council in its  
553 consolidated fee schedule. (Ord. 12-13, 6-13-2012)

554

555 4-1B-17: LICENSE YEAR; FEE PAYMENTS:

556 A. Fees To Be Paid In Advance In U.S. Legal Tender: All license fees shall be paid in  
557 advance in legal tender of the United States in any manner allowed by the city.

558

559 B. License Year; Renewal Date:

560 1. License Year; Good Landlord Program: Except for any first year prorations, a "license  
561 year" will run for twelve (12) consecutive calendar months following the date of  
562 commencement and end on the last day of the twelfth month. Notwithstanding the  
563 foregoing, participants in the city's "good landlord" program, governed by chapter 2, article  
564 R of this title, must renew their good landlord certification every four (4) years and provide  
565 the business license authority with a copy of the certificate of completion, and thus good  
566 landlord certification will run for forty eight (48) consecutive calendar months.

567 2. Administratively Assigning License Year Dates: Annual licenses issued pursuant to  
568 this title need not be issued on a calendar year basis.

569 C. Payments: Each license fee shall be paid at the time of an application's filing, whether  
570 as a new or a late renewal application. The application shall not be processed until the fee  
571 is paid. (Ord. 12-13, 6-13-2012; amd. Ord. 15-22, 8-25-2015)

572

573 4-1B-18: LATE PAYMENT PENALTY AND CONSEQUENCES:

574 A. Late Renewal Fee Penalties: If a license renewal fee is not paid by the due date, a  
575 penalty in the amount provided in the consolidated schedule of fees and service charges  
576 shall be added to the original amount.

577 B. Duty To Cease Business Operations: Any person holding a business license from the  
578 city whose license renewal fee and accrued penalties remain unpaid for thirty (30)  
579 calendar days from the original due date shall terminate business operations. No business  
580 shall be conducted thereafter by such person, until:

581 1. The business license authority approves a reinstatement application or petition for  
582 renewal of a license following payment of all overdue fees and costs; or

583 2. A new license application is filed and a new license issued by the business license  
584 authority.

585 C. Initial Fee Nonpayment Penalty: When any person engages in any business or  
586 occupation requiring a license and fee by the provisions of this title, or engages in any  
587 additional activities which require an additional license and fee, without first paying the  
588 required license fee, a penalty in the amount provided in the consolidated schedule of fees  
589 and service charges shall be added to the original amount thereof.

590 D. Collection: All penalties provided for in this section shall be collected by the business  
591 license authority and the payment thereof shall be enforced by him or her in the same  
592 manner as the license fees are collected and payment enforced.

593 E. No License Issuance: No license shall be issued, until all penalties legally assessed  
594 have been paid in full.

595 F. Other Enforcement Not Precluded: Nothing in this section shall be construed to  
596 prevent or in any manner interfere with the enforcement of any criminal or civil penalty  
597 provision contained in any other title of this code, including, but not limited to, those  
598 provisions pertaining to operation of businesses without a current and valid business  
599 license. (Ord. 12-13, 6-13-2012; amd. Ord. 15-22, 8-25-2015)

600

601 4-1B-19: FEE EXEMPTIONS FOR BUSINESSES:

602 Although they shall apply in all respects for the obtaining of a business license pursuant to  
603 this title, the following persons are exempt from the payment of license fees:

604 A. Building Contractors: Building contractors having no retail product sales and who pay  
605 construction permit fees, pursuant to applicable city ordinances, but do not have an actual  
606 business location within city limits. However, contractors who operate a construction  
607 business from a home located within the city are not exempt.

608 B. Insurance Companies: Insurance companies paying license fees to the state pursuant  
609 to the provisions of Utah Code Annotated title 31A, chapter 1, or any successor provisions.

610 C. Nonprofit/Charitable Organizations: The provisions of this title shall not be deemed or  
611 construed to require the payment of a license fee for the issuance of a license to any  
612 institution or organization which is conducted, managed or carried on wholly for the  
613 benefit of charitable purposes from which profit is not derived, directly or indirectly, by  
614 any person; nor shall the payment of a license fee be required to issue a license for the  
615 conducting of any entertainment, concert, exhibition or lecture whenever the receipts from  
616 such are to be appropriated to any church, school, governmental entity, or nonprofit  
617 organization. (Ord. 12-13, 6-13-2012)

618

619 4-1B-20: MISTAKES IN FEE CALCULATIONS:

620 In no event shall any mistakes made by an applicant or the city in the calculation of a  
621 license fee prevent or prejudice the collection by the city of the amount actually due from  
622 any person subject to licensing under this title. Likewise, no such mistakes shall prevent or  
623 prejudice the refund to licensees of amounts overpaid by reason of mistakes. (Ord. 12-13,  
624 6-13-2012)

625

626 4-1B-21: DEVIATIONS PROHIBITED:

627 No greater or lesser amounts shall be charged or received for licenses, and no license shall  
628 be issued for any period of time other than as specifically provided in this title. (Ord. 12-13,  
629 6-13-2012)

630

631 4-1B-22: LICENSE FEE COLLECTION; CIVIL ACTIONS AUTHORIZED:

632 A. Civil Actions: In all cases where a city ordinance requires that a license be obtained to  
633 carry on or to engage in any business, occupation or calling within the city, and a fee for  
634 such license is authorized by ordinance, and the fee is not paid at the time or in the manner  
635 provided in said ordinance, a civil action may be brought in the name of the city against the  
636 person failing to pay such license fee, in any court of this state having jurisdiction of such  
637 action, to recover the fee and any penalty due, together with reasonable attorney fees and  
638 reasonable costs of collection. In any case where several or diverse amounts of license fees  
639 remain due and unpaid by any such person, such several amounts of unpaid license fees  
640 may be joined as separate causes of action in the same complaint in such civil actions. The  
641 provisions of title 16 may be utilized, as applicable.

642 B. Other Enforcement: Nothing in this section shall be construed to prevent or in any  
643 manner interfere with the enforcement of any penalty provision contained in any  
644 ordinance of the city, or to prevent or in any manner interfere with the use of any remedy  
645 available to the city. (Ord. 12-13, 6-13-2012)

646

647 4-1B-23: REFUNDS:

648 No refund shall be made for any fee paid for a license issued pursuant to this title, unless  
649 the fee paid was incorrect due to a calculation error or not legally owed under the  
650 provision of this title. (Ord. 12-13, 6-13-2012)

651

652 4-1B-24: NO LICENSE TRANSFERS; AND CHANGE OF LICENSE INFORMATION:

653 No transfers of licenses are allowed. Any change of ownership, business name, address, or  
654 other main license information shall require a new application for a new license. (Ord. 12-  
655 13, 6-13-2012)

656

657 4-1B-25: DESIGNATION OF AGENT FOR SERVICE OF PROCESS:

658 A. Duty To Designate Service Of Process Agent: Before any business license shall be  
659 issued to a person, the applicant shall file with the business license authority an instrument  
660 naming a true and lawful agent of such applicant with full power and authority to accept  
661 service or notice of process for or on behalf of such applicant with respect to any matters  
662 connected with or arising in connection with such license, which agent, for an individual,  
663 can be him or herself. The instrument shall also state that applicant for the license consents  
664 and agrees that any service or notice of process shall be made upon the agent and when so  
665 made shall be taken and held to be valid, as if personally served upon the applicant  
666 according to the laws of this or any other state, waiving all claim or right of error by reason  
667 of such acknowledgment of service or manner of service. (Ord. 12-13, 6-13-2012)

668

669 4-1B-26: RECORDKEEPING REQUIRED:

670 Every person liable for the payment of any license fee imposed by this title shall keep all  
671 records required by law. (Ord. 12-13, 6-13-2012)

672

673 4-1B-27: [Reserved]

674 (Ord. 12-13, 6-13-2012)

675

676 4-1B-28: HOURS OF OPERATION:

677 A. Duty To Post Operating Hours: Every licensed business in the city is required to post  
678 in plain sight, clearly visible by all participants, the relevant operating hours of said place of  
679 business.

680 B. Curfew Law Applicable: Any business accepting or catering to minors shall not be  
681 operated in a manner contrary to the curfew provisions of any applicable state, county or  
682 municipal curfew statutes. (Ord. 12-13, 6-13-2012)

683

684 4-1B-29: [Reserved]:

685 (Ord. 12-13, 6-13-2012)

686

687 4-1B-30: LICENSE TERMINATION FOLLOWING CESSATION OF OPERATIONS:

688 Any business license issued pursuant to this article will expire no later than ten (10)  
689 calendar days following the continuous closure or cessation of business operations for  
690 which the license was issued, except when cessation or closure is required to repair  
691 damage caused by flood, fire, earthquake or other natural disaster. (Ord. 12-13, 6-13-2012)

692

693 4-1B-31: [Reserved]:

694 (Ord. 12-13, 6-13-2012; amd. Ord. 19-47, 12-04-2019, Effective at 12 noon on January 6,  
695 2020; Ord. 21-04, 2-10-2021)

696

697 ARTICLE C. DENIAL, SUSPENSION, REVOCATION; LICENSE APPEAL AUTHORITY

698 SECTION:

699 4-1C-1: Denial Of A Business License

700 4-1C-2: Revocation Or Suspension Of License

701 4-1C-3: Procedure For Suspension Or Revocation

702 4-1C-4: Effect Of Revocation And Suspension

703 4-1C-5: License Appeal Authority Established

704 4-1C-6: Administrative Law Judge as the License Appeal Authority

705 4-1C-7: Filing An Appeal Of A Denial, Suspension, or Revocation

706 4-1C-8: Appeal Hearing

707 4-1C-9: Decision Of the License Appeal Authority

708 4-1C-10: Appeal Of a License Appeal Authority Decision

709 4-1C-11: Licensing After Revocation

710 4-1C-12: Validity Of Business License During Appeal

711

712 4-1C-1: DENIAL OF A BUSINESS LICENSE:

713 A. Reasons For Denial: After a person has made application to the city for a business  
714 license, including a renewal of an existing business license, the application may be denied  
715 for any lawful reason, including, but not limited to, the following reasons:

716 1. The business will be involved in activities that will violate a city, county, state or  
717 federal law or regulation;

718 2. The business will be involved in activities on the licensed premises which would  
719 constitute a public nuisance, or otherwise a menace to the health, welfare and peace of the  
720 city;

721 3. The business would involve activities by patrons of the business or business activity  
722 where it could be shown the patrons are reasonably likely to constitute a public nuisance,  
723 or to commit violations of law;

724 4. The business is not in compliance with the city zoning standards or requirements  
725 applicable to the licensed premises;

726 5. Issuance of the license would result from fraud or misrepresentation of a material  
727 fact in the procurement of or application for the license;

728 6. The business or its employees will be undertaking activities which would constitute  
729 grounds for revocation or suspension of a business license; or

730 7. Issuance of the license will jeopardize or unreasonably endanger the public health,  
731 safety or welfare, or the safety or welfare of any individual, because the applicant or a key  
732 employee:

733 a. Does not possess the requisite state or federal licensing to conduct the business  
734 activity for which the city license is applied;

735 b. Does not possess the required training, experience, professional degrees or  
736 licensing normally required for or associated with such business activity;

737 c. Has been guilty of unprofessional conduct, as proscribed by applicable statute or  
738 regulation or by applicable regulations or standards of conduct promulgated by the  
739 professional association or regulatory agency normally associated with that business  
740 activity;

741 d. Has been criminally convicted of a class B misdemeanor or greater offense and the  
742 criminal conviction bears a substantial relationship to the applicant's or licensee's ability to  
743 safely, competently, or legally practice the occupation, profession, or type of business or is  
744 subject to one or more "disqualifying factors" (as defined in section 4-1A-2); or

745 8. For a new application, nonpayment of the required license fees at the time the  
746 application is made. For a renewal application, nonpayment of the required license renewal  
747 fees, plus any penalty due under this title;

748 9. One of the reviewing departments or divisions of the city, whose approvals are  
749 required under law has lawfully disapproved the application pursuant to any applicable  
750 provision of the city code or other applicable law;

751 10. False, or misleading, or incomplete information given on the application;

752 11. Noncompliance with any requirement or condition imposed in a conditional use  
753 permit, a variance or a special exception in connection with any location of the proposed  
754 business activities;

755 12. Noncompliance with any city, state or federal statutes or any Health Department  
756 regulations governing the applicant's proposed business.

757 B. Refusal To Renew: The city may refuse to renew the business license based on any of  
758 the grounds provided for revocation or suspension of a license in this title arising at or  
759 before the time of the submittal and consideration of a license application. (Ord. 12-13, 6-  
760 13-2012)

761

#### 762 4-1C-2: REVOCATION OR SUSPENSION OF LICENSE:

763 A. License Revocable: Under the provisions of this title, the issuance of a license grants  
764 only a revocable privilege to engage in business and confers no vested rights of any kind or  
765 nature upon the business or person holding the business license.

766 B. Revocation Or Suspension: Every business license issued by the city may be revoked  
767 or suspended for:

768 1. Substantiated report of any violation by the licensed person or business or by an  
769 agent, officer, employee, or invitee of any provisions of this title or any other applicable  
770 ordinance or law governing the business or activity. The person or business holding a  
771 business license shall be strictly responsible for the operation of the business or activity in  
772 conformance with all applicable laws;

773 2. Substantiated report of fraud or misrepresentation of a material fact in the  
774 procurement of the license;

775 3. Failure to pay when due any license fee, tax, charge and/or penalty provided in state  
776 statute or city ordinance;

777 4. Substantiated report of the violation of city ordinance or federal or state statute  
778 relating to the licensed business and resulting from the conduct of such business or  
779 activity;

780 5. Substantiated report of any condition or conduct at or in connection with the  
781 business;

782 6. Substantiated report of using or possessing for use a false weight or measure or any  
783 other device for falsely determining or recording any quantity or quality;

784 7. Substantiated report of selling, offering or exposing for sale products or commodities  
785 which vary from the standard of composition or quality described in connection with the  
786 offer or sale;

787 8. Substantiated report of activities at or in connection with the business, which are  
788 fraudulent or deceptive;

789 9. Substantiated report of failure of the applicant to retain the legal qualifications  
790 necessary for the business license, including the continuing absence of "disqualifying  
791 factors" (as defined in section 4-1A-2); or

792 10. Substantiated report of failure to properly maintain operational business records  
793 and other records required in this title for inspection and audit by the city.

794 C. Pendency Of License: The city may revoke or suspend a license for any of the grounds  
795 listed for denying a license application or a renewal application in this chapter arising  
796 during the pendency of a business license. (Ord. 12-13, 6-13-2012)

797

798 4-1C-3: PROCEDURE FOR SUSPENSION OR REVOCATION:

799 The business license authority may prosecute a suspension or revocation administratively  
800 as provided in title 16 of this code, and/or as a Class B misdemeanor. (Ord. 12-13, 6-13-  
801 2012)

802

803 4-1C-4: EFFECT OF REVOCATION AND SUSPENSION:

804 A. If the license is revoked, no new application shall be considered by the business  
805 license authority until expiration of the time period, in any event not less than one year,  
806 specified in the order of revocation.

807 B. A suspension shall be for a period not exceeding six (6) months, following which the  
808 license shall be reinstated. Should the license be under suspension at the time the license  
809 would have otherwise been renewed or renewable, the license shall not be renewed until  
810 expiration of the period of time imposed on the original suspension. (Ord. 12-13, 6-13-  
811 2012)

812

813 4-1C-5: LICENSE APPEAL AUTHORITY ESTABLISHED:

814 The license appeal authority shall hear and decide all appeals of license denials,  
815 suspensions, revocations, and similar actions (collectively referred to as "appeals"). The  
816 license appeal authority shall have authority to hear evidence in all appeals referred to the  
817 license appeal authority and, after an appeal hearing, shall prepare a written decision and



818 order, as provided in this title and in title 16. The individual designated to hear an appeal  
819 shall hereafter be designated as the license appeal authority. (Ord. 12-13, 6-13-2012; amd.  
820 Ord. 19-47, 12-04-2019, Effective at 12 noon on January 6, 2020; Ord. 21-04, 2-10-2021)

821

822 4-1C-6: ADMINISTRATIVE LAW JUDGE AS THE LICENSE APPEAL AUTHORITY:

823 Unless the mayor retains by contract another individual to fulfill the responsibilities of the  
824 license appeal authority set forth in this title, the administrative law judge, identified in  
825 title 16, shall be and shall fulfill all the responsibilities of the license appeal authority. (Ord.  
826 12-13, 6-13-2012)

827

828 4-1C-7: FILING AN APPEAL OF A DENIAL, SUSPENSION, OR REVOCATION:

829 Appeals of a business license authority's decision to deny, suspend, or revoke a business  
830 license may be made by filing a written notice of appeal with the city recorder, within  
831 fifteen (15) days of receipt of the notice of denial, suspension, or revocation. The appeal  
832 notice shall contain a specific and detailed explanation of the alleged mistake made by the  
833 business license authority and a specific statement of the relief desired. (Ord. 12-13, 6-13-  
834 2012; amd. Ord. 19-47, 12-04-2019, Effective at 12 noon on January 6, 2020; Ord. 21-11, 3-  
835 24-2021)

836

837 4-1C-8: APPEAL HEARING:

838 A. Hearing Date And Time: All hearings shall be conducted at a time, place and day set by  
839 the license appeal authority through a written notice of hearing provided to all parties. The  
840 hearing shall be scheduled and held pursuant to title 16.

841 B. City To Present Case: At the hearing, a representative from the city or designee of the  
842 business license authority shall present the reasons for the decision to deny, suspend, or  
843 revoke the license.

844 C. Licensee Presentation: The applicant, in person or through the applicant's attorney,  
845 may then present any evidence and/or argument showing reason why the business license  
846 authority's decision was in error.

847 D. Sworn Witnesses: All witnesses, if any, shall be sworn to testify truthfully. Either party  
848 is entitled to confront and cross examine any witnesses.

849 E. Evidentiary Rules: The license appeal authority shall apply the evidentiary rules  
850 identified in title 16.

851 F. Grounds For Decision Under Review: If the denial appealed is based on a  
852 determination of the business license authority that sufficient grounds existed under city,  
853 state or federal law, the license appeal authority may reexamine the factual nature of the

854 grounds and determine whether they are sufficient to sustain the decision of the business  
855 license authority.

856 G. License Appeal Authority Lacks Authority To Waive Compliance With Requirements:  
857 The license appeal authority does not have the authority to waive compliance with or to  
858 extend deadlines set forth in this title or in title 16, except as specifically identified therein.

859 H. Preponderance Of Evidence Standard Of Review: All factual determinations made by  
860 the license appeal authority shall be supported by a preponderance of the evidence,  
861 presented to the license appeal authority during hearing proceedings. (Ord. 12-13, 6-13-  
862 2012; amd. Ord. 21-11, 3-24-2021)

863

864 4-1C-9: DECISION OF THE LICENSE APPEAL AUTHORITY:

865 A. Date Decision Due; Findings: The license appeal authority, after hearing all the  
866 evidence, shall announce its decision within fourteen (14) calendar days from the date of  
867 hearing, unless for good cause, it extends the time for rendering a decision. The license  
868 appeal authority may affirm or reverse the decision of the business license authority, and  
869 may remand the matter for further action by the business license authority. The decision  
870 shall be in writing and shall be based upon findings of fact and conclusions of law. The  
871 license appeal authority may designate that the prevailing party draft the findings of fact  
872 and order. If the prevailing party drafts the decision, the opposing party shall have five (5)  
873 working days from the date the draft is submitted within which to file objections to the  
874 draft. Upon resolution of all objections to the draft, the license appeal authority shall issue  
875 its decision.

876 B. Service Of Appeal Decision: The decision of the license appeal authority shall be  
877 delivered to the applicant by mail, postage prepaid, by electronic means, or by personal  
878 service, at the discretion of the license appeal authority.

879 C. Reversal Of Decision: The denial of the license shall be reversed by the license appeal  
880 authority if, upon review of the written appeal and information submitted, the license  
881 appeal authority finds that the licensing officer made a material mistake of law or fact in  
882 denying or suspending the applicant's or registered solicitor's license.

883 D. Affirmation Of Decision: If the written appeal and information submitted indicates  
884 that the licensing officer properly denied a license the denial shall be affirmed.

885 E. Administrative Exhaustion Of Remedies: After the ruling of the license appeal  
886 authority, the applicant or solicitor is deemed to have exhausted all administrative  
887 remedies with the city. (Ord. 12-13, 6-13-2012)

888

889 4-1C-10: APPEAL OF A LICENSE APPEAL AUTHORITY DECISION:

890 The license appeal authority's decision may be appealed by the applicant or the city to the  
891 district court within thirty (30) days from the date on which the license appeal authority's  
892 written decision is issued. (Ord. 12-13, 6-13-2012)

893

894 4-1C-11: LICENSING AFTER REVOCATION:

895 A person, whose business license has been revoked, may not be issued a new license for a  
896 period of twelve (12) months following the revocation. (Ord. 12-13, 6-13-2012)

897

898 4-1C-12: VALIDITY OF BUSINESS LICENSE DURING APPEAL:

899 A. Right To Operate During Appeal: A person or business holding a business license  
900 subject to an order of the business license authority suspending or revoking the license  
901 may continue to legally operate the licensed business in compliance with federal, state and  
902 all other local laws pending a final decision on appeal, or until the time for appeal has  
903 passed, whichever event occurs first.

904 B. No Right To Operation Without Valid License Having Been Issued: An applicant for a  
905 currently unlicensed business shall not operate, and it shall be unlawful for any person to  
906 conduct business for which a license is required at the premises until a valid business  
907 license is issued, notwithstanding the city's denial of that license has been appealed. (Ord.  
908 12-13, 6-13-2012)

909

910 ARTICLE D. ENFORCEMENT

911 SECTION:

912 4-1D-1: Powers And Duties Of Police And Inspectors

913 4-1D-2: Penalties For Violation

914 4-1D-3: Effect Of Conviction; Prosecution Not Barred

915 4-1D-4: Injunction

916 4-1D-5: Liability For Acts Of Employees

917

918 4-1D-1: POWERS AND DUTIES OF POLICE AND INSPECTORS:

919 A. Authorized Enforcement Personnel:

920 1. All police officers, community enforcement officers, code enforcement officers, and  
921 city building inspectors are appointed to act as business license inspectors, and are  
922 empowered and required to examine all places of business and persons who are required  
923 to have a business license and to determine if licenses are valid and available for  
924 inspection.

925

926 2. Police officers and inspectors shall have and exercise the power to enter free of  
927 charge, during normal business hours, any place open to the general public and for which a  
928 license is required. They may require the exhibition of a current license by any person  
929 engaged or employed in the conduct of such business.

930 B. Duty To Enforce: It shall be the duty of the city police officers, community  
931 enforcement officers, code enforcement officers, and the city building inspectors, as well as  
932 the city business license authority, to cause complaints to be filed against all persons  
933 violating any of the provisions of this title. Enforcement against pawnshops is limited as  
934 provided in Utah Code section 13-32a-112.5. (Ord. 12-13, 6-13-2012)

935

936 4-1D-2: PENALTIES FOR VIOLATION:

937 A. Administrative Fines And Penalties: If the city council so authorizes, the license appeal  
938 authority may assess administrative penalties for violations of this title.

939 B. Violation: Any violation of this title may be prosecuted administratively as provided in  
940 title 16 of this code, and/or as a Class B misdemeanor.

941 C. Each Sale Without A License Is A Separate Offense: The sale of each article by a  
942 temporary merchant, a temporary merchant sponsor or a participant, without a license  
943 therefor, shall be a separate offense under and a separate violation of this title. (Ord. 12-13,  
944 6-13-2012)

945

946 4-1D-3: EFFECT OF CONVICTION; PROSECUTION NOT BARRED:

947 The conviction and punishment of any person for transacting business without a license  
948 shall not excuse or exempt such person from the payment of any license fees, penalties or  
949 fines due or unpaid at the time of such conviction, and nothing in this title shall prevent a  
950 criminal prosecution for any violation of the provisions of this title. (Ord. 12-13, 6-13-  
951 2012)

952

953 4-1D-4: INJUNCTION:

954 An entity or individual who operates or causes to be operated a business without a valid  
955 license in violation of the provisions of this chapter is subject to a suit for an injunction in  
956 addition to the civil and criminal violations provided in this chapter and any other remedy  
957 available at law or in equity. (Ord. 12-13, 6-13-2012)

958 4-1D-5: LIABILITY FOR ACTS OF EMPLOYEES:

959 The holder of a city business license is strictly liable for any and all acts of the holder's own  
960 employees and for any violation by them of any provisions of this title. (Ord. 12-13, 6-13-  
961 2012)



# REQUEST FOR COUNCIL ACTION

<b>Action:</b> Need Council to take action	<b>Meeting Date Requested</b> : 03/22/2023
<b>Presenter:</b> Larry Gardner	<b>Deadline of item</b> : 03/08/2023
<b>Department Sponsor:</b> Community Development	
<b>Agenda Type:</b> BUSINESS ITEMS	
<b>Time Requested:</b> 5 minutes presentation, 10 minutes council	<i>(Council may elect to provide more or less time)</i>

**1. AGENDA SUBJECT**

**Ordinance No. 23-11** amending 2009 West Jordan City Code (Provisions Regarding Conditional Use Permits and Appeals, to conform to recent revisions to Utah Code Ann. Section 10-9a-507; specifically amending City Code Sections 13-7e-1 through 13-7e-13 inclusive and Sections 15-5-1, 15-5-3, 15-5-6, and 15-6-1)

**2. EXECUTIVE SUMMARY**

Council is being asked to consider amendments regarding Conditional Use Permits and Appeals in City Code to comply with recent revisions in Utah Code.

The State Legislature amended Utah Code 10-9a-507 regarding how conditional use permits can be administered. If this proposed text amendment is approved, the original approval criteria would be repealed and replaced with the new approval criteria contained in the proposed ordinance.

Proposed text amendments are as follows:

- Section 13-7E-8 replaces “Findings of Fact” with “Criteria of Fact” to coincide with State Code. The proposed amendment requires any potential detrimental effects be identified, and mitigating conditions imposed by the approving body.
- Sections 13-7e-1 through 13-7e-13 entitled “Conditional Use Permits” will govern how conditional use permits are administered.
- In Title 15, Sections 15-5-1 “General Provisions”, 15-5-3 “Appeals to the Board of Adjustment”, 15-5-6 “Appeal of Conditional Use Permit Revocation”, and 15-6-1, “Judicial Review of Board of Adjustment or City Council Decision” will govern how appeals are administered.
- Title 13 and 15 are land use ordinances that require approval of the City’s legislative body.

**3. TIME SENSITIVITY / URGENCY**

No urgency.

**4. FISCAL NOTE**

No fiscal or staff issues identified at this time.

**5. PLANNING COMMISSION RECOMMENDATION**

“Ammon Allen moved to forward a positive recommendation to the City Council to Amend the West Jordan 2009 Code Section 13-7E-8 Conditional Use Permits Replacing ‘Findings for Approval’ with ‘Criteria for Approval’. The motion was seconded by Trish Hatch and passed 7-0 in favor.”

**6. STAFF ANALYSIS**

The proposed ordinance would administer how detrimental effects are identified and mitigated when associated with a conditional use permit. Some conditional use permits could possibly affect operations of various city departments. If detrimental effects are identified, steps would be taken to seek input from the affected departments on the most appropriate conditions to mitigate any detrimental effects.

**7. MOTION RECOMMENDED**

Move to approve Ordinance No. 23-11 amending 2009 West Jordan City Code (Provisions Regarding Conditional Use Permits and Appeals, to conform to recent revisions in Utah Code Ann. Section 10-9a-507; specifically amending City Code Sections 13-7e-1 Through 13-7e-13 inclusive and Sections 15-5-1, 15-5-3, 15-5-6, and 15-6-1).

# CITY COUNCIL STAFF REPORT

**SUBJECT:** Amending Criteria for Conditional Use Permit approvals to be comply with changes to Utah State Code

**SUMMARY:** Consider Ordinance 23-11 amending 2009 West Jordan City Code (amending provisions regarding conditional use permits and appeals, to conform to recent revisions to Utah Code Ann. Section 10-9a-507; specifically amending city code sections 13-7e-1 through 13-7e-13 inclusive and sections 15-5-1, 15-5-3, 15-5-6, and 15-6-1); city- wide applicability; City of West Jordan (applicant) [Duncan Murray]

## I. BACKGROUND

The proposed ordinance will amend section 13-7E-8. The purpose of the amendment is to update the criteria for approval for Conditional Use Permits within West Jordan City to comply with recent changes to Utah State Code Section 10-9a-507.

## II. GENERAL INFORMATION & ANALYSIS

The proposed ordinance will amend West Jordan City Code Sections 13-7E-1 through 13-7E-13 Inclusive; “Conditional Use Permits” which will govern how conditional use permits are administered. Title 15 sections 15-5-1 “General Provisions”, 15-5-3 “Appeals to the Board of Adjustment”, 15-5-6 “Appeal of Conditional Use Permit Revocation”, and 15-6-1, “Judicial Review of Board of Adjustment or City Council Decision”. which will govern how appeals are administered.

### Legislative Version:

#### ARTICLE E. CONDITIONAL USE PERMITS

#### SECTION:

13-7E-1: Purpose

13-7E-2: Application Process

13-7E-3: Submittal Requirements

13-7E-4: Additional Submittal Requirements

13-7E-5: Public Hearing

13-7E-6: Action by Planning Commission or Zoning Administrator

13-7E-87: Findings Criteria for Approval

13-7E-78: Effect and Effective Date Of Conditional Use Permit; Appeal

13-7E-9: Expiration

13-7E-10: Revocation (by the Conditional Use Appeal/Revocation Authority)

13-7E-11: Status of Conditional Use Permit

13-7E-12: Modification of Conditional Use Permit (New Application)

13-7E-13: Reapplication (After Denial or Revocation)

#### 13-7E-1: PURPOSE:

The city recognizes certain uses which may be appropriate in specific zone districts but have characteristics that, depending upon the location, design, and standards of operation, may have a greater impact than permitted uses on adjoining properties, businesses, or residences within the city. Such uses require a more comprehensive review, including the ability of the city to establish specific conditions for the project to mitigate any potential impacts reasonably anticipated detrimental effects. The planning commission and zoning administrator can evaluate only conditional uses listed on the land use tables and are is empowered to grant, grant with conditions, or deny any application for a conditional use permit. Such review by the planning commission and zoning administrator is subject to findings (based upon the criteria in section 13-7E-7) and the applicable hearing requirements of this article (section 13-7E-5). (2001 Code § 89-5-404; amd. 2009 Code)

#### 13-7E-2: APPLICATION PROCESS:

Applications shall be made submitted in the office of and in the manner established by the community development services department. (2009 Code; amd. ord. 19-50, 12-11-2019, Effective at 12 noon on January 6, 2020)

#### 13-7E-3: SUBMITTAL REQUIREMENTS:

Any person or entity who seeks development a conditional use permit application approval shall submit an application on the official form provided by the community development services department with required documentation specified on guidelines checklists provided by the community development services department. Submittal requirements shall be as established administratively by the community development services department and shall include, but not be limited to:

a) A. Evidence of ownership or the type of controlling interest in the property;

b) B. Legal description of the property;

c) C. Property owner, including a property owner affidavit, if the applicant is not the owner;

d) D. The present zoning classification;

e) E. The proposed use of the property; and

f) F. A scaled diagram of the subject parcel and surrounding area, inclusive of ingress and egress points from all parcels along both sides of subject streets bounding the property;

g) G. The applicant shall submit the application, together with the applicable fee, according to the consolidated fee schedule, to the community development services department.;



H. Applications shall not be reviewed without the written consent of the property owner;

I. The burden of proof for all applications shall be the responsibility of the applicant; and

J. The appropriate city departments shall, in a timely manner, determine whether the application is complete for purposes of subsequent, substantive planning commission or zoning administrator review, as applicable, and shall comply with the other provisions of Utah Code Ann. sections 10-9a-509 and 10-9a-509.5 or successor provisions. Additional submittal requirements may also be imposed pursuant to section 13-7E-4 of this article. (2009 Code; amd. Ord. 11-35, 11-22-2011; Ord. 19-50, 12-11-2019, Effective at 12 noon on January 6, 2020)

#### 13-7E-4: ADDITIONAL SUBMITTAL REQUIREMENTS:

The planning commission or community development services department may require an applicant to provide an analysis of any impacts reasonably anticipated detrimental effects (traffic, environmental, utilities, public safety, and infrastructure, etc.) affecting the health, safety or general welfare of persons residing or working within the neighborhood of the proposed conditional use. (2009 Code; amd. Ord. 19-50, 12-11-2019, Effective at 12 noon on January 6, 2020)

#### 13-7E-5: PUBLIC HEARING:

The application, together with all pertinent information, shall be considered by the planning commission, or the zoning administrator (in the case of an administrative conditional use permit), at a public hearing. Notice of the public hearing shall be provided as outlined in title 15 of this code, including sections 15-3-9 and 15-3-10. (2009 Code)

#### 13-7E-6: ACTION BY PLANNING COMMISSION OR ZONING ADMINISTRATOR:

A. Staff Report: Prior to the planning commission or zoning administrator, as applicable, considering an application for a conditional use permit, the community development department, in consultation with other appropriate city departments, shall review and study the application and prepare a staff report, which shall include the following:

1. Suggestions regarding the reasonably anticipated detrimental effects of the proposed conditional use, together with the reasons why each of the suggested reasonably anticipated detrimental effects will be detrimental; and
2. Suggestions for reasonable conditions, which will reasonably relate to mitigating each of the reasonably anticipated detrimental effects of the proposed conditional use.

B. Identifying Detrimental Effects and Conditions: Prior to approving any application for a conditional use permit, the planning commission or zoning administrator, as applicable, shall complete the following regarding the application:

1. Identify the reasonably anticipated detrimental effects of the proposed conditional use, together with the reasons why each of the identified reasonably anticipated detrimental effects will be detrimental;

2. Identify reasonable conditions, to be required by the city, which will reasonably relate to mitigating each of the reasonably anticipated detrimental effects of the proposed conditional use; and
3. State on the record, as part of the decision, each of the identified reasonably anticipated detrimental effects and each of the identified reasonable conditions, imposed by the city, which reasonably relate to mitigating each of the reasonably anticipated detrimental effects of the proposed conditional use.

**AC. Types of Conditions:** A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards (the criteria in section 13-7E-7 in this article). These types of conditions which may be proposed or imposed may include, but are not limited to:

1. Requirements for setbacks, open spaces, buffers, fences or walls, barriers, and landscaping to mitigate conflicts from visual, noise, lighting and similar impacts detrimental effects associated with the use;
2. Dedication of street or other public rights of way and control in location of access points and on site circulation to mitigate traffic impacts detrimental effects from increased volumes or nature of traffic activity associated with the use;
3. Regulations pertaining to hours of operation, methods of operation, and phasing of the development of the site to mitigate impacts detrimental effects to surrounding properties and the neighborhood; and
4. Time limits on the duration of the permit to determine if the use, after a temporary period of operation, is materially detrimental or to evaluate whether changed conditions in the neighborhood effect the capability of the use to continue to adequately mitigate impacts detrimental effects to the surrounding area or the city as a whole.

**BD. Denial:** If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards (the criteria in section 13-7E-7 of this article), the conditional use shall may be denied. (2009 Code)

13-7E-87: **FINDINGS CRITERIA** FOR APPROVAL:

Prior to approving any application for a conditional use permit, the planning commission or zoning administrator, as applicable, shall find that the proposed conditional use meets all the following applicable standards, referred to herein as criteria:

A. The proposed conditional use is consistent with the intent of the goals and policies of the general plan and the purpose of the zone district in which the proposed site is located;

**BC.** The proposed site is adequate in size and shape to accommodate the proposed conditional use; and that all the requirements for the zone district, including, but not limited to, setbacks, parking, on site circulation, screening, buffering, and landscaping, are being met;

**CD.** The proposed site has adequate access to public streets and highways to carry the type and quantity of traffic which may be generated by the subject proposed conditional use and on-site

circulation is adequate to permit driveways, parking and loading requirements in a manner which is safe and efficient;

DG. Where applicable, the proposed conditional use will have appropriate connections to the city water, and sewer, and other city utility systems, and its water meter and pipe design shall be reviewed by the city engineer as determined by the appropriate city departments, and with due regard to the public health, safety, and welfare;

EB. The proposed use will not be materially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of the proposed use or have an adverse effect on the property, adjacent properties, the surrounding neighborhood, or the city as a whole as a result of the type of use or hours of operation. Reasonably anticipated effects, both detrimental and beneficial, have been identified; and reasonable conditions which reasonably relate to mitigating each of the reasonably anticipated detrimental effects of the proposed conditional use have also been identified; and

E. The proposed use will ensure compatibility with surrounding uses and will use building materials that are in harmony with the area; and

F. Adequate conditions or stipulations have been incorporated into the approval of the conditional use permit to ensure so that any reasonably anticipated detrimental effects can will be reasonably mitigated. (2009 Code; amd. Ord. 10-24, 8-25-2010)

#### 13-7E-78: EFFECT AND EFFECTIVE DATE OF CONDITIONAL USE PERMIT; APPEAL:

A. The approval of a proposed conditional use by the planning commission or the zoning administrator shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits or approvals that may be required by the regulations of the city, including, but not limited to, a building permit, certificate of occupancy, and subdivision approval.

B. The decision of the planning commission or zoning administrator shall be final and effective fifteen (15) sixteen (16) calendar days from the date of the decision, unless an appeal is filed pursuant to the procedures in sections 15-5-1, 15-5-3, and 15-5-6 15-5-2 and subsection 15-5-5B of this code, except that the appeal shall be to the conditional use appeal/revocation authority, as defined in section 13-7E-10 of this article.

C. The approval of a proposed conditional use permit by the planning commission or zoning administrator shall authorize only the particular use for which it was issued. (2009 Code; amd. Ord. 10-09, 2-24-2010)

#### 13-7E-9: EXPIRATION:

No For each conditional use permit requiring a building permit, the conditional use permit shall not be valid for a period longer than twelve (12) months, unless:

A. A building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion; or unless

B. ~~A~~ a certificate of occupancy is issued and a use commenced within that period; ~~;~~ or unless

C. ~~A~~ a longer time is requested before the expiration and then granted by the planning commission or zoning administrator, as applicable. The approval of a proposed conditional use by the planning commission or zoning administrator shall authorize only the particular use for which it was issued. (2009 Code)

#### 13-7E-10: REVOCATION (BY THE CONDITIONAL USE APPEAL/REVOCATION AUTHORITY):

A. Unless the mayor retains by contract another individual or individuals to fulfill the responsibilities of the conditional use appeal/revocation authority set forth in this section, the administrative law judge, identified in title 16, shall be and shall fulfill all the responsibilities of the conditional use appeal/revocation authority.

B. A conditional use permit may be revoked by the development services director after review and recommendation by the planning commission. The planning commission shall hold a public hearing prior to recommending the revocation of a conditional use permit. conditional use appeal/revocation authority after:

1. A request for conditional use revocation hearing (“hearing request”), which is like an administrative code enforcement hearing described in title 16, chapter 2, article E, is submitted by the community development department to the director of community preservation; and

2. A hearing is held, pursuant to title 16, chapter 2, article E. All parties shall comply with any other applicable provisions of title 16.

C. To submit a hearing request, there is no requirement for a prior notice of violation or administrative citation, but the community development department shall attach to the hearing request a supporting statement, documents, and information.

D. Any recommendation of the planning commission and any final decision by the conditional use appeal/revocation authority development services director to revoke a conditional use permit shall require a finding of one or more of the following:

1A. The conditional use is a nuisance or is detrimental to the public health, safety or welfare;

2B. The conditional use permit was obtained by fraud;

3C. The conditional use for which the permit was granted has been altered;

4D. The conditional use for which the permit was granted has ceased or has been suspended for six (6) months or more; or

5E. The conditions of the permit have not been complied with; or

6. Any other reason allowed by law.

E. The final decision of the conditional use appeal/revocation authority development services director may be appealed, by any party to the revocation hearing, as per sections 15-5-6 and 15-6-1 of this code. (2009 Code; amd. Ord. 19-50, 12-11-2019, Effective at 12 noon on January 6, 2020)

13-7E-11: STATUS OF **CONDITIONAL** USE PERMIT:

A conditional use permit granted pursuant to provisions of this article shall run with the land and continue to be valid regardless of ownership of the site or structure subject of the conditional use permit application, so long as it operates within the conditions, stipulations and terms of the conditional use permit approval. (2009 Code)

13-7E-12: MODIFICATION OF CONDITIONAL USE PERMIT **(NEW APPLICATION)**:

A request to modify, expand, or otherwise change an approved conditional use permit, not in substantial conformance with the approved permit, shall be reviewed and processed according to provisions of this article as a new application. (2009 Code)

13-7E-13: REAPPLICATION **(AFTER DENIAL OR REVOCATION)**:

In cases where the a conditional use permit has been denied or revoked, and unless otherwise required by law or ordered by the conditional use appeal/revocation authority or a court, no application for a conditional use permit for the same or substantially the same use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the conditional use permit. (2009 Code)

15-5-1: GENERAL PROVISIONS:

A. Application: An application specifying the reasons for an appeal shall be submitted in writing to the community development services department within fifteen (15) calendar days following the administrative decision, along with any applicable fee to cover the cost of processing the application. No application shall be processed until the application is complete and the required fee has been paid.

B. Hearing Procedures: Hearing procedures shall be as set forth in the bylaws, rules, policies and/or procedures as may be adopted from time to time by the city council, conditional use appeal/revocation authority, planning commission and/or board of adjustment.

C. Filing Deadline: All written documents and evidence from the applicant shall be received by the community development services department at least fifteen (15) thirty (30) calendar days in advance of the public hearing.

D. Staff Report: A staff report and recommendation shall be available for inspection at least five (5) calendar days prior to the hearing.

E. Burden of Proof (“Error Standard”); and Scope of Review (“On the Record”): The person or entity making the appeal has the burden of proving that an error has been made and shall present every theory of relief that the person could raise in district court. The appeal shall be “on the record”, not “de novo”.

F. Appeal Authority: Appeals shall not be used to waive or modify the terms or requirements of this title. (2009 Code; amd. Ord. 19-52, 12-11-2019, Effective at 12 noon on January 6, 2020)

### 15-5-3: APPEALS TO BOARD OF ADJUSTMENT:

A. Right of Appeal: Other than for issues regarding fees, pursuant to section 15-5-2 above, or for appealing a conditional use permit decision, pursuant to section 13-7E-8 of this code, or as otherwise set forth in this code, appeals to the board of adjustment may be taken by any person aggrieved by any administrative decision or action of city staff or the planning commission on matters pertaining to the interpretation and application of title 12, 13, 14, or 15 titles 5, 8 through 15 inclusive, or 17 of this code. The appeal shall be filed within thirty (30) fifteen (15) calendar days following the decision at issue. The person filing the appeal shall file written notice with the zoning administrator and with the board of adjustment specifying the reasons for the appeal. The city staff associated with the issues of the appeal shall, without delay, transmit to the board of adjustment all documents and records constituting the record upon which the action appealed from is taken.

BC. Zoning Land Use Decisions: Zoning Unless otherwise set forth in this code, land use decisions applying to title 12, 13, 14, or 15 titles 5, 8 through 15 inclusive, or 17 of this code may be appealed to the board of adjustment. The appeal shall be filed within fifteen (15) calendar days following the decision at issue, pursuant to subsection A above. A person may not appeal, and the board of adjustment may not consider, any zoning land use ordinance amendments, zoning map amendments, future land use map amendments, or general plan amendments. Appeals may not be used to waive or modify the terms or requirements of title 12, 13, 14, or 15 of this code.

CB. Burden of Proof (“Error Standard”); and Scope of Review (“On the Record”): The person or entity making the appeal has the burden of proving that an error has been made and shall present every theory of relief that the person could raise in district court. The appeal shall be “on the record”, not “de novo”.

D. Stay of Proceedings: An appeal to the board of adjustment stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal has been filed that, by reason of facts stated in the certification, a stay would, in his the officer’s opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed except by a restraining order granted by the district court on application and notice and on due cause shown.

E. Time and Notice of Hearing: The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice of the appeal as well as notice to the parties in interest, and shall decide the appeal within a reasonable time. Upon the hearing, a party may appear in person or by agent or by attorney.

F. Reverse of Decision: The board of adjustment, according to its own rules, may reverse any order, requirement, or determination of an administrative officer and may decide in favor of the appellant.

G. Other Possible Action: The board of adjustment, after reviewing the decision of city staff or the planning commission, may affirm, reverse, alter, or postpone any determination until further study can be conducted. This may include referring the matter back to city staff or the planning commission for additional review.

H. Variances: Hearing and deciding requests for variances from the terms of titles 5, 8 through 15 inclusive, or 17 of this code, shall be as described in title 13, chapter 7, article G of this code, or successor provisions. (2009 Code; §15-5-4, amd. Ord. 19-52, 12-11-2019, Effective at 12 noon on January 6, 2020; Ord. 21-11, 3-24-2021)

15-5-6: APPEAL OF ACTION BY CONDITIONAL USE PERMIT REVOCATION APPEAL/REVOCATION AUTHORITY:

The final action of the conditional use appeal/revocation authority, as defined in section 13-7E-10, development services director revoking including the appeal or revocation of a conditional use permit, made pursuant to sections 13-7E-8 or 13-7E-10 of this code, may be appealed to the district court for judicial review pursuant to section 15-6-1. board of adjustment. A request for appeal must be filed in writing within fifteen (15) days. The board of adjustment shall render a written decision within a reasonable time. (Ord. 10-09, 2-24-2010; §15-5-8, amd. Ord. 19-52, 12-11-2019, Effective at 12 noon on January 6, 2020)

15-6-1: JUDICIAL REVIEW OF BOARD OF ADJUSTMENT, CONDITIONAL USE APPEAL/REVOCATION AUTHORITY, OR CITY COUNCIL DECISION:

Any person aggrieved by any decision of the board of adjustment, the conditional use appeal/revocation authority (as defined in section 13-7E-10 of this code), or the city council (review process types III, IV, or V, or conditional use permit appeals and revocations) may have and maintain a plenary action for relief from any district court whose jurisdiction includes the city; provided, that a petition for such relief is presented to the court within thirty (30) calendar days after the rendering of the final decision on the matter in question, or as otherwise required by law by the city council. (2009 Code; amd. Ord. 19-52, 12-11-2019, Effective at 12 noon on January 6, 2020)

### III. FINDINGS OF FACT

Section 13-7D-7B, requires that prior approving a Zoning Ordinance text amendment, the City Council must make the following findings:

**Criteria 1:** *The proposed amendment conforms to the general plan and is consistent with the adopted goals, objectives and policies described therein;*

**Discussion:** The General Plan supports keeping ordinances relevant and understandable. On Page 19 it states:

*GOAL 2. CONTINUALLY AND CONSISTENTLY UPDATE THE FUTURE LAND USE MAP, ZONING MAP, AND ZONING ORDINANCE FOR EASE OF REFERENCE AND ADMINISTRATION.*

*Policy 3. The Zoning Ordinance shall be updated to incorporate necessary changes that are consistent with State Code and reflect the best and most current land use practices of the time. Zoning Ordinance modifications and updates shall be made easy for the general public and City administration to understand.*

*1. Consistently review the Zoning Ordinance and edit where necessary in order to eliminate redundancy and replace technical jargon with plain English.”*

**Finding:** The proposed amendment conforms to the General Plan and is consistent with the adopted goals, objectives and policies described therein.

**Criteria 2:** *The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;*

**Discussion:** The proposed ordinance will amend the 2009 West Jordan City Code Section 13-7E and portions of Title 15. The amendment is appropriate because it brings the city into compliance with recent changes to State Code.

**Finding:** The proposed amendment is appropriate given the context of the request and there is sufficient justification for a modification to this title;

**Criteria 3:** *The proposed amendment will not create a conflict with any other section or part of this title or the general plan; and*

**Discussion:** Staff has not found any conflicts with other sections or with the general plan.

**Finding:** The proposed amendment will not create a conflict with any other section or part of the Municipal Code or the General Plan.

**Criteria 4:** *The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in light of corrections or changes in public policy.*

**Discussion:** The proposed amendment will not relieve a particular hardship or grant special privileges to any one person or entity, as it updates Criteria for Approval of Conditional Use Permits for all properties within West Jordan City.

**Finding:** The proposed amendment does not relieve a particular hardship, nor does it confer any special privileges to a single property owner or cause, and it is only necessary to make a modification to this title in accordance with recent changes to Utah State Code.



1 THE CITY OF WEST JORDAN, UTAH  
2 ORDINANCE NO. 23-11

3 AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE  
4 (AMENDING PROVISIONS REGARDING CONDITIONAL USE PERMITS  
5 AND APPEALS, TO CONFORM TO RECENT REVISIONS TO  
6 UTAH CODE ANN. SECTION 10-9a-507; SPECIFICALLY  
7 AMENDING CITY CODE SECTIONS 13-7E-1 THROUGH 13-7E-13 INCLUSIVE  
8 AND SECTIONS 15-5-1, 15-5-3, 15-5-6, AND 15-6-1)

9 WHEREAS, the City of West Jordan (“City”) adopted West Jordan City Code (“City  
10 Code”) in 2009; and the City Council of the City (“City Council”) desires to amend a certain section  
11 of the City Code, regarding and related to Conditional Use Permits and Appeals, to conform to the  
12 recent revisions to Utah Code Ann. Section 10-9a-507 (“proposed City Code amendments”); and

13 WHEREAS, the Planning Commission of the City (“Planning Commission”) held a public  
14 hearing and provided a recommendation on October 18, 2022, regarding the proposed City Code  
15 amendments, which are all land use regulations, including City Code Sections 13-7E-1 through 13-  
16 7E-13 inclusive and Sections 15-5-1, 15-5-3, 15-5-6, and 15-6-1; and

17 WHEREAS, the City Council held a public hearing on November 16, 2022, and has held  
18 other public meetings, regarding the proposed City Code amendments; and

19 WHEREAS, the City Council finds it to be in the best interest of the public health, safety,  
20 and welfare of the residents of the City to adopt the following proposed City Code amendments.

21 NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
22 WEST JORDAN, UTAH AS FOLLOWS:

23 **Section 1. Amendment of Code Provisions.** City Code Sections 13-7E-1 through 13-7E-13  
24 inclusive and Sections 15-5-1, 15-5-3, 15-5-6, and 15-6-1 are amended to read as shown in  
25 Attachments 1 and 2.

26 **Section 2. Severability.** If any provision of this Ordinance is declared to be invalid by a  
27 court of competent jurisdiction, the remainder shall not be affected thereby.

28 **Section 3. Effective Date.** This Ordinance shall become effective immediately upon posting  
29 or publication as provided by law and upon (i) the Mayor signing the Ordinance, (ii) the City Council  
30 duly overriding the veto of the Mayor as provided by law, or (iii) the Mayor failing to sign or veto  
31 the Ordinance within fifteen (15) days after the City Council presents the Ordinance to the Mayor.  
32

33 PASSED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THIS  
34 \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

35  
36 CITY OF WEST JORDAN

37  
38 By: \_\_\_\_\_  
39 Christopher McConnehey  
40 Council Chair

41 ATTEST (See next page):

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ATTEST:

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Cindy M. Quick, MMC  
Council Office Clerk

**Voting by the City Council**

**"YES"      "NO"**

Council Chair Christopher McConnehey	<input type="checkbox"/>	<input type="checkbox"/>
Council Vice-Chair Pamela Bloom	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Kelvin Green	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Zach Jacob	<input type="checkbox"/>	<input type="checkbox"/>
Council Member David Pack	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Kayleen Whitelock	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Melissa Worthen	<input type="checkbox"/>	<input type="checkbox"/>

**PRESENTED TO THE MAYOR BY THE CITY COUNCIL ON \_\_\_\_\_.**

Mayor's Action: \_\_\_\_\_ Approve      \_\_\_\_\_ Veto

By: \_\_\_\_\_  
Mayor Dirk Burton      Date \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Tangee Sloan, CMC  
City Recorder

*(See the following pages)*

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**STATEMENT OF APPROVAL/PASSAGE** (check one)

\_\_\_\_\_ The Mayor approved and signed Ordinance No. 23-11.

\_\_\_\_\_ The Mayor vetoed Ordinance No. 23-11 on \_\_\_\_\_ and the City Council timely overrode the veto of the Mayor by a vote of \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_ Ordinance No. 23-11 became effective by operation of law without the Mayor’s approval or disapproval.

\_\_\_\_\_  
Tangee Sloan, CMC  
City Recorder

**CERTIFICATE OF PUBLICATION**

I, Tangee Sloan, certify that I am the City Recorder of the City of West Jordan, Utah, and that a short summary of the foregoing ordinance was published on the Utah Public Notice Website on the \_\_\_\_\_ day of \_\_\_\_\_ 2023. The fully executed copy of the ordinance is retained in the Office of the City Recorder pursuant to Utah Code Annotated, 10-3-711.

\_\_\_\_\_  
Tangee Sloan, CMC  
City Recorder

*(Attachments on the following pages)*

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**Attachments to**  
**ORDINANCE NO. 23-11**  
**AN ORDINANCE AMENDING THE 2009 WEST JORDAN CITY CODE**  
**(AMENDING PROVISIONS REGARDING CONDITIONAL USE PERMITS**  
**AND APPEALS, TO CONFORM TO RECENT REVISIONS TO**  
**UTAH CODE ANN. SECTION 10-9a-507; SPECIFICALLY**  
**AMENDING CITY CODE SECTIONS 13-7E-1 THROUGH 13-7E-13 INCLUSIVE**  
**AND SECTIONS 15-5-1, 15-5-3, 15-5-6, AND 15-6-1)**

*(See the following pages)*

1 **Legislative Version:**

2 ARTICLE E. CONDITIONAL USE PERMITS

3 SECTION:

4 13-7E-1: Purpose

5 13-7E-2: Application Process

6 13-7E-3: Submittal Requirements

7 13-7E-4: Additional Submittal Requirements

8 13-7E-5: Public Hearing

9 13-7E-6: Action By Planning Commission Or Zoning Administrator

10 13-7E-87: Findings Criteria For Approval

11 13-7E-78: Effect and Effective Date Of Conditional Use Permit; Appeal

12 13-7E-9: Expiration

13 13-7E-10: Revocation (by the Conditional Use Appeal/Revocation Authority)

14 13-7E-11: Status Of Conditional Use Permit

15 13-7E-12: Modification Of Conditional Use Permit (New Application)

16 13-7E-13: Reapplication (After Denial or Revocation)

17

18 13-7E-1: PURPOSE:

19 The city recognizes certain uses which may be appropriate in specific zone districts but have  
20 characteristics that, depending upon the location, design, and standards of operation, may have a  
21 greater impact than permitted uses on adjoining properties, businesses, or residences within the  
22 city. Such uses require a more comprehensive review, including the ability of the city to establish  
23 specific conditions for the project to mitigate any potential impacts reasonably anticipated  
24 detrimental effects. The planning commission and zoning administrator can evaluate only  
25 conditional uses listed on the land use tables and are is empowered to grant, grant with  
26 conditions, or deny any application for a conditional use permit. Such review by the planning  
27 commission and zoning administrator is subject to findings (based upon the criteria in section 13-  
28 7E-7) and the applicable hearing requirements of this article (section 13-7E-5). (2001 Code § 89-  
29 5-404; amd. 2009 Code)

30

31 13-7E-2: APPLICATION PROCESS:

32 Applications shall be made submitted in the office of and in the manner established by the  
33 community development services department. (2009 Code; amd. ord. 19-50, 12-11-2019,  
34 Effective at 12 noon on January 6 2020)

35

36 13-7E-3: SUBMITTAL REQUIREMENTS:

37 Any person ~~or entity~~ who seeks ~~development a conditional use permit~~ application ~~approval~~ shall  
38 submit an application on the official form provided by the ~~community development services~~  
39 department with required documentation specified on ~~guidelines checklists~~ provided by the  
40 ~~community development services~~ department. Submittal requirements shall be as established  
41 administratively by the ~~community development services~~ department and shall include, but not  
42 be limited to:

43 a) ~~A. Evidence~~ of ownership or the type of controlling interest in the property;

44 b) ~~B. Legal~~ description of the property;

45 c) ~~C. Property~~ owner, ~~including a property owner affidavit, if the applicant is not the owner;~~

46 d) ~~D. The~~ present zoning classification;

47 e) ~~E. The~~ proposed use of the property; ~~and~~

48 f) ~~F. A~~ scaled diagram of the subject parcel and surrounding area, ~~inclusive of ingress and~~  
49 ~~egress points from all parcels along both sides of subject streets bounding the property;~~

50 ~~G. The applicant shall submit the application, together with the applicable fee, according to the~~  
51 ~~consolidated fee schedule, to the community development services department.;~~

52 ~~H. Applications shall not be reviewed without the written consent of the property owner.;~~

53 ~~I. The burden of proof for all applications shall be the responsibility of the applicant.;~~ ~~and~~

54 ~~J. The appropriate city departments shall, in a timely manner, determine whether the application~~  
55 ~~is complete for purposes of subsequent, substantive planning commission or zoning~~  
56 ~~administrator review, as applicable, and shall comply with the other provisions of Utah Code~~  
57 ~~Ann. sections 10-9a-509 and 10-9a-509.5 or successor provisions. Additional submittal~~  
58 ~~requirements may also be imposed pursuant to section 13-7E-4 of this article. (2009 Code; amd.~~  
59 ~~Ord. 11-35, 11-22-2011; Ord. 19-50, 12-11-2019, Effective at 12 noon on January 6, 2020)~~

60

61 13-7E-4: ADDITIONAL SUBMITTAL REQUIREMENTS:

62 The planning commission or ~~community development services~~ department may require an  
63 applicant to provide an analysis of any ~~impacts reasonably anticipated detrimental effects~~  
64 (traffic, environmental, utilities, public safety, and infrastructure, ~~etc.~~) affecting the health, safety  
65 or general welfare of persons residing or working within the neighborhood of the proposed  
66 ~~conditional~~ use. (2009 Code; amd. Ord. 19-50, 12-11-2019, Effective at 12 noon on January 6,  
67 2020)

68

69

70 13-7E-5: PUBLIC HEARING:

71 The application, together with all pertinent information, shall be considered by the planning  
72 commission, or the zoning administrator (in the case of an administrative conditional use  
73 permit), at a public hearing. Notice of the public hearing shall be provided as outlined in title 15  
74 of this code, including sections 15-3-9 and 15-3-10. (2009 Code)

75

76 13-7E-6: ACTION BY PLANNING COMMISSION OR ZONING ADMINISTRATOR:

77 A. Staff Report: Prior to the planning commission or zoning administrator, as applicable,  
78 considering an application for a conditional use permit, the community development  
79 department, in consultation with other appropriate city departments, shall review and  
80 study the application and prepare a staff report, which shall include the following:

81 1. Suggestions regarding the reasonably anticipated detrimental effects of the proposed  
82 conditional use, together with the reasons why each of the suggested reasonably  
83 anticipated detrimental effects will be detrimental; and

84 2. Suggestions for reasonable conditions, which will reasonably relate to mitigating each  
85 of the reasonably anticipated detrimental effects of the proposed conditional use.

86 B. Identifying Detrimental Effects and Conditions: Prior to approving any application for a  
87 conditional use permit, the planning commission or zoning administrator, as applicable,  
88 shall complete the following regarding the application:

89 1. Identify the reasonably anticipated detrimental effects of the proposed conditional  
90 use, together with the reasons why each of the identified reasonably anticipated  
91 detrimental effects will be detrimental;

92 2. Identify reasonable conditions, to be required by the city, which will reasonably relate  
93 to mitigating each of the reasonably anticipated detrimental effects of the proposed  
94 conditional use; and

95 3. State on the record, as part of the decision, each of the identified reasonably  
96 anticipated detrimental effects and each of the identified reasonable conditions,  
97 imposed by the city, which reasonably relate to mitigating each of the reasonably  
98 anticipated detrimental effects of the proposed conditional use.

99 AC. Types of Conditions: A conditional use shall be approved if reasonable conditions are  
100 proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of  
101 the proposed use in accordance with applicable standards (the criteria in section 13-7E-7  
102 in this article). These types of conditions which may be proposed or imposed may  
103 include, but are not limited to:

104 1. Requirements for setbacks, open spaces, buffers, fences or walls, barriers, and  
105 landscaping to mitigate conflicts from visual, noise, lighting and similar impacts  
106 detrimental effects associated with the use;

- 107 2. Dedication of street or other public rights of way and control in location of access  
108 points and on site circulation to mitigate traffic impacts detrimental effects from  
109 increased volumes or nature of traffic activity associated with the use;
- 110 3. Regulations pertaining to hours of operation, methods of operation, and phasing of  
111 the development of the site to mitigate impacts detrimental effects to surrounding  
112 properties and the neighborhood; and
- 113 4. Time limits on the duration of the permit to determine if the use, after a temporary  
114 period of operation, is materially detrimental or to evaluate whether changed  
115 conditions in the neighborhood effect the capability of the use to continue to  
116 adequately mitigate impacts detrimental effects to the surrounding area or the city as  
117 a whole.

118 **BD.** Denial: If the reasonably anticipated detrimental effects of a proposed conditional use  
119 cannot be substantially mitigated by the proposal or the imposition of reasonable  
120 conditions to achieve compliance with applicable standards (the criteria in section 13-7E-  
121 7 of this article), the conditional use shall may be denied. (2009 Code)

122

123 13-7E-87: FINDINGS CRITERIA FOR APPROVAL:

124 Prior to approving any application for a conditional use permit, the planning commission or  
125 zoning administrator, as applicable, shall find that the proposed conditional use meets all the  
126 following applicable standards, referred to herein as criteria:

127 A. The proposed conditional use is consistent with the intent of the goals and policies of the  
128 general plan and the purpose of the zone district in which the proposed site is located;

129 **BC.** The proposed site is adequate in size and shape to accommodate the proposed conditional  
130 use, and that all the requirements for the zone district, including, but not limited to, setbacks,  
131 parking, on site circulation, screening, buffering, and landscaping, are being met;

132 **CD.** The proposed site has adequate access to public streets and highways to carry the type  
133 and quantity of traffic which may be generated by the subject proposed conditional use and on  
134 site circulation is adequate to permit driveways, parking and loading requirements in a manner  
135 which is safe and efficient;

136 **DG.** Where applicable, the proposed conditional use will have appropriate connections to the  
137 city water, and sewer, and other city utility systems, and its water meter and pipe design shall be  
138 reviewed by the city engineer as determined by the appropriate city departments, and with due  
139 regard to the public health, safety, and welfare.;

140 **EB.** The proposed use will not be materially detrimental to the health, safety or general  
141 welfare of persons residing or working in the neighborhood of the proposed use or have an  
142 adverse effect on the property, adjacent properties, the surrounding neighborhood, or the city as a  
143 whole as a result of the type of use or hours of operation Reasonably anticipated effects, both  
144 detrimental and beneficial, have been identified; and reasonable conditions which reasonably



145 relate to mitigating each of the reasonably anticipated detrimental effects of the proposed  
146 conditional use have also been identified; and

147 E. The proposed use will ensure compatibility with surrounding uses and will use building  
148 materials that are in harmony with the area; and

149 F. Adequate conditions or stipulations have been incorporated into the approval of the  
150 conditional use permit to ensure so that any reasonably anticipated detrimental effects can will be  
151 reasonably mitigated. (2009 Code; amd. Ord. 10-24, 8-25-2010)

152

153 13-7E-78: EFFECT AND EFFECTIVE DATE OF CONDITIONAL USE PERMIT; APPEAL:

154 A. The approval of a proposed conditional use by the planning commission or the zoning  
155 administrator shall not authorize the establishment or extension of any use nor the development,  
156 construction, reconstruction, alteration, or moving of any building or structure, but shall merely  
157 authorize the preparation, filing, and processing of applications for any permits or approvals that  
158 may be required by the regulations of the city, including, but not limited to, a building permit,  
159 certificate of occupancy, and subdivision approval.

160 B. The decision of the planning commission or zoning administrator shall be final and  
161 effective fifteen (15) sixteen (16) calendar days from the date of the decision, unless an appeal is  
162 filed pursuant to the procedures in sections 15-5-1, 15-5-3, and 15-5-6 15-5-2 and subsection 15-  
163 5-5B of this code, except that the appeal shall be to the conditional use appeal/revocation  
164 authority, as defined in section 13-7E-10 of this article.

165 C. The approval of a proposed conditional use permit by the planning commission or zoning  
166 administrator shall authorize only the particular use for which it was issued. (2009 Code; amd.  
167 Ord. 10-09, 2-24-2010)

168

169 13-7E-9: EXPIRATION:

170 No For each conditional use permit requiring a building permit, the conditional use permit shall  
171 not be valid for a period longer than twelve (12) months, unless:

172 A. A a building permit is issued and construction is actually begun within that period and is  
173 thereafter diligently pursued to completion; or unless

174 B. A a certificate of occupancy is issued and a use commenced within that period; or unless

175 C. A a longer time is requested before the expiration and then granted by the planning  
176 commission or zoning administrator, as applicable. The approval of a proposed conditional use  
177 by the planning commission or zoning administrator shall authorize only the particular use for  
178 which it was issued. (2009 Code)

179

180

181 13-7E-10: REVOCATION (BY THE CONDITIONAL USE APPEAL/REVOCATION  
182 AUTHORITY):

183 A. Unless the mayor retains by contract another individual or individuals to fulfill the  
184 responsibilities of the conditional use appeal/revocation authority set forth in this section, the  
185 administrative law judge, identified in title 16, shall be and shall fulfill all the responsibilities of  
186 the conditional use appeal/revocation authority.

187 B. A conditional use permit may be revoked by the development services director after  
188 review and recommendation by the planning commission. The planning commission shall hold a  
189 public hearing prior to recommending the revocation of a conditional use permit. conditional use  
190 appeal/revocation authority after:

191 1. A request for conditional use revocation hearing (“hearing request”), which is like an  
192 administrative code enforcement hearing described in title 16, chapter 2, article E, is  
193 submitted by the community development department to the director of community  
194 preservation; and

195 2. A hearing is held, pursuant to title 16, chapter 2, article E. All parties shall comply with any  
196 other applicable provisions of title 16.

197 C. To submit a hearing request, there is no requirement for a prior notice of violation or  
198 administrative citation, but the community development department shall attach to the hearing  
199 request a supporting statement, documents, and information.

200 D. Any recommendation of the planning commission and any final decision by the  
201 conditional use appeal/revocation authority development services director to revoke a conditional  
202 use permit shall require a finding of one or more of the following:

203 1A. The conditional use is a nuisance or is detrimental to the public health, safety or  
204 welfare;

205 2B. The conditional use permit was obtained by fraud;

206 3C. The conditional use for which the permit was granted has been altered;

207 4D. The conditional use for which the permit was granted has ceased or has been suspended  
208 for six (6) months or more; or

209 5E. The conditions of the permit have not been complied with; or

210 6. Any other reason allowed by law.

211 E. The final decision of the conditional use appeal/revocation authority development services  
212 director may be appealed, by any party to the revocation hearing, as per sections 15-5-6 and 15-  
213 6-1 of this code. (2009 Code; amd. Ord. 19-50, 12-11-2019, Effective at 12 noon on January 6,  
214 2020)

215

216

217 13-7E-11: STATUS OF **CONDITIONAL** USE PERMIT:

218 A conditional use permit granted pursuant to provisions of this article shall run with the land and  
219 continue to be valid regardless of ownership of the site or structure subject of the **conditional** use  
220 permit application, so long as it operates within the conditions, **stipulations** and terms of the  
221 conditional use permit approval. (2009 Code)

222

223 13-7E-12: MODIFICATION OF CONDITIONAL USE PERMIT **(NEW APPLICATION)**:

224 A request to modify, expand, or otherwise change an approved conditional use permit, not in  
225 substantial conformance with the approved permit, shall be reviewed and processed according to  
226 provisions of this article as a new application. (2009 Code)

227

228 13-7E-13: REAPPLICATION **(AFTER DENIAL OR REVOCATION)**:

229 In cases where ~~the a~~ conditional use permit has been denied or revoked, **and unless otherwise**  
230 **required by law or ordered by the conditional use appeal/revocation authority or a court**, no  
231 application for a conditional use permit for the same or substantially the same use on the same or  
232 substantially the same site shall be filed within one year from the date of denial or revocation of  
233 the **conditional** use permit. (2009 Code)

234

235 15-5-1: GENERAL PROVISIONS:

236 A. Application: An application specifying the reasons for an appeal shall be submitted in  
237 writing to the **community development services** department within fifteen (15) **calendar** days  
238 following the administrative decision, along with any applicable fee to cover the cost of  
239 processing the application. No application shall be processed until the application is complete  
240 and the required fee has been paid.

241 B. Hearing Procedures: Hearing procedures shall be as set forth in the bylaws, rules, policies  
242 and/or procedures as may be adopted from time to time by the city council, **conditional use**  
243 **appeal/revocation authority, planning commission** and/or board of adjustment.

244 C. Filing Deadline: All written documents and evidence from the applicant shall be received  
245 by the **community development services** department at least **fifteen (15) thirty (30)** calendar days  
246 in advance of the public hearing.

247 D. Staff Report: A staff report and recommendation shall be available for inspection at least  
248 five (5) **calendar** days prior to the hearing.

249 E. Burden of Proof **(“Error Standard”); and Scope of Review (“On the Record”)**: The person  
250 **or entity** making the appeal has the burden of proving that an error has been made **and shall**  
251 **present every theory of relief that the person could raise in district court. The appeal shall be “on**  
252 **the record”, not “de novo”.**

253 F. Appeal Authority: Appeals shall not be used to waive or modify the terms or requirements  
254 of this title. (2009 Code; amd. Ord. 19-52, 12-11-2019, Effective at 12 noon on January 6, 2020)

255

256 15-5-3: APPEALS TO BOARD OF ADJUSTMENT:

257 A. Right of Appeal: Other than for issues regarding fees, pursuant to section 15-5-2 above, or  
258 for appealing a conditional use permit decision, pursuant to section 13-7E-8 of this code, or as  
259 otherwise set forth in this code, appeals to the board of adjustment may be taken by any person  
260 aggrieved by any administrative decision or action of city staff or the planning commission on  
261 matters pertaining to the interpretation and application of title 12, 13, 14, or 15 titles 5, 8 through  
262 15 inclusive, or 17 of this code. The appeal shall be filed within thirty (30) fifteen (15) calendar  
263 days following the decision at issue. The person filing the appeal shall file written notice with the  
264 zoning administrator and with the board of adjustment specifying the reasons for the appeal. The  
265 city staff associated with the issues of the appeal shall, without delay, transmit to the board of  
266 adjustment all documents and records constituting the record upon which the action appealed  
267 from is taken.

268 BC. Zoning Land Use Decisions: Zoning Unless otherwise set forth in this code, land use  
269 decisions applying to title 12, 13, 14, or 15 titles 5, 8 through 15 inclusive, or 17 of this code  
270 may be appealed to the board of adjustment. The appeal shall be filed within fifteen (15)  
271 calendar days following the decision at issue, pursuant to subsection A above. A person may not  
272 appeal, and the board of adjustment may not consider, any zoning land use ordinance  
273 amendments, zoning map amendments, future land use map amendments, or general plan  
274 amendments. Appeals may not be used to waive or modify the terms or requirements of title 12,  
275 13, 14, or 15 of this code.

276 CB. Burden of Proof (“Error Standard”); and Scope of Review (“On the Record”): The person  
277 or entity making the appeal has the burden of proving that an error has been made and shall  
278 present every theory of relief that the person could raise in district court. The appeal shall be “on  
279 the record”, not “de novo”.

280 D. Stay of Proceedings: An appeal to the board of adjustment stays all proceedings in  
281 furtherance of the action appealed from, unless the officer from whom the appeal is taken  
282 certifies to the board of adjustment after the notice of appeal has been filed that, by reason of  
283 facts stated in the certification, a stay would, in his the officer’s opinion, cause imminent peril to  
284 life or property. In such case proceedings shall not be stayed except by a restraining order  
285 granted by the district court on application and notice and on due cause shown.

286 E. Time and Notice of Hearing: The board of adjustment shall fix a reasonable time for the  
287 hearing of the appeal, give public notice of the appeal as well as notice to the parties in interest,  
288 and shall decide the appeal within a reasonable time. Upon the hearing, a party may appear in  
289 person or by agent or by attorney.

290 F. Reverse of Decision: The board of adjustment, according to its own rules, may reverse any  
291 order, requirement, or determination of an administrative officer and may decide in favor of the  
292 appellant.

293 G. Other Possible Action: The board of adjustment, after reviewing the decision of city staff  
294 or the planning commission, may affirm, reverse, alter, or postpone any determination until  
295 further study can be conducted. This may include referring the matter back to city staff or the  
296 planning commission for additional review.

297 H. Variances: Hearing and deciding requests for variances from the terms of titles 5, 8  
298 through 15 inclusive, or 17 of this code, shall be as described in title 13, chapter 7, article G of  
299 this code, or successor provisions. (2009 Code; §15-5-4, amd. Ord. 19-52, 12-11-2019, Effective  
300 at 12 noon on January 6, 2020; Ord. 21-11, 3-24-2021)

301

302 15-5-6: APPEAL OF ACTION BY CONDITIONAL USE PERMIT REVOCATION  
303 APPEAL/REVOCATION AUTHORITY:

304 The final action of the conditional use appeal/revocation authority, as defined in section 13-7E-  
305 10, development services director revoking including the appeal or revocation of a conditional  
306 use permit, made pursuant to sections 13-7E-8 or 13-7E-10 of this code, may be appealed to the  
307 district court for judicial review pursuant to section 15-6-1. ~~board of adjustment.~~ A request for  
308 appeal must be filed in writing within fifteen (15) days. ~~The board of adjustment shall render a~~  
309 ~~written decision within a reasonable time.~~ (Ord. 10-09, 2-24-2010; §15-5-8, amd. Ord. 19-52, 12-  
310 11-2019, Effective at 12 noon on January 6, 2020)

311

312 15-6-1: JUDICIAL REVIEW OF BOARD OF ADJUSTMENT, CONDITIONAL USE  
313 APPEAL/REVOCATION AUTHORITY, OR CITY COUNCIL DECISION:

314 Any person aggrieved by any decision of the board of adjustment, the conditional use  
315 appeal/revocation authority (as defined in section 13-7E-10 of this code), or the city council  
316 (review process types III, IV, or V, or conditional use permit appeals and revocations) may have  
317 and maintain a plenary action for relief from any district court whose jurisdiction includes the  
318 city; provided, that a petition for such relief is presented to the court within thirty (30) calendar  
319 days after the rendering of the final decision on the matter in question, or as otherwise required  
320 by law by the city council. (2009 Code; amd. Ord. 19-52, 12-11-2019, Effective at 12 noon on  
321 January 6, 2020)

1 **Clean Version:**

2 ARTICLE E. CONDITIONAL USE PERMITS

3 SECTION:

4 13-7E-1: Purpose

5 13-7E-2: Application Process

6 13-7E-3: Submittal Requirements

7 13-7E-4: Additional Submittal Requirements

8 13-7E-5: Public Hearing

9 13-7E-6: Action By Planning Commission Or Zoning Administrator

10 13-7E-7: Criteria For Approval

11 13-7E-8: Effect and Effective Date Of Conditional Use Permit; Appeal

12 13-7E-9: Expiration

13 13-7E-10: Revocation (by the Conditional Use Appeal/Revocation Authority)

14 13-7E-11: Status Of Conditional Use Permit

15 13-7E-12: Modification Of Conditional Use Permit (New Application)

16 13-7E-13: Reapplication (After Denial or Revocation)

17

18 13-7E-1: PURPOSE:

19 The city recognizes certain uses which may be appropriate in specific zone districts but have  
20 characteristics that, depending upon the location, design, and standards of operation, may have a  
21 greater impact than permitted uses on adjoining properties, businesses, or residences within the  
22 city. Such uses require a more comprehensive review, including the ability of the city to establish  
23 specific conditions for the project to mitigate any reasonably anticipated detrimental effects. The  
24 planning commission and zoning administrator can evaluate only conditional uses listed on the  
25 land use tables and are empowered to grant, grant with conditions, or deny any application for a  
26 conditional use permit. Such review by the planning commission and zoning administrator is  
27 subject to findings (based upon the criteria in section 13-7E-7) and the applicable hearing  
28 requirements of this article (section 13-7E-5). (2001 Code § 89-5-404; amd. 2009 Code)

29

30 13-7E-2: APPLICATION PROCESS:

31 Applications shall be submitted in the office of and in the manner established by the community  
32 development department. (2009 Code; amd. ord. 19-50, 12-11-2019, Effective at 12 noon on  
33 January 6 2020)

34

35 13-7E-3: SUBMITTAL REQUIREMENTS:

36 Any person who seeks a conditional use permit application approval shall submit an application  
37 on the official form provided by the community development department with required  
38 documentation specified on checklists provided by the community development department.  
39 Submittal requirements shall be as established administratively by the community development  
40 department and shall include, but not be limited to:

41 A. Evidence of ownership or the type of controlling interest in the property;

42 B. Legal description of the property;

43 C. Property owner, including a property owner affidavit, if the applicant is not the owner;

44 D. The present zoning classification;

45 E. The proposed use of the property;

46 F. A scaled diagram of the subject parcel and surrounding area, inclusive of ingress and egress  
47 points from all parcels along both sides of subject streets bounding the property;

48 G. The applicant shall submit the application, together with the applicable fee, according to the  
49 consolidated fee schedule, to the community development department;

50 H. Applications shall not be reviewed without the written consent of the property owner;

51 I. The burden of proof for all applications shall be the responsibility of the applicant; and

52 J. The appropriate city departments shall, in a timely manner, determine whether the application  
53 is complete for purposes of subsequent, substantive planning commission or zoning  
54 administrator review, as applicable, and shall comply with the other provisions of Utah Code  
55 Ann. sections 10-9a-509 and 10-9a-509.5 or successor provisions. Additional submittal  
56 requirements may also be imposed pursuant to section 13-7E-4 of this article. (2009 Code; amd.  
57 Ord. 11-35, 11-22-2011; Ord. 19-50, 12-11-2019, Effective at 12 noon on January 6, 2020)

58

59 13-7E-4: ADDITIONAL SUBMITTAL REQUIREMENTS:

60 The planning commission or community development department may require an applicant to  
61 provide an analysis of any reasonably anticipated detrimental effects (traffic, environmental,  
62 utilities, public safety, and infrastructure, etc.) affecting the health, safety or general welfare of  
63 persons residing or working within the neighborhood of the proposed conditional use. (2009  
64 Code; amd. Ord. 19-50, 12-11-2019, Effective at 12 noon on January 6, 2020)

65

66 13-7E-5: PUBLIC HEARING:

67 The application, together with all pertinent information, shall be considered by the planning  
68 commission, or the zoning administrator (in the case of an administrative conditional use

69 permit), at a public hearing. Notice of the public hearing shall be provided as outlined in title 15  
70 of this code, including sections 15-3-9 and 15-3-10. (2009 Code)

71

72 13-7E-6: ACTION BY PLANNING COMMISSION OR ZONING ADMINISTRATOR:

73 A. Staff Report: Prior to the planning commission or zoning administrator, as applicable,  
74 considering an application for a conditional use permit, the community development  
75 department, in consultation with other appropriate city departments, shall review and  
76 study the application and prepare a staff report, which shall include the following:

77 1. Suggestions regarding the reasonably anticipated detrimental effects of the proposed  
78 conditional use, together with the reasons why each of the suggested reasonably  
79 anticipated detrimental effects will be detrimental; and

80 2. Suggestions for reasonable conditions, which will reasonably relate to mitigating each  
81 of the reasonably anticipated detrimental effects of the proposed conditional use.

82 B. Identifying Detrimental Effects and Conditions: Prior to approving any application for a  
83 conditional use permit, the planning commission or zoning administrator, as applicable,  
84 shall complete the following regarding the application:

85 1. Identify the reasonably anticipated detrimental effects of the proposed conditional  
86 use, together with the reasons why each of the identified reasonably anticipated  
87 detrimental effects will be detrimental;

88 2. Identify reasonable conditions, to be required by the city, which will reasonably relate  
89 to mitigating each of the reasonably anticipated detrimental effects of the proposed  
90 conditional use; and

91 3. State on the record, as part of the decision, each of the identified reasonably  
92 anticipated detrimental effects and each of the identified reasonable conditions,  
93 imposed by the city, which reasonably relate to mitigating each of the reasonably  
94 anticipated detrimental effects of the proposed conditional use.

95 C. Types of Conditions: A conditional use shall be approved if reasonable conditions are  
96 proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of  
97 the proposed use in accordance with applicable standards (the criteria in section 13-7E-7  
98 in this article). These types of conditions which may be proposed or imposed may  
99 include, but are not limited to:

100 1. Requirements for setbacks, open spaces, buffers, fences or walls, barriers, and  
101 landscaping to mitigate conflicts from visual, noise, lighting and similar ~~impacts~~  
102 detrimental effects associated with the use;

103 2. Dedication of street or other public rights of way and control in location of access  
104 points and on site circulation to mitigate traffic detrimental effects from increased  
105 volumes or nature of traffic activity associated with the use;



- 106 3. Regulations pertaining to hours of operation, methods of operation, and phasing of  
107 the development of the site to mitigate detrimental effects to surrounding properties  
108 and the neighborhood; and
- 109 4. Time limits on the duration of the permit to determine if the use, after a temporary  
110 period of operation, is materially detrimental or to evaluate whether changed  
111 conditions in the neighborhood effect the capability of the use to continue to  
112 adequately mitigate detrimental effects to the surrounding area or the city as a whole.
- 113 D. Denial: If the reasonably anticipated detrimental effects of a proposed conditional use  
114 cannot be substantially mitigated by the proposal or the imposition of reasonable  
115 conditions to achieve compliance with applicable standards (the criteria in section 13-7E-  
116 7 of this article), the conditional use may be denied. (2009 Code)

117

118 13-7E-7: CRITERIA FOR APPROVAL:

119 Prior to approving any application for a conditional use permit, the planning commission or  
120 zoning administrator, as applicable, shall find that the proposed conditional use meets all the  
121 following applicable standards, referred to herein as criteria:

122 A. The proposed conditional use is consistent with the intent of the goals and policies of the  
123 general plan and the purpose of the zone district in which the proposed site is located;

124 B. The proposed site is adequate in size and shape to accommodate the proposed conditional  
125 use; and all the requirements for the zone district, including, but not limited to, setbacks, parking,  
126 on site circulation, screening, buffering, and landscaping, are being met;

127 C. The proposed site has adequate access to public streets and highways to carry the type and  
128 quantity of traffic which may be generated by the proposed conditional use;

129 D. Where applicable, the proposed conditional use will have appropriate connections to the  
130 water, sewer, and other city utility systems, as determined by the appropriate city departments,  
131 and with due regard to the public health, safety, and welfare;

132 E. Reasonably anticipated effects, both detrimental and beneficial, have been identified; and  
133 reasonable conditions which reasonably relate to mitigating each of the reasonably anticipated  
134 detrimental effects of the proposed conditional use have also been identified; and

135 F. Adequate conditions have been incorporated into the approval of the conditional use permit  
136 so that any reasonably anticipated detrimental effects will be reasonably mitigated. (2009 Code;  
137 amd. Ord. 10-24, 8-25-2010)

138

139 13-7E-8: EFFECT AND EFFECTIVE DATE OF CONDITIONAL USE PERMIT; APPEAL:

140 A. The approval of a proposed conditional use by the planning commission or the zoning  
141 administrator shall not authorize the establishment or extension of any use nor the development,  
142 construction, reconstruction, alteration, or moving of any building or structure, but shall merely

143 authorize the preparation, filing, and processing of applications for any permits or approvals that  
144 may be required by the regulations of the city, including, but not limited to, a building permit,  
145 certificate of occupancy, and subdivision approval.

146 B. The decision of the planning commission or zoning administrator shall be final and  
147 effective sixteen (16) calendar days from the date of the decision, unless an appeal is filed  
148 pursuant to the procedures in sections 15-5-1, 15-5-3, and 15-5-6 of this code, except that the  
149 appeal shall be to the conditional use appeal/revocation authority, as defined in section 13-7E-10  
150 of this article.

151 C. The approval of a proposed conditional use permit by the planning commission or zoning  
152 administrator shall authorize only the particular use for which it was issued. (2009 Code; amd.  
153 Ord. 10-09, 2-24-2010)

154

155 13-7E-9: EXPIRATION:

156 For each conditional use permit requiring a building permit, the conditional use permit shall not  
157 be valid for a period longer than twelve (12) months, unless:

158 A. A building permit is issued and construction is actually begun within that period and is  
159 thereafter diligently pursued to completion;

160 B. A certificate of occupancy is issued and a use commenced within that period; or

161 C. A longer time is requested before the expiration and then granted by the planning  
162 commission or zoning administrator, as applicable. (2009 Code)

163

164 13-7E-10: REVOCATION (BY THE CONDITIONAL USE APPEAL/REVOCATION  
165 AUTHORITY):

166 A. Unless the mayor retains by contract another individual or individuals to fulfill the  
167 responsibilities of the conditional use appeal/revocation authority set forth in this section, the  
168 administrative law judge, identified in title 16, shall be and shall fulfill all the responsibilities of  
169 the conditional use appeal/revocation authority.

170 B. A conditional use permit may be revoked by the conditional use appeal/revocation  
171 authority after:

172 1. A request for conditional use revocation hearing (“hearing request”), which is like an  
173 administrative code enforcement hearing described in title 16, chapter 2, article E, is  
174 submitted by the community development department to the director of community  
175 preservation; and

176 2. A hearing is held, pursuant to title 16, chapter 2, article E. All parties shall comply with any  
177 other applicable provisions of title 16.

178 C. To submit a hearing request, there is no requirement for a prior notice of violation or  
179 administrative citation, but the community development department shall attach to the hearing  
180 request a supporting statement, documents, and information.

181 D. Any final decision by the conditional use appeal/revocation authority to revoke a  
182 conditional use permit shall require a finding of one or more of the following:

183 1. The conditional use is a nuisance or is detrimental to the public health, safety or welfare;

184 2. The conditional use permit was obtained by fraud;

185 3. The conditional use for which the permit was granted has been altered;

186 4. The conditional use for which the permit was granted has ceased or has been suspended  
187 for six (6) months or more;

188 5. The conditions of the permit have not been complied with; or

189 6. Any other reason allowed by law.

190 E. The final decision of the conditional use appeal/revocation authority may be appealed, by  
191 any party to the revocation hearing, as per sections 15-5-6 and 15-6-1 of this code. (2009 Code;  
192 amd. Ord. 19-50, 12-11-2019, Effective at 12 noon on January 6, 2020)

193

194 13-7E-11: STATUS OF CONDITIONAL USE PERMIT:

195 A conditional use permit granted pursuant to provisions of this article shall run with the land and  
196 continue to be valid regardless of ownership of the site or structure subject of the conditional use  
197 permit application, so long as it operates within the conditions and terms of the conditional use  
198 permit approval. (2009 Code)

199

200 13-7E-12: MODIFICATION OF CONDITIONAL USE PERMIT (NEW APPLICATION):

201 A request to modify, expand, or otherwise change an approved conditional use permit, not in  
202 substantial conformance with the approved permit, shall be reviewed and processed according to  
203 provisions of this article as a new application. (2009 Code)

204

205 13-7E-13: REAPPLICATION (AFTER DENIAL OR REVOCATION):

206 In cases where a conditional use permit has been denied or revoked, and unless otherwise  
207 required by law or ordered by the conditional use appeal/revocation authority or a court, no  
208 application for a conditional use permit for the same or substantially the same use on the same or  
209 substantially the same site shall be filed within one year from the date of denial or revocation of  
210 the conditional use permit. (2009 Code)

211

212 15-5-1: GENERAL PROVISIONS:

213 A. Application: An application specifying the reasons for an appeal shall be submitted in  
214 writing to the community development department within fifteen (15) calendar days following  
215 the administrative decision, along with any applicable fee to cover the cost of processing the  
216 application. No application shall be processed until the application is complete and the required  
217 fee has been paid.

218 B. Hearing Procedures: Hearing procedures shall be as set forth in the bylaws, rules, policies  
219 and/or procedures as may be adopted from time to time by the city council, conditional use  
220 appeal/revocation authority, and/or board of adjustment.

221 C. Filing Deadline: All written documents and evidence from the applicant shall be received  
222 by the community development department at least fifteen (15) calendar days in advance of the  
223 public hearing.

224 D. Staff Report: A staff report and recommendation shall be available for inspection at least  
225 five (5) calendar days prior to the hearing.

226 E. Burden of Proof (“Error Standard”); and Scope of Review (“On the Record”): The person  
227 making the appeal has the burden of proving that an error has been made and shall present every  
228 theory of relief that the person could raise in district court. The appeal shall be “on the record”,  
229 not “de novo”.

230 F. Appeal Authority: Appeals shall not be used to waive or modify the terms or requirements  
231 of this title. (2009 Code; amd. Ord. 19-52, 12-11-2019, Effective at 12 noon on January 6, 2020)

232

233 15-5-3: APPEALS TO BOARD OF ADJUSTMENT:

234 A. Right of Appeal: Other than for issues regarding fees, pursuant to section 15-5-2 above, or  
235 for appealing a conditional use permit decision, pursuant to section 13-7E-8 of this code, or as  
236 otherwise set forth in this code, appeals to the board of adjustment may be taken by any person  
237 aggrieved by any administrative decision or action of city staff or the planning commission on  
238 matters pertaining to the interpretation and application of titles 5, 8 through 15 inclusive, or 17 of  
239 this code. The appeal shall be filed within fifteen (15) calendar days following the decision at  
240 issue. The person filing the appeal shall file written notice with the zoning administrator and with  
241 the board of adjustment specifying the reasons for the appeal. The city staff associated with the  
242 issues of the appeal shall, without delay, transmit to the board of adjustment all documents and  
243 records constituting the record upon which the action appealed from is taken.

244 B. Land Use Decisions: Unless otherwise set forth in this code, land use decisions applying to  
245 titles 5, 8 through 15 inclusive, or 17 of this code may be appealed to the board of adjustment.  
246 The appeal shall be filed within fifteen (15) calendar days following the decision at issue,  
247 pursuant to subsection A above. A person may not appeal, and the board of adjustment may not  
248 consider, any land use ordinance amendments, zoning map amendments, future land use map  
249 amendments, or general plan amendments. Appeals may not be used to waive or modify the  
250 terms or requirements of this code.

251 C. Burden of Proof (“Error Standard”); and Scope of Review (“On the Record”): The person  
252 making the appeal has the burden of proving that an error has been made and shall present every  
253 theory of relief that the person could raise in district court. The appeal shall be “on the record”,  
254 not “de novo”.

255 D. Stay of Proceedings: An appeal to the board of adjustment stays all proceedings in  
256 furtherance of the action appealed from, unless the officer from whom the appeal is taken  
257 certifies to the board of adjustment after the notice of appeal has been filed that, by reason of  
258 facts stated in the certification, a stay would, in the officer’s opinion, cause imminent peril to life  
259 or property. In such case proceedings shall not be stayed except by a restraining order granted by  
260 the district court on application and notice and on due cause shown.

261 E. Time and Notice of Hearing: The board of adjustment shall fix a reasonable time for the  
262 hearing of the appeal, give public notice of the appeal as well as notice to the parties in interest,  
263 and shall decide the appeal within a reasonable time. Upon the hearing, a party may appear in  
264 person or by agent or by attorney.

265 F. Reverse of Decision: The board of adjustment, according to its own rules, may reverse any  
266 order, requirement, or determination of an administrative officer and may decide in favor of the  
267 appellant.

268 G. Other Possible Action: The board of adjustment, after reviewing the decision of city staff  
269 or the planning commission, may affirm, reverse, alter, or postpone any determination until  
270 further study can be conducted. This may include referring the matter back to city staff or the  
271 planning commission for additional review.

272 H. Variances: Hearing and deciding requests for variances from the terms of titles 5, 8  
273 through 15 inclusive, or 17 of this code, shall be as described in title 13, chapter 7, article G of  
274 this code, or successor provisions. (2009 Code; §15-5-4, amd. Ord. 19-52, 12-11-2019, Effective  
275 at 12 noon on January 6, 2020; Ord. 21-11, 3-24-2021)

276

277 **15-5-6: APPEAL OF ACTION BY CONDITIONAL USE APPEAL/REVOCATION**  
278 **AUTHORITY:**

279 The final action of the conditional use appeal/revocation authority, as defined in section 13-7E-  
280 10, including the appeal or revocation of a conditional use permit, made pursuant to sections 13-  
281 7E-8 or 13-7E-10 of this code, may be appealed to the district court for judicial review pursuant  
282 to section 15-6-1. (Ord. 10-09, 2-24-2010; §15-5-8, amd. Ord. 19-52, 12-11-2019, Effective at  
283 12 noon on January 6, 2020)

284

285 **15-6-1: JUDICIAL REVIEW OF BOARD OF ADJUSTMENT, CONDITIONAL USE**  
286 **APPEAL/REVOCATION AUTHORITY, OR CITY COUNCIL DECISION:**

287 Any person aggrieved by any decision of the board of adjustment, the conditional use  
288 appeal/revocation authority (as defined in section 13-7E-10 of this code), or the city council  
289 (review process types III, IV, or V, or conditional use permit appeals and revocations) may have

290 and maintain a plenary action for relief from any district court whose jurisdiction includes the  
291 city; provided, that a petition for such relief is presented to the court within thirty (30) calendar  
292 days after the rendering of the final decision on the matter in question, or as otherwise required  
293 by law. (2009 Code; amd. Ord. 19-52, 12-11-2019, Effective at 12 noon on January 6, 2020)



**MINUTES OF THE CITY OF WEST JORDAN  
CITY COUNCIL MEETING  
Wednesday, November 16, 2022 – 7:00 PM  
Approved December 7, 2022**

Thomas M. Rees Justice Center  
8040 S Redwood Road • West Jordan, UT 84088

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**COUNCIL:** Vice Chair Kelvin Green, Chris McConnehey, Zach Jacob, Melissa Worthen, David Pack, Pamela Bloom

**STAFF:** Council Office Director Alan Anderson, Council Office Clerk Cindy Quick, Policy Analyst Cassidy Hansen, City Administrator Korban Lee, Mayor Dirk Burton, Community Engagement & Government Affairs Director Tauni Barker, Public Works Director Brian Clegg, Public Utilities Director Greg Davenport, Senior PC Specialist Rodney Glore, Fire Chief Derek Maxfield, Assistant City Attorney Duncan Murray, Economic Development Director Chris Pengra, Assistant City Attorney Dave Quealy

### **1. CALL TO ORDER**

Vice Chair Green called the meeting to order at 7:01 pm and noted that Chair Whitelock was excused. He welcomed students from West Jordan High School.

### **2. PLEDGE OF ALLEGIANCE**

David Murphy led participants in the Pledge of Allegiance.

### **3. PUBLIC COMMENT**

Vice Chair Green thanked event staff for the recent Veteran's Day event.

**Vice Chair Green opened the public comment period at 7:05 pm**

#### **Citizen Comments:**

Ryan Wilkinson said he recently spoke with the Mayor on the phone and was disappointed with the answers to his questions about South Valley Regional Airport. He questioned why the City allowed the Regional Airport to continue operating when West Jordan did not benefit financially, and the noise was a nuisance to the residents.

**Vice Chair Green closed public comments at 7:10 pm**

### **4. COUNCIL ADMINISTRATIVE ITEMS**

- a. Resolution No. 22-051 providing advice and consent to appoint Brian Clegg to serve on the Trans-Jordan Cities Landfill Board**

Mayor Burton recommended the Council appoint Brian Clegg to serve on the Trans-Jordan Cities Landfill Board. David Newton would serve as alternate. Mayor Burton recommended the Council appoint David Murphy to serve on the South Valley Water Reclamation Facility Board. Council Member Pack said the Mayoral Appointment Subcommittee unanimously approved of both appointments.

**MOTION: Council Member McConnehey moved to APPROVE Resolution No. 22-051 providing advice and consent to appoint Brian Clegg to serve on the Trans-Jordan Cities Landfill Board, and Resolution No. 22-052 providing advice and consent to appoint David Murphy to serve on the South Valley Water Reclamation Facility board. Council Member Jacob seconded the motion.**

**The vote was recorded as follows:**

**Yes: Pamela Bloom, Kelvin Green, Zach Jacob, Chris McConnehey, David Pack, Melissa Worthen**

**No:**

**Absent: Kayleen Whitelock**

**The motion passed 6-0.**

- b. Resolution No. 22-052 providing advice and consent to appoint David Murphy to serve on the South Valley Water Reclamation Facility board as a member representing the City of West Jordan.*

Approved with the previous motion.

## **5. EXECUTIVE REPORTS TO COUNCIL**

### *a. Mayor's Report*

Mayor Dirk Burton noted that he believed the City benefited economically from the South Valley Regional Airport and wanted the airport to be successful. Mayor Burton reported on a recent e-waste shred event, a recent Utah League of Cities and Towns meeting, the Fire Department Annual Awards Banquet, the Veterans Day event, a bike symposium, progress along the Jordan River, and a recent Arts Society auction. He spoke of upcoming Outward Mindset Training for City Department Heads. Mayor Burton said he looked forward to speaking to the Copper Hills High School U.S. Government Class.

### *b. City Administrator's Report*

Public Utilities Director Greg Davenport reported City crews would complete a permanent fix of a manhole cover at 7000 South and 2200 West that evening. Community Engagement & Government Affairs Director Tauni Barker reported on action at the State Capitol and related email communications from the City. City Administrator Korban Lee reported on the transition to a temporary City Hall location.

## **6. REPORTS TO COUNCIL**

### *a. Annual Business Survey Report – Chris Pengra, Economic Development Director*



Council Member McConnehey commented that the Council did not receive a copy of the report or presentation prior to the meeting and suggested moving the presentation to a future meeting to allow time for the Council to review the report and come prepared with questions. Economic Development Director Chris Pengra noted that the report was sent to the Council Office late the previous day.

**Council Member McConnehey moved to postpone the presentation to a date uncertain, to be determined by Council Leadership. Council Member Bloom seconded the motion.**

**The vote was recorded as follows:**

**Yes: Pamela Bloom, Kelvin Green, Zach Jacob, Chris McConnehey, David Pack, Melissa Worthen**

**No:**

**Absent: Kayleen Whitelock**

**The motion passed 6-0.**

## **7. PUBLIC HEARINGS**

**a. Ordinance No. 22-49 amending Section 13-7E-8 Conditional Use Permits Development Procedures amending the criteria for approval to comply with recent changes in UCA 10-9a-507**

Assistant City Attorney Duncan Murray explained proposed amendments to City Code Section 13-7E-8 regarding criteria for conditional use permit approval. He expressed the opinion that the proposed amendments represented a good start, but additional amendments were needed. Mr. Murray requested feedback from the Council, and recommended staff make additional changes and submit the language to the Planning Commission to make a recommendation to the City Council.

**Vice Chair Green opened a public hearing at 7:35 pm**

Comments:

None

**Vice Chair Green closed the public hearing at 7:36 pm**

Council Member McConnehey provided feedback and said he sent a copy of his suggestions to staff. Vice Chair Green said he believed Sections A-D and F were unnecessary. Vice Chair Green emphasized that conditional use was an administrative issue and stated the focus should be on mitigating detrimental impacts. He expressed the opinion that if the Planning Commission was the body that granted a conditional use, the Planning Commission should be the body to revoke the use if necessary. Council Member Jacob said he agreed Sections A-D were unnecessary because they were applicable to every business.

**Vice Chair Green moved to remand Ordinance No. 22-49 back to the Planning Commission to look at all 13 Sections of 13-7E. Council Member McConnehey seconded the motion with discussion.**

Council Member McConnehey said he was hesitant to expand the scope without first providing input and direction to the Planning Commission. He said he would prefer discussion in work session first.

**Vice Chair Green withdrew the motion with no objection from the Council.**

**Council Member McConnehey moved to deny Ordinance No. 22-49. With no second, the motion was withdrawn.**

**Vice Chair Green moved to refer Ordinance No. 22-49 amending Section 13-7E-8 Conditional Use Permits Development Procedures amending the criteria for approval to comply with recent changes in UCA 10-9a-507 to the Committee of the Whole. Council Member McConnehey seconded the motion.**

**The vote was recorded as follows:**

**Yes: Pamela Bloom, Kelvin Green, Zach Jacob, Chris McConnehey, David Pack, Melissa Worthen**

**No:**

**Absent: Kayleen Whitelock**

**The motion passed 6-0.**

## **8. CONSENT ITEMS**

### **a. Approve Meeting Minutes**

*October 26, 2022 – Committee of the Whole Meeting*

*October 26, 2022 – Regular City Council Meeting*

**MOTION: Council Member McConnehey moved to approve consent items as listed. Council Member Bloom seconded the motion, which passed by unanimous voice vote (6-0).**

## **9. CITY COUNCIL REPORTS/REMARKS**

### **a. Council Office Report**

Council Office Director Alan R. Anderson spoke of upcoming Outward Mindset Training for staff and reported the Council Office had moved to the temporary City Hall location.

### **b. City Council Reports / Remarks**

Council Member Pack –

- Thanked event staff for the Fire Department Awards Banquet and the Veteran's Day event. He appreciated sharing the events with family and the community.

Vice Chair Green –

- Appreciated the Fire Department Awards event.
- Attended the groundbreaking for Truck Ranch.
- Expressed thanks to William Royce for the invitation to attend the Fifth Annual Legislative Shoot Out sponsored by Central Labor Federation.

Council Member Bloom –

- Expressed gratitude for being able to Tiny Tim’s retirement party; so grateful for all he did for the community.
- Spoke of experiencing Remembrance Day in Canada.

**c. Council Chair Housekeeping Items**

Vice Chair Green mentioned the upcoming Employee Christmas Luncheon and said the Employee Association was collecting cereal boxes to bridge the gap between meals for students.

## **10.ADJOURN**

**Council Member McConnehey moved to adjourn the Council Meeting. Council Member Worthen seconded the motion, which passed by unanimous voice vote (6-0).**

The meeting adjourned at 8:05 pm

*I, Cindy Quick, hereby certify that the foregoing minutes represent an accurate summary of what occurred at the meeting held on November 16, 2022. This document constitutes the official minutes for the West Jordan City Council meeting.*

Cindy M. Quick, MMC  
Council Office Clerk

Approved this 7<sup>th</sup> day of December 2022

**MINUTES OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD  
OCTOBER 18, 2022, IN THE THOMAS M. REES JUSTICE CENTER COMMUNITY ROOM**

**PRESENT:** Jay Thomas, Trish Hatch, Kent Shelton, Matt Quinney, Trish Hatch, Ammon Allen, George Winn, and McKenna Marchant.

**STAFF:** Larry Gardner, Ray McCandless, Mark Forsythe, Duncan Murray, Greg Davenport, Julie Davis, Isaac Astill

\*\*\*\*\*

**3. Text Amendment – Conditional Use Permits; Amend the West Jordan 2009 Code Section 13-7E-8 Conditional Use Permits Replacing ‘Findings for Approval’ with ‘Criteria for Approval’; City-wide applicability; City of West Jordan (applicant)**

Duncan Murray said this proposed amendment was discussed in the prior training meeting. The State Legislature changed the conditional use permit section, so this amendment will bring our code into compliance. If this proposed text amendment is approved, the original criteria would be repealed and replaced with the new criteria, which he explained with examples for each.

Jay Thomas opened the public hearing.

Further public comment was closed at this point for this item.

**MOTION:** Ammon Allen moved to forward a positive recommendation to the City Council to Amend the West Jordan 2009 Code Section 13-7E-8 Conditional Use Permits Replacing ‘Findings for Approval’ with ‘Criteria for Approval’. The motion was seconded by Trish Hatch and passed 7-0 in favor.

\*\*\*\*\*

1 THE CITY OF WEST JORDAN, UTAH  
2 A Municipal Corporation

3  
4 **RESOLUTION NO. 23-019**

5  
6 **A RESOLUTION PROVIDING APPRECIATION FOR SERVICE ON THE WEST**  
7 **JORDAN GENERAL PLAN COMMITTEE**

8  
9 WHEREAS, City Code § 1-6C-3 enables the city council to appoint members to a General  
10 Plan Committee to serve as an ad hoc committee to assist the Planning Commission and the  
11 City Council in the preparation and adoption of a comprehensive General Plan; and

12  
13 WHEREAS, members of the General Plan Committee were appointed and have served  
14 diligently in their role; and

15  
16 WHEREAS, the City Council desires to express its appreciation to Bob Lively who served as a  
17 member of the General Plan Committee; and

18  
19  
20 NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

21  
22 Section 1: Bob Lively is hereby commended for his outstanding service as a member of the  
23 General Plan Committee.

24  
25 Section 2: This resolution takes effect upon adoption by the city council.

26  
27 Adopted by the City Council of West Jordan, Utah, this 22<sup>nd</sup> day of March 2023.

28  
29 CITY OF WEST JORDAN

30  
31 By: \_\_\_\_\_  
32 Christopher McConnehey  
33 Council Chair

34 ATTEST:

35  
36 \_\_\_\_\_  
37 Cindy M. Quick, MMC  
38 Council Office Clerk

39 **Voting by the City Council**

- 40 Council Chair Christopher McConnehey  
41 Council Vice Chair Pamela Bloom  
42 Council Member Kelvin Green  
43 Council Member Zach Jacob  
44 Council Member David Pack  
45 Council Member Kayleen Whitelock  
46 Council Member Melissa Worthen

**"YES"**

**"NO"**

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1 THE CITY OF WEST JORDAN, UTAH  
2 A Municipal Corporation

3  
4 **RESOLUTION NO. 23-020**

5  
6 **A RESOLUTION PROVIDING APPRECIATION FOR SERVICE ON THE WEST**  
7 **JORDAN GENERAL PLAN COMMITTEE**

8  
9 WHEREAS, City Code § 1-6C-3 enables the city council to appoint members to a General  
10 Plan Committee to serve as an ad hoc committee to assist the Planning Commission and the  
11 City Council in the preparation and adoption of a comprehensive General Plan; and

12  
13 WHEREAS, members of the General Plan Committee were appointed and have served  
14 diligently in their role; and

15  
16 WHEREAS, the City Council desires to express its appreciation to George Sadowski who  
17 served as a member of the General Plan Committee; and

18  
19  
20 NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

21  
22 Section 1: George Sadowski is hereby commended for his outstanding service as a member of the  
23 General Plan Committee.

24  
25 Section 2: This resolution takes effect upon adoption by the city council.

26  
27 Adopted by the City Council of West Jordan, Utah, this 22<sup>nd</sup> day of March 2023.

28  
29 CITY OF WEST JORDAN

30  
31 By: \_\_\_\_\_  
32 Christopher McConnehey  
33 Council Chair

34 ATTEST:

35  
36 \_\_\_\_\_  
37 Cindy M. Quick, MMC  
38 Council Office Clerk

39 **Voting by the City Council**

40 Council Chair Christopher McConnehey  
41 Council Vice Chair Pamela Bloom  
42 Council Member Kelvin Green  
43 Council Member Zach Jacob  
44 Council Member David Pack  
45 Council Member Kayleen Whitelock  
46 Council Member Melissa Worthen

"YES"

"NO"

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1 THE CITY OF WEST JORDAN, UTAH  
2 A Municipal Corporation

3  
4 **RESOLUTION NO. 23-021**

5  
6 **A RESOLUTION PROVIDING APPRECIATION FOR SERVICE ON THE WEST**  
7 **JORDAN GENERAL PLAN COMMITTEE**  
8

9 WHEREAS, City Code § 1-6C-3 enables the city council to appoint members to a General  
10 Plan Committee to serve as an ad hoc committee to assist the Planning Commission and the  
11 City Council in the preparation and adoption of a comprehensive General Plan; and  
12

13 WHEREAS, members of the General Plan Committee were appointed and have served  
14 diligently in their role; and  
15

16 WHEREAS, the City Council desires to express its appreciation to Julie Carter who served as a  
17 member of the General Plan Committee; and  
18

19  
20 NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:  
21

22 Section 1: Julie Carter is hereby commended for her outstanding service as a member of the  
23 General Plan Committee.  
24

25 Section 2: This resolution takes effect upon adoption by the city council.  
26

27 Adopted by the City Council of West Jordan, Utah, this 22<sup>nd</sup> day of March 2023.  
28

29 CITY OF WEST JORDAN

30 By: \_\_\_\_\_  
31 Christopher McConnehey  
32 Council Chair  
33

34 ATTEST:

35 \_\_\_\_\_  
36 Cindy M. Quick, MMC  
37 Council Office Clerk  
38

39 **Voting by the City Council**

- 40 Council Chair Christopher McConnehey
- 41 Council Vice Chair Pamela Bloom
- 42 Council Member Kelvin Green
- 43 Council Member Zach Jacob
- 44 Council Member David Pack
- 45 Council Member Kayleen Whitelock
- 46 Council Member Melissa Worthen

**"YES"**

**"NO"**

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1 THE CITY OF WEST JORDAN, UTAH  
2 A Municipal Corporation

3  
4 **RESOLUTION NO. 23-022**

5  
6 **A RESOLUTION PROVIDING APPRECIATION FOR SERVICE ON THE WEST**  
7 **JORDAN GENERAL PLAN COMMITTEE**

8  
9 WHEREAS, City Code § 1-6C-3 enables the city council to appoint members to a General  
10 Plan Committee to serve as an ad hoc committee to assist the Planning Commission and the  
11 City Council in the preparation and adoption of a comprehensive General Plan; and

12  
13 WHEREAS, members of the General Plan Committee were appointed and have served  
14 diligently in their role; and

15  
16 WHEREAS, the City Council desires to express its appreciation to Russell Evans who served  
17 as a member of the General Plan Committee; and

18  
19  
20 NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

21  
22 Section 1: Russell Evans is hereby commended for his outstanding service as a member of the  
23 General Plan Committee.

24  
25 Adopted by the City Council of West Jordan, Utah, this 22<sup>nd</sup> day of March 2023.

26  
27 CITY OF WEST JORDAN

28  
29 By: \_\_\_\_\_  
30 Christopher McConnehey  
31 Council Chair

32  
33 ATTEST:

34 \_\_\_\_\_  
35 Cindy M. Quick, MMC  
36 Council Office Clerk

37 **Voting by the City Council**

**"YES"**

**"NO"**

38 Council Chair Christopher McConnehey

39 Council Vice Chair Pamela Bloom

40 Council Member Kelvin Green

41 Council Member Zach Jacob

42 Council Member David Pack

43 Council Member Kayleen Whitelock

44 Council Member Melissa Worthen



1 THE CITY OF WEST JORDAN, UTAH  
2 A Municipal Corporation

3  
4 **RESOLUTION NO. 23-023**

5  
6 **A RESOLUTION PROVIDING APPRECIATION FOR SERVICE ON THE WEST**  
7 **JORDAN GENERAL PLAN COMMITTEE**

8  
9 WHEREAS, City Code § 1-6C-3 enables the city council to appoint members to a General  
10 Plan Committee to serve as an ad hoc committee to assist the Planning Commission and the  
11 City Council in the preparation and adoption of a comprehensive General Plan; and

12  
13 WHEREAS, members of the General Plan Committee were appointed and have served  
14 diligently in their role; and

15  
16 WHEREAS, the City Council desires to express its appreciation to RJ Black who served as a  
17 member of the General Plan Committee; and

18  
19  
20 NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

21  
22 Section 1: RJ Black is hereby commended for his outstanding service as a member of the General  
23 Plan Committee.

24  
25 Adopted by the City Council of West Jordan, Utah, this 22<sup>nd</sup> day of March 2023.

26 CITY OF WEST JORDAN

27  
28  
29 By: \_\_\_\_\_  
30 Christopher McConnehey  
31 Council Chair

32 ATTEST:

33 \_\_\_\_\_  
34 Cindy M. Quick, MMC  
35 Council Office Clerk

36  
37 **Voting by the City Council**

38 Council Chair Christopher McConnehey  
39 Council Vice Chair Pamela Bloom  
40 Council Member Kelvin Green  
41 Council Member Zach Jacob  
42 Council Member David Pack  
43 Council Member Kayleen Whitelock  
44 Council Member Melissa Worthen

**"YES"**

**"NO"**

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1 THE CITY OF WEST JORDAN, UTAH  
2 A Municipal Corporation

3  
4 **RESOLUTION NO. 23-024**

5  
6 **A RESOLUTION PROVIDING APPRECIATION FOR SERVICE ON THE WEST**  
7 **JORDAN GENERAL PLAN COMMITTEE**

8  
9 WHEREAS, City Code § 1-6C-3 enables the city council to appoint members to a General  
10 Plan Committee to serve as an ad hoc committee to assist the Planning Commission and the  
11 City Council in the preparation and adoption of a comprehensive General Plan; and

12  
13 WHEREAS, members of the General Plan Committee were appointed and have served  
14 diligently in their role; and

15  
16 WHEREAS, the City Council desires to express its appreciation to Brice Gibson who served as  
17 a member of the General Plan Committee; and

18  
19  
20 NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

21  
22 Section 1: Brice Gibson is hereby commended for his outstanding service as a member of the  
23 General Plan Committee.

24  
25 Section 2: This resolution takes effect upon adoption by the city council.

26  
27 Adopted by the City Council of West Jordan, Utah, this 22<sup>nd</sup> day of March 2023.

28  
29 CITY OF WEST JORDAN

30  
31 By: \_\_\_\_\_  
32 Christopher McConnehey  
33 Council Chair

34 ATTEST:

35  
36 \_\_\_\_\_  
37 Cindy M. Quick, MMC  
38 Council Office Clerk

39 **Voting by the City Council**

- 40 Council Chair Christopher McConnehey  
41 Council Vice Chair Pamela Bloom  
42 Council Member Kelvin Green  
43 Council Member Zach Jacob  
44 Council Member David Pack  
45 Council Member Kayleen Whitelock  
46 Council Member Melissa Worthen

**"YES"**

**"NO"**

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1 THE CITY OF WEST JORDAN, UTAH  
2 A Municipal Corporation

3  
4 **RESOLUTION NO. 23-025**

5  
6 **A RESOLUTION PROVIDING APPRECIATION FOR SERVICE ON THE WEST**  
7 **JORDAN GENERAL PLAN COMMITTEE**

8  
9 WHEREAS, City Code § 1-6C-3 enables the city council to appoint members to a General  
10 Plan Committee to serve as an ad hoc committee to assist the Planning Commission and the  
11 City Council in the preparation and adoption of a comprehensive General Plan; and

12  
13 WHEREAS, members of the General Plan Committee were appointed and have served  
14 diligently in their role; and

15  
16 WHEREAS, the City Council desires to express its appreciation to Parker Cluff who served as  
17 a member of the General Plan Committee; and

18  
19  
20 NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:

21  
22 Section 1: Parker Cluff is hereby commended for his outstanding service as a member of the  
23 General Plan Committee.

24  
25 Section 2: This resolution takes effect upon adoption by the city council.

26  
27 Adopted by the City Council of West Jordan, Utah, this 22<sup>nd</sup> day of March 2023.

28  
29 CITY OF WEST JORDAN

30  
31 By: \_\_\_\_\_  
32 Christopher McConnehey  
33 Council Chair

34 ATTEST:

35  
36 \_\_\_\_\_  
37 Cindy M. Quick, MMC  
38 Council Office Clerk

<b>Voting by the City Council</b>	<b>"YES"</b>	<b>"NO"</b>
Council Chair Christopher McConnehey	<input type="checkbox"/>	<input type="checkbox"/>
Council Vice Chair Pamela Bloom	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Kelvin Green	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Zach Jacob	<input type="checkbox"/>	<input type="checkbox"/>
Council Member David Pack	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Kayleen Whitelock	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Melissa Worthen	<input type="checkbox"/>	<input type="checkbox"/>



1 THE CITY OF WEST JORDAN, UTAH  
2 A Municipal Corporation

3  
4 **RESOLUTION NO. 23-026**

5  
6 **A RESOLUTION PROVIDING APPRECIATION FOR SERVICE ON THE WEST**  
7 **JORDAN GENERAL PLAN COMMITTEE**  
8

9 WHEREAS, City Code § 1-6C-3 enables the city council to appoint members to a General  
10 Plan Committee to serve as an ad hoc committee to assist the Planning Commission and the  
11 City Council in the preparation and adoption of a comprehensive General Plan; and  
12

13 WHEREAS, members of the General Plan Committee were appointed and have served  
14 diligently in their role; and  
15

16 WHEREAS, the City Council desires to express its appreciation to Max Johnson who served as  
17 a member of the General Plan Committee; and  
18

19  
20 NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:  
21

22 Section 1: Max Johnson is hereby commended for his outstanding service as a member of the  
23 General Plan Committee.  
24

25 Section 2: This resolution takes effect upon adoption by the city council.  
26

27 Adopted by the City Council of West Jordan, Utah, this 22<sup>nd</sup> day of March 2023.  
28

29 CITY OF WEST JORDAN

30  
31 By: \_\_\_\_\_  
32 Christopher McConnehey  
33 Council Chair

34 ATTEST:

35 \_\_\_\_\_  
36 Cindy M. Quick, MMC  
37 Council Office Clerk  
38

39 **Voting by the City Council**

40 Council Chair Christopher McConnehey  
41 Council Vice Chair Pamela Bloom  
42 Council Member Kelvin Green  
43 Council Member Zach Jacob  
44 Council Member David Pack  
45 Council Member Kayleen Whitelock  
46 Council Member Melissa Worthen

**"YES"**

**"NO"**



1 THE CITY OF WEST JORDAN, UTAH  
2 A Municipal Corporation  
3

4 **RESOLUTION NO. 23-027**

5  
6 **A RESOLUTION PROVIDING APPRECIATION FOR SERVICE ON THE WEST**  
7 **JORDAN GENERAL PLAN COMMITTEE**  
8

9 WHEREAS, City Code § 1-6C-3 enables the city council to appoint members to a General  
10 Plan Committee to serve as an ad hoc committee to assist the Planning Commission and the  
11 City Council in the preparation and adoption of a comprehensive General Plan; and  
12

13 WHEREAS, members of the General Plan Committee were appointed and have served  
14 diligently in their role; and  
15

16 WHEREAS, the City Council desires to express its appreciation to Ryan Prater who served as  
17 a member of the General Plan Committee; and  
18

19  
20 NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:  
21

22 Section 1: Ryan Prater is hereby commended for his outstanding service as a member of the  
23 General Plan Committee.  
24

25 Section 2: This resolution takes effect upon adoption by the city council.  
26

27 Adopted by the City Council of West Jordan, Utah, this 22<sup>nd</sup> day of March 2023.  
28

29 CITY OF WEST JORDAN

30 By: \_\_\_\_\_  
31 Christopher McConnehey  
32 Council Chair  
33

34 ATTEST:

35 \_\_\_\_\_  
36 Cindy M. Quick, MMC  
37 Council Office Clerk  
38

39 **Voting by the City Council**

40 Council Chair Christopher McConnehey  
41 Council Vice Chair Pamela Bloom  
42 Council Member Kelvin Green  
43 Council Member Zach Jacob  
44 Council Member David Pack  
45 Council Member Kayleen Whitelock  
46 Council Member Melissa Worthen

"YES"

"NO"

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1 THE CITY OF WEST JORDAN, UTAH  
2 A Municipal Corporation  
3

4 **RESOLUTION NO. 23-028**

5  
6 **A RESOLUTION PROVIDING APPRECIATION FOR SERVICE ON THE WEST**  
7 **JORDAN GENERAL PLAN COMMITTEE**  
8

9 WHEREAS, City Code § 1-6C-3 enables the city council to appoint members to a General  
10 Plan Committee to serve as an ad hoc committee to assist the Planning Commission and the  
11 City Council in the preparation and adoption of a comprehensive General Plan; and  
12

13 WHEREAS, members of the General Plan Committee were appointed and have served  
14 diligently in their role; and  
15

16 WHEREAS, the City Council desires to express its appreciation to Michael Wilson who served  
17 as a member of the General Plan Committee; and  
18  
19

20 NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:  
21

22 Section 1: Michael Wilson is hereby commended for his outstanding service as a member of the  
23 General Plan Committee.  
24

25 Section 2: This resolution takes effect upon adoption by the city council.  
26

27 Adopted by the City Council of West Jordan, Utah, this 22<sup>nd</sup> day of March 2023.  
28

29 CITY OF WEST JORDAN

30 By: \_\_\_\_\_  
31 Christopher McConnehey  
32 Council Chair  
33

34 ATTEST:

35 \_\_\_\_\_  
36 Cindy M. Quick, MMC  
37 Council Office Clerk  
38

39 **Voting by the City Council**

40 Council Chair Christopher McConnehey  
41 Council Vice Chair Pamela Bloom  
42 Council Member Kelvin Green  
43 Council Member Zach Jacob  
44 Council Member David Pack  
45 Council Member Kayleen Whitelock  
46 Council Member Melissa Worthen

"YES"

"NO"

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1 THE CITY OF WEST JORDAN, UTAH  
2 A Municipal Corporation  
3

4 **RESOLUTION NO. 23-029**

5  
6 **A RESOLUTION PROVIDING APPRECIATION FOR SERVICE ON THE WEST**  
7 **JORDAN GENERAL PLAN COMMITTEE**  
8

9 WHEREAS, City Code § 1-6C-3 enables the city council to appoint members to a General  
10 Plan Committee to serve as an ad hoc committee to assist the Planning Commission and the  
11 City Council in the preparation and adoption of a comprehensive General Plan; and  
12

13 WHEREAS, members of the General Plan Committee were appointed and have served  
14 diligently in their role; and  
15

16 WHEREAS, the City Council desires to express its appreciation to Brandy Wright who served  
17 as a member of the General Plan Committee; and  
18

19  
20 NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:  
21

22 Section 1: Brandy Wright is hereby commended for her outstanding service as a member of the  
23 General Plan Committee.  
24

25 Section 2: This resolution takes effect upon adoption by the city council.  
26

27 Adopted by the City Council of West Jordan, Utah, this 22<sup>nd</sup> day of March 2023.  
28

29 CITY OF WEST JORDAN

30 By: \_\_\_\_\_  
31 Christopher McConnehey  
32 Council Chair  
33

34 ATTEST:

35 \_\_\_\_\_  
36 Cindy M. Quick, MMC  
37 Council Office Clerk  
38

39 **Voting by the City Council**

40 Council Chair Christopher McConnehey  
41 Council Vice Chair Pamela Bloom  
42 Council Member Kelvin Green  
43 Council Member Zach Jacob  
44 Council Member David Pack  
45 Council Member Kayleen Whitelock  
46 Council Member Melissa Worthen

"YES"

"NO"

<input type="checkbox"/>	<input type="checkbox"/>
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1 THE CITY OF WEST JORDAN, UTAH  
2 A Municipal Corporation  
3

4 **RESOLUTION NO. 23-030**

5  
6 **A RESOLUTION PROVIDING APPRECIATION FOR SERVICE ON THE WEST**  
7 **JORDAN GENERAL PLAN COMMITTEE**  
8

9 WHEREAS, City Code § 1-6C-3 enables the city council to appoint members to a General  
10 Plan Committee to serve as an ad hoc committee to assist the Planning Commission and the  
11 City Council in the preparation and adoption of a comprehensive General Plan; and  
12

13 WHEREAS, members of the General Plan Committee were appointed and have served  
14 diligently in their role; and  
15

16 WHEREAS, the City Council desires to express its appreciation to Rachel Zumaya who served  
17 as a member of the General Plan Committee; and  
18

19  
20 NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:  
21

22 Section 1: Rachel Zumaya is hereby commended for her outstanding service as a member of the  
23 General Plan Committee.  
24

25 Section 2: This resolution takes effect upon adoption by the city council.  
26

27 Adopted by the City Council of West Jordan, Utah, this 22<sup>nd</sup> day of March 2023.  
28

29 CITY OF WEST JORDAN

30 By: \_\_\_\_\_  
31 Christopher McConnehey  
32 Council Chair  
33

34 ATTEST:

35 \_\_\_\_\_  
36 Cindy M. Quick, MMC  
37 Council Office Clerk  
38

39 **Voting by the City Council**

40 Council Chair Christopher McConnehey  
41 Council Vice Chair Pamela Bloom  
42 Council Member Kelvin Green  
43 Council Member Zach Jacob  
44 Council Member David Pack  
45 Council Member Kayleen Whitelock  
46 Council Member Melissa Worthen

"YES"

"NO"

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1 THE CITY OF WEST JORDAN, UTAH  
2 A Municipal Corporation

3  
4 **RESOLUTION NO. 23-031**

5  
6 **A RESOLUTION PROVIDING APPRECIATION FOR SERVICE ON THE WEST**  
7 **JORDAN GENERAL PLAN COMMITTEE**  
8

9 WHEREAS, City Code § 1-6C-3 enables the city council to appoint members to a General  
10 Plan Committee to serve as an ad hoc committee to assist the Planning Commission and the  
11 City Council in the preparation and adoption of a comprehensive General Plan; and  
12

13 WHEREAS, members of the General Plan Committee were appointed and have served  
14 diligently in their role; and  
15

16 WHEREAS, the City Council desires to express its appreciation to Brett Ruoti who served as a  
17 member of the General Plan Committee; and  
18

19  
20 NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH:  
21

22 Section 1: Brett Ruoti is hereby commended for his outstanding service as a member of the  
23 General Plan Committee.  
24

25 Section 2: This resolution takes effect upon adoption by the city council.  
26

27 Adopted by the City Council of West Jordan, Utah, this 22<sup>nd</sup> day of March 2023.  
28

29 CITY OF WEST JORDAN

30  
31 By: \_\_\_\_\_  
32 Christopher McConnehey  
33 Council Chair

34 ATTEST:

35 \_\_\_\_\_  
36 Cindy M. Quick, MMC  
37 Council Office Clerk  
38

<b>Voting by the City Council</b>	<b>"YES"</b>	<b>"NO"</b>
Council Chair Christopher McConnehey	<input type="checkbox"/>	<input type="checkbox"/>
Council Vice Chair Pamela Bloom	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Kelvin Green	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Zach Jacob	<input type="checkbox"/>	<input type="checkbox"/>
Council Member David Pack	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Kayleen Whitelock	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Melissa Worthen	<input type="checkbox"/>	<input type="checkbox"/>





MINUTES OF THE CITY OF WEST JORDAN  
CITY COUNCIL MEETING  
Wednesday, March 08, 2023 – 6:00 pm  
Waiting Formal Approval

Thomas M. Rees Justice Center  
8040 S Redwood Road • West Jordan, UT 84088

## 1. CALL TO ORDER

**COUNCIL:** Chair Chris McConnehey, Vice Chair Pamela Bloom, Zach Jacob, Melissa Worthen, David Pack, Kelvin Green, Kayleen Whitelock

**STAFF:** Council Office Director Alan Anderson, Council Office Clerk Cindy Quick, Policy Analyst Cassidy Hansen, City Administrator Korban Lee, Mayor Dirk Burton, Administrative Services Director Danyce Steck, Public Services Director Isaac Astill, Community Engagement & Government Affairs Director Tauni Barker, Public Works Director Brian Clegg, Public Utilities Director Greg Davenport, Assistant Planner Mark Forsythe, City Planner / Zoning Administrator Larry Gardner, Senior PC Specialist Rodney Glore, Community Development Director Scott Langford, Fire Chief Derek Maxfield, Senior Planner Ray McCandless, Assistant City Attorney Duncan Murray, Civil Litigator Attorney Paul Dodd, Assistant City Administrator Jamie Davidson

Chair McConnehey called the meeting to order at 6:00 pm. He noted that Vice Chair Bloom had joined via Zoom.

## 2. PLEDGE OF ALLEGIANCE

Greg Davenport led participants in the Pledge of Allegiance.

## 3. PUBLIC COMMENT

**Chair McConnehey opened the public comment period at 6:02 pm**

### **Citizen Comments:**

Ryan Wilkinson said he had reviewed the 2023 General Plan compared to the 2012 General Plan, and found a lot of the goals to be word-for-word the same. He read aloud language found in both plans referring to the South Valley Airport as a “major generator of noise”, and questioned plans for airport expansion if the City knew the airport was a generator of noise in 2012. Mr. Wilkinson asked if adequate buffering had occurred. He said he was shocked at the copy and paste action involved, and expressed the opinion that the Council Members should be ashamed and resign that evening.

**Chair McConnehey closed public comments at 6:06 pm**

## 4. SPECIAL RECOGNITION

Community Outreach Manager Ariel Campos recommended Whitney Rosas for appointment to the Healthy West Jordan Committee, Ben Bolingbroke for appointment to the Sustainability Committee, Brian Beebe for appointment to the Airport Advisory Committee, Jordan Miera for appointment to the Diversity Committee, and Rocio Mejia for appointment to the Diversity Committee. Mayor Burton said he was excited for each committee to be active and moving forward.

Council Member Pack, speaking on behalf of the Mayoral Appointment Subcommittee, expressed gratitude for each volunteer and their willingness to share their time and talents. He said the Subcommittee wholeheartedly supported the recommendations.

***a. Resolution No. 23-006 providing advice and consent to appoint Whitney Rosas to serve on the Healthy West Jordan Committee***

**MOTION: Council Member Green moved to APPROVE Resolution No. 23-006 providing advice and consent to appoint Whitney Rosas to serve on the Healthy West Jordan Committee, inserting the words “as a non-voting member” after Healthy West Jordan Committee on line 14. Council Member Whitelock seconded the motion.**

**The vote was recorded as follows:**

**Yes: Chris McConnehey, Zach Jacob, Melissa Worthen, David Pack, Kelvin Green, Pamela Bloom, Kayleen Whitelock**

**No:**

**Absent:**

**The motion passed 7-0.**

***b. Resolution No. 23-007 providing advice and consent to appoint Brian Beebe to serve on the Airport Advisory Board***

**MOTION: Council Member Green moved to APPROVE Resolution No. 23-007 providing advice and consent to appoint Brian Beebe to serve on the Airport Advisory Board. Council Member Worthen seconded the motion.**

**The vote was recorded as follows:**

**Yes: Chris McConnehey, Zach Jacob, Melissa Worthen, David Pack, Kelvin Green, Pamela Bloom, Kayleen Whitelock**

**No:**

**Absent:**

**The motion passed 7-0.**

***c. Resolution No. 23-008 providing advice and consent to appoint Benjamin Bolingbroke to serve on the Sustainability Committee***



**MOTION: Council Member Green moved to APPROVE Resolution No. 23-008 providing advice and consent to appoint Benjamin Bolingbroke to serve on the Sustainability Committee.  
Council Member Worthen seconded the motion.**

**The vote was recorded as follows:**

**Yes: Chris McConnehey, Zach Jacob, Melissa Worthen, David Pack, Kelvin Green, Pamela Bloom, Kayleen Whitelock**

**No:**

**Absent:**

**The motion passed 7-0.**

**d. Resolution No. 23-009 providing advice and consent to appoint Rocio Mejia and Jordan Miera to serve on the Diversity Committee.**

**MOTION: Council Member Green moved to APPROVE Resolution No. 23-009 providing advice and consent to appoint Rocio Mejia and Jordan Miera to serve on the Diversity Committee.  
Council Member Worthen seconded the motion.**

**The vote was recorded as follows:**

**Yes: Chris McConnehey, Zach Jacob, Melissa Worthen, David Pack, Kelvin Green, Pamela Bloom, Kayleen Whitelock**

**No:**

**Absent:**

**The motion passed 7-0.**

Chair McConnehey thanked all appointees for volunteering and for their service. The Council took the opportunity to take photographs and present each member with a certificate and pin.

## **5. REPORTS TO COUNCIL**

### **a. City Council Reports**

Council Member Whitelock –

- Reported on a tour of the UFirst facility.
- Provided an update on the Utility Committee.
- Spoke of the end of the 2023 Legislative Session.

Council Member Jacob –

- Reported on a recent JWCD Board meeting.

Council Member Worthen –

- Said the next Budget Committee meeting was scheduled for March 14, 2023, and asked the Council to forward any questions to her.

### **b. Council Office Report**

Policy Analyst Cassidy Hansen provided an update regarding preparation of a city-wide survey.

**c. *Mayor's Report***

Mayor Burton reported on parking issues, traffic calming options, and exempt signs for a railroad crossing on 4000 West. Council Member Green asked that traffic calming measures be included in new roads.

**d. *City Administrator's Report***

Public Works Director Brian Clegg reported on current construction for Google Fiber, provided an update on the 8600 South bridge project and a high-pressure gas line project, and answered questions from the Council. Mr. Clegg updated the Council regarding snow removal efforts, and reported his department was over-budget for salt and overtime because of the snowfall. The Council expressed appreciation to the snow removal crews. Responding to a question from Council Member Whitelock, Mr. Clegg said he believed the GPS tracking system his department tried that season saved the City money.

Chair McConnehey said the Legislative Update (5e) would be moved to later in the meeting.

## **6. PUBLIC HEARINGS**

**a. *West Jordan Comprehensive General Plan and Future Land Use Map Update Public Hearing***

Council Office Director Alan Anderson said there were currently 13 active members on the General Plan Committee. He introduced General Plan Committee Chair Bob Lively, and Committee Members Brent Rootey, and Michael Wilson.

Cassidy Hansen explained the two major components of the General Plan were the text and Future Land Use Map (FLUM). Ray McCandless said he appreciated the time and effort put in by the General Plan Committee since 2020.

Assistant Planner Mark Forsythe showed the proposed FLUM and highlighted differences from the current FLUM. Council Member Whitelock pointed out the question on the proposed FLUM of whether Community Commercial should be changed to Medium Density Residential or left Community Commercial at approximately 9000 South and 4000 West, and added that Balkamp had at times been a difficult neighbor for Medium Residential. Mr. Forsythe answered questions from the Council. Council Member Jacob pointed out a typo on the proposed FLUM.

Ms. Hansen said the emphasis on sustainability was carried over from the 2012 General Plan, and said the General Plan Committee focused on making the updated General Plan user friendly.

**Chair McConnehey opened a public hearing at 7:03 pm**

Comments:

Alexandra Eframo asked for a moment of silence to count blessings. She said Mayor Burton was the best mayor in the USA. She said she lived in a cul-de-sac, and when the snow was not removed well in the cul-de-sac, Mayor Burton personally came over and cleared the snow. She said she wished Christmas could be continued every day of the year.

**Chair McConnehey closed the public hearing at 7:07 pm**

**Chair McConnehey moved to take agenda items out of order. Council Member Whitelock seconded the motion, which passed by unanimous vote (6-0), with Council Member Worthen absent.**

Chair Whitelock turned the time over to Community Engagement & Government Affairs Director Tauni Barker for a legislative update.

***e. Legislative Update***

Public Affairs Director Tauni Barker reported that a record number of bills were filed and passed during the 2023 Legislative Session. Ms. Barker updated the Council regarding bills that would impact West Jordan.

*Council Member Worthen returned at 7:12 pm*

Ms. Barker said the Utah League of Cities and Towns (ULCT) would set up training meetings, and emphasized that staff members had assignments for in-depth review of the bills.

Chair McConnehey thanked Ms. Barker, and returned the meeting to discussion of agenda item 6a.

***6a. CONTINUED - West Jordan Comprehensive General Plan and Future Land Use Map Update Public Hearing***

Public Liaison / Policy Analyst Cassidy Hansen provided a list of questions for the Council to answer that evening to provide direction to staff.

- Did the Council feel there had been adequate public outreach on the General Plan?
- Is the Council comfortable with the number of goals within the plan? Should any be cut?

Council Member Whitelock expressed the opinion that there had been adequate public outreach on the creation of the plan and suggested one more public hearing after the Council had made changes. She said she believed there were too many goals. Council Member Jacob said there would never be adequate public outreach. Council Member Green said he agreed with Council Member Whitelock that there were too many goals.

Chair McConnehey said he believed there had been a good attempt at public outreach, but said he would like to see the City continue public outreach. He shared a suggestion from a member of staff to have a booth at the Western Stampede with General Plan

information. Council Member Pack expressed the opinion that the more advertising avenues the City had, the better.

- Are there any goals missing within the plan?
- Is the Council interested in brainstorming with Administration on when goals should receive fiscal support or for general prioritization? Should we separate on-going and “one-time” goals? (Should this occur pre or post adoption of plan?)

Council Member Green said he wanted a list of General Plan goals to which the Council could compare potential development. He expressed the opinion that the Council needed to figure out where West Jordan wanted to be as a city, and gave an example of agricultural preservation and transfer rights. Council Member Green said he was interested in a cheat sheet with General Plan goals listed in a consolidated manner.

Council Member Pack expressed support for a consolidated list of General Plan goals and expressed support for brainstorming with Administration regarding goal prioritization. Chair McConnehey said he liked the idea of having the goals in one place, but expressed concern that the goals would lose nuance and background if considered outside the context of the General Plan document. Chair McConnehey emphasized that the goals were aspirational, and not all of them would be accomplished in every situation. Council Member Whitelock suggested leaving the goals throughout the Plan, with an additional page listing the goals together.

Chair McConnehey said he would not want a consolidated list to replace the General Plan. Council Member Whitelock suggested the consolidated list be only for the Council. Ms. Hansen said there appeared to be support for staff putting the goals in a variety of formats. Council Member Green expressed the opinion that General Plan goals needed to be trackable.

Responding to a question from Ms. Hansen, Council Members Green and McConnehey said they would be comfortable with a consolidated goals list being available post-General Plan adoption.

Chair McConnehey reviewed the next few months of the Council meeting calendar with the Council, and said a full work session for discussion of the General Plan would involve scheduling an additional meeting. Council Member Whitelock suggested scheduling an additional meeting in April for discussion of the General Plan. Council Member Pack said he was willing to meet and emphasized the desire to be respectful of the work that had already gone into the document. Council Member Pack suggested scheduling a work session on a Wednesday evening.

Council Member Green expressed the opinion that the General Plan Committee did a great job, but it was the Council that needed to adopt the General Plan, and the Council needed to meet and do appropriate diligence. Chair McConnehey asked that members of the General Plan Committee be invited to the work session. Ms. Hansen said the meeting would be scheduled as a Committee of the Whole.

Referring to the question raised by Council Member Whitelock earlier in the meeting

regarding Medium Density Residential or Community Commercial at 9000 South and 4000 West, Council Member Green suggested a portion of the property may be appropriate for Community Commercial, and the remainder a better fit for Medium Density Residential with a connecting road added. The Council discussed options. Council Member Jacob suggested specifying that if the property redeveloped, the City wanted a connecting road added regarding of zone. Chair McConnehey suggested further discussion of the question at a future meeting.

Council Member Green suggested two specific residential properties at 7800 South 1300 West should be changed to Community Commercial on the FLUM.

## 7. BUSINESS ITEMS

### *a. Resolution No. 23-013 authorizing the Mayor to sign the Grant Agreement between the Cultural Arts Society of West Jordan and the City*

Administrative Services Director Danyce Steck explained that the Grant Agreement between the Cultural Arts Society of West Jordan and the City would not authorize funding, but would authorize reporting and an annual request for funds. The Grant Agreement would have a term of ten years. Ms. Steck said that by May 2023, the Cultural Arts Society of West Jordan would submit a report of what was accomplished in calendar year 2022, and a request for funding for calendar year 2024.

Council Member Green expressed concern with the two-year difference between report and funding granted. He suggested language that would clarify that money for a calendar year would not be available until January of the year for which it was applied. Ms. Steck said a note could be added to the budget line item specifying that funds would not be dispersed until January. Council Member Pack spoke of lead time for performance preparation. Council Member Whitelock responded that West Jordan City did not intend to be the only funding source for the Cultural Arts Society.

Chair McConnehey said he would annually want to see a report on the previous year, the current year, and the projected year.

**MOTION: Council Member Whitelock moved to APPROVE Resolution No. 23-013 authorizing the Mayor to sign the Grant Agreement between the Cultural Arts Society of West Jordan and the City. Council Member Worthen seconded the motion.**

Council Member Green said he would vote against the motion because he was not in favor of working the request into the budget. Chair McConnehey asked if the note discussed regarding dispersal could be added to the Grant Agreement. Council Member Green repeated that he was not comfortable with the delay in reporting. Ms. Steck clarified that the Cultural Arts Society had not yet requested funds for calendar year 2023.

Paul Dodd pointed out that the language "...City will distribute the grant amount, if any..." gave the City leeway. Council Member Green agreed that "if any" was a clause, but said he was uncomfortable with language stating if the funding were granted, funds would be distributed at the beginning of the fiscal year. Chair McConnehey said he wanted to vote in favor of the agreement, but wanted a modification to the language referring to date of

distribution. He suggested a motion that would request adjustment of the language, with the resolution brought back at the next Council meeting.

Ms. Steck said the Council could adopt the resolution with a request for language to be adjusted. Council Member Green pointed out that the Cultural Arts Society already signed the agreement.

**Council Member Whitelock withdrew the motion to allow further discussion.**

Chair McConnehey suggested alternate language for the last line: "The City will distribute the grant amount, if any, not sooner than January 1<sup>st</sup> of the year of the request."

**Council Member Green moved to postpone the item for two weeks to clean up language.**

City Administrator Korban Lee requested the motion not include a time constraint.

**Chair McConnehey seconded the motion for discussion.**

Mr. Lee said the time constraint would be okay if lack of counter signature prior to Council review was not a problem. He explained there were some health issues involved. Chair McConnehey said he believed it would be okay to move forward as proposed. Council Office Director Alan Anderson said counter signature prior to Council review was the preference under Council Rules.

**Council Member Green withdrew his motion to postpone.**

The Council discussed the Grant Agreement. Mr. Lee said staff would work with the Cultural Arts Society on the language and bring it back as soon as possible.

**MOTION: Chair McConnehey moved to postpone Resolution No. 23-013 authorizing the Mayor to sign the Grant Agreement between the Cultural Arts Society of West Jordan and the City to the next reasonable Council meeting as determined by Council Leadership.**

**Council Member Worthen seconded the motion.**

**The vote was recorded as follows:**

**Yes: Chris McConnehey, Zach Jacob, Melissa Worthen, David Pack, Green, Pamela Bloom, Kayleen Whitelock**

**No: Kelvin Green**

**Absent:**

**The motion passed 6-1.**

***b. Resolution No. 23-014 amending the West Jordan City Council Policies and Procedures Manual***

Cassidy Hansen reported changes previously requested by the Council had been made.

**MOTION: Council Member Green moved to APPROVE Resolution No. 23-014 amending the West Jordan City Council Policies and Procedures Manual. Council Member Jacob seconded the motion.**

Council Member Whitelock requested a correction to page 12 Section 205 #4.

**Council Member Green withdrew the motion.**

Council Member Green said he did not see that the suggested change to page 12 was necessary. Council Member Whitelock requested a correction to page 14 Section 301 #5b. Chair McConnehey pointed out an additional typographical error.

**Council Member Jacob moved to approve Resolution No. 23-014 with instruction to bring back a list of typographical or numbering errors to be approved as soon as reasonable. The motion failed for lack of second.**

**MOTION: Council Member Whitelock moved to APPROVE Resolution No. 23-014 changing page 14 #5b to remove the word “be”, including “Council Chair” instead of “Council” on page 12 Section 205 #4, and allowing staff to fix any numbering issues.  
Council Member Green seconded the motion.**

Chair McConnehey said the use of “Council” versus “Council Chair” on page 12 was intentional, but he would not vote against the motion.

**The vote was recorded as follows:**

**Yes: Chris McConnehey, Zach Jacob, Melissa Worthen, David Pack, Kelvin Green, Pamela Bloom, Kayleen Whitelock**

**No:**

**Absent:**

**The motion passed 7-0.**

***c. Ordinance No. 23-13 amending West Jordan City Code Title 1 relating to change in government definitions, mayor’s compensation, city council, public meetings, and elections***

Cassidy Hansen oriented the Council with changes to definitions, changes to reporting requirements, and changes made as previously directed by the Council. Council Member Whitelock requested a correction to page 9 line 129. No opposition was expressed.

**MOTION: Council Member Whitelock moved to APPROVE Ordinance No. 23-13 amending West Jordan City Code Title 1 relating to change in government definitions, mayor’s compensation, city council, public meetings, and elections, amending page 9 line 129 to add Council Chair.  
Council Member Worthen seconded the motion.**

**The vote was recorded as follows:**

**Yes: Chris McConnehey, Zach Jacob, Melissa Worthen, David Pack, Kelvin Green, Pamela Bloom, Kayleen Whitelock**

**No:**

**Absent:**

**The motion passed 7-0.**

Council Member Green requested to take agenda items out of order to approve Consent Items prior to OPMA training.

## **8. CONSENT ITEMS**

### ***a. Approve Meeting Minutes***

- February 15, 2023 – Committee of the Whole Meeting
- February 22, 2023 – Regular City Council Meeting

**MOTION: Council Member Green moved to approve Consent Items.  
Chair McConnehey seconded the motion.**

**The vote was recorded as follows:**

**Yes: Chris McConnehey, Zach Jacob, Melissa Worthen, David Pack, Green, Pamela Bloom, Kayleen Whitelock, Kelvin Green**

**No:**

**Absent:**

**The motion passed 7-0.**

### ***7d. Open and Public Meetings Act (OPMA) Training***

Assistant City Attorney Duncan Murray provided Open and Public Meetings Act (OPMA) training, and answered questions from the Council.

## **9. COUNCIL MEETING WRAP UP**

### ***a. City Council Remarks***

Council Member Whitelock –

- Thanked General Plan Committee Chair Bob Lively for his leadership on the General Plan Committee.

Council Member Worthen –

- Asked if at least four Council Members were interested in having staff look at bringing on a communications staff member. Chair McConnehey noted three Council Members indicated they were in favor of a discussion.
- Gave a shout-out to Danyce Steck and complimented her for her work and abilities as Finance Director.

Council Member Pack –

- Spoke of a class he was taking regarding high analytics.

### ***b. Council Administrative Items***

Chair McConnehey reviewed topics on the agenda for the next Council meeting.



**10.ADJOURN**

**Council Member Green moved to adjourn the meeting. Council Member Whitelock seconded the motion, which passed by unanimous vote (7-0)**

The meeting adjourned at 8:56 pm

*I, Cindy Quick, hereby certify that the foregoing minutes represent an accurate summary of what occurred at the meeting held on March 8, 2023. This document constitutes the official minutes for the West Jordan City Council Meeting.*

Cindy M. Quick, MMC  
Council Office Clerk

Approved this \_\_\_\_ day of \_\_\_\_ 2023

DRAFT



# REQUEST FOR COUNCIL ACTION

**Action:** Need Council to take action

**Meeting Date Requested** : 03/22/2023

**Presenter:** Danyce Steck

**Deadline of item** : 03/22/2023

**Department Sponsor:** Admin. Services

**Agenda Type:** CONSENT ITEMS

**Time Requested:** 5 minutes presentation, 10 minutes council

*(Council may elect to provide more or less time)*

## 1. AGENDA SUBJECT

Resolution No. 23-013 authorizing the Mayor to sign the Grant Agreement between the Cultural Arts Society of West Jordan and the City

## 2. EXECUTIVE SUMMARY

Council is being asked to authorize the Mayor to sign the Grant Agreement between the Cultural Arts Society of West Jordan and the City. The agreement covers a period of 10 years and provides a process for their annual grant request and annual performance reporting.

At March 8, 2022 business meeting, the Council requested language be changed on the contract to distribute grant funds after the beginning of the calendar year of the grant award year. Changes have been made under Section 1 of the contract.

At the April 27, 2022 work session, the council discussed parameters of a future agreement that should include: • Financial reporting process using balance sheet and income statement data in a summarized form; residency of participants and attendance. • Formal request process using a formal application provided by the city. • Provide exhibits as part of the agreement to assist in the reporting and request so both parties are clear on what is expected. • Timing for request for funds exhibit to coincide with city's annual budget process.

## 3. TIME SENSITIVITY / URGENCY

Annual request for funding is identified as March 31, 2023 to be included in the FY2024 budget.

## 4. FISCAL NOTE

Grant funding is determined each year in the budget. No funds are guaranteed until the city budget is approved.

## 5. PLANNING COMMISSION RECOMMENDATION

## 6. STAFF ANALYSIS

## 7. MOTION RECOMMENDED

Motion to approve/deny Resolution No. 23-013 authorizing the Mayor to sign the Grant Agreement with the Cultural Arts Society of West Jordan and the City.

## 8. MAYOR RECOMMENDATION

The Mayor recommends approval of Resolution No. 23-013 authorizing him to sign the Grant Agreement between the Cultural Arts Society of West Jordan and the City.

**9. PACKET ATTACHMENT(S)**

Resolution 23-013

Agreement with Cultural Arts Society of West Jordan with Exhibits

**10. OTHER INFORMATION**

Contract will be signed by the other party following Council approval.

THE CITY OF WEST JORDAN, UTAH  
A Municipal Corporation

**RESOLUTION NO. 23-013**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT  
BETWEEN THE CITY OF WEST JORDAN AND CULTURAL ARTS SOCIETY OF  
WEST JORDAN**

WHEREAS, the City Council of the City of West Jordan (“City Council” and “City”) has reviewed the attached Agreement between the City of West Jordan and the Cultural Arts Society of West Jordan (the “Agreement”); and

WHEREAS, the City Council desires to approve the said Agreement and desires that the Mayor be authorized to execute the Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THAT:

Section 1. The City Council hereby approves the attached Agreement and authorizes the Mayor to execute the same.

Section 2. If any provision of this Resolution is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 3. This Resolution shall take effect immediately.

Adopted by the City Council of West Jordan, Utah, this 22<sup>nd</sup> day of March 2023.

CITY OF WEST JORDAN

By: \_\_\_\_\_  
Christopher McConnehey  
Council Chair

ATTEST

\_\_\_\_\_  
Cindy M. Quick, MMC  
Council Office Clerk

**Voting by City Council**

	<b>“YES”</b>	<b>“NO”</b>
Council Chair Christopher McConnehey	<input type="checkbox"/>	<input type="checkbox"/>
Council Vice Chair Pamela Bloom	<input type="checkbox"/>	<input type="checkbox"/>
Council Member David Pack	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Kayleen Whitelock	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Kelvin Green	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Melissa Worthen	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Zach Jacob	<input type="checkbox"/>	<input type="checkbox"/>

# **Grant Agreement between the Cultural Arts Society of West Jordan and the City of West Jordan**

This agreement (“Agreement”) is entered between the City of West Jordan, a Utah municipal corporation (“City”) and the Cultural Arts Society of West Jordan, a non-profit corporation of the State of Utah (“Arts Society”) maintaining a Section 501(c)(3) status. The City and the Arts Society are jointly referred to as the “Parties”.

## **GRANT AGREEMENT**

### **Recitals**

**A.** Whereas the City expressed an interest in having arts programs in the city and surrounding community, and

**B.** Whereas the City has recognized for over two decades that arts programs providing opportunities as participants, staff, support, and patrons are valuable to the citizens of the community, and

**C.** Whereas, the City has funded various arts groups, councils, and committees since 1995, and

**D.** Whereas the Cultural Arts Society of West Jordan was created and incorporated at the request of the city to provide arts services within the community of West Jordan, and

**E.** Whereas, the Arts Society has and continues to produce and present theatrical productions, concerts, literary events, and other similar activities for the benefit of the City's residents and the community at large, and

**F.** Whereas, the Arts Society is a non-profit corporation maintaining a Section 501(c)(3) status under the Internal Revenue Code, organized to provide programs, marketing and support for the arts for the residents of West Jordan and surrounding communities including: Symphony concerts, Band concerts, Youth theater workshops and performances, Theater performances, Visual Arts exhibits and Literary Arts events,

**NOW, THEREFORE,** the Parties agree to the following terms:

### **Terms**

1. Amount of Grant. Upon the Arts Society’s meeting all conditions stated herein, the City may, in its sole discretion, provide a grant to the Arts Society in an amount to be determined each fiscal year as stated in that adopted budget for the future fiscal year. The City will distribute the grant amount, if any, upon written request by the Arts Society after January 1<sup>st</sup> and before June 30<sup>th</sup> of the calendar year awarded.

2. Reporting Requirements. The Arts Society shall submit a report on the previous calendar year's activities and other information requested, as defined in Exhibit A, to the City Council during the first quarter of the following calendar year or as otherwise scheduled thereafter by the City Council.

3. Request Requirements. The Arts Society shall submit a request for grant funding based on the following calendar year's activities and other financial needs, as defined in Exhibit B, to the City Council during the first quarter of each calendar year or as otherwise scheduled thereafter by the City Council. For example, in the first quarter of calendar year 2023, the Arts Society would request grant funding for events scheduled for calendar year 2024.

4. Insurance Requirements. During the term of this Agreement, Arts Society shall maintain in full force and effect (and shall provide to the City satisfactory written evidence of) the following insurance coverages through carriers acceptable to the City:

a. General liability. Commercial general liability of \$1,000,000 combined single limit per occurrence / \$2,000,000 aggregate for bodily injury, property damage and personal injury. Broad Form General Liability is required.

b. Automobile liability. \$1,000,000 combined single limit per occurrence. "Any Auto" coverage is required.

c. Workers Compensation and Employers Liability (in the event that Arts Society hires and retains employees). Workers' compensation coverage as required by the Labor Code of the State of Utah and Employers Liability limits of \$100,000 per accident. All coverages shall be provided as an "Occurrence" basis.

The City shall be added to the Arts Society insurance policy as a non-contributing additional insured.

5. Indemnification. The Arts Society shall defend, indemnify, and hold harmless the City against any claim, action, liability, damage, loss, or damages arising from or relating to this Agreement, whether based upon tort or contract law.

6. Term. The term of this Agreement shall be for ten (10) fiscal years including FY 2023 and terminating FY 2033. Either Party may terminate this Agreement without cause by providing the other Party a thirty (30) day written notice of their intent to do so.

7. Assignment. This Agreement may not be assigned or otherwise transferred to another entity or party without the prior written consent from the non-transferring party. Any assignment of this Agreement shall be null and void.

8. Jurisdiction. Any action brought in connection with this Agreement shall be brought in a court of competent jurisdiction located in the Utah Third District Court located in West Jordan, Utah.

9. Personal Liability. No officer, representative, agent or employee of a party hereto shall be personally liable to any other party hereto or any successor in interest or assignee of such party in the event of any default or breach by the defaulting party, or for any amount which may become due the non-defaulting party, or its successors or assigns, or for any obligation(s) arising under the terms of this Agreement.

10. Entire Agreement. The Parties hereby agree that this Agreement rescinds, replaces, and supersedes all other prior agreements, oral or written, relating to or arising from any obligation to fund arts programs, events, or activities.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the date as indicated below. This Agreement shall become effective on the date of the last party to sign this Agreement.

*(signatures on following page)*



**ATTEST:**

**THE CITY OF WEST JORDAN**

\_\_\_\_\_  
Tangee Sloan  
City Recorder

\_\_\_\_\_  
Date

\_\_\_\_\_  
Dirk Burton  
Mayor

\_\_\_\_\_  
Date

( SEAL )

**CULTURAL ARTS SOCIETY OF WEST JORDAN**

\_\_\_\_\_  
Authorized Agent

\_\_\_\_\_  
Date

STATE OF UTAH                    )  
  : ss.  
COUNTY OF SALT LAKE    )

On this \_\_\_\_ day of \_\_\_\_\_, 2023, before the undersigned notary public in and for the said state, personally appeared \_\_\_\_\_, known or identified to me to be the authorized agent of Cultural Arts Society of West Jordan and the person who executed the foregoing instrument and acknowledged to me that said organization executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

\_\_\_\_\_  
Notary Public for Utah  
Residing at: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



**Exhibit A**

# WEST JORDAN CITY ARTS GRANT ANNUAL REPORT

Annual report for the previous calendar year's activities.

For Calendar Year:

**A) Schedule of performances provided in the previous calendar year.**

Month	Major Program	Performance Description
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		

**B) Calendar Year Financial Report (excludes any in-kind values)**

**REVENUE**

- 1) Program service revenue (admission, enrollment, etc)
- 2) Other earned income (concessions, merchandise, etc)
- 3) West Jordan Arts Grant
- 4) SL County ZAP Grant
- 5) Private contributions
- 6) Other public contributions (federal, state, local) <sup>1</sup>
- 7) Other revenue
- 8) **Total**

Budget	Actual	Difference
		-
		-
		-
		-
		-
		-
		-
		-
		-
		-
		-
-	-	-

**EXPENSES**

- 10) Salaries and benefits
- 11) Independent contractor fees
- 12) Program expenses
- 13) Royalties/licensing fees
- 14) General administrative/office
- 15) Travel and housing
- 16) Marketing and public relations
- 17) Development/fundraising
- 18) Facilities
- 19) Accounting and legal
- 20) Liability Insurance
- 21) Other expenses
- 22) **Total**

		-
		-
		-
		-
		-
		-
		-
		-
		-
		-
		-
		-
		-
		-
		-
-	-	-

**WEST JORDAN CITY ARTS GRANT ANNUAL REPORT (continued)**



**C) Provide explanation for significant differences between budget and actual financial activity.**

**D) Community Impact**

**West Jordan Concert Band**

---

Participation	
# of participants who live in West Jordan	<input type="text"/>
# of participants who live in other communities	<input type="text"/>
Total # of participants	-
Performances	
# of performances during the calendar year	<input type="text"/>
# of performance attendees	<input type="text"/>

**West Jordan Symphony**

---

Participation	
# of participants who live in West Jordan	<input type="text"/>
# of participants who live in other communities	<input type="text"/>
Total # of participants	-
Performances	
# of performances during the calendar year	<input type="text"/>
# of performance attendees	<input type="text"/>

**West Jordan Jazz Band**

---

Participation	
# of participants who live in West Jordan	<input type="text"/>
# of participants who live in other communities	<input type="text"/>
Total # of participants	-
Performances	
# of performances during the calendar year	<input type="text"/>
# of performance attendees	<input type="text"/>

**Literary Arts**

---

Participation	
# of participants who live in West Jordan	<input type="text"/>
# of participants who live in other communities	<input type="text"/>
Total # of participants	-
Performances	
# of performances during the calendar year	<input type="text"/>
# of performance attendees	<input type="text"/>

(continued on next page)

**WEST JORDAN CITY ARTS GRANT ANNUAL REPORT (continued)**



**D) Community Impact (continued)**

**Visual Arts**

Participation	
# of participants who live in West Jordan	<input type="text"/>
# of participants who live in other communities	<input type="text"/>
Total # of participants	-
Performances	
# of performances during the calendar year	<input type="text"/>
# of performance attendees	<input type="text"/>

**Sugar Factory Playhouse**

Participation	
# of participants who live in West Jordan	<input type="text"/>
# of participants who live in other communities	<input type="text"/>
Total # of participants	-
Performances	
# of performances during the calendar year	<input type="text"/>
# of performance attendees	<input type="text"/>

**Youth Theater**

Participation	
# of participants who live in West Jordan	<input type="text"/>
# of participants who live in other communities	<input type="text"/>
Total # of participants	-
Performances	
# of performances during the calendar year	<input type="text"/>
# of performance attendees	<input type="text"/>

**Senior Band**

Participation	
# of participants who live in West Jordan	<input type="text"/>
# of participants who live in other communities	<input type="text"/>
Total # of participants	-
Performances	
# of performances during the calendar year	<input type="text"/>
# of performance attendees	<input type="text"/>

**TOTAL (auto-calculates from totals above)**

Participation	
# of participants who live in West Jordan	-
# of participants who live in other communities	-
Total # of participants	-
Performances	
# of performances during the calendar year	-
# of performance attendees	-

**Exhibit B**



**WEST JORDAN CITY ARTS GRANT APPLICATION**

*Applications must be received by March 30 for the following calendar year.*

For Calendar Year:

- A) Amount requested:
- B) Attach a copy of the organization's most recent Salt Lake County ZAP Application.
- C) Schedule of performances to be provided in the next calendar year by month.

Month	Major Program	Performance Description
January		
February		
March		
April		
May		
June		
July		
August		
September		
October		
November		
December		

**WEST JORDAN CITY ARTS GRANT APPLICATION (continued)**



**D) Calendar Year Budget** (excludes any in-kind values)

	<b>Prior Year Actual</b>	<b>Current Year Budget</b>	<b>Next Year Request</b>
<b>REVENUE</b>			
1) Program service revenue (admission, tuition, enrollment, etc)			
2) Other earned income (concessions, merchandise, etc)			
3) West Jordan Arts Grant			
4) SL County ZAP Grant			
5) Private contributions <sup>1</sup>			
6) Other public contributions (federal, state, local) <sup>1</sup>			
7) Other revenue <sup>1</sup>			
8) <b>Total</b>	-	-	-
<b>EXPENSES</b>			
10) Salaries and benefits			
11) Independent contractor fees			
12) Program expenses			
13) Royalties/licensing fees			
14) General administrative/office			
15) Travel and housing <sup>1</sup>			
16) Marketing and public relations			
17) Development/fundraising			
18) Facilities			
19) Accounting and legal			
20) Liability Insurance			
21) Other expenses <sup>1</sup>			
22) <b>Total</b>	-	-	-

<sup>1</sup> Provide explanation under Budget Narrative

**BUDGET NARRATIVE**

5) Private contributions

6) Other public contributions (federal, state, local)

7) Other revenue

15) Travel and housing

21) Other expenses



# REQUEST FOR COUNCIL ACTION

**Action:** Need Council to take action

**Meeting Date Requested** : 03/22/2023

**Presenter:** Ariel Campos

**Deadline of item** :

**Department Sponsor:** Administration

**Agenda Type:** \*NEW BUSINESS

**Time Requested:** 5 minutes presentation, 10 minutes council

*(Council may elect to provide more or less time)*

**1. AGENDA SUBJECT**

**Resolution No. 23-010** providing advice and consent to appoint Catherine Paquette Richardson to serve on the Planning Commission.

**2. EXECUTIVE SUMMARY**

The requested appointment will fill a vacant position on the Planning Commission.

**3. TIME SENSITIVITY / URGENCY**

As soon as possible to have them participate and contribute to the commission.

**4. FISCAL NOTE**

There is no budget impact.

**5. MOTION RECOMMENDED**

I move to approve **Resolution No. 23-010** providing advice and consent to the appointment of Catherine Paquette Richardson to serve on the Planning Commission.

**6. MAYOR RECOMMENDATION**

The Mayor recommends approval of **Resolution No. 23-010**

The Mayor has read and reviewed Catherine Paquette Richardson’s resume and application for the Planning Commission. He supports and recommends appointment to the Planning Commission.

**7. PACKET ATTACHMENT(S)**

**Resolution No. 23-010**

**8. OTHER INFORMATION**

Committee Application  
Resume

1 THE CITY OF WEST JORDAN, UTAH  
2 A Municipal Corporation

3  
4 **RESOLUTION NO. 23-010**

5  
6 **A RESOLUTION PROVIDING ADVICE AND CONSENT TO THE**  
7 **MAYOR'S APPOINTMENT OF CATHERINE PAQUETTE RICHARDSON**  
8 **TO SERVE ON PLANNING COMMISSION**

9  
10 WHEREAS, City Code § 2-1-2 vests the Mayor with the duty to appoint, with the City  
11 Council's advice and consent, qualified persons to serve on the Planning Commission  
12 ("Commission"); and

13  
14 WHEREAS, Mayor Burton desires to appoint Catherine Paquette Richardson to serve on  
15 Planning Commission and is seeking the City Council's advice and consent to do so.

16  
17 NOW, THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST  
18 JORDAN, UTAH:

19  
20 Section 1. Advice and Consent. Pursuant to City Code § 2-1-2 of the West Jordan City Code,  
21 the City Council hereby grants the Mayor its advice and consent to the Mayor's  
22 appointment of Catherine Paquette Richardson to fill a vacancy on the Planning  
23 Commission with term to expire on December 31, 2025.

24  
25 Section . Effective Date. This Resolution shall take effect immediately upon passage.

26 Adopted by the City Council of West Jordan, Utah, this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

27 CITY OF WEST JORDAN

28  
29 By: \_\_\_\_\_  
30 Christopher McConnehey  
31 Council Chair

32 ATTEST:

33 \_\_\_\_\_  
34 Cindy M. Quick, MMC  
35 Council Office Clerk

36  
37 **Voting by the City Council**

38 Council Chair Christopher McConnehey  
39 Council Vice Chair Pamela Bloom  
40 Council Member Kelvin Green  
41 Council Member Zach Jacob  
42 Council Member David Pack  
43 Council Member Kayleen Whitelock  
44 Council Member Melissa Worthen

**"YES"**

**"NO"**





# City of West Jordan Committee Application

**Note:** For this application to be complete, a **resume or statement of qualifications must be attached**. If nominated by the Mayor for any position, you will be asked to provide additional information both before and after City Council advice and consent. Following receipt of additional information your name will be submitted to the City Council for advice and consent. On approval from the City Council you will begin your term of service.

Full Name (Last) <i>Paquette-Richardson</i>	(First) <i>Catherine</i>	(M) <i>E</i>	Date of Birth [Redacted]
Email [Redacted]		Phone Number [Redacted]	
Address, City, State, Zip [Redacted] <i>West Jordan, UT 84081</i>			
Committee / Commission(s) Volunteering for: <i>Planning Commissioner</i>			
<input checked="" type="checkbox"/> Included Resume or Statement of Qualifications			
<b>Code of Conduct and Acknowledgement</b> I agree to perform those duties as specified and to stay within the bounds of the responsibilities as outlined in the job description. I will strictly observe all safety rules and policies of the City of West Jordan. I will use care in the performance of my assigned tasks and do so in a professional manner. As a representative of the city, I will treat everyone with respect, patience, integrity, courtesy, dignity and consideration. If problems arise, I will notify my supervisor as soon as possible.			
<b>Applicant Signature:</b> APPLICANT ACKNOWLEDGES THAT THE ARRANGEMENT IS AT THE SOLE DISCRETION OF THE CITY OF WEST JORDAN. APPROVAL MAY BE DENIED FOR ANY REASON, WITH OR WITHOUT CAUSE, AND MAY BE TERMINATED AT ANY TIME, WITH OR WITHOUT NOTICE. The volunteer applicant promises to follow the instructions of the supervisor in performing all assignments. The volunteer does not and shall not assume any authority to represent the City in negotiations, contracts, or make promises or inducements on behalf of the City at any time. Having read this disclaimer and acknowledging approval of all information contained in this form by signing. I understand that any omission or misstatement of material facts on this Application Form, attachment, or any document used to secure a position with the City of West Jordan shall be grounds for rejection of this application or for immediate discharge of an offered position, regardless of the time elapsed before discovery. I understand a background check may be part of this application process and submit to such. I accept the code of conduct and acknowledge the aforementioned section as such.			
Signature <i>Carl E Paquette Richard</i>			Date <i>2-24-23</i>

Please return this form to Ariel Campos. You can either mail it to 8523 S. Redwood Road, West Jordan, UT 84088, or email it to [ariel.campos@westjordan.utah.gov](mailto:ariel.campos@westjordan.utah.gov). If you have additional questions you can call 801-569-5100.

<b>OFFICE USE ONLY</b>			
Beginning Date:	Ending Date:	Reappointment Yes <input type="checkbox"/> No <input type="checkbox"/>	Reappointment Date:
City Supervisor:	Job Duties:		
<input type="checkbox"/> Background Check (As required)	<input type="checkbox"/> Driver's License Review (As Required)	<input type="checkbox"/> Conflicts of Interest	
<input type="checkbox"/> Minor Acknowledgement (As Required)	<input type="checkbox"/> Drug Test (As Required)	<input type="checkbox"/> Other _____	
Human Resources Approval _____	Mayor's Approval _____		
Department Approval _____	City Council Approval (dated) _____		

**Catherine Paquette-Richardson  
Statement of Qualifications  
For Planning Commission**

February 24, 2023



I moved to the city of West Jordan on January 1, 2020. My daughter and her family (four grandchildren) also made their home in West Jordan since 2015. We are just off of 7800 near Mountain View Corridor. In these short years we have seen quite a bit of growth in and around us. My husband and I moved here from Orange County, California, the land of master planned communities and HOAs and high density development.

**Paralegal**

I worked with a team lawyers on a land use matter for two years 2008-2010. My task was to research through city council and planning commission agendas, minutes, and documents to support our client's lawsuit for a 1,000 foot buffer zone from all types of residential dwelling around its industrial plant. It is here that I gained knowledge of the approval process of land use development.

**Legal Secretary**

I have over 20+ years experience as a legal secretary with various large law firms, the last being with Sheppard, Mullin, Richter & Hampton in Costa Mesa, CA. Most of the time I worked in the real estate field - preparing contracts, leases, HOA documents, LLCs agendas and minutes. In addition, I worked with a team of lawyers on mergers and acquisitions.

**BA Marketing 1979**

California State University Fullerton, CA

**Paralegal Certificate 2007**

University of California Irvine, Extension

I was appointed to the advisory committee for the Paralegal Certificate Program in 2005.

**Current Activities**

Republican Precinct Chair (WJD019)

County and State Delegate

Senate District 16 Chair

Christian - Attends online church, Real Life with Jack Hibbs and Foothill Family Church

Nehemiah Coalition - New Creation Church, Sandy, Utah

Attending classes on the U.S. Constitution - Biblical Citizenship

**Employment - retired**

**Endorsement/Referral**

Cheryl Acton, Utah House District 38 Representative, has endorsed me for the Planning Commission. She texted, "You have my full endorsement! WJC would be lucky to have you."



# REQUEST FOR COUNCIL ACTION

<b>Action:</b> Request feedback from Council	<b>Meeting Date Requested</b> : 10/12/2022
<b>Presenter:</b> Chris McConnehey	<b>Deadline of item</b> :
<b>Department Sponsor:</b> Council Office	
<b>Agenda Type:</b> DISCUSSION TOPICS	
<b>Time Requested:</b> 5 minutes presentation, 10 minutes council	<i>(Council may elect to provide more or less time)</i>

- 1. AGENDA SUBJECT**  
Discussion pertaining to the contract between the City of West Jordan and Salt Lake City for the West Jordan Soccer Complex
- 2. EXECUTIVE SUMMARY**  
Contract to lease the property used for the soccer complex expires in fall 2025, this is to provide background information to the council.
- 3. TIME SENSITIVITY / URGENCY**  
Salt Lake Airport Authority is hosting an open house to discuss the airport master plan on Tuesday, October 18<sup>th</sup>, ideally looking to provide information to the council prior to that event.
- 4. FISCAL NOTE**  
None – Discussion Only
- 5. DEPARTMENT RECOMMENDATION**  
None
- 6. PLANNING COMMISSION RECOMMENDATION**  
None
- 7. MOTION RECOMMENDED**  
N/A
- 8. MAYOR RECOMMENDATION**
- 9. PACKET ATTACHMENT(S)**
- 10. OTHER INFORMATION**

MEMORANDUM OF UNDERSTANDING AND LEASE AGREEMENT  
AFFECTING  
SALT LAKE CITY CORPORATION  
AND  
THE CITY OF WEST JORDAN

RECORDED  
NOV 28 1995

CITY RECORDER

THIS MEMORANDUM OF UNDERSTANDING AND LEASE AGREEMENT,  
effective November 1, 1995, involves and sets forth certain relationships between  
SALT LAKE CITY CORPORATION, a municipal corporation of the State of Utah,  
hereinafter "City," and THE CITY OF WEST JORDAN, a municipal corporation of  
the State of Utah, hereinafter "West Jordan."

WITNESSETH

WHEREAS, City owns and through its Airport Authority, hereinafter  
"Authority," operates Airport II, hereinafter "Airport," located in Salt Lake County;  
and,

WHEREAS, West Jordan desires to construct, operate, and maintain a  
regional soccer center on real property owned by the City and operated by the  
Authority and which is located immediately south of the Airport; and,

WHEREAS, City requires said real property for future Airport related  
development and consequently is agreeable to lease it on an interim basis to West  
Jordan under such terms and conditions as are hereinafter set forth.

NOW, THEREFORE, the parties hereby agree as follows:

## ARTICLE 1

### LEASED PROPERTY

- A. City hereby leases to West Jordan and West Jordan agrees to lease from City approximately 96.31 acres of real property, hereinafter "Leased Property" or "Leased Premises," as the same is set forth on Exhibit A, attached hereto and made part hereof.
- B. During the entire term of this Agreement, West Jordan agrees not to construct, maintain, or permit to exist any objects, buildings, or other structures which penetrate any FAA FAR Part 77 imaginary surface upon the Leased Property.
- C. The parties acknowledge that at the time of the execution of this Agreement, the Leased Property is vacant and unimproved. This Agreement and the obligations hereunder apply only to the Leased Property and the obligations hereunder have no applicability to adjacent real property owned by others and utilized similarly as part of the regional soccer center.

## ARTICLE 2

### TERM

- A. The initial term of this Agreement shall commence November 1, 1995, and shall expire at midnight on October 31, 2025, unless otherwise prior terminated by City.

- B. West Jordan shall have the option to lease the Leased Premises for an additional twenty (20) year term commencing November 1, 2025, at the City's sole discretion and at such terms and conditions as are mutually agreed on.
- C. At any time during the term of this Agreement, if the City adopts or modifies a Runway Protection Zone ("RPZ") pursuant to FAA regulations or standards, West Jordan agrees to release any portion of the Leased Property which falls within that modified RPZ. City agrees to provide West Jordan 180 days prior written notice of any such RPZ modification. West Jordan further agrees at its sole cost and expense to remove any buildings or other improvements within the RPZ as it falls within the Leased Premises which may have been completed prior to the adoption of the modified RPZ.

ARTICLE 3

RENT AND FEES

West Jordan agrees to pay City the amount of One Dollar (\$1.00) per year as consideration for the Leased Property.

ARTICLE 4

INDEMNITY

- A. West Jordan agrees to indemnify, save harmless and defend City, its agents and employees from and against all claims, mechanics liens, damage, demands, actions, costs, charges and other liabilities for

property damage or injury or death to persons, including attorney's fees, arising out of or alleged to arise on the Leased Premises or by reason of West Jordan's activities on the Leased Property, or other use of the Leased Property during the term of this Agreement, and from West Jordan's breach hereof.

- B. Notwithstanding the provisions of Paragraph A above, West Jordan shall not be liable for nor required to indemnify or defend City against claims arising out of those aeronautical accidents not involving a direct and physical connection between the aircraft and the activities conducted upon the Leased Premises. West Jordan will be liable and agrees to indemnify only if the activity on the ground directly and physically contacts the aircraft or physically interferes with the safe operation of the aircraft. Distraction of the pilot will not be the basis of liability on the part of West Jordan.
- C. The City assumes no responsibility for any damage or loss that may occur to West Jordan's property, except the obligation the City assumes that it will not willfully, intentionally, or negligently damage the property of West Jordan.

## ARTICLE 5

### USES AND PRIVILEGES

- A. The premises are leased for the construction, operation, and maintenance of a regional soccer center which will consist of

approximately twenty one (21) soccer play fields together with related parking areas, spectator areas, and ancillary improvements and for no other purpose. West Jordan will not knowingly allow or permit activities upon or within the Leased Property which will interfere with the use of the Airport and its aeronautical operations. City and West Jordan will have the right to enforce, in a reasonable and lawful manner, such prohibited activities by requiring the violator to immediately cease and desist such activity.

B. West Jordan will not knowingly allow or permit activities upon or within the Leased Premises which will interfere with the use of the Airport and aeronautical operations including but not limited to:

1. Kite flying, radio-controlled models, launching or recovery of model airplanes;
2. Golfing, driving of golf balls, archery or other similar activities;
3. The installation of lakes, ponds, or other fixed bodies of water which will attract birds or other wildlife;
4. The installation of lighting fixtures which would interfere with the Airport lighting system and/or the aircraft landing system, lighting or communication systems.

West Jordan shall install appropriate signage on the Leased Premises indicating that the activities described in this Paragraph B are prohibited upon the Leased Premises. West Jordan shall enforce, in a



reasonable and lawful manner, these prohibitions by requiring the offender to immediately cease and desist such activity.

- C. West Jordan, at its sole expense, shall construct the regional soccer center on the Leased Property and shall operate the same in accordance with this Lease Agreement. City shall have no responsibility to participate in the construction or maintenance costs of the regional soccer center or activities whatsoever.
- D. West Jordan shall have the right of ingress and egress from the Leased Property over and across City owned roadways serving the Airport for its employees, representatives, agents, patrons, guests, and suppliers, subject to such laws, ordinances, rules and regulations as now or may hereafter have application at the Airport. City hereby retains the right of ingress and egress over, through, and across the Leased Property at any time.
- E. West Jordan shall have no right to perform any activities not listed in this Article 5.

## ARTICLE 6

### NONDISCRIMINATION

- A. West Jordan, for itself, its heirs, personal representatives, successors in interest, and assignees, as a part of the consideration hereof, hereby covenants and agrees as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the

said property described in this agreement for a purpose for which a DOT program or activity is extended or for another purpose involving the provision of similar services or benefits, West Jordan shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.

- B. West Jordan, for itself, its personal representatives, successors in interest, and assigns, as a part of the consideration hereof, hereby covenants and agrees as a covenant running with the land that: (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that West Jordan shall use the premises in compliance with all other requirements imposed by or pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said regulations may be amended.

- C. In the event of a breach of any of the nondiscriminatory covenants pursuant to Part 21 of the Regulations of the Office of the Secretary of Transportation, as amended, the City shall have the right to terminate this Agreement and to re-enter and repossess the Leased Property and hold the same as if said Agreement had never been made or issued.
- D. West Jordan does hereby agree to include the above clauses in all subleases and cause sublessees to similarly include clauses in further subleases.
- E. Nothing herein contained shall be construed to grant or authorize the granting of an exclusive right forbidden by Section 308 of the Federal Aviation Act of 1958, as amended.

#### ARTICLE 7

#### UTILITIES

All reasonable utility services required by West Jordan during the term of this Agreement for the Leased Property or facilities located thereon shall be provided by West Jordan.

#### ARTICLE 8

#### MAINTENANCE AND REPAIRS

- A. West Jordan shall maintain the entire Leased Property and every improvement thereon in good and neat appearance, repair and safe condition during the entire term hereof.

- B. West Jordan shall provide or cause to be provided a complete and proper arrangement for the adequate sanitary handling and disposal, away from the Leased Property, of all trash, garbage, and other refuse caused as a result of the operations conducted on the Leased Property.

## ARTICLE 9

### TAXES AND LICENSES

West Jordan agrees to pay, on or before the last day on which payment therefor may be made without penalty, all nondiscriminatory taxes, assessments or charges which during the term hereof may become a lien or be levied by the State, County, City or other tax levying body on all personal property of West Jordan, upon all improvements made to the Leased Property by West Jordan in connection with issues and occupancy thereof, and upon the possessory interest, if any, of West Jordan in the Leased Property, which shall specifically include, but not by way of limitation, any taxes levied under Section 59-4-101 et seq, Utah Code Ann., 1953, as amended or its successor, if applicable.

## ARTICLE 10

### RULES AND REGULATIONS

In conducting its operations hereunder, West Jordan shall comply with all applicable Federal, State, County, and City laws, rules and regulations in its use of the Leased Property.

## ARTICLE 11

### INSURANCE

- A. West Jordan, at its own cost and expense, shall secure and maintain comprehensive third-party public liability insurance for injury to property and person to protect City herein from such claims and actions. Said insurance shall have limits of not less than \$1,000,000 combined single limit each occurrence.
- B. West Jordan City currently participates in the Utah Risk Management Mutual Association, a consortium of Utah municipalities which have, pursuant to interlocal agreement, established the Association which is a "public mutual" insurance company, licensed as such by the Utah Insurance Department. West Jordan's participation in the Association and the "public liability" insurance coverage thereunder is acceptable to the City. In the event West Jordan shall terminate its membership in the Association and shall not participate in a similarly-established public liability insurance program or shall become "self-insured", West Jordan shall procure a policy of insurance from an insurance company listed on the current Department of the Treasury Fiscal Services List 570 or having a general policy holders rating of not less than "A" in the most current available "Best's Insurance Reports," and be qualified to do business in the State of Utah.

- C. Certificates evidencing such insurance coverage shall be filed with City upon execution of this Agreement. Such certificates shall provide that such insurance coverage will not be canceled or reduced without at least thirty (30) days prior written notice to City. At least thirty (30) days prior to the expiration of any such policy, a certificate showing that such insurance coverage has been renewed shall be filed with City. If such insurance coverage is canceled or reduced, West Jordan shall within fifteen (15) days after receipt of written notice from City of such cancellation or reduction in coverage, file with City a certificate showing that the required insurance has been reinstated or provided through an insurance company or companies qualifying under Subparagraph B hereof.
- D. In the event that West Jordan shall at any time fail to furnish City the certificate or certificates required, City, upon written notice to West Jordan of its intention to do so, shall have the right to secure the required insurance, at the cost and expense of West Jordan, and West Jordan agrees to reimburse City promptly for the cost thereof and ten percent (10%) for cost of administration.
- E. All insurance policies shall name and certificates shall show the City as an insured.

## ARTICLE 12

### TERMINATION & DEFAULT

- A. This Agreement shall expire at the end of the full term hereof, unless sooner terminated as provided hereinafter.
- B. This Agreement may be terminated by the City in the event West Jordan shall:
  - 1. Make a voluntary or involuntary assignment contrary to Article 17 hereof.
  - 2. Abandon the Leased Property.
  - 3. Except for payment of rents and fees, be in default in the performance of any of the covenants and conditions required herein to be kept and performed by West Jordan, and such default continues for a period of thirty (30) days after receipt of written notice from City of said default. If the nature of the default is such that it cannot be cured within thirty (30) days, City in its sole judgment may determine to terminate this Agreement or permit a cure.
- C. In the case of any of the aforesaid events of termination, City may exercise the above right of termination by delivering a written notice of termination to West Jordan at the address set forth herein, and this Agreement shall terminate as of that date and time. Delivery may be by hand or by certified mail. Thereafter, City may take immediate

possession of the Leased Property and all improvements thereon and remove West Jordan's personal property. Any rental due hereunder shall be payable to said date of termination.

- D. It is agreed that failure to declare this Agreement terminated upon the default of West Jordan for any reasons set forth above shall not operate to bar or destroy the right of City to declare this Agreement null and void by reason of any subsequent violation of the terms of this Agreement.

#### ARTICLE 13

##### ASSIGNMENT AND SUBLEASING

West Jordan shall not assign, transfer, sublease, pledge, hypothecate, surrender or otherwise encumber or dispose of this Agreement or any estate created by this Agreement, or any interest in any portion of the same, or permit any other person or persons, company or corporation to occupy the Leased Property without written consent of the City being first obtained, which consent, except for involuntary actions, shall not be unreasonably withheld.

#### ARTICLE 14

##### REMOVAL OF PERSONAL PROPERTY

- A. Title to personal property shall at all times remain in West Jordan, and West Jordan shall have the right at any time to remove any or all personal property of every kind and nature whatsoever which West Jordan may have placed or installed upon the Leased Property. Any and all fixtures, tools, devices, appliances, furniture, pictures, furnishings,



equipment, and supplies, of every kind and nature, heretofore or hereafter placed or installed by West Jordan on the Leased Property, as between City and West Jordan, shall be and remain the personal property of West Jordan, notwithstanding the same are or may be attached or affixed to the floors, ceilings, or any other parts of any buildings or structures on the Leased Property. West Jordan shall have said right to remove same provided that, upon any such removal, West Jordan shall repair, at its own expense, any damage resulting therefrom and leave the Leased Property in a clean and neat condition, with all improvements in place.

- B. West Jordan at its sole cost and expense, shall remove all personal property from the Leased Property prior to termination of this Agreement. City shall be entitled to remove all personal property from the Leased Property if West Jordan fails to remove said personal property, and City shall store such property at West Jordan's expense, plus 30% of the removal and storage expense and cost of administration.

## ARTICLE 15

### INSPECTION OF LEASED Property

City, its agents, or employees may enter upon the Leased Property, at any and all reasonable times during the term hereof for the purpose of determining whether or not West Jordan is complying with the terms and conditions hereof or for any other purpose incidental to rights of City. If West Jordan is in violation of any of the covenants of this Agreement and fails to correct said violations as provided herein, the

City may elect, in lieu of cancellation, to provide that the necessary action be taken at the cost and expense of West Jordan, and West Jordan agrees to reimburse City promptly for the cost thereof together with ten percent (10%) for the cost of administration.

## ARTICLE 16

### FORCE MAJEURE

Any prevention, delay, or stoppage of performance of West Jordan's or City's obligations hereunder due to acts of God, governmental restrictions, governmental controls, governmental regulations, enemy or hostile government action, civil commotion, fire or other casualty, or any other causes beyond the reasonable control of either shall not be deemed to be a breach of this agreement or a violation of or failure to perform any covenants hereof, and either shall have a reasonable time after cessation of any of such causes within which to render performance delayed thereby.

## ARTICLE 17

### SPONSOR'S ASSURANCES

This Agreement shall be subordinate to the provisions of any existing or future agreements between City and the United States Government, and any applicable Federal laws or regulations relative to the operation, security or maintenance of the Airport, the execution of or compliance with which is, or will be required as a condition precedent to the granting of Federal funds for the development of the Airport to the extent that the provisions of any such existing or future agreements are generally required by the United States at other civil air carrier airports receiving Federal funds

and provided that City agrees to give West Jordan written notice in advance of the execution of such agreements of any provisions which will modify the terms of this Agreement.

#### ARTICLE 18

#### QUIET ENJOYMENT

City represents that the Leased Property is zoned to permit the uses provided for in this Agreement. City represents that it has a marketable title and unencumbered fee interest to the Leased Property. City will defend West Jordan's right to quiet enjoyment of the Leased Property from the claims of third persons.

#### ARTICLE 19

#### RIGHT OF FLIGHT

West Jordan understands and agrees that City reserves the right of flight for the passage of aircraft above the surface of the Leased Property hereunder in accordance with Federal Aviation Administration criteria, and such right of flight shall include the right to cause in such airspace such noises as may be inherent to the operation of aircraft now known or hereafter used for navigation of or flight in the air; and that City reserves the right to use said airspace for landing at, taking off from or operating aircraft on or over said Airport.

#### ARTICLE 20

#### REDELIVERY OF LEASED PROPERTY

West Jordan shall, upon termination of this Agreement quit and deliver up the Leased Property to City peaceably, quietly, and in as good order and condition as the

same now are or may hereafter be improved by West Jordan or City, reasonable use, wear, tear and deterioration excepted.

#### ARTICLE 21

#### HOLDING OVER

In the event West Jordan remains in possession of the Leased Property after the expiration of this Agreement without any written renewal thereof, such holding over shall not be deemed as a renewal or extension of this Agreement but shall create only a tenancy at will from month to month, which may be terminated at any time by City giving thirty (30) days prior written notice of termination.

#### ARTICLE 22

#### THIRD PARTIES

This Agreement does not and shall not be deemed or construed to confer upon or grant to any third party or parties any rights to claim damages or to bring any suit, action or other proceeding against the City because of any breach hereof or because of any of the terms, covenants, agreements or conditions herein contained.

#### ARTICLE 23

#### AGREEMENT MADE IN UTAH

This Agreement has been made in, shall be construed in accordance with and enforced under the laws of the State of Utah.

ARTICLE 24  
SUCCESSORS

This Agreement shall bind and inure to the benefit of any successor of City and any successor, assignee, or sublessee of West Jordan.

ARTICLE 25  
HEADINGS

The Article headings contained herein are for convenience in reference and are not intended to define or limit the scope of any provision of this Agreement.

ARTICLE 26  
NON-WAIVER

Any waiver of any breach of covenants herein contained to be kept and performed by West Jordan shall not be deemed or considered as a continuing waiver and shall not operate to bar or prevent the City from declaring a forfeiture or termination for any succeeding breach either of the same condition or covenant or otherwise.

ARTICLE 27  
TIME OF ESSENCE

Time is of the essence of this Agreement.

ARTICLE 28  
NOTICES

Notices to City provided for herein shall be sufficient if sent by certified mail, postage prepaid, addressed to:

Executive Director - Salt Lake City Airport Authority  
Salt Lake City International Airport  
AMF Box 22084  
Salt Lake City, Utah 84122

and

Manager, Denver ADO  
5440 Roslyn, Suite 300  
Denver, Colorado 80216

and notices to West Jordan, if sent by certified mail, postage prepaid, addressed to:

West Jordan City Manager  
8000 S. Redwood Road  
West Jordan, Utah 84088

or at such other addresses as the parties may designate to each other in writing from time to time.

## ARTICLE 29

### ASSIGNMENT

This Agreement cannot be assigned by either party without the prior written consent of the other.

## ARTICLE 30

### ENTIRE AGREEMENT AND ALTERATIONS

- A. This Agreement supersedes and revokes all previous negotiations, arrangements, letters of intent, offers to lease, lease proposals, brochures, representations, and information conveyed, whether oral or in writing, between the parties hereto or their respective representatives or any other person purporting to represent the City or West Jordan. West

Jordan acknowledges that it has not been induced to enter into this Agreement by any representations not set forth in this Agreement, it has not relied on any such representation or construction of this Agreement, and the City shall have no liability for any consequences arising as a result of any such Representations.

- B. No alteration, amendment, change or addition to this Agreement shall be binding upon the City or West Jordan unless in writing and signed by both parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

RECORDED

SALT LAKE CITY CORPORATION

NOV 28 1995

CITY RECORDER

  
EXECUTIVE DIRECTOR

SALT LAKE CITY AIRPORT AUTHORITY

ATTEST:

  
CHIEF DEPUTY CITY RECORDER



THE CITY OF WEST JORDAN, UTAH

ATTEST:

  
MAX R. HOGAN, MAYOR

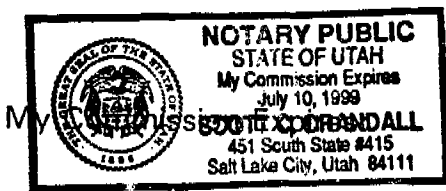
  
CITY RECORDER



STATE OF UTAH )  
 : ss.  
COUNTY OF SALT LAKE )

On NOV 28 1995, personally appeared before me LOUIS E. MILLER and  
S. R. Kivett, who being by me duly sworn, did say that they  
are the EXECUTIVE DIRECTOR, SALT LAKE CITY AIRPORT AUTHORITY and CHIEF  
DEPUTY CITY RECORDER, respectively, of SALT LAKE CITY CORPORATION, and said  
persons acknowledged to me that said corporation executed the same.

*[Handwritten Signature]*  
NOTARY PUBLIC, residing in  
Salt Lake County, Utah



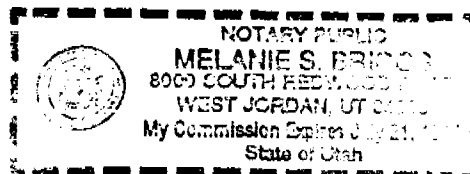
STATE OF UTAH )  
 : ss  
COUNTY OF SALT LAKE )

On October 26, 1995, personally appeared before me  
Max R. Hogan, who being by me duly sworn did say  
that (s)he is the Mayor of the City of West Jordan, Utah, a  
municipal corporation of the State of Utah, and that the foregoing instrument was  
signed in behalf of said corporation by authority of a resolution (or bylaws) of its Board  
of Directors; and said persons acknowledged to me that said corporation executed the  
same.

*[Handwritten Signature]* Salt Lake County  
NOTARY PUBLIC, residing in

My Commission Expires:

July 21, 1997





Burton Highway

AREA 2

4.47 AC.

PPZ

West Jordan

Water Tap Site

4000 West Street

South Street

AREA 1  
49.33 AC

State Road Comm

EXHIBIT A

PART OF AREA 3

IN THE NE 1/4 SEC. 31

(Section number, T14N, R10E)

July 28, 1999

Rory Andreason  
West Jordan City – Records Office  
8000 South Redwood Road  
West Jordan, Utah 84088

RE: Lease Agreement – Soccer Complex

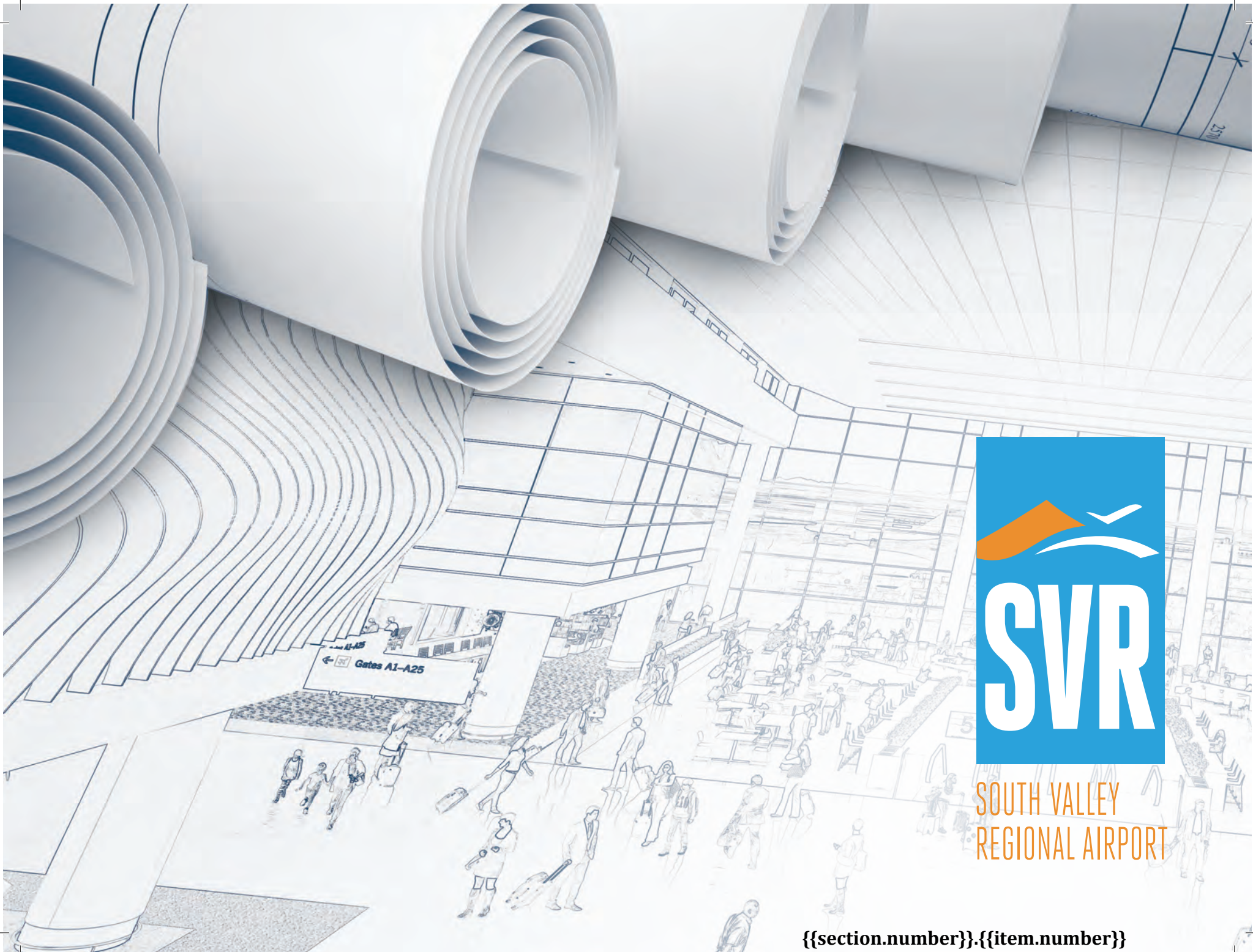
Dear Rory:

As you requested, enclosed please find a copy of the lease agreement between Salt Lake City Corporation and West Jordan City. If you have any questions or require additional information, please don't hesitate to contact me at 575-2894.

Sincerely,



Lorraine Carlton  
Property & Contract Specialist



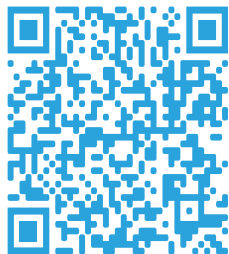
SOUTH VALLEY  
REGIONAL AIRPORT

# SOUTH VALLEY REGIONAL AIRPORT MASTER PLAN MEETING

The Salt Lake City Department of Airports (SLCDA) is planning for the future of South Valley Regional Airport (SVR) and we want to hear from you! Please join SLCDA—owner and operator of SVR—at a public meeting to learn about the master planning process and to ask questions about the future of SVR.

**Tuesday, October 18 from 6 to 8 p.m.**

**West Jordan Public Works Building, 7960 South 4000 West**



A virtual option is available and can be accessed from 6 to 7 p.m. through Zoom:  
[https://rsandh.zoom.us/webinar/register/WN\\_c0kFPZ4NQ62if9-1L8j16A](https://rsandh.zoom.us/webinar/register/WN_c0kFPZ4NQ62if9-1L8j16A)



DEPARTMENT OF  
AIRPORTS

P.O. Box 145550

Salt Lake City, Utah 84114-5550



July 3, 2013

Mr. David Everitt  
Chief of Staff  
Salt Lake City Corporation  
451 South State Street, Room 306  
PO Box 145474  
Salt Lake City, UT 84114-5474

Dear Mr. Everitt:

Thank for your February 4 letter, concerning the corrective actions proposed to the Federal Aviation Administration's (FAA) compliance review of Salt Lake City Department of Airports (DOA). The items sent were in response to our request for additional information and modifications of the original corrective action plan submitted by the City on August 2, 2012. We appreciate the fact that your letter recognizes the City's full commitment to implement corrective actions for violations of FAA's Policy and Procedures Concerning the Use of Airport Revenue (Revenue Use Policy).

Your responses to the five findings indicated, in part:

**West Jordan Soccer Field:** The City will allow the initial term of the soccer field to run its course through October, 2025, but the City will not allow West Jordan to exercise an option for a second, 20-year term.

**Land Swap/Easement:** The City's General Fund, subject to annual appropriation, will reimburse the DOA \$983,943.19 (\$912,656 plus statutory interest of \$71,287.19) over a 10-year pay period on the following schedule (which accounts for accumulating interest on the unpaid balance):

	Principal	Accumulated Interest	Total
7/01/13	\$94,047.33	\$9,839.43	\$103,886.76
7/01/14	\$94,987.81	\$8,898.96	\$103,886.76
7/01/15	\$95,934.68	\$7,949.08	\$103,886.76
7/01/16	\$96,897.06	\$6,989.70	\$103,886.76
7/01/17	\$97,866.03	\$6,020.73	\$103,886.76

7/01/18	\$98,844.69	\$5,042.07	\$103,886.76
7/01/19	\$99,833.14	\$4,053.63	\$103,886.76
7/01/20	\$100,831.47	\$3,055.29	\$103,886.76
7/01/21	\$101,839.79	\$2,046.98	\$103,886.76
7/01/22	\$102,858.18	\$1,028.58	\$103,886.76
Total	\$983,943.19	\$54,924.46	\$1,038,868.65

The DOA will annually certify to the FAA that these amounts have been properly withheld from the DOA's payments to the General Fund for city services rendered to the airport system.

**Boeing Lease:** Based on the appraised fair market value of the subject property, Boeing will pay a rental rate of \$0.27/sf for the "Premises" lease, effective January 1, 2013. If Boeing exercises its options on the "Land Bank" or "additional property" over the next five years, Boeing will be required to pay the appraised fair market value of \$0.23/sf. These lease rates will be updated every five years to reflect then-current appraised value in conjunction with Boeing's options to renew the lease.

**Wingpointe Golf Course:** The City would make reasonable efforts to rezone the property to allow aeronautical uses over the next five years. The DOA would amend the existing MOU so that the MOU expires on December 31, 2017 (instead of June 30, 2087) and, effective July 2, 2013 (the start of the next fiscal year), require the City, subject to appropriation, to reimburse the DOA for its costs (currently about \$55,000/year) for maintaining security, managing wildlife and otherwise ensuring that the use of the property as a golf course does not impair the use of Salt Lake City International Airport (SLC) as an airport.

The MOU would also be amended to provide if, as of December 31, 2017, the property is not needed for aeronautical use, the MOU may be extended for an additional 5-year term, but only if the City pays the DOA the current appraised fair market value rent for the golf course. The City has agreed to the following annual payment schedule, subject to appropriation:

	Annual Payment
FY 2014	\$55,000
FY 2015	\$60,000
FY 2016	\$65,000
FY 2017	\$70,000
7/17-12/17	\$37,500

**Cost Allocation Plan:** As recommended by the FAA, the DOA's internal auditor will review the City's cost allocation plan on an annual basis.

Based on your responses, FAA has agreed to your corrective action plan. However, you noted that both payments for the Golf Course and Easement are subject to annual appropriations. We understand the DOA's annual budget is subject to City Council approval and that the City is committed to resolving the findings. However, failure to not appropriate

these annual payments could place the DOA in noncompliance with Federal law. Sanctions for noncompliance can include:

- Withholding of future and existing grants;
- Withholding approval of an application to impose a passenger facility charge;
- Federal court action; and
- Civil penalties as stated in FAA's Revenue Use Policy.

In an effort to alleviate FAA's concerns over the "subject to annual appropriations" language, the Executive Director of SLC provided a plan to formalize the repayment for the Golf Course and Easement. It states that if the City's golf course enterprise fund does not make the proposed rental payments, the City will close the golf course and return it to the Airport. For the Easement, the City will include the payments in the City's nondepartmental budget schedule, where it will be described as "10 Year Plan – Airport Trail Reimbursement Required by FAA Corrective Action Plan." The DOA believes that this expressly shows the City's full commitment to making the scheduled payments and inclusion in the non-departmental budget will formalize the obligation.

FAA will continue to monitor the lease arrangements and/or repayments for the Golf Course, Boeing, and the Soccer Field. In the future, please submit copies of supporting documentation to the FAA on an annual basis for the payments made to the DOA for the Golf Course and Easement. In addition, we fully expect the DOA and the City to fulfill its promises with regard to the proposed current and future lease modifications.

Should you have any further questions, please contact David Duchow at (202) 493-4604.

Sincerely,



Randall S. Fiertz  
Director of Airport Compliance  
and Management Analysis

cc: Maureen Riley, Executive Director, SLC  
Scott Lewis, Anderson & Kreiger, LLP.  
John Bauer, Denver Airports District Office  
Joelle Briggs, Northwest Mountain Airports Division



# REQUEST FOR COUNCIL ACTION

<b>Action:</b> Request feedback from Council	<b>Meeting Date Requested</b> : 12/07/2022
<b>Presenter:</b> Christopher McConnehey / David Pack	<b>Deadline of item</b> :
<b>Department Sponsor:</b> Council Office	
<b>Agenda Type:</b> DISCUSSION TOPICS	
<b>Time Requested:</b> 10 minutes presentation, 10 minutes council	<i>(Council may elect to provide more or less time)</i>

## 1. AGENDA SUBJECT

Discussion of Landlord / Tenant Agreements for City Utilities

## 2. EXECUTIVE SUMMARY

- Purpose of this item is to facilitate council discussion to determine if the Council would like to see a Landlord Agreement made possible to allow tenants to have city utilities placed in the tenants name. Various utility and municipal entities allow for adoption of a landlord agreement which allows a tenant to have utilities placed in their name, then at the end of their tenure utilities automatically revert to the name of the landlord. This allows for proof of residency (useful for voter registration), creation of credit history, and potentially an ability for the city to communicate with residents who are not a homeowner.
- Some entities which allow for a Landlord agreement include the following:
  - Rocky Mountain Power
    - <https://csapps.rockymountainpower.net/public/working-with-us/landlord-interim-billing>
  - Dominion Energy
    - [https://www.questargas.com/forms/59042\\_DE\\_Landlord\\_Service\\_Agreement.pdf](https://www.questargas.com/forms/59042_DE_Landlord_Service_Agreement.pdf)
  - Provo City
    - <https://www.provo.org/home/showpublisheddocument/18095/637192681766770000>
  - Riverton City
    - <https://www.rivertonutah.gov/utilities/applications/landlord.php>
  - Salt Lake City
    - Form available by email from SLC upon request

## 3. TIME SENSITIVITY / URGENCY

None – for discussion only

## 4. FISCAL NOTE

None – for discussion only. Depending on policy direction by council, any fiscal impact would be provided.

## 5. PLANNING COMMISSION RECOMMENDATION

N/A

## 6. STAFF ANALYSIS

**{{section.number}}-{{item.number}}**



For Council Member discussion only

**7. MOTION RECOMMENDED**

N/A

**8. MAYOR RECOMMENDATION**

N/A

**9. PACKET ATTACHMENT(S)**

CC WS Minutes

**10. OTHER INFORMATION**



MINUTES OF THE CITY OF WEST JORDAN  
CITY COUNCIL WORK SESSION

Wednesday, February 23, 2022 - 5:30 pm  
Approved March 9, 2022

West Jordan City Council Chambers • 8000 S Redwood Road • West Jordan, UT 84088

**COUNCIL:** Chair Kayleen Whitelock, Vice-Chair Kelvin Green, Pamela Bloom (via Zoom), Zach Jacob, Christopher McConnehey, David Pack, and Melissa Worthen

**STAFF:** Treasurer Tyler Aitken, Council Office Director Alan R. Anderson, Public Services Director Isaac Astill, Community Engagement & Government Affairs Director Tauni Barker, Mayor Dirk Burton, Public Works Director Brian Clegg, Policy Analyst & Public Liaison Cassidy Hansen, Code Enforcement Manager Brock Hudson, Community Development Director Scott Langford, City Administrator Korban Lee, IT Administrative Assistant Rachel MacKay, Fire Chief Derek Maxfield, Economic Development Director Chris Pengra, Council Office Clerk Cindy Quick, Administrative Services Director Danyce Steck, Assistant City Attorney Jared Tingey, Police Chief Ken Wallentine and City Attorney Robert Wall

**CALL TO ORDER**

Chair Whitelock called the work session to order at 5:30 pm

**A. Dumpster Program for Rental Properties**

Treasurer Tyler Aitken shared dumpster program utilization data for 2021 and 2022 to date. He explained that approximately \$150 of each first dumpster rental was subsidized by the City, with a total of approximately \$415,000 subsidized in 2021. Responding to a question from Council Member McConnehey, Mr. Aitken said he did not have data for previous years available.

	2021	2022 YTD
1 <sup>st</sup> Rental (\$50)	2,766	255
2 <sup>nd</sup> Rental (\$200)	142	6
<b>TOTAL</b>	2,908	261

Mr. Aitken explained that a dumpster could be reserved for a rental property, but the request had to come from a property owner, not a renter, through the City’s online reservation program. The online reservation program was linked directly to a property’s utility billing account, and a property owner would release liability with the reservation. A utility billing account must be current to reserve a dumpster. The Council and staff discussed how liability was handled prior to the online reservation system.

Vice Chair Green commented that some rental property owners turned management over to a rental property manager, with a utility account in the manager’s name. He asked if a property manager would be able to reserve a dumpster. Mr. Aitken said he agreed the system could have some complications. He said he doubted a property management company would have authority to waive liability.

Vice Chair Green questioned the purpose of the dumpster program in West Jordan. He said if the purpose was to beautify the City, it should not be so complicated for a group of people to reserve a dumpster. He suggested simplifying the process.

Chair Whitelock asked Council Members to indicate if they were in favor of figuring out a way to allow renters to reserve dumpsters, and a majority of the Council indicated in favor. Chair Whitelock asked the Mayor's Office and City staff to put together a way to allow renters to reserve dumpsters.

Council Member McConnehey said it was his understanding that City utilities had to be in the name of a property owner and could not be in the name of a renter. He said all utilities he was familiar with other than City utilities provided an option for a landlord/tenant agreement. He said he understood some of the concerns expressed, and suggested the City consider implementing some form of landlord agreement that would allow for utilities to be placed in the name of a renter. He said he agreed that the purpose of the dumpster rental program was neighborhood beautification and said he would be willing to approve City dumpster rentals for HOAs at either the subsidized rate or the at-cost rate, despite the fact that HOAs did not pay for garbage removal through the City.

Council Member Pack said he liked the suggestion to allow landlord/tenant agreements for West Jordan utilities and expressed agreement with allowing tenants to rent City dumpsters. Council Member Worthen said she wanted to be careful not to tell property owners what they could and could not do with rental properties.

Vice Chair Green suggested perhaps the dumpsters should be allowed on the street. He acknowledged there were complications with every scenario. Vice Chair Green said that after a lot of thought, he was leaning towards being in favor of returning to a free dumpster program. He said he wanted to see the program simplified. Administrative Services Director Danyce Steck commented that all City utility accounts would need to be raised by at least 10% in order to subsidize a free dumpster program. She questioned whether all accounts should pay for a benefit utilized by only a portion of the accounts.

Council Member Jacob commented that everyone benefited from a cleaner neighborhood. If the program were free, with everyone paying the same amount for the benefit, he said he would feel he had a right to throw his trash in any dumpster reserved by a resident. He said he liked the balance provided with requiring a rental fee.

Mr. Aitken explained that the current online reservation system did not charge a rental fee until after a rental service occurred, which allowed for easy cancellation with no financial impact. If the City were to allow renters to reserve dumpsters, he said staff recommended requiring that reservations by renters be made in person during City business hours. The property owner would need to sign a release of liability form, and a fee would be charged at the time of reservation. Cancellation or rescheduling would require a call to Public Works and a possible refund.

Mayor Burton said it was his understanding that under State law, a city could not turn off water for nonpayment if an account were in a renter's name, which may be why cities put water utility accounts in the name of property owners. He suggested allowing a renter to set up a separate account with the City to be able to reserve a dumpster. Mr. Aitken said he was confident it would be possible but commented that current billing staff were already stretched thin, and additional resources would be needed in the utility billing department to keep up with the need. Ms. Steck commented that creating a renter account separate from the property billing account would remove

the ability to ensure the account were current prior to reservation. City Administrator Korban Lee said staff heard the Council consensus and understood the direction given to figure something out.

Council Member McConnehey said he would like a pathway for residents in need, for whom the \$50 rental fee may not be feasible, to reserve a dumpster free of charge.

Council Member Pack said he liked the suggestion for renters to be able to reserve a dumpster in person with payment up front, with the property owner signing a liability waiver. Council Member Worthen said she agreed. Chair Whitelock suggested possible fee waivers could be added to upcoming budget discussions. Responding to a question from Council Member Pack, Mr. Aitken clarified that a liability waiver was required with each dumpster rental. Council Member Bloom said she wanted to ensure that West Jordan continued to be inclusive as it continued to grow.

City Attorney Rob Wall clarified that according to State law, if a property owner agreed in writing that utilities could be shut off for non-payment by a renter, utilities could be shut off.

### ***B. Council Budget Priorities Report***

City Administrator Korban Lee, Public Works Director Brian Clegg, Public Services Director Isaac Astill, and Economic Development Director Chris Pengra reviewed with the Council the budget priorities the Council set in January of 2021, provided updates, and answered questions from Council Members.

- Demonstrate Financial Sustainability
  - General Fund is balanced
  - Budget includes 5-year plans for most funds
- Improve Employee Retention and Recruitment
  - Restored compensation plan
  - Added 13 full-time and 2 part-time positions
  - Enhanced benefits to be more competitive
  - Alternative work arrangements
- Infrastructure Replacement and Maintenance
  - \$9.78 million in road projects
  - \$4.3 million in other projects
  - \$18.1 million in water projects
  - \$3.3 million in sewer projects
  - \$2.8 million in storm water projects
- Enhance Economic Development
  - Added a full-time Business Retention and Expansion Manager
  - Redevelopment Agency
    - \$8.5 million in utility improvements to areas to incentivize development
    - \$1.5 million in streetscape improvements to areas to incentivize development
- Increase Automation
  - Added a full-time Database Management Technician to support the new CityWorks program
  - Reduced costs from remote work arrangements (copiers, printers, office supplies, etc.)
  - Enhanced technology opportunities to increase efficiency
    - Agenda Management software

- New website
- eProsecutor
- Legal discovery software
- Enhanced Code Enforcement
  - Added a full-time Code Enforcement Officer
- Improve Parks
  - Added two full-time Parks Maintenance Workers
  - \$4.12 million in parks projects
    - Maple Hills Park
    - Pickleball courts at Ron Wood Park
    - Disc golf course
    - Dog Park
    - Arterial beautification
    - Constitution Park irrigation improvements
- Plan for Community Arts Center
  - \$300k of on-going revenue in the General Fund for the construction. After construction, these funds will be retained in the General Fund to fund operations of the facility.

Council Member Worthen encouraged the Council to think about priorities for the upcoming fiscal year.

Chair Whitelock adjourned the work session at 6:44 pm

*I, Cindy Quick, hereby certify that the foregoing minutes represent an accurate summary of what occurred at the meeting held on February 23, 2022. This document constitutes the official minutes for the West Jordan City Council Meeting.*

Cindy M. Quick, MMC  
Council Office Clerk

Approved this 9<sup>th</sup> day of March 2022