



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, October 19, 2022 at 6:00 PM

AGENDA

Notice is given that a meeting of the Town Council of the Town of Apple Valley will be held on **Wednesday, October 19, 2022**, commencing at **6:00 PM** or shortly thereafter at **1777 N Meadowlark Dr, Apple Valley**.

Mayor | Frank Lindhardt |

Council Members | Andy McGinnis | Barratt Nielson | Kevin Sair | Robin Whitmore |

Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020 regarding Electronic Public Meetings, please be advised that the meeting will be held electronically and broadcast via Zoom. Persons allowed to comment during the meeting may do so via Zoom. Login to the meeting by visiting:

<https://us02web.zoom.us/j/87607542551>

if the meeting requests a password use 1234

To call into meeting, dial (253) 215 8782 and use Meeting ID 876 0754 2551

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PRAYER

ROLL CALL

DECLARATION OF CONFLICTS OF INTEREST

CONSENT AGENDA

The Consent Portion of the Agenda is approved by one (1) non-debatable motion. If any Council Member wishes to remove an item from the Consent Portion of the agenda, that item becomes the first order of business on the Regular Agenda.

- A. Disbursement Listing for August 2022, single item.
- B. Disbursement Listing for September 2022.
- C. Budget Report for Fiscal Year 2022 thru September 2022.
- D. Minutes: September 21, 2022
- E. Minutes: August 24, 2022
- F. Minutes: July 20, 2022

MAYOR'S TOWN UPDATE

PUBLIC HEARING

- 1. Update Title 2.14.050 Filling Vacancies And Removal From Office, Ordinance-O-2022-44.
- 2. Update Title 1.02 Definitions, Ordinance-O-2022-45.
- 3. Update Title 6.04 Nuisances, Ordinance-O-2022-46.
- 4. Update Title 9.02 Animal Control and 9.03 Dogs, Ordinance-O-2022-47.
- 5. Update Title 12.02 Building Codes, Ordinance-O-2022-48.
- 6. Update Title 14.06 Encroachments And Utility Construction, Ordinance-O-2022-49.
- 7. Repeal Title 14.02.060 Endangered Species Impact Fees, Ordinance-O-2022-50.
- 8. Update Title 14.02.080 Impact Fee Schedules And Formulas, Ordinance-O-2022-51.
- 9. Update Title 5.04.200 Exceptions To The Business License Fee, Ordinance-O-2022-52.
- 10. Adopt Title 5.09 Special Events, Ordinance-O-2022-53.

11. Update Title 7.10 Solid Waste, Ordinance-O-2022-54.
12. Update Title 5.10.020 Beer Licenses, Ordinance-O-2022-55.

PUBLIC COMMENTS

DISCUSSION AND ACTION

1. Consider approval of appointing Richard Palmer to Planning Commission, Resolution-R-2022-46.
2. Consider approval of appointing Garth Hood to Planning Commission Alternate, Resolution-R-2022-48.
3. Passed on September 14th Resolution number changed to R-2022-44. Appointment of Big Plains Water and Sewer Special Service District Board Member, Resolution R-2022-42.
4. Update Title 1.02 Definitions, Ordinance-O-2022-45.
5. Update Title 2.14.050 Filling Vacancies And Removal From Office, Ordinance-O-2022-44.
6. Update Title 6.04 Nuisances, Ordinance-O-2022-46.
7. Update Title 9.02 Animal Control and 9.03 Dogs, Ordinance-O-2022-47.
8. Update Title 12.02 Building Codes, Ordinance-O-2022-48.
9. Update Title 14.06 Encroachments And Utility Construction, Ordinance-O-2022-49.
10. Repeal Title 14.02.060 Endangered Species Impact Fees, Ordinance-O-2022-50.
11. Update Title 14.02.080 Impact Fee Schedules And Formulas, Ordinance-O-2022-51.
12. Update Title 5.04.200 Exceptions To The Business License Fee, Ordinance-O-2022-52.
13. Adopt Title 5.09 Special Events, Ordinance-O-2022-53.
14. Update Title 7.10 Solid Waste, Ordinance-O-2022-54.
15. Update Title 5.10.020 Beer Licenses, Ordinance-O-2022-55.
16. Consider Approval of Fee Schedule Amendment-Resolution-R-2022-47.
17. \$500 Walmart Community Grant
18. Unimproved roads
19. Ash Creek Annexation has been completed.
20. Appoint Robin Whitmore as the responsible Town Council Member of the Emergency Management Program, Resolution-R-2022-49.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

REQUEST FOR A CLOSED SESSION

ADJOURNMENT

Interested persons are encouraged to attend public hearings to present their views or present their views in writing at least 48 hours prior to the meeting by emailing clerk@applevalleyut.gov.

CERTIFICATE OF POSTING: I, Jenna Vizcardo, as duly appointed Recorder for the Town of Apple Valley, hereby certify that this Agenda was posted at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town Website www.applevalleyut.gov.

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the Town at 435-877-1190 at least three business days in advance.

Town of Apple Valley
Disbursement Listing
Checking - SBSU - 08/01/2022 to 08/31/2022

Payee Name	Reference Number	Payment Date	Payment Amount	Void Date	Void Amount	Source
Zions Bank	ZB08252022	08/25/2022	\$880.38			Purchasing
	0826221200	08/26/2022	\$6,000.96			Paycheck
Amazon.com	DEBIT0826202	08/26/2022	\$10.95			Purchasing
Internal Revenue Service	IRS08262022	08/26/2022	\$1,521.73			Payroll
Lindhardt, Frank G	5224	08/26/2022	\$784.97			Paycheck
Utah Retirement Systems	URS08262022	08/26/2022	\$820.70			Payroll
Buck's Ace Hardware	5229	08/30/2022	\$455.09			Purchasing
Kirylo, Dan & Margaret	5228	08/30/2022	\$222.29			Purchasing
Petty Cash	5236	08/30/2022	\$10.37			Purchasing
Ruesch & Reeve, PLLC	5227	08/30/2022	\$1,010.00			Purchasing
Amazon.com	DEBIT0831202	08/31/2022	\$57.05			Purchasing
Amazon.com	DEBIT0831202	08/31/2022	\$73.02			Purchasing
Amazon.com	DEBIT0830202	08/31/2022	\$89.98			Purchasing
Steamroller Copies	5230	08/31/2022	\$105.00			Purchasing
Washington County Solid Waste	5255	08/31/2022	\$4,320.72			Purchasing
			\$127,633.21		\$2,019.91	

This check (5255) was actually written in September and therefore not included on the original August disbursement. The check was incorrectly dated to August.

Town of Apple Valley
Disbursement Listing
Checking - SBSU - 09/01/2022 to 09/30/2022

Payee Name	Reference Number	Payment Date	Payment Amount	Void Date	Void Amount	Source
Rothenbush, Scott	5177	07/19/2022		09/07/2022	\$200.00	Purchasing
James R Weeks	5239	09/01/2022	\$170.00			Purchasing
Pelorus Methods, Inc.	5234	09/01/2022	\$700.00			Purchasing
South Central Communications	5240	09/01/2022	\$445.51			Purchasing
Superior Technical Solutions	STS09012022	09/01/2022	\$355.00			Purchasing
Arizona Strip Landfill Corporation	5233	09/02/2022	\$100.00			Purchasing
Chase Paymentech	DEBIT0906202	09/06/2022	\$291.59			Purchasing
Layton Ventures LLC	5235	09/06/2022	\$9,770.86			Purchasing
Tink's Superior Auto Parts	5231	09/06/2022		09/06/2022	\$105.25	Purchasing
Tink's Superior Auto Parts	5232	09/06/2022	\$105.25			Purchasing
XPress Bill Pay	XBP09052022	09/06/2022	\$277.96			Purchasing
Amazon.com	DEBIT0901202	09/07/2022	\$82.19			Purchasing
Rothenbush, Scott	5238	09/07/2022	\$200.00			Purchasing
The Garage Door Specialist	5241	09/07/2022	\$629.00			Purchasing
USPS	USPS09072022	09/07/2022	\$360.00			Purchasing
Utah Barricade Company	5246	09/07/2022	\$86.64			Purchasing
All American Cooling and Heating, LLC	5243	09/08/2022	\$11,000.00			Purchasing
Apple Valley Ward	5242	09/08/2022	\$320.00			Purchasing
Big Plains Water and Sewer SSD	5245	09/08/2022	\$812.60			Purchasing
Big Plains Water and Sewer SSD	5244	09/08/2022	\$42,332.90			Purchasing
Payroll	0909221200	09/09/2022	\$5,327.40			Paycheck
Guzman, Shawn M	5237	09/09/2022	\$595.76			Paycheck
Internal Revenue Service	EFTPS0909202	09/09/2022	\$1,315.46			Payroll
LN Curtis and sons	5257	09/09/2022	\$43.52			Purchasing
Utah Retirement Systems	URS09092022	09/09/2022	\$798.78			Payroll
Amazon.com	DEBIT0912202	09/12/2022	\$29.99			Purchasing
Amazon.com	DEBIT0912202	09/12/2022	\$29.99			Purchasing
Utah Retirement Systems	URS09092022	09/13/2022		09/13/2022	\$798.78	Payroll
Amazon.com	DEBIT0914202	09/14/2022	\$102.06			Purchasing
Amazon.com	DEBIT0916202	09/14/2022	\$103.59			Purchasing
Dupuy, George	5248	09/14/2022	\$86.05			Purchasing
Ford Motor Credit Company	FMC09142022	09/14/2022	\$1,122.15			Purchasing
Revco Leasing	5249	09/14/2022	\$230.69			Purchasing
Amazon.com	DEBIT0915202	09/15/2022	\$16.99			Purchasing
Amazon.com	DEBIT0915202	09/15/2022	\$20.89			Purchasing
Amazon.com	DEBIT0915202	09/15/2022	\$63.05			Purchasing
Amazon.com	DEBIT0915202	09/15/2022	\$63.05			Purchasing
Rocky Mountain Power	RMP09152022	09/15/2022	\$345.08			Purchasing
Scholzen Products	5256	09/15/2022	\$1,515.60			Purchasing
Zoom Video Communications Inc.	DEBIT0918202	09/18/2022	\$54.99			Purchasing
AT&T	5250	09/19/2022	\$1,265.10			Purchasing
Hurricane Ready Mix	5258	09/20/2022	\$1,084.07			Purchasing
Hurricane Ready Mix	5254	09/21/2022	\$1,485.21			Purchasing
Little Creek Station	5253	09/21/2022	\$290.53			Purchasing
Amazon.com	DEBIT0922202	09/22/2022	\$65.85			Purchasing
Payroll	0923221200	09/23/2022	\$6,703.16			Paycheck
Guzman, Shawn M	5252	09/23/2022	\$1,968.58			Paycheck
Internal Revenue Service	EFTPS0923202	09/23/2022	\$2,221.42			Payroll
Lindhardt, Frank G	5251	09/23/2022	\$784.97			Paycheck
Utah Retirement Systems	URS09232022	09/23/2022	\$818.85			Payroll
Utah State Division of Finance	5247	09/23/2022	\$62,990.85			Purchasing
Springhill Suites	DEBIT0926202	09/26/2022	\$435.66			Purchasing
Zions Bank	ZB09262022	09/26/2022	\$880.38			Purchasing
Hurricane Ready Mix	5259	09/27/2022	\$1,179.55			Purchasing
Rainbow Sign & Banner	5260	09/27/2022		09/27/2022	\$109.87	Purchasing
Sair, Kevin	5261	09/27/2022	\$109.87			Purchasing
Timeless Awards Company	TA09272022	09/28/2022	\$9.50			Purchasing
Amazon.com	DEBIT0922202	09/29/2022	\$10.06			Purchasing
Amazon.com	5264	09/30/2022	\$186.94			Purchasing
Tink's Superior Auto Parts	5266	09/30/2022	\$27.54			Purchasing
			\$162,422.68		\$1,213.90	

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2022 to 09/30/2022
25.00% of the fiscal year has expired

Item 3.

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
Change In Net Position					
Revenue:					
Taxes					
3110 General Property Taxes-Current	2,718.19	1,548.19	2,513.66	128,557.00	1.96%
3120 Prior Year's Taxes-Delinquent	627.74	0.00	0.00	8,000.00	0.00%
3130 General Sales and Use Taxes	10,549.19	14,820.44	43,856.56	130,000.00	33.74%
3140 Energy and Communication Taxes	(9,837.75)	4,155.90	8,867.13	35,000.00	25.33%
3150 RAP Tax	3,213.59	1,828.60	3,134.40	17,000.00	18.44%
3160 Transient Taxes	92.18	1,087.19	3,373.61	7,200.00	46.86%
3170 Fee in Lieu of Personal Property Taxes	1,177.21	0.00	0.00	8,400.00	0.00%
3190 Highway/Transit Tax	981.26	1,336.38	4,070.35	12,550.00	32.43%
Total Taxes	9,521.61	24,776.70	65,815.71	346,707.00	18.98%
Licenses and permits					
3210 Business Licenses	150.00	0.00	450.00	8,000.00	5.63%
3221 Building Permits-Fee	33,248.20	3,597.80	10,255.09	75,000.00	13.67%
3222 Building Permits-Non Surcharge	4,436.01	539.67	1,538.27	11,250.00	13.67%
3223 Building permit - HCP Valuation	2,501.02	0.00	0.00	0.00	0.00%
3224 Building Permits Surcharge	382.46	3.71	13.13	750.00	1.75%
3225 Animal licenses	0.00	10.00	10.00	500.00	2.00%
Total Licenses and permits	40,717.69	4,151.18	12,266.49	95,500.00	12.84%
Intergovernmental revenue					
3342 Fire Dept-State Wildland Grant	0.00	0.00	0.00	10,000.00	0.00%
3356 Class "C" Road Allotment	11,745.80	34,456.45	34,456.45	82,000.00	42.02%
3358 Liquor Control Profits	0.00	0.00	0.00	800.00	0.00%
3370 State Grants	13,236.51	0.00	0.00	0.00	0.00%
3374 ARPA Revenue	0.00	0.00	99,888.00	0.00	0.00%
Total Intergovernmental revenue	24,982.31	34,456.45	134,344.45	92,800.00	144.77%
Charges for services					
3230 Special Event Permit	1,500.00	2,030.00	2,030.00	3,000.00	67.67%
3410 Clerical Services	0.00	71.57	87.26	250.00	34.90%
3416 Other Interdepartmental Charges	0.00	(0.11)	(0.11)	16,000.00	0.00%
3431 Zoning and subdivision fees	5,700.00	2,300.00	722.50	40,000.00	1.81%
3440 Solid Waste	12,012.50	4,261.42	13,174.42	53,350.00	24.69%
3441 Storm Drainage	10,348.59	3,371.01	10,645.98	42,800.00	24.87%
3461 GRAMA Requests	0.00	0.00	0.00	200.00	0.00%
3470 Park and Recreation Fees	0.00	0.00	0.00	100.00	0.00%
3615 Late Charges/Other Fees	230.85	(896.15)	76.28	2,500.00	3.05%
Total Charges for services	29,791.94	11,137.74	26,736.33	158,200.00	16.90%
Fines and forfeitures					
3510 Fines	310.03	0.00	780.23	1,000.00	78.02%
Total Fines and forfeitures	310.03	0.00	780.23	1,000.00	78.02%
Interest					
3610 Interest Earnings	626.65	1,541.53	4,103.47	3,000.00	136.78%
Total Interest	626.65	1,541.53	4,103.47	3,000.00	136.78%
Miscellaneous revenue					
3640 Sale of Capital Assets	0.00	0.00	0.00	5,000.00	0.00%
3690 Sundry revenue	290.02	11,966.19	11,966.19	2,800.00	427.36%
3692 Fire Department Fundraisers	0.00	0.00	0.00	2,000.00	0.00%
3697 Park Department Fundraisers	0.00	0.00	0.00	800.00	0.00%
3801.1 Impact fees - Fire	9,343.00	844.00	1,688.00	25,320.00	6.67%
3801.2 Impact fees - Police	1,254.00	0.00	0.00	0.00	0.00%
3801.3 Impact fees - Roadways	29,774.00	2,660.00	5,320.00	79,800.00	6.67%
3801.6 Impact fees - Storm Water	10,635.49	2,885.79	5,223.28	86,550.00	6.03%
3801.7 Impact fees - Parks, Trails, OS	7,391.00	725.00	1,450.00	21,750.00	6.67%
Total Miscellaneous revenue	58,687.51	19,080.98	25,647.47	224,020.00	11.45%
Contributions and transfers					
3890 Fund balance appropriation	0.00	0.00	0.00	15,000.00	0.00%
Total Contributions and transfers	0.00	0.00	0.00	15,000.00	0.00%
Total Revenue:	164,637.74	95,144.58	269,694.15	936,227.00	28.81%
Expenditures:					
General government					
Council					

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2022 to 09/30/2022
25.00% of the fiscal year has expired

Item 3.

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
4111.110 Council Salaries and wages	5,475.00	1,450.00	4,425.00	21,000.00	21.07%
4111.130 Council Employee benefits	418.86	135.95	422.15	2,410.00	17.52%
4111.210 Council Travel Reimbursement	0.00	0.00	0.00	1,500.00	0.00%
4111.220 Council Training	0.00	0.00	0.00	1,500.00	0.00%
4111.610 Council Donations and discretionary spending	0.00	0.00	0.00	500.00	0.00%
Total Council	5,893.86	1,585.95	4,847.15	26,910.00	18.01%
Administrative					
4141.110 Admin Salaries and Wages	26,236.73	8,095.89	24,294.30	99,445.00	24.43%
4141.130 Admin Employee Benefits	2,007.09	631.33	1,894.77	11,377.00	16.65%
4141.140 Admin Employee Retirement - GASB 68	0.00	1,067.70	3,227.44	13,553.00	23.81%
4141.210 Admin Dues, Subs & Memberships	515.09	0.00	0.00	4,000.00	0.00%
4141.220 Admin Public Notices	248.39	0.00	41.95	1,200.00	3.50%
4141.230 Admin Training	0.00	696.00	696.00	1,000.00	69.60%
4141.240 Admin Office/Administrative Expense	1,811.43	1,016.32	6,527.10	5,000.00	130.54%
4141.250 Admin Equipment Expenses	484.45	1,285.69	4,323.49	2,000.00	216.17%
4141.260 Admin Building & Ground Maintenance	1,015.00	909.19	2,409.61	1,500.00	160.64%
4141.270 Admin Utilities	1,553.07	345.08	940.85	5,800.00	16.22%
4141.280 Admin Telephone and Internet	1,831.35	1,710.61	3,257.52	4,800.00	67.87%
4141.290 Admin Postage	1,311.50	360.00	915.21	3,000.00	30.51%
4141.320 Admin Engineering Fees	42,793.64	0.00	5,654.98	20,000.00	28.27%
4141.330 Admin Legal Fees	12,086.19	3,991.40	11,396.64	25,000.00	45.59%
4141.331 Admin Assessment legal fees	1,878.84	0.00	0.00	0.00	0.00%
4141.340 Admin Accounting & Auditing	6,929.74	0.00	0.00	7,500.00	0.00%
4141.350 Admin Building Fees	0.00	0.00	10,994.33	35,000.00	31.41%
4141.360 Admin Education-General	0.00	0.00	0.00	500.00	0.00%
4141.390 Admin Bank Service Charges	2,170.39	0.00	15.00	4,600.00	0.33%
4141.410 Admin Insurance	415.12	0.00	0.00	7,000.00	0.00%
4141.490 Admin Travel Reimbursements	16.80	46.26	276.89	500.00	55.38%
4141.500 Admin Weed Abatement	0.00	0.00	0.00	1,500.00	0.00%
4141.740 Admin Capital Outlay	0.00	0.00	533.14	15,000.00	3.55%
Total Administrative	103,304.82	20,155.47	77,399.22	269,275.00	28.74%
Total General government	109,198.68	21,741.42	82,246.37	296,185.00	27.77%
Public safety					
Police					
4210.110 Police Salaries & Wages/Contract	3,780.00	0.00	3,750.00	15,000.00	25.00%
4253.250 Animal Control Supplies	0.00	0.00	0.00	100.00	0.00%
Total Police	3,780.00	0.00	3,750.00	15,100.00	24.83%
Fire					
4220.110 Fire Salaries & wages	4,707.72	3,076.94	6,538.50	40,100.00	16.31%
4220.130 Fire Employee Benefits	646.16	748.32	1,551.69	11,254.00	13.79%
4220.140 Fire Contract Salaries & Wages	0.00	0.00	0.00	6,680.00	0.00%
4220.210 Fire Dues, Subscriptions & Memberships	0.00	0.00	0.00	500.00	0.00%
4220.230 Fire Travel, Mileage & Cell	0.00	0.00	0.00	600.00	0.00%
4220.240 Fire Office & Other Expenses	0.00	29.99	29.99	0.00	0.00%
4220.250 Fire Equipment Maintenance & Repairs	0.00	0.00	731.17	1,500.00	48.74%
4220.360 Fire Training	0.00	0.00	0.00	8,000.00	0.00%
4220.450 Fire Small Equip/Supplies	0.00	71.06	412.53	17,536.00	2.35%
4220.460 Fire Supplies-Fundraisers	0.00	0.00	0.00	500.00	0.00%
4220.465 Fire Gear	0.00	0.00	0.00	4,400.00	0.00%
4220.560 Fire Equipment Fuel	19.33	106.64	142.62	1,800.00	7.92%
4220.610 Fire Principal	3,019.37	1,073.29	3,204.00	14,590.00	21.96%
4220.620 Fire Interest	347.08	48.86	162.45	1,165.00	13.94%
4220.740 Fire Capital Outlay	0.00	0.00	0.00	15,000.00	0.00%
Total Fire	8,739.66	5,155.10	12,772.95	123,625.00	10.33%
Total Public safety	12,519.66	5,155.10	16,522.95	138,725.00	11.91%
Highways and public improvements					
Highways					
4410.110 Road Wages and Contract Labor	0.00	0.00	180.00	7,500.00	2.40%
4410.130 Road Employee Benefits	0.00	0.00	13.77	858.00	1.60%
4410.270 Road Flood Damage	0.00	3,000.81	3,000.81	0.00	0.00%
4410.380 Road Department Services	720.00	0.00	2,154.20	3,000.00	71.81%
4410.450 Road Department Supplies	0.00	2,350.26	7,803.14	30,000.00	26.01%
4410.550 Road Equipment Maintenance	0.00	0.00	1,117.60	6,000.00	18.63%
4410.560 Road Equipment Fuel	595.74	0.00	300.00	2,500.00	12.00%

Town of Apple Valley
Operational Budget Report
10 General Fund - 07/01/2022 to 09/30/2022
25.00% of the fiscal year has expired

Item 3.

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
4410.810 Road Principal	35,360.07	34,828.01	36,477.11	44,100.00	82.71%
4410.820 Road Interest	30,070.51	29,043.22	29,154.88	29,531.00	98.73%
4415.110 Public Works Wages and Contract Labor	0.00	1,152.00	1,395.00	32,500.00	4.29%
4415.130 Public Works Employee benefits	0.00	88.12	106.71	858.00	12.44%
4415.450 Public Works Supplies	3,799.22	198.99	2,137.36	4,000.00	53.43%
4415.550 Public Works Equipment Maintenance	0.00	109.87	1,287.48	1,700.00	75.73%
4415.560 Public Works Equipment fuel	0.00	290.53	548.46	2,000.00	27.42%
4415.570 Public Works Travel Reimbursement	0.00	18.13	44.38	200.00	22.19%
4415.610 Public Works Storm Drainage	0.00	0.00	0.00	5,000.00	0.00%
4415.710 Public Works Principal	16,060.00	0.00	15,479.43	15,500.00	99.87%
4415.720 Public Works Interest	0.00	0.00	580.57	585.00	99.24%
4415.740 Public Works Capital Outlay	0.00	11,000.00	11,000.00	11,000.00	100.00%
Total Highways	86,605.54	82,079.94	112,780.90	196,832.00	57.30%
Sanitation					
4420.460 Solid Waste Service	7,994.40	100.00	9,178.48	52,128.00	17.61%
Total Sanitation	7,994.40	100.00	9,178.48	52,128.00	17.61%
Total Highways and public improvements	94,599.94	82,179.94	121,959.38	248,960.00	48.99%
Parks, recreation, and public property					
Parks					
4540.110 Park/Rec Wages and Contract Labor	4,885.00	792.00	3,879.00	7,500.00	51.72%
4540.130 Park/Rec Employee benefits	0.00	60.58	296.74	858.00	34.59%
4540.250 Park/Rec Department Expenses	0.00	(17.01)	272.62	1,000.00	27.26%
4540.460 Park/Rec Community events supplies	0.00	320.00	577.78	4,000.00	14.44%
Total Parks	4,885.00	1,155.57	5,026.14	13,358.00	37.63%
Total Parks, recreation, and public property	4,885.00	1,155.57	5,026.14	13,358.00	37.63%
Transfers					
4804 Transfer to Fund Balance	0.00	0.00	0.00	25,579.00	0.00%
4807 Transfer to Assigned Balance - Fire Impact Fees	0.00	0.00	0.00	25,320.00	0.00%
4809 Transfer to Assigned Balance - Roadway Impact Fee	0.00	0.00	0.00	79,800.00	0.00%
4810 Transfer to Assigned Balance -Storm Water Imp Fee	0.00	0.00	0.00	86,550.00	0.00%
4811 Transfer to Assigned Balance - Parks & Rec Fees	0.00	0.00	0.00	21,750.00	0.00%
Total Transfers	0.00	0.00	0.00	238,999.00	0.00%
Total Expenditures:	221,203.28	110,232.03	225,754.84	936,227.00	24.11%
Total Change In Net Position	(56,565.54)	(15,087.45)	43,939.31	0.00	0.00%

Town of Apple Valley
Operational Budget Report
41 Capital Projects Fund - 07/01/2022 to 09/30/2022
25.00% of the fiscal year has expired

	<u>Prior YTD</u>	<u>Current Period</u>	<u>Current YTD</u>	<u>Annual Budget</u>	<u>Percent Used</u>
Change In Net Position					
Expenditures:					
Miscellaneous					
4141.740 Capital Outlay expenses	0.00	0.00	18,627.00	0.00	0.00%
Total Miscellaneous	<u>0.00</u>	<u>0.00</u>	<u>18,627.00</u>	<u>0.00</u>	<u>0.00%</u>
Total Expenditures:	<u>0.00</u>	<u>0.00</u>	<u>18,627.00</u>	<u>0.00</u>	<u>0.00%</u>
Total Change In Net Position	<u>0.00</u>	<u>0.00</u>	<u>(18,627.00)</u>	<u>0.00</u>	<u>0.00%</u>



REGULAR APPLE VALLEY TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, September 21, 2022 at 6:00 PM

MINUTES

Mayor | Frank Lindhardt |

Council Members | Andy McGinnis | Barratt Nielson | Kevin Sair | Robin Whitmore |

CALL TO ORDER- Mayor Lindhardt called meeting to order at 6.07 p.m.

PLEDGE OF ALLEGIANCE- Council Member McGinnis led pledge of allegiance.

PRAYER- Prayer offered by Council Member Nielson

ROLL CALL

PRESENT

Mayor Frank Lindhardt

Council Member Kevin Sair

Council Member Robin Whitmore – By Zoom

Council Member Andy McGinnis

Council Member Barratt Nielson

DECLARATION OF CONFLICTS OF INTEREST

None declared. Mayor Lindhardt commented that he owns property next to item 2. But there is no conflict.

PRESENTATION

Wildfire Mitigation-Tiffany Martineau, Community Wildland Fire Planner for Washington County

Tiffany was not able to do this presentation. Acting Fire Warden Heber Heyder is here in her stead. Presentation is to give board idea of how to lessen impact of wildland fires and what to do in the event of one. Washington County Color Country is willing to come out.

Chief McGinnis mentioned the need work on CWPP. Chairman Rich Kopp of the mitigation board asked if a propane tank could blow. The answer was there is a relief valve that is designed to stop this. Assistant Fire Warden David Zolg, Jr mentioned we need to start adopting the Wildland Urban Interface (WUI) code, which is about the structure itself. Some of it is in our ordinances, i.e., how close buildings can be together.

CONSENT AGENDA

- A. Disbursement Listing for August 2022
- B. Budget Report for Fiscal Year 2022 thru August 2022

MOTION: Council Member McGinnis motioned to accept the Disbursement Listing for August 2022 and the Budget Report for Fiscal Year 2022 thru August 2022.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye

Council Member Whitmore – Aye



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Council Member McGinnis - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

C. Minutes: August 9, 2022

Item C. was removed from the consent agenda to be voted on separately.

MOTION: Council Member McGinnis motioned to accept the minutes for August 9, 2022 as shown.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore – Aye
Council Member McGinnis - Aye
Council Member Nielson - Abstain
Mayor Lindhardt - Abstain

The vote was three aye and two abstain and the motion carried 3-2.

MAYOR'S TOWN UPDATE

Mayor Lindhardt will give his update during the upcoming October 4th meeting.

PUBLIC COMMENTS

No comments from the public.

DISCUSSION AND ACTION

1. Amend Developer Agreement for Knollwood RV Park/Range RV

An updated document was presented at the meeting. An agreement particulars was worked on and voted on at the prior meeting. Council Member McGinnis was concerned in the event that Dan Tygard



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is unable to take care of business it would be smart to remove the long term rental agreement, if it is not working for the town. No need to suffer for 2.5 years if agreement is not adhered to. Adding an additional requirement under #8, if there are problems associated with long term residents disturbing neighbors, the Town may withdraw agreement.

Dan Tygard said he would be agreeable to that change to the agreement.

Mayor discussed the particulars of the agreement.

Dan Tygard reported he received the state Authorization to Use letter for his septic. His final building inspection is Friday and expects a soft opening next week. He and water district chairman McGinnis are working through water right details.

MOTION: Mayor Lindhardt motioned to approve this agreement, the Amendment to the Developer Agreement on the Knollwood RV Park, under paragraph #8 to add the 15 lot long term rental is subject to adhering to the Long Term Rental Agreement Exhibit A and do not end up with any calls of disturbances of the peace from the neighborhood and if we do then we reserve the right to withdraw that portion of the agreement. This is also subject to final review by the town attorney.

SECOND: The motion was seconded by Council Member McGinnis.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore – Aye
Council Member McGinnis - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

2. Zone Change for AV-1376-B-3 | 1442 E 2000 S from Open Space/Open Space Transition Zone (OS/OST) to C-3 General Commercial Zone (C-3) for the stated purpose of business development. Applicant: Nuance Management, LLC. Ordinance-O-2022-37

Owner Anthus Barlow was present for the discussion.

Mayor Lindhardt briefed the particulars about the property: It is next to Matt Jessop's transmission shop on Bubbling Wells Lane, the access is from the back of property with a 25' easement through BLM property, the Planning Commission has recommended approval, it is surrounded by industrial



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sized buildings, there is one residential home which is not compatible normally to C-3, but the rest of buildings were already approved, zone change would not be a detriment to surrounding properties, building is not industrial looking, business will be freeze dried packaging.

Mayor Lindhardt hopes to have a better entrance to bubbling wells in future. The Council discussed the access. Anthus Barlow stated he will be submitting his site plan and access. Anthus Barlow expects there will be improvements. Matt Jessop knows there is a 50' easement and will ask him to clean the north side for better access. He expects to process a semi load per week. Planning Commission will go over the site plan to work out particulars. He expects 5 employees and will work during the day. Processing a semi load a week of IQF (individual quick frozen) fruits and vegetables from California. The freezer is big enough to hold 3 semi loads.

Council Member Nielson concerned about intersection. There is already heavy equipment usage in area. Anthus Barlow will be required to provide improvements on his property. Other owners will be required for their own property. Council Member Barratt not against this but concerned. If business does well, there will be an increase in trucks and employees, creating an impact and questioned accidents. Mayor Lindhardt stated there is no more property there for commercial. This location should have never been approved due to residential all around it. The conclusion was that it can't grow. Anthus Barlow explained that expansion plan would be a facility in a different community. Council Member McGinnis worried about the extra traffic also. Mayor Lindhardt said concessions for this will be in discussion with Planning Commission to make it better. This is strictly a zone change. Council Member Sair suggested an asphalt skirt. Anthus Barlow would not be against a 20' apron.

MOTION: Council Member Nielson motioned to accept the zone change for AV-1376-B-3 | 1442 E 2000 S from Open Space/Open Space Transition Zone to C-3 General Commercial Zone.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
Council Member Whitmore – Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

3. FY2023 Budget Amendment, Resolution-R-2022-45

Council Member Whitmore asked if this is just moving money around. Town Administrator Jauna McGinnis stated answered that was correct as there is no increase in the budget no hearing is necessary.



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MINUTES

MOTION: Council Member McGinnis motioned to accept Resolution R-2022-45 Fiscal Year 2023 budget amendment.

SECOND: The motion was seconded by Mayor Lindhardt.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
Council Member Whitmore – Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt – Yes

The vote was unanimous and the motion carried.

4. Update Title 11.02.040 Necessity Of Plat; Exemption From Plat Requirements Amendment, Ordinance O-2022-32

Mayor explained this is to bypass subdividing ordinances to do AG for when a large # of acres is involved. This change allows it and adds language that they truly have to be AG and clarifies metes and bounds to one lot.

MOTION: Council Member Sair motioned to approve amendment to Title 11.02.040 Necessity Of Plat; Exemption From Plat Requirements Amendment, ordinance O-2022-32

SECOND: The motion was seconded by Council Member Nielson.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
Council Member Whitmore – Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt – Yes

The vote was unanimous and the motion carried.

5. Special Event Permit for September 30, 2022 | Event: Grand Circle Trailfest | Start line being staged at Ruby Rider Ranch (Main St)



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MINUTES

Council Member McGinnis would like to see, in future, aerial pictures to see where events are located for emergency service purposes, and to do dust control.

MOTION: Council Member Nielson motioned to approve the special event permit application for Grand Circle Trailfest subject to the rules and regulations on the application form.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore – Aye
Council Member McGinnis - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

MOTION: Council Member McGinnis motioned to amend the special events permit for the Ruby Rider Ranch Grand Circle Trailfest to include requirements of the road of Main Street between the area of Highway 59 and the race staging area must be watered down by a water truck throughout the duration of the event to eliminate any dust, all public bathroom facilities must be serviced at a minimum of one time during the duration of the race, all staging set up, booths, and bathroom facilities must be removed no later than 72 hours after the event with a fee of \$500 per day will apply each day staging set up, booths, or bathroom facilities are left on the premises, and event lights faced away from residential areas when possible.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore – Aye
Council Member McGinnis - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.



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6. Special Event Permit for October 14-15, 2022. Cycling event taking place on Gooseberry and Little Creek Mesa.

Council Member Nielson was concerned about the crossing of HWY 59 since they stop traffic when crossing. Council Member questioned whether the UDOT requirement dealt with it. It was not known. Concerned about need for police to provide the crossing closing. Council discussed adding additional requirements to the permit application. Town Administrator McGinnis reported that she has already revamped the permit application which will be presented at the next Town Council meeting.

MOTION: Council Member McGinnis motioned to approve the special event permit for the cycle race on October 14 & 15 which takes place on Gooseberry and Little Creek Mesa with amendments to the requirements of adding requirement for law enforcement for traffic control while crossing Hwy 59, also all public bathroom facilities must be serviced a minimum of one time during the duration of the race, as well as staging setup booths and bathroom facilities must be no sooner than 72 hours before the event, a fee of \$500 per day will apply each day staging set up, booths or bathroom facilities are left on the premises, event lights faced away from residential areas when possible.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore – Aye
Council Member McGinnis - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

7. Special Event Permit April 1, 2023, approved but changing date

MOTION: Council Member Nielson motioned to approve the rescheduling of the Red Dog Events 10K and 5K runs from September 10th to April 1, 2023

SECOND: The motion was seconded by Council Member McGinnis.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye



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Council Member Whitmore – Aye
Council Member McGinnis - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Council Member Sair reported the parks and gateway projects are moving along nicely. Flags have been put out for constitution week. Rain damage has been extensive. He has been working on cleaning out bar ditches and other projects on roads.

Fire Chief McGinnis reported the stats for the fire department were 3 medical call outs and 2 fire call outs with one being a false call. The fire department had opportunity to be an escort in line with Hildale and Colorado City for a fallen fire fighter headed to Fredonia. It was an honor to have the opportunity. Burn season is open now until November 15th unless Washington County changes their mind. He reminded that the burns should be small manageable piles in a small burn pit, with appropriate water, and not next to structure or trees. The Permit is online. He will need to be called to know where burns are.

Water District Chairman McGinnis reported samples for Well 59 is still backlogged. He hopes the results will be received by the end of this month. Two wells are keeping up, partially due to rain. They are still in the process of cleaning additional wells and establishing a protection zone for Rock well and staged to get on line. Once these two well are online, the District should be able to take care of water supply in cedar point. Mayor Lindhardt asked about growth. Chairman McGinnis reported still no growth. It is necessary to find out how system is going to handle everything, pump rates, etc. USDA loan is in Washington being approved. Had earthquake but did not affect the Springs like last one.

Tara Hood reported one of the medical calls was a member of her family. She appreciates the fire department for all they do.

Mayor Lindhardt is preparing for the October Q&A Town Hall Meeting. There will be a pizza and pop get together one hour before the meeting. Have had several meetings with developers which have been productive and are slowly solving the problems.

REQUEST FOR A CLOSED SESSION

No request.



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ADJOURNMENT

MOTION: Council Member Robin Whitmore motioned to adjourn the meeting.

SECOND: The motion was seconded by Council Member McGinnis.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore – Aye
Council Member McGinnis - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

Meeting adjourned at 8:05 p.m.

Date Approved: _____

Approved BY: _____

Mayor | Frank G. Lindhardt

Attest BY: _____

Town Clerk-Recorder | Jenna Vizcardo



SPECIAL APPLE VALLEY TOWN COUNCIL MEETING

1777 N Meadowlark Dr, Apple Valley
Wednesday, August 24, 2022 at 6:00 PM

MINUTES

Mayor | Frank Lindhardt |

Council Members | Andy McGinnis | Barratt Nielson | Kevin Sair | Robin Whitmore |

CALL TO ORDER- Mayor Lindhardt called meeting to order at 6:01 p.m.

PLEDGE OF ALLEGIANCE- Council Member Whitmore led pledge of allegiance.

PRAYER- Prayer offered by Jarry Zaharias.

ROLL CALL

PRESENT

Mayor Frank Lindhardt

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Andy McGinnis

Council Member Barratt Nielson

DECLARATION OF CONFLICTS OF INTEREST

None declared.

CONSENT AGENDA

- A. Minutes: July, 28 2022

No changes were made.

MOTION: Council Member Sair motioned to accept the minutes for July 28, 2022 for the Special Apple Valley Town Council meeting.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye

Council Member Whitmore – Aye

Council Member McGinnis - Aye

Council Member Nielson - Aye

Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

- B. Minutes: July 6, 2022

- C. Minutes: April 14, 2022

No changes were made.



SPECIAL APPLE VALLEY TOWN COUNCIL MEETING

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MINUTES

MOTION: Council Member Sair motioned to accept the draft minutes for the Special Apple Valley Town Council Work Meeting with Planning Commission on July 6, 2022 and the minutes for April 14, 2022 Town Council Special Meeting minutes.

SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore – Aye
Council Member McGinnis - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

MAYOR'S TOWN UPDATE

Mayor Lindhardt reminded everyone of the October 4th-Town Hall Meeting at 7pm and explained the intent for this meeting. We have asked everyone with questions to submit questions in writing by Sept 23 at 3pm. Please keep questions that pertain to everyone or neighborhoods, not individuals. We will be happy to answer as many questions as possible.

PUBLIC COMMENTS

Nate Baker from Toquerville, Utah has friends in the area of Apple Valley and is the representative of Beautiful Valley, LLC. He read letter from Beautiful Valley, LLC aloud (See Attachment A).

Richard Allen, Attorney on Zoom with situation similar to previous public comment. He has issues related to general plan action since the public hearing closed. He commented the work meeting was not properly noticed so therefore illegal that makes approval inappropriate or illegal since based on illegal meeting. The map has been changed twice and general plan map presented was different than the one at the public hearing making it illegal. His client requests the map designation be changed to residential medium before amendment is made to the general plan.

Libby Wells on zoom commented General plan needs to be created with sunrise engineering and she spoke with sunrise engineering. They spoke to Paul Wright because water was discussed and clarified. There are no plans for a treatment plant. The maps don't make sense to her. In her opinion this is a "save my view" plan.

MOTION: Council Member Sair motioned to close public comments.

SECOND: The motion was seconded by Council Member Whitmore.



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VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore – Aye
Council Member McGinnis - Aye
Council Member Nielson - Aye
Mayor Lindhardt – Aye

The vote was unanimous and the motion carried.

DISCUSSION AND ACTION

1. Consideration of Impact Fees for Knollwood RV Park and Development Agreement Revision

Mayor Lindhardt gave brief synopsis about Dan Tygard with Knollwood RV. Due to inconsistency with what our Ordinances required; he built his park before he received all the necessary approvals, and it wasn't his fault but due to previous Town staff and/or officials. We are trying to rectify these problems. One problem is the site plan which will be addressed in the next planning commission meeting. They were told the impact fees that pertain to their development were not very much, yet the same Town official had just passed in the same year a new impact fee ordinance and that left them in a bad spot, didn't have things in their budget, didn't have the proper amount, and they weren't told. Our impact fee ordinance requires his engineer challenges our engineer on each of those items that are in the impact fee, which they did. The comparison from their Engineer is \$161K and Mayor Lindhardt's thought is to accept their proposal for the impact fees and give them some time and tools. A payment plan is proposed and their current zoning of RV park, the maximum time frame allowed is 90 days, so it doesn't turn into a trailer park. An amendment to the Development Agreement was discussed to allow long term rental on 15 lots with restrictions as presented. We are correcting a wrong and we are not breaking any ordinances and followed the appeal impact fee procedure, and we have authority as Town Council to amend the Development Agreement .

Dan Tygard added as developers, we went through the process that was presented. Unfortunately, we are here in this situation. The intention is to benefit the community and the last thing we want is a trailer park.

Council Member Sair apologized for the misleading. He likes the idea; I would like to see that those 15 lots would be temporary and would go away after paid in full. Council Member Sair commented he would like to see trailers 5 years or newer but conversation amongst is 10 years is the standards with other RV parks. Dan Tygard commented a growing trend for restored RVs that are well done and that is why that want to reserve the right. Council Member Whitmore asked who will be making the final say so regarding RV's that are 10 years or older. Dan Tygard commented he would be approving, and



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he is ok reducing, but 10 years is the standard. Council Member Sair questioned if the Development Agreement would need to be new. Mayor Lindhardt discussed amending the Development Agreement. Mayor Lindhardt commented vacillated back and forth from only giving the 2.5 years or leaving it there. As soon as we reach 1000 population, we are required to have low-income housing and if we left long-term rentals with stipulations, we could use that to serve the low-income report when our Town becomes a City. One of things we have done already is tweaking our Casita ordinance and continue to update allowing people to rent out part of their house if they live there. Mayor Lindhardt commented about adding we can't have a lot of police reports on this development and/or nuisance complaints.

Council Member McGinnis asked is it a percentage that needs to be low income when we reach that status, how many casitas, etc. Mayor Lindhardt has only seen it one time but has inquired with Washington County. Allowing long term rentals but limiting to 15 spaces. Mayor asks about tax and what percentage if any for sales or is there overnight tax. Tia Tygard, Dan Tygard's wife commented there is sales tax and there is transient tax.

Council Member McGinnis commented there should be something brought up about pet situation seeing as this development is right across from residential areas. Commented about if we get exuberant number of calls that we have something to mitigate about. Dan Tygard discussed that you can come to him, and he will have very tight restrictions on these long-term rentals.

Council Member McGinnis also discussed leaning toward only having this agreement while paying off the impact fee for 2.5 years. At the end of 2.5 years that we can extend or review and have him reapply for the long-term rentals.

Dan Tygard commented had our project been assessed correctly we could have made changes but being at the end, the money that we have on loan is spent and accounted for. This puts us in a difficult position. Discussed looking to open mid-end September with 65 sites and remaining sites to be finished after.

Council Member McGinnis commented he supports it and looks forward to coming together on the amended development agreement.

Council Member Sair asked question if the tiny homes would qualify for low-income housing. Mayor Lindhardt states those park models are considered short term rentals so that would not qualify more than likely.

Mayor Lindhardt discussed about another development in discussion of preliminary plat, would be responsible to pay for a portion of the acceleration lane, and Knollwood could possibly get credit from the other developer. Council will make every effort to get that included. But it didn't make it into the motion.

MOTION: Council Member Nielson motioned to accept Knollwood85 LLC's impact fee challenge of \$161,583 and that is the total of what they need to pay.



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SECOND: The motion was seconded by Council Member Whitmore.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore – Aye
Council Member McGinnis - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

MOTION: Mayor Lindhardt motioned that we put together an amendment to the RV Park Development Agreement that allows him to take 15 of his rentals and turn them in to long-term rentals for the period of 2.5 years and on the condition that they implement the proposed long-term rental terms that are in this agreement that we have in front of us called Range RV Campground into the Development agreement and that if we at any time end up with that this agreement is not followed then this 15 space will be revoked.

SECOND: The motion was seconded by Council Member Nielson.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore – Aye
Council Member McGinnis - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

2. Termination of Current and Approval of New Town Attorney with Contract Forthcoming

Mayor Lindhardt discussed changing from Ruesch and Reeve with Nathan Reeve and the Town will now be represented by Shawn Guzman, the previous Town Attorney.

MOTION: Council Member Whitmore motioned to adopt resolution number R-2022-43, a resolution to appoint the Town Attorney.

WHEREAS, the Town of Apple Valley ("Town") is a Utah municipality; and

WHEREAS, the Town has the right to have legal representation; and



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MINUTES

WHEREAS, the Town has terminated the legal contract with Ruesch and Reeve, PLLC; and

WHEREAS, the Mayor, with the advice and consent of the Town Council desires to appoint Shawn Guzman to provide the legal needs of the Town; and

NOW, THEREFORE, IT IS RESOLVED by the Town Council of the Town of Apple Valley that Shawn Guzman is hereby appointed as Town Attorney.

PASSED this 24th day of August 2022. This resolution shall be in full force and effect from the date of passage.

SECOND: The motion was seconded by Council Member Sair.

Council Member McGinnis had question that we have discussed with the lawyer the same fee schedule as before. Town Administrator, Jauna McGinnis commented that he is giving a good deal.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
Council Member Whitmore – Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt - Yes

The vote was unanimous and the motion carried.

3. Adopt General Plan and Map Amendments, Ordinance O-2022-31

Mayor Lindhardt commented on what a "general plan" is and that it is intended to be a general sweep. Anyone who is not happy can apply for general plan map amendment just like a zone change. Our planning commission is only making a recommendation. We have followed all of the procedures and we have every right as Town Council to confirm or deny recommendations and fixing errors from planning commission or others.

MOTION: Council Member Whitmore motioned that we adopt Ordinance O-2022-31 An Ordinance Adopting Amendments To The General Plan Map, Transportation Map And Adopt The General Plan.

WHEREAS, the Town of Apple Valley ("Town") has the statutory authority to adopt a general plan for the Town with associated maps; and



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MINUTES

WHEREAS, the Planning Commission, on August 9, 2022, held a public hearing with regard to the amendments to the Town's General Plan Map, the Transportation Map, and the General Plan, to consider any comments regarding the adoption of the proposed map amendments and General Plan; and

WHEREAS, the Planning Commission accepted all comments and recommended approval of the proposed General Plan Map amendments, Transportation Map amendments, and the General Plan to the Town Council for adoption; and

WHEREAS, at a meeting of the Town Council of Apple Valley, Utah, duly, noticed and held on the 24th day of August, 2022, and upon motion duly made and seconded:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH, that Apple Valley Town adopts the Amendments to the General Plan Map and Transportation Map, and adopts the General Plan.

EFFECTIVE DATE. This amendment shall be effective upon passage, without further publication.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Apple Valley, Utah this 24th day of August, 2022.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Yes
Council Member Whitmore – Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt – Yes

The vote was unanimous and the motion carried.

4. Street name change for Zion Circle

Town Administrator, Jauna McGinnis stated we are looking at the street names that are similar and causing problems with delivery issues and part of our Ordinance says to not have names similar. Zion Circle is smaller of the two streets. Approval is needed and plan is for them to get together with the residents. Explained why the names should be changed. Mayor Lindhardt likes asking the residents about their input. Council Member Nielson would like to move forward.



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MINUTES

MOTION: Council Member Whitmore motioned to move forward on possible street name change for Zion circle.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Yes
Council Member Whitmore – Yes
Council Member McGinnis - Yes
Council Member Nielson - Yes
Mayor Lindhardt – Yes

The vote was unanimous and the motion carried.

5. Lot splits, road issues and ordinance violations

Mayor Lindhardt discussed significant problem in the Town and discussed with our attorney to be Shawn Guzman.

Mayor Lindhardt discussed our subdivision ordinance 11.02.040, currently in our Ordinance there is an exception if easement. The whole purpose is to be alternative to subdividing because if you are located that has a street with utilities, no dedication and things that have happened, people have subdivided on their own without the Town's knowledge. They were done legally but ignored section c of the ordinance. This is primarily when we are dealing with roads. Previously with the help of previous Town administration adjusting metes and bounds with requirement for metes and bounds to be located on a public street so they can bypass the subdividing method. The ones that did their own lot splits we do not have to accept a piece of land that was dedicated to use. This does not create a road. They had deeded the 25 feet and the problem is that “we the people” as Apple Valley cannot be responsible for creating and maintaining these roads. For the illegal lot splits and if it has been improved, we will accept a road dedication to maintain the roads. We get funds from state to maintain the roads. Even if the ones that have been done legally, we have to tell everyone when they pull a permit. This is significant problem we have. Even though that have been allowed we do not have to accept until they follow suit.

Town Administrator, Jauna McGinnis discussed the difference between deeded road and road dedication. Mayor Lindhardt explained it doesn't exempt from c of the 11.02.040 ordinance. Mayor Lindhardt stated we hear the comment “that this is only a lot split I don't have to follow the subdivision ordinance”. Anytime no matter 1-10 lot splits, it becomes a subdivision.

Council Member Sair discussed that this Ordinance has been on the record since 2005. In 2019 when Marty Lisonbee was Mayor, this Ordinance (11.02.040) was changed to be able to Subdivide 10 lots VS the previous of only 3 lots without approval of Planning Commission and/or Town Council.



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MINUTES

Mayor Lindhardt commented we intend to follow our ordinances which means that they won't be able to get a building permit until they improve the roads. Council Member McGinnis mentioned this is falling back to the landowners and/or developers. Mayor Lindhardt confirmed this would fall back on the landowner.

Council Member Nielson had conversation with council on how to possibly to flag these lots.

Mayor Lindhardt let the public know that this must be solved. Commented on how bad cinders are for the roads and they do not meet fire code.

No action taken.

6. Inclusion Consent into Ash Creek SSD, Resolution-R-2022-40.

Mayor Lindhardt commented this is the final step for Ash Creek SSD on taking over our Sewer services. Town Administrator, Jauna McGinnis commented Commissioners with Washington County couldn't pass until after 60-day public comment period. Looks like it will be approved September 6th.

MOTION: Council Member Whitmore motioned to accept resolution R-2022-40, Resolution Consenting To The Inclusion Of All Property Within The Town Of Apple Valley In Ash Creek Special Service District.

WHEREAS, on February 17, 2022, the Town of Apple Valley adopted a Joint Resolution with Ash Creek Special Service District requesting the annexation of property within the boundaries of Apple Valley into Ash Creek Special Service District ("Ash Creek SSD");

WHEREAS, on April 19, 2022, the Washington County Commission adopted a resolution proposing to have Ash Creek SSD annex the property within the boundaries of Apple Valley into Ash Creek SSD;

WHEREAS, under Utah Code Sections 17D-401(4) and 17D-1-202(2)(d) municipal consent is required for a special service district to annex property within municipal boundaries; and

WHEREAS, as stated in the Town of Apple Valley's Joint Resolution requesting the annexation, the Town continues to support the annexation, and the Town wishes to provide the statutorily required consent so that Ash Creek SSD can annex the property within the Town of Apple Valley.

NOW, THEREFORE, IT IS RESOLVED by the Town Council of the Town of Apple Valley that the Town of Apple Valley consents to the inclusion of all property within the Town of Apple Valley in the Ash Creek Special Service District.

RESOLVED this 24th day of August, 2022.



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SECOND: The motion was seconded by Council Member Nielson.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Aye
Council Member Whitmore – Aye
Council Member McGinnis - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

7. Discontinue Sewer Service Provided by Big Plains SSD, Resolution-R-2022-41

Council Member Whitmore read resolution aloud.

MOTION: Council Member Whitmore motioned to adopt this resolution R-2022-41.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a Roll Call vote:

Council Member Sair - Aye
Council Member Whitmore – Aye
Council Member McGinnis - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

8. Constitution Week R-2022-42

Council Member Whitmore read resolution aloud. She elaborated that people are to be represented first. This is council's goal. To represent those who elected them to follow the ordinances and reject previous administration no following ordinances. They ran for election on this principle. They will follow what our people have chosen us as representatives to do.

MOTION: Council Member Whitmore motioned to adopt this resolution R-2022-42, A Resolution to Proclaim September 17-23, 2022 As Constitution Week.

SECOND: The motion was seconded by Mayor Lindhardt.

VOTE: Mayor Lindhardt called for a Roll Call vote:



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Council Member Sair - Aye
Council Member Whitmore – Aye
Council Member McGinnis - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS

Mayor Lindhardt asks for any reports from council.

Council Member Sair as far as roads and bar ditches we have our hands full. But we are doing our due diligence. Please be patient and give hats off to Council Member McGinnis. Mayor Lindhardt thanks Council Member Sair and McGinnis for their work.

Fire Chief Andy McGinnis reports we have had a couple of runs. One was flooding at mile marker 9 due to a plugged culvert. We provided traffic control and Town provided the backhoe to fix this issue. Council Member Sair discussed this always been an issue, even people killed there. We are reaching out to that property owner. Chief McGinnis continued that; several medical assists called. Striping outside the fire bays were added that will help apparatus drivers being able to see and back into the station a little easier. Thanks, Council Member Sair for bringing the folks up to do the striping.

Council Member McGinnis commented for SSD that work continues on the USDA loan. It is currently in environmental review. It should be able to get signed before end of week or next week, which will allow to move on to Washington for their review. Telemetry communication between AV1 well and tanks were blown by lightning strike. Our water superintendent noticed and parts were replaced. For Cedar Point cleaning continues to get more wells online. Currently trying to get more flow out of Canyon well on Canyon Dr. Currently still waiting for the past 8 weeks, on sample results for Well 59 which is a bigger well and bigger source. As soon as we get that sample back, we will get it back online. He thanked the community for keeping up with current demand with what wells are online; Cook and Jessop wells. We continue to clean wells and add source to our system. Council Member McGinnis gave big thanks to Ross Gregerson and Harold Merritt.

Council Member Sair and Mayor Lindhardt gave thanks to Council Member McGinnis. Council Member Whitmore thanks Recorder, Jenna Vizcardo for doing minutes from previous administrations that we will have to approve. Mayor Lindhardt commented that it is a misdemeanor for not preparing the minutes and individuals could be cited. Council Member Nielson added from the building department that everything is going well.

REQUEST FOR A CLOSED SESSION

No request.



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Mayor Lindhardt commented that he received letter from Mountain View, Land Development Solutions LLC (Pat Melfi) that they want to meet and that is positive. We are looking for solutions and working with people on great strides. Jepson Canyon is coming to the table and working on their preliminary plat. Very positive things coming. Council thanked Mayor Lindhardt for all his hard work.

Mayor Lindhardt commented met with our insurance provider (Risk Assessments) and commented the best thing you can do is follow your ordinances and follow the rules to lower risk.

Mayor Lindhardt thanked everyone and all the volunteers.

ADJOURNMENT

MOTION: Council Member McGinnis motioned to adjourn the meeting.

SECOND: The motion was seconded by Council Member Sair.

VOTE: Mayor Lindhardt called for a vote:

Council Member Sair - Aye
Council Member Whitmore – Aye
Council Member McGinnis - Aye
Council Member Nielson - Aye
Mayor Lindhardt - Aye

The vote was unanimous and the motion carried.

Meeting adjourned at 8:13 p.m.

Date Approved: _____

Approved BY: _____

Mayor | Frank G. Lindhardt

Attest BY: _____

Town Clerk-Recorder | Jenna Vizcardo



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

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MINUTES

Mayor | Frank Lindhardt |

Council Members | Andy McGinnis | Barratt Nielson | Kevin Sair | Robin Whitmore |

CALL TO ORDER

Mayor Lindhardt called meeting to order at 8:37 pm

PLEDGE OF ALLEGIANCE

PRAYER

Council Member Kevin Sair led prayer.

ROLL CALL

PRESENT

Mayor Frank Lindhardt

Council Member Kevin Sair

Council Member Robin Whitmore

Council Member Andy McGinnis

Council Member Barratt Nielson

Recorder/Clerk Jenna Vizcardo present and recording minutes.

DECLARATION OF CONFLICTS OF INTEREST

Conflict for Agenda item #6 Council Member McGinnis for his possibility of becoming a fire chief is a conflict.

CONSENT AGENDA

1. Disbursement Listing--6/1/22-6/30/22
2. Preliminary Financial Report--7/1/21-6/30/22

Mayor Lindhardt called for a motion.

Motioned to approve Disbursement Listing from 6/1/22-6/30/22 and Preliminary Financial Report 7/1/21-6/30/22.

Motion made by Council Member Whitmore, Seconded by Council Member Sair.

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

The vote was unanimous, and the motion carried.

APPROVAL OF MINUTES

3. Minutes: May 03, 2022



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

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MINUTES

Mayor Lindhardt asks if there are any corrections or changes for the Minutes on May 3, 2022.

Motioned to approve the minutes for May 3, 2022.

Motion made by Council Member McGinnis, Seconded by Council Member Sair.

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

The vote was unanimous, and the motion carried.

4. Minutes: June 15, 2022

Mayor Lindhardt asks if there are any corrections or changes for the Minutes on June 15, 2022.

Mayor Lindhardt called for a motion.

Motioned to approve the minutes from June 15, 2022.

Motion made by Council Member Whitmore, Seconded by Council Member McGinnis.

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

The vote was unanimous, and the motion carried.

PUBLIC COMMENTS

Forrest Kuehne Planning Commission Member thanks the Fire Department for putting on the recent fire that was near the Gooseberry subdivision.

Rich Kopp, Apple Valley, UT, would also like to thank the Fire Department.

Linda Noyes, Purple Sage Rd, Apple Valley, wants to thank people who clean up the parks.

PUBLIC HEARING

5. Appoint Fire Chief and Establish Compensation

Motioned to open the public hearing.

Motion made by Council Member Nielson, Seconded by Council Member Sair.

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson.

The vote was unanimous, and the motion carried.

Mayor Lindhardt states we already had advertised. Andy McGinnis, one of our Town Council members, has applied, a candidate for fire chief, with work experience and military experience. He is very qualified.



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Council Member Whitmore states not only is he qualified in fire, but he was an EMT as well among many other hats he currently wears.

Council Member Sair commented Brian Patten is a neighbor and good man. He was the other person that applied and hopes be that he comes to the Fire Department and volunteers.

Mayor Lindhardt asks if there are any questions for Andy McGinnis and asks if any comments from the public.

Rich Kopp who is part of the Apple Valley Mitigation team and has closely worked with Andy McGinnis. He is accessible and has many facets and great candidate for the job.

Richard Fischer on zoom was asked why Brian Patten was not notified. Jauna McGinnis, Town Administrator stated that the reason he didn't get a call was because he didn't meet the required qualifications. A letter was sent to him.

Council Member Sair commented on Ady's qualifications and how dedicated he is to the Town of Apple Valley. His talents and skills go way beyond what he is called to do.

Mayor Lindhardt called for a motion to close the hearing.

Motioned to close the public hearing for agenda item number 5.

Motion made by Council Member Sair, Seconded by Council Member Nielson.

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

The vote was unanimous, and the motion carried.

DISCUSSION AND ACTION

6. Appoint Fire Chief and Establish Compensation

Lindhardt states when Jr the previous Fire Chief left he was full time, and was making \$40,000.

Motioned to appoint Andy McGinnis as new fire chief and establish his compensation at the amount \$40,000 per year with benefits and appoint Kevin Sair as Administrator over him.

Motion made by Council Member Sair, Seconded by Council Member Whitmore.

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member Nielson

Voting Abstaining: Council Member McGinnis

The vote was 4-Yea and 1-Abstain, and the motion carried.

7. Special Event Permit: September 24, 2022

Motioned to approve the Special Event Permit September 24, 2022, with including the proof of their liability insurance.



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Motion made by Council Member Sair, Seconded by Council Member Whitmore.

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

The vote was unanimous, and the motion carried.

8. Adopt Title 10.07 Administrative And Development Review Procedures. --O-2022-19

Mayor Lindhardt, this is strictly administrative and outlines the procedures they must follow as well as the appeal process.

Motioned to adopt Apple Valley Ordinance O-2022-19 for Administrative And Development Review Procedures.

Motion made by Council Member Sair, Seconded by Council Member Whitmore.

Roll Call Vote

Council Member Whitmore- Aye

Mayor Lindhardt- Aye

Council Member Sair- Aye

Council Member Nielson- Aye

Council Member McGinnis- Aye

The vote was unanimous, and the motion carried.

9. Adopt Title 10.28.310 Grading And Grubbing Of Vacant Lots--Ordinance-O-2022-30

Council Member Whitmore would like to clarify and recommended changing "and" to "or" in #1.

Motioned to adopt Ordinance O-2022-30 with the change in number one replacing the first "and" with "or" No Grading or Grubbing.

Motion made by Council Member Whitmore, Seconded by Council Member McGinnis.

Roll Call Vote

Council Member Whitmore- Aye

Mayor Lindhardt- Aye

Council Member Sair- Aye

Council Member Nielson- Aye

Council Member McGinnis- Aye

The vote was unanimous, and the motion carried.

10. Adopt Title 10.05 Planning Documents--O-2022-24



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Mayor Lindhardt commented, pertains to the procedure for the general plan. We have been following state law. Now adopting to our Ordinances.

Mayor Lindhardt called for motion.

Motioned to Adopt Title 10.05 Planning Documents --O-2022-24 for Planning Documents.

Motion made by Council Member Sair, Seconded by Council Member Whitmore.

Roll Call Vote

Council Member McGinnis- Aye

Council Member Whitmore- Aye

Mayor Lindhardt- Aye

Council Member Sair- Aye

Council Member Nielson- Aye

The vote was unanimous, and the motion carried.

11. Update Title 10.10.120 Planned Development Zone--Ordinance-O-2022-26

Mayor Lindhardt commented, the Planning Commission recommends approval.

Motioned to adopt Ordinance 2022-26, 10.10.120 the planned development zone amendment with the presented changes.

Motion made by Council Member Whitmore, Seconded by Council Member McGinnis.

Roll Call Vote

Council Member McGinnis- Aye

Council Member Whitmore- Aye

Mayor Lindhardt- Aye

Council Member Sair- Aye

Council Member Nielson- Aye

The vote was unanimous, and the motion carried.

12. Update Title 11.02.060 Preliminary Plat Process--Ordinance-O-2022-27

Mayor Lindhardt commented, added Sunset Date (expiration date) on preliminary plat application. Planning Commission has recommended approval.

Motioned to adopt Ordinance O-2022-27, Amendment 11.02.060 Preliminary Plat Process.

Motion made by Council Member McGinnis, Seconded by Council Member Sair.

Roll Call Vote

Council Member Nielson- Aye

Council Member Sair- Aye



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Mayor Lindhardt- Aye
Council Member Whitmore- Aye
Council Member McGinnis- Aye
The vote was unanimous, and the motion carried.

13. Update Title 11.02.070 Preliminary Plat Requirements--Ordinance-O-2022-28

Mayor Lindhardt commented, the Planning Commission recommends approval.

Motioned to adopt Ordinance O-2022-28 11.02.070 Preliminary Plat Requirements with changes in section 3 subsection K now #11 after amendment that it will read "and a letter from Ash Creek Special Service District and Big Plains Water Special Service District provider and Rocky Mountain Power indicating the proposed plat meets their standards and if so, provide a timeframe for availability of services."

Motion made by Council Member Nielson, Seconded by Council Member Whitmore.

Roll Call Vote

**Council Member McGinnis- Aye
Council Member Whitmore- Aye
Mayor Lindhardt- Aye
Council Member Sair- Aye
Council Member Nielson- Aye**

The vote was unanimous, and the motion carried.

14. Update Title 14.10 Ground Water Protection--Ordinance-O-2022-29

Mayor Lindhardt commented, last line to include, "other government agencies as recommended by Ash Creek."

Motioned to adopt Ordinance-O-2022-29 14.10.020 Sensitive Ground Water Resource Areas with changes in the title "SGRA" in parentheses so it references throughout the documents and with 14.10.030 to add line on Section 1, subsection B last line to include addition "and any other government agencies as recommended by Ash Creek Sewer Special Service District."

Motion made by Council Member Nielson, Seconded by Council Member Whitmore.

Roll Call Vote

**Council Member McGinnis- Aye
Council Member Whitmore- Aye
Mayor Lindhardt- Aye
Council Member Sair- Aye
Council Member Nielson- Aye**

The vote was unanimous, and the motion carried.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

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MINUTES

15. Amazon Locker Hub Approval at Gateway Mailbox Location

Council Member Sair commented about troubles community has with driving to Hurricane to pick up packages.

Motioned to pursue the Amazon Locker Hub Approval at Gateway Mailbox Location

Motion made by Council Member Sair, Seconded by Council Member Whitmore.

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis

Voting Nay: Council Member Nielson

Motion 4-0, motion carries.

16. Opening of Bids for Trucks

Mayor Lindhardt opened Bids from Tracy Henrie from Cedar City bidding on water truck for \$2850.

Mayor Lindhardt opened Bids from Tracy Henrie from Cedar City bidding on dump truck for \$2850.

Mayor Lindhardt asked what it would cost to fix the water truck. He also questioned why we would want to put this up for bid. If we could fix for \$10,000, we have a water truck that works. Council Member Sair reported the transmission is shot. Richard Fischer said it would cost \$4,000 for a transmission and \$4,000 to put it in.

Jauna McGinnis, Town Administrator suggested to look for a water tender from FEPP and possibly get it free.

Richard Fischer stated the dump truck needed a clutch. Town administrator reported that Trevor Black determined there was more that needed to be fixed.

Motioned that we accept bids.

Motion made by Council Member Sair, Seconded by Council Member Whitmore.

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

The vote was unanimous, and the motion carried.

REQUEST FOR A CLOSED SESSION- None

ADJOURNMENT

Motioned for Adjournment at 9:35pm

Motion made by Council Member Whitmore, Seconded by Council Member McGinnis.

Voting Yea: Mayor Lindhardt, Council Member Sair, Council Member Whitmore, Council Member McGinnis, Council Member Nielson

The vote was unanimous, and the motion carried.



APPLE VALLEY TOWN COUNCIL PUBLIC HEARING AND MEETING

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MINUTES

Date Approved: _____

Approved BY: _____

Mayor | Frank Lindhardt

Attest BY: _____

Recorder | Jenna Vizcardo

DRAFT

TOWN OF APPLE VALLEY**RESOLUTION R-2022-46****A RESOLUTION APPOINTING A PLANNING COMMISSION MEMBER**

WHEREAS, the Town of Apple Valley by ordinance (Ordinance No. 2004-2-0) established a Planning Commission, which requires the mayor, with the advice and consent of the town council, to appoint regular members of the Planning Commission; and

WHEREAS, Mayor Frank G. Lindhardt along with the Town Council has nominated Richard Palmer for appointment to the Planning Commission as a regular member.

NOW, THEREFORE, at a meeting of the legislative body of the Town of Apple Valley, Utah, duly called, noticed and held on the 19th day of October 2022, and upon motion duly made and seconded;

SECTION 1: ADOPTION "R-2022-46 A RESOLUTION APPOINTING A PLANNING COMMISSION MEMBER" of the Apple Valley Municipal Resolutions is hereby added as follows:

A D O P T I O N**R-2022-46 A RESOLUTION APPOINTING A PLANNING COMMISSION MEMBER**

Richard Palmer is appointed as regular member of the Town of Apple Valley Planning Commission whose 2-year and 2-month term will expire on January, 26, 2025;

EFFECTIVE DATE This Resolution shall be in full force and effect from October, 19, 2022.

PRESIDING OFFICER

Frank G. Lindhardt, Mayor

ATTEST:

Jenna Vizcardo, Town Recorder

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____

TOWN OF APPLE VALLEY

RESOLUTION R-2022-48

A RESOLUTION APPOINTING AN ALTERNATE PLANNING COMMISSION MEMBER

WHEREAS, the Town of Apple Valley by ordinance (Ordinance No. 2004-2-0) established a Planning Commission, which requires the mayor, with the advice and consent of the town council, to appoint alternate members of the Planning Commission; and

WHEREAS, Mayor Frank G. Lindhardt along with the Town Council has nominated Garth Hood for appointment to the Planning Commission as an alternate member.

NOW, THEREFORE, at a meeting of the legislative body of the Town of Apple Valley, Utah, duly called, noticed and held on the 19th day of October 2022, and upon motion duly made and seconded;

SECTION 1: ADOPTION “R-2022-48 A RESOLUTION APPOINTING AN ALTERNATE PLANNING COMMISSION MEMBER” of the Apple Valley Municipal Resolutions is hereby added as follows:

A D O P T I O N

R-2022-48 A RESOLUTION APPOINTING AN ALTERNATE PLANNING COMMISSION MEMBER

Garth Hood is appointed as alternate member of the Town of Apple Valley Planning Commission whose 1-year and 2-month term will expire on January, 1, 2024;

EFFECTIVE DATE This Resolution shall be in full force and effect from October, 19, 2022.

PRESIDING OFFICER

Frank G. Lindhardt, Mayor

ATTEST:

Jenna Vizcardo, Town Recorder

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____

TOWN OF APPLE VALLEY

RESOLUTION NO. R-2022-44

**A RESOLUTION APPOINTING A BOARD MEMBER FOR THE BIG PLAINS WATER AND SEWER
SPECIAL SERVICE DISTRICT**

WHEREAS, the Town of Apple Valley ("Apple Valley") by ordinance (Ordinance No. 2011-25) established the Big Plains Water and Sewer Special Service District, ("District") which requires the mayor to appoint board members to the District; and

WHEREAS, the Mayor and one elected official of the Town of Apple Valley are required to serve as board members for the District, with three members of the board being appointed from the registered voters of Apple Valley.

WHEREAS, Mayor Frank Lindhardt has nominated Jarry Zaharias for appointment to the District as a board member; and

NOW, THEREFORE, at a meeting of the legislative body of the Town of Apple Valley, Utah, duly called, noticed and held on the 14th day of September 2022, and upon motion duly made and seconded,

BE IT RESOLVED AS FOLLOWS:

Jarry Zaharias is appointed as a board member of the Big Plains Water and Sewer Special Service District to serve in the 16-month term which will expire on January 1, 2024.

PASSED by the Town Council of Apple Valley, Utah, this 14th day of September 2022.

PRESIDING OFFICER

Frank G. Lindhardt, Mayor

ATTEST:

Jenna Vizcardo, Town Recorder

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____

**APPLE VALLEY
ORDINANCE O-2022-45**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “1.02.010 Construction Of Words” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

1.02.010 Construction Of Words

A. Whenever any word in any section of this code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this code by words importing the singular number only, or a particular gender, several matters, parties or persons and the opposite gender and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto. The use of any verb in the present tense shall include the future and past tense when applicable.

B. All words and phrases shall be constructed and understood according to the common use and understanding of the language; the technical words and phrases and such other words and phrases as may have acquired a particular meaning in law shall be construed and understood according to such particular meaning.

C. The word "ordinance" contained in the ordinances of the town has been changed in the content of this code to "title", "chapter", "section" and/or "subsection", or words of like import for organizational and clarification purposes only. Such change to the county's ordinances is not meant to amend passage and effective dates of such original ordinances.

AFTER AMENDMENT

1.02.010 Construction Of Words

A. Whenever any word in any section of this code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this code by words importing the singular number only, or a particular gender, several matters, parties or persons and the opposite gender and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto. The use of any verb in the present tense shall include the future and past tense when applicable.

B. All words and phrases shall be constructed and understood according to the common use and understanding of the language; the technical words and phrases and such other words and phrases as may have acquired a particular meaning in law shall be construed and understood according to such particular meaning.

C. The word "ordinance" contained in the ordinances of the town has been changed in the content of this code to "title", "chapter", "section" and/or "subsection", or words of like import for organizational and clarification purposes only. Such change to the town~~county~~'s ordinances is not meant to amend passage and effective dates of such original ordinances.

SECTION 2: AMENDMENT “1.02.020 Definitions, General” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

1.02.020 Definitions, General

Whenever the following words or terms are used in this code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

AGENT: A person acting on behalf of another conferred, either expressly or by implication.

BOARD OF COMMISSIONERS: Unless otherwise indicated, the Washington County board of commissioners.

BUSINESS: Includes any trade, profession, calling, activity, operation or enterprise for which a license or permit is required by any ordinance of the town.

CLOSELY INHABITED PORTIONS OF THE UNINCORPORATED AREA OF THE COUNTY: Areas of Washington County where housing development has occurred and where lot sizes, on average, are five (5) acres or less.

COUNTY: Washington County, Utah.

COUNTY CLERK/AUDITOR: The individual appointed to act as the county clerk/auditor.

COUNTY CODE: The county code of Washington County, Utah.

COUNTY COMMISSIONERS: Unless otherwise indicated, the county commissioners of Washington County, Utah.

EMPLOYEES: Whenever reference is made in this code to a county employee by title only, this shall be construed as though followed by the words "of Washington County".

GENDER: A word importing either the masculine or feminine gender only shall extend and be applied to the other gender and to persons.

HIGHWAY; ROAD: Includes public bridges, and may be equivalent to the words "county way", "county road", "common road", and "state road".

INTENT TO DEFRAUD: Whenever an intent to defraud is required in order to constitute an offense, it shall be sufficient if an intent appears to defraud any person.

KNOWINGLY: Imports only a knowledge that the facts exist which brings the act or omission within the provisions of this code. It does not require any knowledge of the unlawfulness of such act or omission.

LICENSE: The permission granted for the carrying on of a business, profession or occupation. The term "license" includes any certificate, permit or license issued by the county.

LOCATION: Whenever any act, conduct or offense is prohibited or required and no reference is made to location, unless the context specifically indicates otherwise, the act, conduct or offense prohibited or required shall be within the boundaries of this county.

NEGLIGENT, NEGLECT, NEGLIGENCE AND NEGLIGENTLY: Imports a want of such attention to the nature or probable consequences of the act or omission as a prudent person ordinarily bestows in acting in its own concern.

NUISANCE: Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the county, or any activity which by its perpetuation can reasonably be said to have a detrimental effect on the property of a person or persons within the county.

OCCUPANT OR TENANT: As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

OFFENSE: Any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.

OFFICERS: Whenever reference is made in this code to a county officer or official by title only, this shall be construed as though followed by the words "of Washington County".

OPERATOR: The person who is in charge of any operation, business or profession.

OWNER: As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

PERSON: Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.

PERSONAL PROPERTY: Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

PROPERTY: Includes both real and personal property.

REASONABLE TIME: In all cases where any ordinance requires that an act be done in a reasonable time or that reasonable notice be given, such reasonable time for such notice shall be deemed to mean such time as may be necessary for the expeditious performance of such duty or compliance with such notice.

RETAILER: Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.

RIGHT OF WAY: The privilege of the immediate use of the roadway or other property.

STATE: The state of Utah.

STREET: Includes alleys, lanes, courts, boulevards, public ways, public squares, public places, sidewalks, gutters and culverts, crosswalks and intersections.

TENANT OR OCCUPANT: As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

TIME COMPUTED: The time within which an act is to be done as provided in any ordinance or in any resolution or order of the county, when expressed in days, shall be determined by excluding the first day and including the last day, except if the last day be a Sunday or a legal holiday, then the last day shall be the day next following such Sunday or legal holiday which is not a Sunday or legal holiday. When time is expressed in hours, Sunday and all legal holidays shall be excluded.

WEEK: Shall be construed to mean any seven (7) day period.

WHOLESALE: The terms "wholesaler" and "wholesale dealer", as used in this code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.

WILLFULLY: When applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.

WRITTEN, IN WRITING: May include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person, or in case such person is unable to write, by such person's proper mark.

AFTER AMENDMENT

1.02.020 Definitions, General

Whenever the following words or terms are used in this code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

AGENT: A person acting on behalf of another conferred, either expressly or by implication.

~~BOARD OF COMMISSIONERS: Unless otherwise indicated, the Washington County board of commissioners.~~

BUSINESS: Includes any trade, profession, calling, activity, operation or enterprise for which a license or permit is required by any ordinance of the town.

~~CLOSELY INHABITED PORTIONS OF THE UNINCORPORATED AREA OF THE COUNTY: Areas of Washington County where housing development has occurred and where lot sizes, on average, are five (5) acres or less.~~

COUNTY: Washington County, Utah.

~~COUNTY CLERK/AUDITOR: The individual appointed to act as the county clerk/auditor.~~

COUNTY CODE: The county code of Washington County, Utah.

~~COUNTY COMMISSIONERS: Unless otherwise indicated, the county commissioners of Washington County, Utah.~~

EMPLOYEES: Whenever reference is made in this code to a ~~town~~county employee by title only, this shall be construed as though followed by the words "of ~~Apple Valley~~Washington County".

GENDER: A word importing either the masculine or feminine gender only shall extend and be applied to the other gender and to persons.

HIGHWAY; ROAD: Includes public bridges, and may be equivalent to the words "town road", "county way", "county road", "common road", and "state road".

INTENT TO DEFRAUD: Whenever an intent to defraud is required in order to constitute an offense, it shall be sufficient if an intent appears to defraud any person.

KNOWINGLY: Imports only a knowledge that the facts exist which brings the act or omission within the provisions of this code. It does not require any knowledge of the unlawfulness of such act or omission.

LICENSE: The permission granted for the carrying on of a business, profession or occupation. The term "license" includes any certificate, permit or license issued by the towncounty.

LOCATION: Whenever any act, conduct or offense is prohibited or required and no reference is made to location, unless the context specifically indicates otherwise, the act, conduct or offense prohibited or required shall be within the boundaries of this county.

NEGLIGENT, NEGLECT, NEGLIGENCE AND NEGLIGENTLY: Imports a want of such attention to the nature or probable consequences of the act or omission as a prudent person ordinarily bestows in acting in its own concern.

NUISANCE: Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the towncounty, or any activity which by its perpetuation can reasonably be said to have a detrimental effect on the property of a person or persons within the towncounty.

OCCUPANT OR TENANT: As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

OFFENSE: Any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.

OFFICERS: Whenever reference is made in this code to a county officer or official by title only, this shall be construed as though followed by the words "of Apple ValleyWashington County".

OPERATOR: The person who is in charge of any operation, business or profession.

OWNER: As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

PERSON: Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.

PERSONAL PROPERTY: Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

PLANNING COMMISSIONERS: Unless otherwise indicated, the planning commissioners of Apple Valley.

PROPERTY: Includes both real and personal property.

REASONABLE TIME: In all cases where any ordinance requires that an act be done in a reasonable time or that reasonable notice be given, such reasonable time for such notice shall be deemed to mean such time as may be necessary for the expeditious performance of such duty or compliance with such notice.

RETAILER: Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.

RIGHT OF WAY: The privilege of the immediate use of the roadway or other property.

STATE: The state of Utah.

STREET: Includes alleys, lanes, courts, boulevards, public ways, public squares, public places, sidewalks, gutters and culverts, crosswalks and intersections.

TENANT OR OCCUPANT: As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.

TIME COMPUTED: The time within which an act is to be done as provided in any ordinance or in any resolution or order of the ~~town~~county, when expressed in days, shall be determined by excluding the first day and including the last day, except if the last day be a Sunday or a legal holiday, then the last day shall be the day next following such Sunday or legal holiday which is not a Sunday or legal holiday. When time is expressed in hours, Sunday and all legal holidays shall be excluded.

TOWN CLERK/AUDITOR: The individual appointed to act as the town clerk/auditor.

COUNTY CODE: The county code of Washington County, Utah.

~~W~~**WEEK:** Shall be construed to mean any seven (7) day period.

WHOLESALE: The terms "wholesaler" and "wholesale dealer", as used in this code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.

WILLFULLY: When applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.

WRITTEN, IN WRITING: May include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person, or in case such person is unable to write, by such person's proper mark.

SECTION 3: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 4: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 5: EFFECTIVE DATE This Ordinance shall be in full force and effect from October 19, 2022.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor,, Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-44**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “2.14.050 Filling Vacancies And Removal From Office” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

2.14.050 Filling Vacancies And Removal From Office

The mayor may appoint, with the advice and consent of the town council, members to fill any unexpired terms of any regular or alternate members who vacate their positions for any reason. Planning commission members may be removed from their position for cause by the town council. "Cause" includes, but is not limited to, moving out of the county, failing to attend planning commission meetings, or committing any act inimical to public service.

AFTER AMENDMENT

2.14.050 Filling Vacancies And Removal From Office

The mayor may appoint, with the advice and consent of the town council, members to fill any unexpired terms of any regular or alternate members who vacate their positions for any reason. Planning commission members may be removed from their position for cause by the town council. "Cause" includes, but is not limited to, moving out of the town ~~county~~, failing to attend planning commission meetings, or committing any act inimical to public service.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from October 19, 2022.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor,, Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-46**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “6.04.010 Definitions” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

6.04.010 Definitions

The following words and phrases used in this chapter shall have the following meanings unless a different meaning clearly appears from the context:

ABATEMENT: The removal, stoppage, prostration or destruction of that which causes or constitutes a nuisance, whether by breaking or pulling it down, or otherwise destroying or effacing it.

JUNK: Any or all worn out, cast off, destroyed or discarded article or material which is ready for destruction or has been collected and stored for salvage or conversion to some other use. Any article or material which, unaltered, unchanged and without further reconditioning, can be used for its original purpose as readily as when new and shall not be considered "junk".

JUNK CARS: Any used car or motor vehicle not in the process of reconditioning, which has been abandoned for use as a motor vehicle on a public highway and which is in unsafe operating condition and shall have remained in such condition for a period in excess of thirty (30) days; or portions of junk cars, such as hoods, fenders, radiators, rims, motors, hubcaps, etc., not being immediately utilized in the repair of a motor vehicle.

NUISANCE: Any item, thing, manner or condition whatsoever that is dangerous to human life or health, or renders soil, air, water or food impure or unwholesome.

OWNER: The person, firm or corporation in whose name said premises are listed in the records of the county recorder's office for Washington County, Utah.

PROPERTY: Any real property, premises, structure or location on which a nuisance or public nuisance is alleged to exist.

PUBLIC NUISANCE: Any fence, wall, shed, deck, house, garage, building, structure or any part of any of the aforesaid; or any tree, pole or smokestack; or any excavation, hole, pit, basement, cellar, sidewalk, subspace, dock, wharf or landing dock; or any lot, land, yard, premises or location which, in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more individuals in the county in any one or more of the following particulars:

- A. By reason of being a menace, threat and/or hazard to the general health and safety of the community.
- B. By reason of being a fire hazard.
- C. By reason of being unsafe for occupancy or use on, in, upon, about or around the aforesaid property.
- D. By reason of lack of sufficient or adequate maintenance of the property, and/or being vacant, any of which depreciates the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such property is situated or such condition exists.

RUBBISH: Means and includes wire, chips, shavings, boxes, barrels, rags, bottles, broken glass, crockery, tin, cast or wooden ware, iron, stumps, tree trunks, paper circulars, handbills, boots, shoes, ashes, trash, or any similar waste material.

AFTER AMENDMENT

6.04.010 Definitions

The following words and phrases used in this chapter shall have the following meanings unless a different meaning clearly appears from the context:

ABATEMENT: The removal, stoppage, prostration or destruction of that which causes or constitutes a nuisance, whether by breaking or pulling it down, or otherwise destroying or effacing it.

JUNK: Any or all worn out, cast off, destroyed or discarded article or material which is ready for destruction or has been collected and stored for salvage or conversion to some other use. Any article or material which, unaltered, unchanged and without further reconditioning, can be used for its original purpose as readily as when new and shall not be considered "junk".

JUNK CARS: Any used car or motor vehicle not in the process of reconditioning, which has been abandoned for use as a motor vehicle on a public highway and which is in unsafe operating condition and shall have remained in such condition for a period in excess of thirty (30) days; or portions of junk cars, such as hoods, fenders, radiators, rims, motors, hubcaps, etc., not being immediately utilized in the repair of a motor vehicle.

NUISANCE: Any item, thing, manner or condition whatsoever that is dangerous to human life or health, or renders soil, air, water or food impure or unwholesome.

OWNER: The person, firm or corporation in whose name said premises are listed in the records of the county recorder's office for Washington County, Utah.

PROPERTY: Any real property, premises, structure or location on which a nuisance or public nuisance is alleged to exist.

PUBLIC NUISANCE: Any fence, wall, shed, deck, house, garage, building, structure or any part of any of the aforesaid; or any tree, pole or smokestack; or any excavation, hole, pit, basement, cellar, sidewalk, subspace, dock, wharf or landing dock; or any lot, land, yard, premises or location which, in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more individuals in the town ~~county~~ in any one or mor of the following particulars:

- A. By reason of being a menace, threat and/or hazard to the general health and safety of the community.
- B. By reason of being a fire hazard.
- C. By reason of being unsafe for occupancy or use on, in, upon, about or around the aforesaid property.
- D. By reason of lack of sufficient or adequate maintenance of the property, and/or being vacant, any of which depreciates the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such property is situated or such condition exists.

RUBBISH: Means and includes wire, chips, shavings, boxes, barrels, rags, bottles, broken glass, crockery, tin, cast or wooden ware, iron, stumps, tree trunks, paper circulars, handbills, boots, shoes, ashes, trash, or any similar waste material.

SECTION 2: **AMENDMENT** “6.04.020 Regulations” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

6.04.020 Regulations

A. Storage of Rubbish Prohibited: No person, firm or corporation shall deposit, store, maintain, collect or permit the storage, deposit, maintenance or collection of any junk, junk cars or rubbish, or cars that are unregistered or cars with expired license plates on his own premises or any premises it or they own or use under his or their control, or in any other place within the county, except as is expressly provided by law.

B. Maintaining a Public Nuisance: No person, firm or corporation shall maintain or commit any nuisance or public nuisance.

AFTER AMENDMENT

6.04.020 Regulations

A. Storage of Rubbish Prohibited: No person, firm or corporation shall deposit, store, maintain, collect or permit the storage, deposit, maintenance or collection of any junk, junk cars or rubbish, or cars that are unregistered or cars with expired license plates on his own premises or any premises it or they own or use under his or their control, or in any other place within the town ~~county~~, except as is expressly provided by law.

B. Maintaining a Public Nuisance: No person, firm or corporation shall maintain or commit any nuisance or public nuisance.

SECTION 3: AMENDMENT “6.04.030 Examination And Investigation” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

6.04.030 Examination And Investigation

The building inspector is authorized to make examination and investigation of all real property in the county to determine whether owners of such property are complying with the provisions of this chapter.

AFTER AMENDMENT

6.04.030 Examination And Investigation

The building inspector is authorized to make examination and investigation of all real property in the town ~~county~~ to determine whether owners of such property are complying with the provisions of this chapter.

SECTION 4: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 5: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 6: EFFECTIVE DATE This Ordinance shall be in full force and effect from October 19, 2022.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor., Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-47**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “9.02.010 Animals Generally” of the Apple Valley Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

9.02.010 Animals Generally

It is unlawful for the owner of any cattle, horses, mules, sheep, goats or swine to allow the same to run at large upon the public roads and highways withing the limits of the county, exclusive of the incorporated areas, and any such animals so found may be taken up by any person and impounded as provided by law in case of trespassing animals. This section does not apply to any of the above described animals on "open range", as defined by any governmental entity.

A F T E R A M E N D M E N T

9.02.010 Animals Generally

It is unlawful for the owner of any cattle, horses, mules, sheep, goats or swine to allow the same to run at large upon the public roads and highways withing the limits of the towneounty, ~~exclusive of the incorporated areas~~, and any such animals so found may be taken up by any person and impounded as provided by law in case of trespassing animals. This section does not apply to any of the above described animals on "open range", as defined by any governmental entity.

SECTION 2: **AMENDMENT** “9.02.070 Diseased Animals” of the Apple Valley Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

9.02.070 Diseased Animals

It is unlawful for any person to bring into the limits of the county, exclusive of the incorporated areas, for sale or have in his possession with intent to sell or offer for sale, any animal which has a communicable disease or which has been exposed to or which is liable to carry infection from a communicable disease.

AFTER AMENDMENT

9.02.070 Diseased Animals

It is unlawful for any person to bring into the limits of the towncounty, ~~exclusive of the incorporated areas~~, for sale or have in his possession with intent to sell or offer for sale, any animal which has a communicable disease or which has been exposed to or which is liable to carry infection from a communicable disease.

SECTION 3: AMENDMENT “9.02.080 Sale Of Diseased Animals” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.02.080 Sale Of Diseased Animals

It is unlawful for any person to bring into the unincorporated area of the county for sale or to sell or offer for sale any cattle, sheep, swine, fish, game, fowl or poultry which are diseased, unsound and unwholesome, or which for any reason is unfit for human food.

AFTER AMENDMENT

9.02.080 Sale Of Diseased Animals

It is unlawful for any person to bring into the ~~unincorporated area of the~~ towncounty for sale or to sell or offer for sale any cattle, sheep, swine, fish, game, fowl or poultry which are diseased, unsound and unwholesome, or which for any reason is unfit for human food.

SECTION 4: AMENDMENT “9.02.110 Dead Animals” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.02.110 Dead Animals

The owner of any animal that has died or been killed shall remove or bury the carcass of such animal as soon as reasonably possible, but not more than twenty four (24) hours after the owner learns of its death. This section only applies within the closely inhabited portions of the unincorporated area of the county.

AFTER AMENDMENT

9.02.110 Dead Animals

The owner of any animal that has died or been killed shall remove or bury the carcass of such animal as soon as reasonably possible, but not more than twenty ~~for~~^{ur} (24) hours after the owner learns of its death. ~~This section only applies within the closely inhabited portions of the unincorporated area of the county.~~

SECTION 5: **AMENDMENT** “9.03.020 Tag And Collar Required” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.03.020 Tag And Collar Required

A. Collar and Tag Required: It is unlawful for any person or other entity to own, keep, maintain or have permanent or temporary custody of a dog within the limits of the county, exclusive of the incorporated areas, without having affixed to the dog a collar, which shall be worn at all times by the dog, with a tag attached to said collar that provides, at a minimum, a legible and current telephone number of the owner.

B. Removal of Tag Prohibited: It is unlawful for any person to remove a tag from a dog not owned, kept, maintained, or in the temporary or permanent custody of that person.

AFTER AMENDMENT

9.03.020 Tag And Collar Required

A. Collar and Tag Required: It is unlawful for any person or other entity to own, keep, maintain or have permanent or temporary custody of a dog within the limits of the ~~town~~^{county}, ~~exclusive of the incorporated areas~~, without having affixed to the dog a collar, which shall be worn at all times by the dog, with a tag attached to said collar that provides, at a minimum, a legible and current telephone number of the owner.

B. Removal of Tag Prohibited: It is unlawful for any person to remove a tag from a dog not owned, kept, maintained, or in the temporary or permanent custody of that person.

SECTION 6: AMENDMENT “9.03.050 Strays” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.03.050 Strays

It shall be unlawful for any person to harbor or keep within the limits of the county, exclusive of the incorporated areas, any lost or strayed dog. Whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the county sheriff's office, which shall notify the person/entity who the county has contracted with to impound the dog for running at large contrary to the terms of this article. If there shall be attached to such dog a tag, or other form of identification, the county sheriff's office or the poundmaster shall notify the person to whom such tag identifies.

AFTER AMENDMENT

9.03.050 Strays

It shall be unlawful for any person to harbor or keep within the limits of the ~~town~~county, ~~exclusive of the incorporated areas~~, any lost or strayed dog. Whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the county sheriff's office, which shall notify the person/entity who the county has contracted with to impound the dog for running at large contrary to the terms of this article. If there shall be attached to such dog a tag, or other form of identification, the county sheriff's office or the poundmaster shall notify the person to whom such tag identifies.

SECTION 7: AMENDMENT “9.03.060 Rabies Vaccination” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.03.060 Rabies Vaccination

Rabies vaccination is required for dogs and cats. Every owner of any dog or cat over the age of four (4) months within the limits of the county, exclusive of the incorporated areas, shall have the dog or cat vaccinated against rabies by a duly licensed veterinarian, shall secure from the veterinarian a certificate thereof, and shall attach to the collar or harness, which such person is required to place upon the animal, a tag showing that such vaccination has been done; provided, that the county commission may, by resolution, provide that the owners of any dog or cat may themselves purchase serum and vaccinate their own dogs or cats. The resolution shall also prescribe the conditions with which the owner must comply to obtain the tag hereinafter required.

AFTER AMENDMENT

9.03.060 Rabies Vaccination

Rabies vaccination is required for dogs and cats. Every owner of any dog or cat over the age of four (4) months within the limits of the ~~town~~county, exclusive of the incorporated areas, shall have the dog or cat vaccinated against rabies by a duly licensed veterinarian, shall secure from the veterinarian a certificate thereof, and shall attach to the collar or harness, which such person is required to place upon the animal, a tag showing that such vaccination has been done; provided, that the county commission may, by resolution, provide that the owners of any dog or cat may themselves purchase serum and vaccinate their own dogs or cats. The resolution shall also prescribe the conditions with which the owner must comply to obtain the tag hereinafter required.

SECTION 8: **AMENDMENT** “9.03.070 Dogs And Cats Required To Have Rabies Shot” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

9.03.070 Dogs And Cats Required To Have Rabies Shot

It shall be unlawful for the owner of any dog or cat to suffer, allow or permit such animal to be or go upon any sidewalk, street, alley or public place within the limits of the county, exclusive of the unincorporated areas, without first having had such animal vaccinated against rabies. Every dog shall be vaccinated every two (2) years against rabies and every cat shall be vaccinated every twelve (12) months with a modified rabies virus vaccine. It shall also be unlawful for any such animal to be without a tag thereon showing that such animal has been vaccinated.

AFTER AMENDMENT

9.03.070 Dogs And Cats Required To Have Rabies Shot

It shall be unlawful for the owner of any dog or cat to suffer, allow or permit such animal to be or go upon any sidewalk, street, alley or public place within the limits of the ~~town~~county, ~~exclusive of the unincorporated areas~~, without first having had such animal vaccinated against rabies. Every dog shall be vaccinated every two (2) years against rabies and every cat shall be vaccinated every twelve (12) months with a modified rabies virus vaccine. It shall also be unlawful for any such animal to be without a tag thereon showing that such animal has been vaccinated.

SECTION 9: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 10: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 11: EFFECTIVE DATE This Ordinance shall be in full force and effect from October 19, 2022.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor,, Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-48**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “12.02.010 Title” of the Apple Valley Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

12.02.010 Title

This chapter shall be known as the BUILDING CODE ORDINANCE OF WASHINGTON COUNTY.

A F T E R A M E N D M E N T

12.02.010 Title

This chapter shall be known as the BUILDING CODE ORDINANCE OF APPLE VALLEY ~~WASHINGTON COUNTY~~.

SECTION 2: **AMENDMENT** “12.02.030 Purpose Of Provisions” of the Apple Valley Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

12.02.030 Purpose Of Provisions

The purpose of this chapter is to protect the health, safety and welfare of the citizens of Washington County by adopting as the building codes of Washington County the codes listed herein and to establish a method of appeal by which a person disputing the application and interpretation of a building code may appeal and receive timely review of the disputed issues.

A F T E R A M E N D M E N T

12.02.030 Purpose Of Provisions

The purpose of this chapter is to protect the health, safety and welfare of the citizens of ~~Apple Valley Washington County~~ by adopting as the building codes of ~~Apple Valley Washington County~~ the codes listed herein and to establish a method of appeal by which a person disputing the application and interpretation of a building code may appeal and receive timely review of the disputed issues.

SECTION 3: AMENDMENT “12.02.040 Adoption Of Codes By Reference” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

12.02.040 Adoption Of Codes By Reference

The most recent version adopted by the state of Utah of the following codes and the appendices and the state's amendment are incorporated by reference and adopted as the building codes of Washington County: International Building Code, International Mechanical Code, International fuel gas code, International Residential Code, International Fire Code, International Energy Conservation Code, International Plumbing Code, National Electrical Code, HUD Code, and the Model Manufactured Home Installation Standard. Three (3) copies of each of the codes shall be kept on file in the office of the Washington County clerk for use and examination by the public:

A. The cited sections of the International Residential Code are amended as follows:

Table R301.2(1). Replace with attachment A, Snow Loads, For Areas in Washington County

ATTACHMENT A

Snow Loads for Areas in Washington County		
AREA	FOOTING G DEPTH (Inches)	LIVE LOAD/S NOW LOAD (PSF)
Kolob	36	150
Cedar Mountain	36	150
Pine Valley	36	75
New Harmon/Harmony Heights	30	50
Blackridge/New Harmony Farms, Point & Ridge	30	40
Enterprise	30	40
Central/Dixie Deer Estates	30	40
Brookside/Pine Valley Mtn. Farms	30	40
Veyo	22	30
Dammeron Valley Farms, Ranches, Old Farms, Homesteads & Pinions Hills	22	30
Springdale/Rockville	20	25
Hildale	20	25
Appel Valley Ranches, Gooseberry & Canaan Mtn. Estates	20	25
Pintura	20	25
Diamond Valley Acres, Topaz Est., Kathie's Acres, Paradise Est. & Ridge I, II & I-A	18	20
Gunlock	18	20
Winchester Hills/JEL	16	20
Silver Reef Est./Silver Valley Est./Eldorado Hills/Bonanza Est./Casa De Ora & Homespun Village	12	20
Grassy Meadows Sky Ranch/Cliffdwellers/Hurricane Cliffs & Cliff View Est.	12	20
Compaction Tests: 90 percent Wind capacity: 70 miles per hour Seismic zone: Site Specific		

Section P2603.6.1. Insert: 12 inches (304 mm)

B. The cited sections of the International Plumbing Code are amended as follows:

Section 305.6.1. Insert: 12 inches (304 mm)

Section 904.1. Insert: 12 inches (304)

C. International Urban-Wildland Interface Code, 2003 Edition:

1. The International Urban-Wildland Interface Code, 2003 edition, as currently amended by the division of forestry, fire and state lands under rule R652-122 of the Utah administrative code (the 2006 Utah wildland-urban interface code), is hereby adopted as the wildland-urban interface code of Washington County, for regulating and governing the mitigation of hazard to life and property from the intrusion of fire from wildland exposures, fire from adjacent structures and prevention of structure fires from spreading to wildland fuels as therein provided; providing for the issuance of permits and the collection of fees therefor; and each and all of the regulations, provisions penalties, conditions and terms of said wildland-urban interface code on file in the office of the Washington County clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions and changes as set forth in rule R652-122 of the Utah administrative code and as set forth in subsection C2 of this section.

2. The following sections are hereby revised:

Chapter 1

Section 101.1 Scope

Exceptions:

1. A structure that is no more than 1,000 square feet, with the required defensible space and without reasonable access to a municipal, or similar, water system.
2. A structure that originally did not exceed 1,000 square feet, when adding an addition of 25% or less to the total original square footage.

Chapter 2

Definitions

Approved. Acceptable to the building official, fire official, or authority having jurisdiction.

Chapter 4

Section 402.2 Individual Structures

402.2.1 Access. Individual structures hereafter constructed or relocated into or with-in the wildland urban interface areas shall be provided with approved fire apparatus access roads and driveways in accordance with section 403.2.2...

402.2.2 Water Supply

Exceptions:

2. A structure that is no more than 1,000 square feet, with the required defensible space and without reasonable access to a municipal, or similar, water system.

Section 403.2 Driveways

Exceptions:

1. New structures and additions to existing structures on existing approved driveways.
2. Approved driveways through easements less than the required driveway width.

Section 403.3 Fire Apparatus Access Roads. When required, fire apparatus access roads shall be approved roads with...

Exceptions:

1. Fire apparatus access roads on federal and state land.
2. Fire apparatus access roads through easements less than the required road width.
3. Existing fire apparatus access roads.

AFTER AMENDMENT

12.02.040 Adoption Of Codes By Reference

The most recent version adopted by the state of Utah of the following codes and the appendices and the state's amendment are incorporated by reference and adopted as the building codes of ~~Apple Valley Washington County~~: International Building Code, International Mechanical Code, International ~~F~~fuel ~~G~~gas ~~C~~code, International Residential Code, International Fire Code, International Energy Conservation Code, International Plumbing Code, National Electrical Code, HUD Code, and the Model Manufactured Home Installation Standard. Three (3) copies of each of the codes shall be kept on file in the office of the ~~town Washington County~~ clerk for use and examination by the public:

A. The cited sections of the International Residential Code are amended as follows:

Table R301.2(1). Replace with attachment A, Snow Loads, For Areas in Washington County

ATTACHMENT A

Snow Loads for Areas in Washington County		
AREA	FOOTING G DEPTH (Inches)	LIVE LOAD/S NOW LOAD (PSF)
Kolob	36	150
Cedar Mountain	36	150
Pine Valley	36	75
New Harmon/Harmony Heights	30	50
Blackridge/New Harmony Farms, Point & Ridge	30	40
Enterprise	30	40
Central/Dixie Deer Estates	30	40
Brookside/Pine Valley Mtn. Farms	30	40
Veyo	22	30
Dammeron Valley Farms, Ranches, Old Farms, Homesteads & Pinions Hills	22	30
Springdale/Rockville	20	25
Hildale	20	25
Appel Valley Ranches, Gooseberry & Canaan Mtn. Estates	20	25
Pintura	20	25
Diamond Valley Acres, Topaz Est., Kathie's Acres, Paradise Est. & Ridge I, II & I-A	18	20
Gunlock	18	20
Winchester Hills/JEL	16	20
Silver Reef Est./Silver Valley Est./Eldorado Hills/Bonanza Est./Casa De Ora & Homespun Village	12	20
Grassy Meadows Sky Ranch/Cliffdwellers/Hurricane Cliffs & Cliff View Est.	12	20
Compaction Tests: 90 percent Wind capacity: 70 miles per hour Seismic zone: Site Specific		

Section P2603.6.1. Insert: 12 inches (304 mm)

B. The cited sections of the International Plumbing Code are amended as follows:

Section 305.6.1. Insert: 12 inches (304 mm)

Section 904.1. Insert: 12 inches (304)

C. International Urban-Wildland Interface Code, 2003 Edition:

1. The International Urban-Wildland Interface Code, 2003 edition, as currently amended by the division of forestry, fire and state lands under rule R652-122 of the Utah administrative code (the 2006 Utah wildland-urban interface code), is hereby adopted as the wildland-urban interface code of ~~the town~~ **Washington County**, for regulating and governing the mitigation of hazard to life and property from the intrusion of fire from wildland exposures, fire from adjacent structures and prevention of structure fires from spreading to wildland fuels as therein provided; providing for the issuance of permits and the collection of fees therefor; and each and all of the regulations, provisions penalties, conditions and terms of said wildland-urban interface code on file in the office of the ~~town~~ **Washington County** clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ~~chapter~~, with the additions, insertions and changes as set forth in rule R652-122 of the Utah administrative code and as set forth in subsection C2 of this section.

2. The following sections are hereby revised:

Chapter 1

Section 101.1 Scope

Exceptions:

1. A structure that is no more than 1,000 square feet, with the required defensible space and without reasonable access to a municipal, or similar, water system.
2. A structure that originally did not exceed 1,000 square feet, when adding an addition of 25% or less to the total original square footage.

Chapter 2

Definitions

Approved. Acceptable to the building official, fire official, or authority having jurisdiction.

Chapter 4

Section 402.2 Individual Structures

402.2.1 Access. Individual structures hereafter constructed or relocated into or with-in the wildland urban interface areas shall be provided with approved fire apparatus access roads and driveways in accordance with section 403.2.2...

402.2.2 Water Supply

Exceptions:

2. A structure that is no more than 1,000 square feet, with the required defensible space and without reasonable access to a municipal, or similar, water system.

Section 403.2 Driveways

Exceptions:

1. New structures and additions to existing structures on existing approved driveways.
2. Approved driveways through easements less than the required driveway width.

Section 403.3 Fire Apparatus Access Roads. When required, fire apparatus access roads shall be approved roads with...

Exceptions:

1. Fire apparatus access roads on federal and state land.
2. Fire apparatus access roads through easements less than the required road width.
3. Existing fire apparatus access roads.

SECTION 4: **AMENDMENT** “12.02.050 Compliance With Codes” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

12.02.050 Compliance With Codes

It shall be unlawful to construct, alter, or repair any building or structure in the county in violation of, or without complying with the appropriate provisions of , such regulations.

AFTER AMENDMENT

12.02.050 Compliance With Codes

It shall be unlawful to construct, alter, or repair any building or structure in the ~~town~~county in violation of, or without complying with the appropriate provisions of , such regulations.

SECTION 5: **AMENDMENT** “12.02.070 Building Permit Required” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

12.02.070 Building Permit Required

No building permit shall be issued unless the applicable requirements of this chapter and the building codes adopted herein, the county zoning ordinance, subdivision ordinance, groundwater protection ordinance and all other ordinances pertaining thereto are met. All work done under any building permit issued herein shall be in full compliance with the applicable requirements of this chapter, the zoning ordinance, the subdivision ordinance, the groundwater protection ordinance and all other ordinances pertaining thereto.

AFTER AMENDMENT

12.02.070 Building Permit Required

No building permit shall be issued unless the applicable requirements of this chapter and the building codes adopted herein, the ~~town~~county zoning ordinance, subdivision ordinance, groundwater protection ordinance and all other ordinances pertaining thereto are met. All work done under any building permit issued herein shall be in full compliance with the applicable requirements of this chapter, the zoning ordinance, the subdivision ordinance, the groundwater protection ordinance and all other ordinances pertaining thereto.

SECTION 6: **AMENDMENT** “12.02.080 Building Permit Fees” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

12.02.080 Building Permit Fees

Building permit, plan review, and investigation fees shall be assessed in accordance with the table of building permit fees adopted by the county commission.

AFTER AMENDMENT

12.02.080 Building Permit Fees

Building permit, plan review, and investigation fees shall be assessed in accordance with the fee schedule~~table of building permit fees~~ adopted by the town council~~county commission~~.

SECTION 7: AMENDMENT “12.02.100 Administration” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

12.02.100 Administration

The county building inspector shall have the power and duty to enforce the provisions of this chapter.

AFTER AMENDMENT

12.02.100 Administration

The town~~county~~ building inspector shall have the power and duty to enforce the provisions of this chapter.

SECTION 8: AMENDMENT “12.02.140 Final Decision” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

12.02.140 Final Decision

The decision of the building board of appeals hereunder shall be a final administrative decision, and no provision of any ordinance of the county shall be interpreted as permitting a further administrative appeal to the planning commission, county commission, or land use authority. Nothing in this section shall be interpreted as preventing a request to the county commission to amend any ordinance, a request through the appropriate channels for a change in a zoning classification, or an application for relief from court. Any person adversely affected by a decision by the board may petition the district court for review of the decision as permitted by law. Such a petition is barred unless brought within thirty (30) days after the board's final decision.

AFTER AMENDMENT

12.02.140 Final Decision

The decision of the building board of appeals hereunder shall be a final administrative decision, and no provision of any ordinance of the ~~town~~county shall be interpreted as permitting a further administrative appeal to the planning commission, county commission, or land use authority. Nothing in this section shall be interpreted as preventing a request to the ~~town council~~county commission to amend any ordinance, a request through the appropriate channels for a change in a zoning classification, or an application for relief from court. Any person adversely affected by a decision by the board may petition the district court for review of the decision as permitted by law. Such a petition is barred unless brought within thirty (30) days after the board's final decision.

SECTION 9: AMENDMENT “12.02.120 Board Of Building Appeals” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

12.02.120 Board Of Building Appeals

A. Established: There is hereby created the board of building appeals, hereinafter called the board. The board shall consist of five members, appointed by the county commission. No county officer or employee may serve on the board. In making appointments, the county commission will consider the integrity, impartiality and knowledge of building construction of the potential members.

B. Terms, Officers, Quorum: Members of the board shall serve for five (5) year terms, provided that the persons first appointed shall serve for one, two (2) three (3), four (4) and five (5) year terms so one term will expire each year. Terms will start on January 1. The board shall select from among its members a chair, vice chair and secretary. Three (3) board members constitute a quorum and decisions of the board must be by a majority vote of those present at a meeting.

C. Services and Supplies: The county commission shall assign office help and provide supplies for the work of the board.

D. No Compensation: Members of the board shall serve without pay. Board members may be reimbursed for their expenses.

AFTER AMENDMENT

12.02.120 Board Of Building Appeals

~~A. Established: There is hereby created the board of building appeals, hereinafter called the board. The board shall consist of five members, appointed by the county commission. No county officer or employee may serve on the board. In making appointments, the county commission will consider the integrity, impartiality and knowledge of building construction of the potential members.~~

~~B. Terms, Officers, Quorum: Members of the board shall serve for five (5) year terms; provided that the persons first appointed shall serve for one, two (2) three (3), four (4) and five (5) year terms so one term will expire each year. Terms will start on January 1. The board shall select from among its members a chair, vice chair and secretary. Three (3) board members constitute a quorum and decisions of the board must be by a majority vote of those present at a meeting.~~

~~C. Services and Supplies: The county commission shall assign office help and provide supplies for the work of the board.~~

~~D. No Compensation: Members of the board shall serve without pay. Board members may be reimbursed for their expenses.~~

SECTION 10: **AMENDMENT** “12.02.130 Appeal Procedure” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

12.02.130 Appeal Procedure

Any person aggrieved by any decision on any person in the building department applying the building codes adopted by this chapter may appeal in the manner provided in this section. The board shall have no authority to interpret the administrative provisions of the codes, nor the authority to waive requirements of the codes. Appeals from decisions applying the zoning ordinance and subdivision ordinance, including appeals from building permit denials based on failure to comply with zoning or subdivision ordinances, lie with the land use authority and not board of building appeals.

A. Appeal to the Washington County Planner: Within five (5) working days of the decision complained of, the person making the appeal shall file a written notice of appeal to the county planner. No precise form is required, but the county may provide forms to assist those who want to use them. The notice of appeal may be filed by delivering it to any employee or officer in the county planner's office. The county planner shall decide the appeal within ten (10) working days. If the person taking the appeal asks for a hearing, the county planner shall schedule an informal hearing, with three (3) days' notice by telephone or mail to the person taking the appeal. If there is a hearing, the county planner will make a decision within ten (10) working days after the hearing. The county planner's decisions shall be in writing.

B. Appeal to Board: Any person aggrieved by a decision of the county planner hereunder may, within five (5) working days of the county planner's decision, appeal to the board of building appeals. The appeal shall be started by filing a written notice of appeal with any officer or employee in the county planner's office. No precise form of notice is required, but the county may furnish a form to assist persons desiring to appeal.

C. Hearing Scheduled; Notice: When a notice of appeal is filed with the board, the board shall schedule a meeting for a hearing within fifteen (15) working days, unless such time is extended for good cause or stipulation of the parties. Notice of the time, place and subject matter of the meeting shall be given to the person taking the appeal, the county planner, the building inspector or officer whose decision is involved, and each member of the board.

D. Referral to Other Body: If an appeal appears to be under the jurisdiction of the county planning commission, the county commission, or the land use authority, the secretary of the board shall suggest that the person filing the appeal apply for relief from the appropriate body. The board of building appeals may defer action while such other body is studying the action. The board of building appeals may on its own motion to refer any appeal to any such body, deferring action until the other body reaches a decision.

E. Conducting Hearing: The board may establish procedures for the conduct of its hearings to facilitate efficiency and fairness to the participants.

F. Prompt Decisions: If the matter is not referred to another body, the board will announce its decision in writing within twenty (20) working days of the hearing.

AFTER AMENDMENT

12.02.130 Appeal Procedure

Any person aggrieved by any decision on any person in the building department applying the building codes adopted by this chapter may appeal in the manner provided in this section. The ~~town council~~~~board~~ shall have no authority to interpret the administrative provisions of the codes, nor the authority to waive requirements of the codes. Appeals from decisions applying the zoning ordinance and subdivision ordinance, including appeals from building permit denials based on failure to comply with zoning or subdivision ordinances, lie with the land use authority and not board of building appeals.

~~A. Appeal to the Washington County Planner: Within five (5) working days of the decision complained of, the person making the appeal shall file a written notice of appeal to the county planner. No precise form is required, but the county may provide forms to assist those who want to use them. The notice of appeal may be filed by delivering it to any employee or officer in the county planner's office. The county planner shall decide the appeal within ten (10) working days. If the person taking the appeal asks for a hearing, the county planner shall schedule an informal hearing, with three (3) days' notice by telephone or mail to the person taking the appeal. If there is a hearing, the county planner will make a decision within ten (10) working days after the hearing. The county planner's decisions shall be in writing.~~

~~B. Appeal to Board: Any person aggrieved by a decision of the county planner hereunder may, within five (5) working days of the county planner's decision, appeal to the board of building appeals. The appeal shall e started by filing a written notice of appeal with any officer or employee in the county planner's office. No precise form of notice is required, but the county may furnish a form to assist persons desiring to appeal.~~

~~C. Hearing Scheduled; Notice: When a notice of appeal is filed with the board, the board shall schedule a meeting for a hearing within fifteen (15) working days, unless such time is extended for good cause or stipulation of the parties. Notice of the time, place and subject matter of the meeting shall be given to the person taking the appeal, the county planner, the building inspector or officer whose decision is involved, and each member of the board.~~

~~D. Referral to Other Body: If an appeal appears to be under the jurisdiction of the county planning commission, the county commission, or the land use authority, the secretary of the board shall suggest that the person filing the appeal apply for relief from the appropriate body. The board of building appeals may defer action while such other body is studying the action. The board of building appeals may on its own motion to refer any appeal to any such body, deferring action until the other body reaches a decision.~~

~~E. Conducting Hearing: The board may establish procedures for the conduct of its hearings to facilitate efficiency and fairness to the participants.~~

~~F. Prompt Decisions: If the matter is not referred to another body, the board will announce its decision in writing withing twenty (20) working days of the hearing.~~

A. Any party aggrieved by the action of any town official regarding this Chapter may appeal to the town council by filing a written notice of appeal with the town clerk within thirty (30) calendar days of the action appealed from. Any person dissatisfied with the decision of the town council may appeal to the Appeals Authority by filing a written notice with the town clerk within thirty (30) calendar days of the decision of the town council pursuant to the requirements of the Apple Valley Land Use Code and Utah Code Annotated.

SECTION 11: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 12: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 13: EFFECTIVE DATE This Ordinance shall be in full force and effect from October 19, 2022.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor,, Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-49**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “14.06.010 Permit And Approval Required” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.06.010 Permit And Approval Required

A. Access: It shall be unlawful for any person to construct a new access upon any county right of way within the county, without first obtaining a permit and approval from the board of county commissioners.

B. Improvements: It shall be unlawful for any person to place any power line, water line, sewage line or other improvements upon any county right of way without first obtaining a permit agreement with the county commissioners.

AFTER AMENDMENT

14.06.010 Permit And Approval Required

A. Access: It shall be unlawful for any person to construct a new access upon any ~~town~~county right of way within the ~~town~~county, without first obtaining a permit and approval from the ~~town council~~~~board of county commissioners~~.

B. Improvements: It shall be unlawful for any person to place any power line, water line, sewage line or other improvements upon any ~~town~~county right of way without first obtaining a permit agreement with the ~~town~~county commissioners.

SECTION 2: **AMENDMENT** “14.06.020 Plan Presented” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.06.020 Plan Presented

Before any permit shall be issued for any encroachment upon any county right of way, the party requesting the permit must first present a plan indicating where the encroachment will be and the method of construction.

AFTER AMENDMENT

14.06.020 Plan Presented

Before any permit shall be issued for any encroachment upon any ~~town~~county right of way, the party requesting the permit must first present a plan indicating where the encroachment will be and the method of construction.

SECTION 3: **AMENDMENT** “14.06.030 Denial Of Request” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.06.030 Denial Of Request

Any request for a permit may be denied is said request does not meet all requirements of the board of county commissioners, and if the board of county commissioners shall deem that said encroachment will not be in the best interest, or be in the health, safety or welfare of the residents of the count.

AFTER AMENDMENT

14.06.030 Denial Of Request

Any request for a permit may be denied is said request does not meet all requirements of the ~~town council~~board of county commissioners, and if the ~~town council~~board of county commissioners shall deem that said encroachment will not be in the best interest, or be in the health, safety or welfare of the residents of the count.

SECTION 4: **AMENDMENT** “14.06.040 Cost For Replacement; Bond” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.06.040 Cost For Replacement; Bond

Upon application for a permit, said application shall set forth the cost to be incurred for replacing the right of way back to its original condition and a bond posted in the amount approved and required by the board of county commissioners.

AFTER AMENDMENT

14.06.040 Cost For Replacement; Bond

Upon application for a permit, said application shall set forth the cost to be incurred for replacing the right of way back to its original condition and a bond posted in the amount approved and required by the town council~~board of county commissioners~~.

SECTION 5: AMENDMENT “14.06.050 Penalty” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.06.050 Penalty

A. Criminal: Any person who violates or encroaches upon county right of way without first obtaining the permit as required by this chapter shall be guilty of a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1.08.010 of this code.

B. Civil: In the event any person violates this chapter, in addition to all criminal remedies, the board of county commissioners may request the county attorney to enjoin any encroachment upon the county right of way and/or file suit for damages related to trespass and any damage to the county right of way caused by violating this chapter. In the event the county is successful, the party is liable for all costs incurred by the county, including costs of court and reasonable attorney fees.

AFTER AMENDMENT

14.06.050 Penalty

A. Criminal: Any person who violates or encroaches upon county right of way without first obtaining the permit as required by this chapter shall be guilty of a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1.08.010 of this code.

B. Civil: In the event any person violates this chapter, in addition to all criminal remedies, the town council~~board of county commissioners~~ may request the town~~county~~ attorney to enjoin any encroachment upon the town~~county~~ right of way and/or file suit for damages related to trespass and any damage to the county right of way caused by violating this chapter. In the event the town~~county~~ is successful, the party is liable for all costs incurred by the town~~county~~, including costs of court and reasonable attorney fees.

SECTION 6: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 7: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 8: EFFECTIVE DATE This Ordinance shall be in full force and effect from October 19, 2022.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor,, Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-50**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **REPEAL** “14.02.060 Endangered Species Impact Fees” of the Apple Valley Municipal Code is hereby *repealed* as follows:

BEFORE REPEAL

14.02.060 Endangered Species Impact Fees

- A. There is established a Subdivision Endangered Species Impact Fee of two-hundred and fifty dollars (\$250) per acre payable at the time application is made for final plat approval. This fee shall apply to any new project being subdivided that has not received final plat approval prior to May 4, 2006.
- B. There is further established an Endangered Species Act Impact Fee of two-tenths of one percent (0.02%) of the total value of construction for which a permit is requested, payable at the time application is made for issuance of a building permit on all new residential, commercial, and industrial construction. This shall not apply to building permits for remodeling, add-ons of existing structures, or outbuildings.
- C. The Town Treasurer is directed to collect and deposit these funds in a separate account designated as the "Endangered Species Conservation Fund" and to disburse the funds accumulated quarterly to Washington County on or before the last day of the month following a calendar quarter, together with an appropriate report showing the number of subdivision final plats issued and their acreages, and the number of applicable building permits and their construction values.
- D. This Section is in furtherance of the Town's obligations under the Interlocal Agreement executed between the Town and Washington County, a copy of which is attached hereto as Exhibit "A" and incorporated by reference herein.

AFTER REPEAL

14.02.060 Endangered Species Impact Fees

- ~~A. There is established a Subdivision Endangered Species Impact Fee of two-hundred and fifty dollars (\$250) per acre payable at the time application is made for final plat approval. This fee shall apply to any new project being subdivided that has not received final plat approval prior to May 4, 2006.~~
- ~~B. There is further established an Endangered Species Act Impact Fee of two-tenths of one percent (0.02%) of the total value of construction for which a permit is requested, payable at the time application is made for issuance of a building permit on all new~~

~~residential, commercial, and industrial construction. This shall not apply to building permits for remodeling, add-ons of existing structures, or outbuildings.~~

~~C. The Town Treasurer is directed to collect and deposit these funds in a separate account designated as the "Endangered Species Conservation Fund" and to disburse the funds accumulated quarterly to Washington County on or before the last day of the month following a calendar quarter, together with an appropriate report showing the number of subdivision final plats issued and their acreages, and the number of applicable building permits and their construction values.~~

~~D. This Section is in furtherance of the Town's obligations under the Interlocal Agreement executed between the Town and Washington County, a copy of which is attached hereto as Exhibit "A" and incorporated by reference herein.~~

~~E. REPEAL~~

SECTION 2: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 3: EFFECTIVE DATE This Ordinance shall be in full force and effect from October 19, 2022.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor,, Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-51**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “14.02.080 Impact Fee Schedules And Formulas” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

14.02.080 Impact Fee Schedules And Formulas

Maximum Supportable Impact Fees. The fee schedules included herein represent the maximum impact fees which the Town may impose on development within the defined Impact Fee Service Area and are based upon general demand characteristics and potential demand that can be created by each class of user. The Town reserves the right under the Impact Fees Act (Utah Code § 11-36-202(2)(c,d)) to assess an adjusted fee to respond to unusual circumstances to ensure that fees are equitably assessed.

This adjustment may result in a higher impact fee if the Town determines that a user would create a greater than normal impact on any of the systems. The Town may also decrease the impact fee if the developer can provide documentation that the proposed impact will be less than what could be expected given the type of user (Utah Code § 11-36-202(3)(a)).

Impact Fee Schedules:

CULINARY WATER IMPACT FEES. The impact fees for culinary water as set forth in the attached Table 1, shall be paid at the time of application for a building permit.

Table 1 - Culinary Water Maximum Impact Fees

Land Use	Units	Demand	ERUs	Unadjusted Impact Fee	Adjusted Impact Fee	Adopted Impact Fee
Residential	Dwelling	800	1.000	\$5,631	\$5,677	\$1,000
Multi-unit	Dwelling	800	1.000	\$5,631	\$5,677	\$1,000
High School	Person	15	0.0188	\$106	\$107	\$21
Middle School	Person	15	0.0188	\$106	\$107	\$21
Elementary School	Person	15	0.0188	\$106	\$107	\$21
Hotel	Room	150	0.1875	\$1,056	\$1,064	\$213
Service Station	Pump	250	0.1325	\$1,760	\$1,774	\$355
Restaurant	Seat	35	0.0438	\$247	\$249	\$50
RV Park	Vehicle	100	0.1250	\$704	\$710	\$142
Church	Seat	5	0.0063	\$35	\$36	\$7
Nursing Home	Bed	200	0.25	\$1,480	\$1,420	\$284
Doctor's Office	Patient	10	0.0125	\$70	\$71	\$14
	Staff	35	0.0438	\$247	\$249	\$50
Dentist Office	Chair	200	0.25	\$1,408	\$1,419	\$284
	Staff	35	0.044	\$248	\$250	\$50
Store	Toilet Rm	500	0.625	\$3,519	\$3,548	\$710
	Employee	11	0.014	\$79	\$79	\$16
Commercial	Building	1,600	2.000	\$11,262	\$11,354	\$2,271
Industrial	Building	3,200	4.000	\$22,524	\$22,708	\$4,542

WASTEWATER IMPACT FEES. The impact fees for wastewater facilities as set forth in the attached Table 2, shall be paid at the time of application for a building permit.

Table 2 - Wastewater Maximum Impact Fee

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Type	Units	ERUs	Adjusted Impact Fee / Unit	Adopted Impact Fee / Unit
Permanent residence	Residence	1.000 0	\$2,875	\$1,500
Hotels & motels	Room	0.375 0	\$1,078	\$216
RV parks	Space	0.250 0	\$719	\$144
Airports	Passenger	0.007 5	\$22	\$4
	Employee	0.037 5	\$108	\$22
Boarding houses	Residents	0.125 0	\$359	\$72
	Nonresidents	0.025 0	\$72	\$14
Bowling alleys w/snack bar	Alley	0.250 0	\$719	\$144
Bowling alleys w/o snack bar	Alley	0.212 5	\$611	\$122
Churches	Person	0.012 5	\$36	\$7
Country clubs	Resident member	0.250 0	\$719	\$144
	Non-resident member	0.062 5	\$180	\$36
	Employee	0.037 5	\$108	\$22
Dentist's office	Chair	0.500 0	\$1,438	\$288
	Staff member	0.087 5	\$252	\$50
Doctor's office	Patient	0.025 0	\$72	\$14
	Staff member	0.087 5	\$252	\$50

Fairgrounds	Person	0.0025	\$7	\$1
Fire station w/ food preparation	Full-time employee	0.1750	\$503	\$101
Fire station w/o food preparation	Full-time employee	0.0125	\$36	\$7
Gyms	Participant	0.0625	\$180	\$36
	Spectator	0.0100	\$29	\$6
Hairdresser	Chair	0.1250	\$359	\$72
	Operator	0.0875	\$252	\$50
Hospitals	Bed	0.6250	\$1,797	\$359
Industrial buildings w/ showers (exclusive of industrial waste)	Employee per shift	0.0875	\$252	\$50
Industrial buildings w/o showers (exclusive of industrial waste)	Employee per shift	0.0375	\$108	\$22
Jail facilities	Inmate	0.2875	\$827	\$165
	Employee	0.0250	\$72	\$14
Laundrette	Washer	1.4500	\$4,169	\$834
Movie Theaters (auditorium)	Seat	0.0125	\$36	\$7
Movie Theaters (drive-in)	Car	0.0250	\$72	\$14
Nursing Homes	Bed	0.7000	\$2,013	\$403
Office buildings w/ cafeteria	Employee	0.0625	\$180	\$36
		0.037		

Office buildings w/o cafeteria	Employee	5	\$108	\$22
Picnic parks	Person	0.012 5	\$36	\$7
Restaurants w/ 24 hour service	Seat	0.125 0	\$359	\$72
Restaurants w/o 24 hour service	Seat	0.087 5	\$252	\$50
Restaurants – single service utensils	Customer/day	0.025 0	\$72	\$14
Rooming house	Person	0.100 0	\$288	\$58
Schools – boarding	Person	0.187 5	\$539	\$108
Schools w/o cafeteria & showers	Person	0.037 5	\$108	\$22
Schools w/ cafeteria w/o showers	Person	0.050 0	\$144	\$29
Schools w/ cafeteria & showers	Person	0.062 5	\$180	\$36
Service stations	Vehicle/day	0.025 0	\$72	\$14
Skating rinks & dance halls w/ kitchen	Person	0.032 5	\$93	\$19
Skating rinks & dance halls w/o kitchen	Person	0.025 0	\$72	\$14
Ski areas w/o kitchen	Person	0.025 0	\$72	\$14
Stores	Toilet stall	1.250 0	\$3,594	\$719
	Employee	0.027 5	\$79	\$16
Swimming pools & bath houses	Person	0.025 0	\$72	\$14
Taverns, bars, cocktail lounges	Seat	0.050 0	\$144	\$29
		0.012		

Visitor centers	Visitor day	5	\$36	\$7
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STORMWATER IMPACT FEES. The impact fees for stormwater as set forth in the attached Table 3, shall be paid at the time of application for a building permit for any property located within the drainage boundary.

Table 3 - Storm Water Impact Fee

Zoning		Adopted Impact Fee Per Acre within Drainage Boundary
Residential		\$2,885.79/acre
Commercial		\$2,885.79/acre

PARKS, TRAILS, AND OPEN SPACE IMPACT FEES. The impact fees for parks, trails and open space as set forth in the attached Table 4, shall be paid at the time of application for a building permit.

Zoning		Adopted Impact Fee Per Household (2.38 Persons)
Residential		\$725
Commercial		None

NON-STANDARD PARK IMPACT FEES: The Town reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that a land-use will have upon public facilities. The adjustment for Non-Standard Park Impact Fees could result in a different impact fee if the City determines that a particular user may create a different impact than what is standard for its land use. The non-standard impact fee is calculated based on the following formula:

$$\text{Estimated Population per Unit} \times \text{Estimate of Impact Fee Per Capita (\$305)} = \text{Impact Fee per Unit}$$

POLICE SAFETY IMPACT FEES. The impact fees for public safety as set forth in the attached Table 5, shall be paid at the time of application for a building permit.

	Zoning		Adopted Impact Fee
POLICE	Residential		\$114/unit
	Commercial		\$1,844/acre

FIRE AND EMS IMPACT FEES. The impact fees for public safety as set forth in the attached Table 6, shall be paid at the time of application for a building permit.

	Cost per SFE	SFE Conversion	Total Impact Fee per Unit
Residential			
Single Family Dwelling Unit	\$844	1.00	\$844
Multi-Family Dwelling Unit	\$844	0.68	\$571
Non-Residential			
Shopping Center (per 1K SF)	\$11,443	2.81	\$32,117
General Office (per 1K SF)	\$11,443	1.43	\$16,413
Light Industrial (per 1K SF)	\$11,443	0.84	\$9,594

NON-STANDARD FIRE AND EMS IMPACT FEES: The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon public facilities. This adjustment could result in a different impact fee if the City determines that a particular user may create a different impact than what is standard for its land use. To determine the impact fee for a non-standard use, the City should use the following formula:

Formula for Non-Standard Fire Impact Fees: Residential Fee: SFE Conversion x \$844
 = Recommended Impact Fee Non-Residential Fee: SFE Conversion x \$11,443 =
 Recommended Impact Fee

TRANSPORTATION IMPACT FEES. The impact fees for transportation as set forth in the attached Table 7, shall be paid at the time of application for a building permit.

LAND USE:	Impact Fee per Unit
Singe Family Residential	\$2,660
Multi-Family Residential	\$1,800
Shopping Center	\$7,466
Light Industrial	\$2,230
Office	\$3,816

NON STANDARD IMPACT FEES: The City reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that a specific land use will have upon the City's transportation system. This adjustment could result in a different impact fee if evidence suggests a particular user will create a different impact than what is standard for its category. The City may adjust the impact fee if the developer can provide documentation, evidence, or other credible analysis that the proposed impact will be different than what is proposed in this analysis.

Formula for Non-Standard Transportation Impact Fees: Total Units x Estimate of PM Peak Hour Trips per Unit x Adjustment Factor x \$2,687 = Impact Fee per Unit

[illegible]

AFTER AMENDMENT

14.02.080 Impact Fee Schedules And Formulas

Maximum Supportable Impact Fees. The fee schedules included herein represent the maximum impact fees which the Town may impose on development within the defined Impact Fee Service Area and are based upon general demand characteristics and potential demand that can be created by each class of user. The Town reserves the right under the Impact Fees Act (Utah Code § 11-36-202(2)(c,d)) to assess an adjusted fee to respond to unusual circumstances to ensure that fees are equitably assessed.

This adjustment may result in a higher impact fee if the Town determines that a user would create a greater than normal impact on any of the systems. The Town may also decrease the impact fee if the developer can provide documentation that the proposed impact will be less than what could be expected given the type of user (Utah Code § 11-36-202(3)(a)).

Impact Fee Schedules:

~~CULINARY WATER IMPACT FEES. The impact fees for culinary water as set forth in the attached Table 1, shall be paid at the time of application for a building permit.~~

~~Table 1 - Culinary Water Maximum Impact Fees~~

Land Use	Units	Demand	ERUs	Unadjusted Impact Fee	Adjusted Impact Fee	Adopted Impact Fee
Residential	Dwelling	800	1.000	\$5,631	\$5,677	\$1,000
Multi-unit	Dwelling	800	1.000	\$5,631	\$5,677	\$1,000
High School	Person	15	0.0188	\$106	\$107	\$21
Middle School	Person	15	0.0188	\$106	\$107	\$21
Elementary School	Person	15	0.0188	\$106	\$107	\$21
Hotel	Room	150	0.1875	\$1,056	\$1,064	\$213
Service Station	Pump	250	0.1325	\$1,760	\$1,774	\$355
Restaurant	Seat	35	0.0438	\$247	\$249	\$50
RV Park	Vehicle	100	0.1250	\$704	\$710	\$142
Church	Seat	5	0.0063	\$35	\$36	\$7
Nursing Home	Bed	200	0.25	\$1,480	\$1,420	\$284
Doctor's Office	Patient	10	0.0125	\$70	\$71	\$14
	Staff	35	0.0438	\$247	\$249	\$50
Dentist Office	Chair	200	0.25	\$1,408	\$1,419	\$284
	Staff	35	0.044	\$248	\$250	\$50
Store	Toilet Rm	500	0.625	\$3,519	\$3,548	\$710
	Employee	11	0.014	\$79	\$79	\$16
Commercial	Building	1,600	2.000	\$11,262	\$11,354	\$2,271
Industrial	Building	3,200	4.000	\$22,524	\$22,708	\$4,542

~~WASTEWATER IMPACT FEES. The impact fees for wastewater facilities as set forth in the attached Table 2, shall be paid at the time of application for a building permit.~~

~~Table 2 -- Wastewater Maximum Impact Fee~~

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Type	Units	ERUs	Adjusted Impact Fee / Unit	Adopted Impact Fee / Unit
Permanent residence	Residence	1.000 0	\$2,875	\$1,500
Hotels & motels	Room	0.375 0	\$1,078	\$216
RV parks	Space	0.250 0	\$719	\$144
Airports	Passenger	0.007 5	\$22	\$4
	Employee	0.037 5	\$108	\$22
Boarding houses	Residents	0.125 0	\$359	\$72
	Nonresidents	0.025 0	\$72	\$14
Bowling alleys w/snack bar	Alley	0.250 0	\$719	\$144
Bowling alleys w/o snack bar	Alley	0.212 5	\$611	\$122
Churches	Person	0.012 5	\$36	\$7
Country clubs	Resident member	0.250 0	\$719	\$144
	Non-resident member	0.062 5	\$180	\$36
	Employee	0.037 5	\$108	\$22
Dentist's office	Chair	0.500 0	\$1,438	\$288
	Staff member	0.087 5	\$252	\$50
Doctor's office	Patient	0.025 0	\$72	\$14
	Staff member	0.087 5	\$252	\$50

Fairgrounds	Person	0.0025	\$7	\$1
Fire station w/ food preparation	Full-time employee	0.1750	\$503	\$101
Fire station w/o food preparation	Full-time employee	0.0125	\$36	\$7
Gyms	Participant	0.0625	\$180	\$36
	Spectator	0.0100	\$29	\$6
Hairdresser	Chair	0.1250	\$359	\$72
	Operator	0.0875	\$252	\$50
Hospitals	Bed	0.6250	\$1,797	\$359
Industrial buildings w/ showers (exclusive of industrial waste)	Employee per shift	0.0875	\$252	\$50
Industrial buildings w/o showers (exclusive of industrial waste)	Employee per shift	0.0375	\$108	\$22
Jail facilities	Inmate	0.2875	\$827	\$165
	Employee	0.0250	\$72	\$14
Launderette	Washer	1.4500	\$4,169	\$834
Movie Theaters (auditorium)	Seat	0.0125	\$36	\$7
Movie Theaters (drive-in)	Car	0.0250	\$72	\$14
Nursing Homes	Bed	0.7000	\$2,013	\$403
Office buildings w/ cafeteria	Employee	0.0625	\$180	\$36

Office buildings w/o cafeteria	Employee	0.037 5	\$108	\$22
Picnic parks	Person	0.012 5	\$36	\$7
Restaurants w/ 24 hour service	Seat	0.125 0	\$359	\$72
Restaurants w/o 24 hour service	Seat	0.087 5	\$252	\$50
Restaurants – single service utensils	Customer/day	0.025 0	\$72	\$14
Rooming house	Person	0.100 0	\$288	\$58
Schools – boarding	Person	0.187 5	\$539	\$108
Schools w/o cafeteria & showers	Person	0.037 5	\$108	\$22
Schools w/ cafeteria w/o showers	Person	0.050 0	\$144	\$29
Schools w/ cafeteria & showers	Person	0.062 5	\$180	\$36
Service stations	Vehicle/day	0.025 0	\$72	\$14
Skating rinks & dance halls w/ kitchen	Person	0.032 5	\$93	\$19
Skating rinks & dance halls w/o kitchen	Person	0.025 0	\$72	\$14
Ski areas w/o kitchen	Person	0.025 0	\$72	\$14
Stores	Toilet stall	1.250 0	\$3,594	\$719
	Employee	0.027 5	\$79	\$16
Swimming pools & bath houses	Person	0.025 0	\$72	\$14
Taverns, bars, cocktail lounges	Seat	0.050 0	\$144	\$29

Visitor centers	Visitor day	0.012 5	\$36	\$7
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STORMWATER IMPACT FEES. The impact fees for stormwater as set forth in the attached Table 3, shall be paid at the time of application for a building permit for any property located within the drainage boundary.

Table 13 - Storm Water Impact Fee

Zoning		Adopted Impact Fee Per Acre within Drainage Boundary
Residential		\$2,885.79/acre
Commercial		\$2,885.79/acre

PARKS, TRAILS, AND OPEN SPACE IMPACT FEES. The impact fees for parks, trails and open space as set forth in the attached Table 24, shall be paid at the time of application for a building permit.

Zoning		Adopted Impact Fee Per Household (2.38 Persons)
Residential		\$725
Commercial		None

NON-STANDARD PARK IMPACT FEES: The Town reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that a land-use will have upon public facilities. The adjustment for Non-Standard Park Impact Fees could result in a different impact fee if the TownCity determines that a particular user may create a different impact than what is standard for its land use. The non-standard impact fee is calculated based on the following formula:

$$\text{Estimated Population per Unit} \times \text{Estimate of Impact Fee Per Capita (\$305)} = \text{Impact Fee per Unit}$$

~~POLICE SAFETY IMPACT FEES. The impact fees for public safety as set forth in the attached Table 5, shall be paid at the time of application for a building permit.~~

	Zoning		Adopted Impact Fee
POLICE	Residential		\$114/unit
	Commercial		\$1,844/acre

FIRE AND EMS IMPACT FEES. The impact fees for public safety as set forth in the attached Table 36, shall be paid at the time of application for a building permit.

	Cost per SFE	SFE Conversion	Total Impact Fee per Unit
Residential			
Single Family Dwelling Unit	\$844	1.00	\$844
Multi-Family Dwelling Unit	\$844	0.68	\$571
Non-Residential			
Shopping Center (per 1K SF)	\$11,443	2.81	\$32,117
General Office (per 1K SF)	\$11,443	1.43	\$16,413
Light Industrial (per 1K SF)	\$11,443	0.84	\$9,594

NON-STANDARD FIRE AND EMS IMPACT FEES: The TownCity reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that the land use will have upon public facilities. This adjustment could result in a different impact fee if the TownCity determines that a particular user may create a different impact than what is standard for its land use. To determine the impact fee for a non-standard use, the TownCity should use the following formula:

Formula for Non-Standard Fire Impact Fees: Residential Fee: SFE Conversion x \$844
 = Recommended Impact Fee Non-Residential Fee: SFE Conversion x \$11,443 =
 Recommended Impact Fee

TRANSPORTATION IMPACT FEES. The impact fees for transportation as set forth in the attached Table 47, shall be paid at the time of application for a building permit.

LAND USE:	Impact Fee per Unit
Singe Family Residential	\$2,660
Multi-Family Residential	\$1,800
Shopping Center	\$7,466
Light Industrial	\$2,230
Office	\$3,816

NON STANDARD IMPACT FEES: The TownCity reserves the right under the Impact Fees Act to assess an adjusted fee that more closely matches the true impact that a specific land use will have upon the TownCity's transportation system. This adjustment could result in a different impact fee if evidence suggests a particular user will create a different impact than what is standard for its category. The TownCity may adjust the impact fee if the developer can provide documentation, evidence, or other credible analysis that the proposed impact will be different than what is proposed in this analysis.

Formula for Non-Standard Transportation Impact Fees: Total Units x Estimate of PM Peak Hour Trips per Unit x Adjustment Factor x \$2,687 = Impact Fee per Unit

[illegible]

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from October 19, 2022.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor,, Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-52**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: AMENDMENT “5.04.200 Exceptions To The Business License Fee” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

5.04.200 Exceptions To The Business License Fee

No business license fee shall be imposed under this section upon the following persons or businesses:

- A. Any person engaged in business for solely religious, charitable, eleemosynary, or other types of strictly non-profit purposes who is tax exempt in such activities under the laws of the United States and the State of Utah, nor shall any business license fee be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah; nor shall any business license fee be imposed on any non-profit corporation duly incorporated according to the provisions of the Utah Non-Profit Corporation and Cooperative Association Act;
- B. Any insurance company or agent, for so long as state law exempts them;
- C. Any contractor holding a valid license issued by the local jurisdiction in which the licensee has its principal place of business, and by the state under Utah Code 58-55 Part 3;
- D. Any alarm company holding a valid business license issued by the local jurisdiction in which the licensee has its principal place of business;
- E. An owner of a building containing two or fewer rental dwellings;
- F. Any tow truck motor carrier holding a valid business license to perform tow truck service issued by the local jurisdiction in which the licensee has its principal place of business unless the tow truck business is also physically located in the town.
- G. Any sales or merchandise damaged by smoke or fire or of bankrupt concerns, where such stocks have been acquired from merchants of the town theretofore, regularly licensed and engaged in business; provided, however, no such stocks or merchandise shall be augmented by other goods;
- H. Any person who sells his/her own property which was not acquired for resale, barter, or exchange and who does conduct such sales or act as a participant by furnishing goods in such a sale more than twice during any calendar year;
- I. Any person selling surplus household goods or furnishings at a private residence in the garage or yard, if such garage sale is held no more frequently than three (3) days in

any one calendar quarter at the same residence.

- J. Any business license paid by a person to Washington County for the year 2005, provided that said person provide proof of payment to the Apple Valley Clerk.
- K. Any person engaged in agriculture.
- L. Any person engaged in a business in conjunction with an event sponsored by Apple Valley, where a booth or space is rented from the town. In such case, the business license fee shall be considered included in the booth or space rental fee.

AFTER AMENDMENT

5.04.200 Exceptions To The Business License Fee

No business license fee shall be imposed under this section upon the following persons or businesses:

- A. Any person engaged in business for solely religious, charitable, eleemosynary, or other types of strictly non-profit purposes who is tax exempt in such activities under the laws of the United States and the State of Utah, nor shall any business license fee be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah; nor shall any business license fee be imposed on any non-profit corporation duly incorporated according to the provisions of the Utah Non-Profit Corporation and Cooperative Association Act;
- B. Any insurance company or agent, for so long as state law exempts them;
- C. Any contractor holding a valid license issued by the local jurisdiction in which the licensee has its principal place of business, and by the state under Utah Code 58-55 Part 3; Such contractor must be able to present his state contractor license and valid business license to any authority or client upon request. It shall be unlawful for any person to conduct business within the town as a contractor without holding a valid state contractor license qualifying the licensee for the type of work to be done or without holding a valid business license in the entity where the principal business office is located.
- D. Any alarm company holding a valid business license issued by the local jurisdiction in which the licensee has its principal place of business;
- E. An owner of a building containing two or fewer rental dwellings;
- F. Any tow truck motor carrier holding a valid business license to perform tow truck service issued by the local jurisdiction in which the licensee has its principal place of business unless the tow truck business is also physically located in the town.
- G. Any sales or merchandise damaged by smoke or fire or of bankrupt concerns, where such stocks have been acquired from merchants of the town theretofore, regularly licensed and engaged in business; provided, however, no such stocks or merchandise shall be augmented by other goods;
- H. Any person who sells his/her own property which was not acquired for resale, barter, or exchange and who does conduct such sales or act as a participant by furnishing goods in such a sale more than twice during any calendar year;
- I. Any person selling surplus household goods or furnishings at a private residence in the

garage or yard, if such garage sale is held no more frequently than three (3) days in any one calendar quarter at the same residence.

~~J. Any business license paid by a person to Washington County for the year 2005, provided that said person provide proof of payment to the Apple Valley Clerk.~~

K. Any person engaged in agriculture.

L. Any person engaged in a business in conjunction with an event sponsored by Apple Valley, where a booth or space is rented from the town. In such case, the business license fee shall be considered included in the booth or space rental fee.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall be in full force and effect from October 19, 2022.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor,, Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-53**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **ADOPTION** “5.09 Special Events” of the Apple Valley Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.09 Special Events (Non-existent)

AFTER ADOPTION

5.09 Special Events(*Added*)

SECTION 2: **ADOPTION** “5.09.010 Purpose” of the Apple Valley Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.09.010 Purpose (Non-existent)

AFTER ADOPTION

5.09.010 Purpose(*Added*)

The purpose of this chapter is to provide for and encourage temporary events to occur in the Town in order to create a sense of community and enhance the quality of life for Town residents. It is also the Town's intent to promote, protect and assure the safety and convenience of residents and visitors by mitigating potential issues which may occur as a result of the special event. This chapter is adopted to ensure that the special events do not create disturbance, become a nuisance, threaten life, health, and property, disrupt traffic, or threaten or damage private or public property. It is not the intent of this chapter to regulate in any manner the content of speech or infringe upon the right to assemble, except for time, place and manner regulations.

SECTION 3: ADOPTION “5.09.020 Definitions” of the Apple Valley Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.09.020 Definitions (Non-existent)

AFTER ADOPTION

5.09.020 Definitions(*Added*)

For the purpose of this chapter, the following words and phrases shall be defined as set forth in this section:

APPLICANT: The individual event organizer and the organization responsible for the event and the payment of fees.

ATHLETIC EVENT: An organized competitive or recreational event in which a group of people collectively engage in a sport or form of physical exercise, including, but not limited to, running, jogging, walking, bicycling or skating, held on any public or private property.

TOWN EVENT: A special event that is organized and operated by the Town, whether directly or by contract with a third party operator.

FILMING EVENT: Filming of media broadcast (other than for news purposes), filming of a motion picture, television broadcast and digital media production.

OUTDOOR SALES EVENT: An organized event in which a group of people or an organization engages in the sale of product including, but not limited to, displays and exhibitions, farmers' markets, craft fairs, outdoor sales, tent sales and other similar activities.

SPECIAL EVENT: A temporary event of any of the following or combination of the following acts:

A. Any athletic event, entertainment event, parade, carnival, circus, dance, musical event, rodeo event, fighting event, racing event, live shows, fairs, concerts, block parties, filming event, or outdoor sales event, whether held for profit, nonprofit or charitable purposes held on private or public property within the Town.

B. Any organized assemblage at any public park, public square or other Town property which gathers for a common purpose or event under the direction and control of a person or entity and which uses more services, amusement devices such as stages, inflatable devices or temporary structures, or equipment, whether provided by the Town or a third party, than normally provided to groups which reserve park facilities or other Town-owned facilities.

C. Events held at the following are not special events under this chapter:

1. A building that has a business located in it that has a current annual business license as an event business;
2. A building with an assembly group classification under the International Building Code, as adopted by the Town, so long as the event does not exceed the posted occupant load as approved by the Town and has a current annual business license, if required; and
3. A government owned facility.

D. For purposes of this chapter, Town events are not special events, however events sponsored by the Town are special events.

TEMPORARY EVENT: Any event which occurs on a temporary basis of less than six (6) months at a location where the applicant does not have an annual business license for the specific activities being held.

SECTION 4: **ADOPTION** “5.09.030 Permit Required” of the Apple Valley Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.09.030 Permit Required (Non-existent)

AFTER ADOPTION

5.09.030 Permit Required(*Added*)

It is unlawful for any person, corporation, partnership, association or other entity, public or private, to promote, advertise or hold a special event without first obtaining a special event permit.

SECTION 5: **ADOPTION** “5.09.040 Application Requirements And Procedures” of the Apple Valley Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.09.040 Application Requirements And Procedures (Non-existent)

AFTER ADOPTION

5.09.040 Application Requirements And Procedures(*Added*)

A. Submission: A completed application on Town forms shall be submitted to the Town at least forty-five (45) calendar days before the event is scheduled to take place, in order to allow sufficient time to process the application and to allow timely appeal to the Town council in the event the application is denied. Applications for new events or recurring events with changes that submit the application less than forty-five (45) calendar days prior to the scheduled event shall not be accepted, unless the Town personnel determine the application could be processed timely. Applications are not considered complete until all required information has been submitted to the Town.

B. Advertising: No advertising of a special event shall be permitted until Town approval of the special event is granted and a special event permit is issued.

C. Inspections: Authorized law enforcement officers, fire control officers, and other government personnel shall be permitted free access to the event to make inspections to ensure compliance with all Town, state, and federal laws. All government personnel shall comply with the Fourth Amendment of the United States Constitution at all times during an inspection.

SECTION 6: ADOPTION “5.09.050 Insurance Requirement” of the Apple Valley Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.09.050 Insurance Requirement (Non-existent)

AFTER ADOPTION

5.09.050 Insurance Requirement(*Added*)

A. Insurance: The applicant, vendors, exhibitors, and concessionaires of a special event held on Town property shall procure and maintain commercial general liability insurance in the amount required by the Town to protect the Town against loss from liability imposed by law for damages on account of bodily injury or property damage arising from the event. Such insurance shall provide the following and shall be submitted to the Town on an insurance certificate which shall include the following:

1. The name and address of the insured.
2. Town shall be named as an additional primary insured and noncontributory on the general liability certificate.
3. The location of the operations to which the insurance applies.

4. The number of the policy and the type or types of insurance in force thereunder on the date of the certificate.

5. The expiration date of the policy and the limit or limits of liability thereunder on the date of the certificate.

6. A statement that all coverage is on an occurrence basis rather than a claims basis.

7. A provision that the policy or policies will not be canceled, denied renewal, or reduced in coverage until at least thirty (30) days after written notice has been received by Town.

8. Name, address, and telephone number of the insurance company's agent.

B. Workers' Compensation: Applicant shall procure and maintain workers' compensation insurance as required by Utah law.

C. Certificate of Insurance: No special event permit shall be issued until the applicant and all vendors, exhibitors, or concessionaires participating in the event submit to the Town a certificate of insurance as required in this chapter.

SECTION 7: ADOPTION “5.09.060 Fees” of the Apple Valley Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.09.060 Fees (Non-existent)

AFTER ADOPTION

5.09.060 Fees(*Added*)

A. Application and Cost Recovery Fees: Along with the application for a special event permit, the applicant shall pay any applicable special event application fees and Town cost recovery fees.

B. Town Cost Recovery Fees: Extra Town services will be provided for special events as determined by the Town to be needed to protect the health, safety and welfare of the public and shall be paid by the applicant.

1. Town costs may include, but are not limited to, police, fire, park maintenance, power, water, road closures, and cleanup of Town facilities before, during, or after the event, and other costs to Town directly attributable to the special event.

2. Before Town approval is granted to hold the event, the applicant shall pay the deposit and estimated Town fees as determined by the Town based on the application, the applicant's past event history with the Town, and experience with similar events.

C. Invoice: The Town may mail or deliver to the permit holder an invoice for the cost of Town services provided and any costs incurred by the Town in restoring the site. If the amount exceeds the Town cost recovery fees paid in advance, the applicant shall pay the unpaid portion of the invoice within thirty (30) days of the date that the invoice was mailed or delivered. If the amount is less than the Town cost recovery fees paid prior to issuance of the permit, then the remaining amount shall be returned to the applicant.

SECTION 8: **ADOPTION** “5.09.070 Application Review, Approval And Issuance” of the Apple Valley Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.09.070 Application Review, Approval And Issuance (Non-existent)

AFTER ADOPTION

5.09.070 Application Review, Approval And Issuance(*Added*)

The Town Administrator, or a designee, shall review and either approve, approve with conditions, or deny the request for a special event permit. The Town Administrator may refer the request for a special event permit to Town Council for approval.

SECTION 9: **ADOPTION** “5.09.080 Grounds For Denial” of the Apple Valley Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.09.080 Grounds For Denial (Non-existent)

AFTER ADOPTION

5.09.080 Grounds For Denial(*Added*)

A. Grounds for Denial: The special event application may be denied by the Town if:

1. The proposed special event violates a law, ordinance, policy, procedure, or regulation or poses a danger or threat to the public health, safety or welfare, or causes unreasonable inconvenience or cost to the public;
2. The proposed special event is not consistent with the intended nature and use of the requested Town property;
3. The proposed special event is scheduled at a place and time that could disrupt or interfere with an already approved special event;
4. The proposed location or building is not adequate to accommodate the proposed special event such as parking, sanitation facilities, and health or safety codes, or the nature of the proposed special event is such that the Town, or the applicant does not have sufficient resources available to ensure the health, safety, and welfare of special event participants or the general public;
5. The permit application contains a material falsehood or misrepresentation;
6. The applicant has failed to pay a debt to the Town including costs incurred during a prior special event;
7. Incomplete permit applications; and
8. The applicant or any person on whose behalf the application for a permit was made has on prior occasions:
 - a. Damaged Town property, if the applicant is for an event on Town property; or
 - b. Made material misrepresentations regarding the nature or scope of an event or activity previously permitted; or
 - c. Has violated the terms of prior permits issued to or on behalf of the applicant.

B. Notice: If a special event permit application is denied, the Town shall notify the applicant in writing of the reason or reasons for the denial.

SECTION 10: **ADOPTION** “5.09.090 Appeal Procedures” of the Apple Valley Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.09.090 Appeal Procedures (Non-existent)

AFTER ADOPTION

5.09.090 Appeal Procedures(*Added*)

Any applicant for a special event permit desiring to appeal an administrative decision concerning the denial or modification of a special event permit may petition the Town Council if the decision was made by the Town Administrator. Any decision made by the Town Council is final. All appeals shall be in writing, shall state the specific grounds for the appeal, and shall be delivered to the Town recorder within five (5) calendar days after the date the applicant received notice of the denial. An applicant may appeal the Town Council's decision by seeking judicial review with the district court, which review shall be limited to a review of the record. The district court shall presume the Town Council's decision is valid and shall review the record to determine whether or not the decision was arbitrary, capricious or illegal.

SECTION 11: **ADOPTION** “5.09.100 Violation” of the Apple Valley Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

5.09.100 Violation (Non-existent)

AFTER ADOPTION

5.09.100 Violation(*Added*)

A violation of this chapter shall be a class B misdemeanor.

SECTION 12: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 13: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 14: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from October 19, 2022.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor,, Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-54**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “7.10.050 Criminal Penalty For Violation” of the Apple Valley Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

7.10.050 Criminal Penalty For Violation

A F T E R A M E N D M E N T

7.10.~~050~~100 Criminal Penalty For Violation

SECTION 2: **AMENDMENT** “7.10.010 Purpose” of the Apple Valley Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

7.10.010 Purpose

The purpose of this Chapter is to regulate the disposal of solid waste within the boundaries of the Town of Apple Valley ("Apple Valley"), which it is required to do under the provisions of Paragraph 11 of Apple Valley's Agreement with Washington County Special Service District No. 1 ("District").

A F T E R A M E N D M E N T

7.10.010 Purpose

~~The purpose of this Chapter is to regulate the disposal of solid waste within the boundaries of the Town of Apple Valley ("Apple Valley"), which it is required to do under the provisions of Paragraph 11 of Apple Valley's Agreement with Washington County Special Service District No. 1 ("District").~~

The purpose of this Chapter is to establish rules and regulations pertaining to the collection and disposal of residential solid waste produced or generated within the boundaries of Apple Valley, and establish fees for collection and disposal of such residential waste.

SECTION 3: AMENDMENT “7.10.020 Findings” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

7.10.020 Findings

- A. Apple Valley entered into an Agreement with the District whereby the District, by and through Allied Waste Transportation, Inc., dba Red Rock Waste Services ("Allied Waste"), shall provide residential solid waste collection and disposal services within the town limits of Apple Valley (hereinafter "Agreement").
- B. Under the terms of the Agreement, Apple Valley has agreed to adopt by resolution or ordinance such rules and regulations as may be necessary to prevent the dumping or disposal of any solid waste in any area other than the Washington County Landfill, or in any manner which is inconsistent with the Agreement.
- C. The Agreement requires that all residential solid waste within the boundaries of Apple Valley be disposed of through Allied Waste or be taken to the Washington County Landfill for disposal.

AFTER AMENDMENT

7.10.020 ~~Findings~~Definitions

- ~~A. Apple Valley entered into an Agreement with the District whereby the District, by and through Allied Waste Transportation, Inc., dba Red Rock Waste Services ("Allied Waste"), shall provide residential solid waste collection and disposal services within the town limits of Apple Valley (hereinafter "Agreement").~~
- ~~B. Under the terms of the Agreement, Apple Valley has agreed to adopt by resolution or ordinance such rules and regulations as may be necessary to prevent the dumping or disposal of any solid waste in any area other than the Washington County Landfill, or in any manner which is inconsistent with the Agreement.~~
- ~~C. The Agreement requires that all residential solid waste within the boundaries of Apple Valley be disposed of through Allied Waste or be taken to the Washington County Landfill for disposal.~~

1. DEFINITIONS. For purposes of this Ordinance, the following words or phrases shall have the following meanings.

- A. "Republic or Republic Services" shall mean Allied Waste Transportation, Inc., a Delaware corporation, d/b/a Republic Services of St. George, licensed to do business in the State of Utah.
- B. "District" shall mean Washington County Special Service District No. 1.
- C. "Town" shall mean the Town of Apple Valley.

D. "Agreement" shall mean Residential Waste Collection Agreement, dated September 1, 2020 between Washington County Special Service District No. 1 and Allied Waste Transportation, In., a Delaware corporation, d/b/a Republic Services of St. George, licensed to do business in the State of Utah, a copy of which is attached hereto as Exhibit "A" and incorporated herein by this reference.

E. "Automated or Semi-Automated Container" shall mean a waste receptacle approved by the District, with a capacity of 60 to 94 gallons, equipped with a tight-fitting, permanently attached lid and wheels for easy movement, and specifically designed for automated and semi-automated pick up.

F. "Bulky Waste" shall mean residential waste materials with lengths, weights or volumes greater than those allowed for automated containers, including but not limited to stoves, refrigerators, dryers, dishwashers, televisions, hot water tanks, washing machines, household furniture, four (4) or fewer tires, air conditioners, Christmas trees, bicycles, large toys, tree limbs of 3-6 feet in length and up to 6 inches in diameter, and Bags used for seasonal disposal of leaves. Bulky Waste does not include automobiles, more than four (4) tires, motorcycles, boats, Construction/Demolition Waste, large dead animals, Hazardous Waste, Special Waste and trees (other than Christmas trees) or limbs exceeding six (6) feet in length and six (6) inches in diameter, and other similar items. All items must be free of extraneous materials and shall be capable of being lifted into Republic's collection vehicle by two (2) men. A Resident may not place more than three Bulky Waste items out for collection per call.

G. "Commercial shall mean or refer to property:

(1) used primarily in connection with the supply of goods or professional services on a regular basis or in the regular course of business, and for which a business or other license is required by state law or local ordinance, and

(2) A hotel, motel, recreational vehicle rental park used for overnight or short term rental of less than thirty (30) days, or an apartment complex of more than eight (8) units used for a rental term of more than thirty (30) days.

H. "Commercial Hauler" shall mean any person or entity who in the regular course of business or for a fee collects and disposes of commercial waste.

I. "Commercial Waste" shall mean non-hazardous waste materials produced by businesses or resulting from normal activities on or use of commercial property or premises.

J. "Curbside" shall mean at or near any curb, sidewalk or other location immediately adjacent to any street, highway or road which is safely accessible to Republic's waste collection vehicles.

K. "Dumpster or Roll-off" shall mean any metal container with a volume of 1.5 cubic yards or more, designed for storage of waste and to be compatible with collection equipment.

L. "Hazardous Waste" shall mean a solid waste or combination of solid wastes, other than Household Waste, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed, and as further defined in R315-2-3 of the Utah Administrative Code.

M. "Household Waste" shall mean any waste material, including garbage, trash, and sanitary wastes in septic tanks, derived from households, including single-family and multiple-family residences, apartments, hotels, and motels, bunk houses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

N. "Infectious Waste" shall mean a solid waste that contains or may reasonably be expected to contain pathogens of sufficient virulence and quantity that exposure to the waste by a susceptible host could result in an infectious disease. Infectious Waste is included in Household Waste unless subject to regulation in accordance with R315-316(1) of the Utah Administrative Code.

O. "Residence or Residential" shall mean the use of property or premises containing a structure which is hooked to culinary water and power and is intended or used for human habitation, including but not limited to:

- (1) single homes,
- (2) mobile homes,
- (3) town homes,
- (4) condominiums,
- (5) short-term vacation rentals (VRBO's) of less than 30 days,
- (6) apartments not contained in or as part of an apartment complex of more than eight
- (8) units.

Except as may be specified hereinafter, each residential unit or structure on property or premises classified as residential shall be considered a separate residence for purpose of billing and collection.

P. "Residential Waste" shall mean household waste, bulky waste, and other non-hazardous waste produced by or resulting from the normal activities on or use of residential property or premises. Residential Waste includes but is not limited to waste wood, wood products, tree trimmings, grass cuttings, dead plants, seeds, leaves, chips, shavings, saw-dust, printed matter, paper, pasteboard, plastic, aluminum cans, flattened cardboard boxes, wooden boxes, rags, loose straw, used and discarded mattresses, used and discarded clothing, used and discarded shoes and boots, combustible and waste pulp and other products such as are used for packaging or wrapping crockery and glass, cold ashes, cinders, floor sweepings, glass, mineral or metallic substances and any and all other waste materials not included in the definition of bulky waste, construction/demolition waste, dead animals, garbage or hazardous waste. Residential Waste does not include special waste or stable matter as defined herein.

Q. "Special Waste" shall mean discarded solid waste that may require special handling or other solid waste that may pose a threat to public safety, human health, or the environment. Special waste includes:

- (1) ash
- (2) automobile bodies
- (3) infectious waste subject to regulation under R315-316(1) of the Utah Administrative Rules
- (4) waste tires
- (5) dead animals
- (6) asbestos
- (7) waste exempt from the hazardous waste regulations under R315-261-4
- (8) very small quantity generator hazardous waste as defined by R315-260-10
- (9) waste containing PCB's
- (10) petroleum contaminated soils
- (11) waste asphalt
- (12) sludge
- (13) stable matter

SECTION 4: AMENDMENT “7.10.030 Regulation Of Disposal Of Solid Waste Within Apple Valley Boundaries” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

7.10.030 Regulation Of Disposal Of Solid Waste Within Apple Valley Boundaries

It shall be unlawful to dispose of solid waste within the boundaries of Apple Valley except by contract with Allied Waste, through the District, or dispose of said waste at the Washington County Landfill.

AFTER AMENDMENT

7.10.030 ~~Regulation Of Disposal Of Solid Waste Within Apple Valley Boundaries~~ Use of Washington County Landfill

~~It shall be unlawful to dispose of solid waste within the boundaries of Apple Valley except by contract with Allied Waste, through the District, or dispose of said waste at the Washington County Landfill.~~

All residential waste generated within corporate limits of Town shall be transported to and disposed of at the Washington County Landfill or such other waste disposal facility as may be approved by the District.

SECTION 5: AMENDMENT “7.10.040 Solid Waste Collection And Disposal Services Fees” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

7.10.040 Solid Waste Collection And Disposal Services Fees

- A. The Apple Valley Town Council estimates that the monthly billing, collection and payment to District, of all residential fees for residential solid waste removal from all residences located within the Apple Valley Town limits, costs the town the amount of \$194.00 per month.
- B. Based on the estimated number of residents within the Apple Valley Town limits of 175, each resident should be assessed the amount of \$12.50 per month for the costs and labor incurred by Apple Valley in providing monthly billing, collection, and payment to District of all residential fees for residential solid waste removal from all

residences located within the Apple Valley Town limits.

- C. Enactment Of Fee. Each resident shall be assessed the amount of \$12.50 per month for the costs and labor incurred by Apple Valley in providing monthly billing, collection, and payment to District of all residential fees for the removal of solid waste from all residences located within the Apple Valley Town limits. This amount shall be added to the amounts District requires pursuant to Paragraph 5 (a) through (c) of the Agreement.

AFTER AMENDMENT

7.10.040 ~~Solid Waste Collection And Disposal Services Fees~~ Required Use of Automated/Semi-Automated Containers

- ~~A. The Apple Valley Town Council estimates that the monthly billing, collection and payment to District, of all residential fees for residential solid waste removal from all residences located within the Apple Valley Town limits, costs the town the amount of \$194.00 per month.~~
- ~~B. Based on the estimated number of residents within the Apple Valley Town limits of 175, each resident should be assessed the amount of \$12.50 per month for the costs and labor incurred by Apple Valley in providing monthly billing, collection, and payment to District of all residential fees for residential solid waste removal from all residences located within the Apple Valley Town limits.~~
- ~~C. Enactment Of Fee. Each resident shall be assessed the amount of \$12.50 per month for the costs and labor incurred by Apple Valley in providing monthly billing, collection, and payment to District of all residential fees for the removal of solid waste from all residences located within the Apple Valley Town limits. This amount shall be added to the amounts District requires pursuant to Paragraph 5 (a) through (c) of the Agreement.~~

Except for residential developments approved by Town where density and lack of access by waste collection vehicles requires the use of dumpsters or roll-offs as a means of residential waste collection, each residence or residential unit within the incorporated areas of Town shall be required to utilize for residential waste collection service an automated/semi-automated container or containers which have been approved and delivered to the property by Town or its authorized agent.

SECTION 6: ADOPTION “7.10.050 Residential Waste Collection And Disposal Services Provided” of the Apple Valley Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

7.10.050 Residential Waste Collection And Disposal Services Provided (Non-existent)

AFTER ADOPTION

7.10.050 Residential Waste Collection And Disposal Services Provided(*Added*)

A. Town shall provide to each residence within its boundaries weekly curbside collection of:

1. Residential waste placed in automated/semi-automated containers or in dumpsters or roll-offs; and
2. Bulky waste placed at or near the curb or edge of the roadway.

B. Except where the use of dumpsters or roll-offs are authorized, residential waste shall be placed for collection in accordance with the following:

1. All residential waste shall be placed for collection in automated/semi-automated containers.
2. All residential waste shall be placed for collection by 6:00 a.m. of the day scheduled for collection.
3. No hazardous waste, infectious waste or special waste shall be placed for collection in any automated/semi-automated container or any dumpster or roll-off.
4. Automated/semi-automated containers shall be placed within three (3) feet of the curbside, blacktop or tother roadway surface, with three (3) feet clearance on either side of the container from parked cars or other objects, and at other locations readily accessible to collection vehicles and personnel.
5. All empty waste containers shall be removed from the street as soon as reasonably practicable but not later than 24 hours after being emptied.
6. Bulky waste shall be placed at or near the curbside, blacktop or other roadway surface, or at other locations readily accessible to collection vehicles and personnel.

SECTION 7: ADOPTION “7.10.060 Establishment Of Residential Fees and Billing” of the Apple Valley Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

7.10.060 Establishment Of Residential Fees and Billing (Non-existent)

AFTER ADOPTION

7.10.060 Establishment Of Residential Fees and Billing(*Added*)

A. There is hereby established a monthly residential waste collection and disposal fee for each residence or residential unit in Town, which shall include the following amounts:

1. The amount to be paid to Republic in the amount of \$6.90 per month per residence, which shall be subject to an annual increase of 2.5%; and
2. The amount to be paid to the District for administrative costs and expenses in the amount of \$4.45 per month per residence, which shall be subject to an annual increase of ten cents (\$.10); and
3. Such amount as may be established from time to time by resolution of the Town Council for administrative costs and expenses incurred by Town in billing and collection.

B. The residential fee established hereby for basic collection service is for the availability of service provided by Town through the District and its authorized agent, Republic, and said fee shall be due and owing when service is available, regardless of whether said service is actually utilized.

C. Fees for residential waste collection and disposal services provided by Town shall be paid on a monthly basis, and shall be included in any billing for other municipal services supplied by Town. Payments for residential waste collection and disposal services not received on or before the last day of the month following the month for which services were provided shall be deemed delinquent and shall thereafter bear interest at the rate of 5 per cent per month until paid in full, and shall be subject to all collection practices or procedures as may be established from time to time by ordinance.

SECTION 8: ADOPTION “7.10.070 Collection Of Commercial Waste” of the Apple Valley Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

7.10.070 Collection Of Commercial Waste (Non-existent)

AFTER ADOPTION

7.10.070 Collection Of Commercial Waste(*Added*)

Nothing in this ordinance shall preclude the owner or lessee of any commercial property or premises from transporting his or her own commercial waste to the landfill, or contracting for its removal with a commercial hauler properly licensed by District and authorized to conduct business within the Town. Commercial property owners must have their own separate billing and may not place its commercial waste into residential dumpsters/cannisters.

SECTION 9: **ADOPTION** “7.10.080 Commercial Or Private Haulers” of the Apple Valley Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

7.10.080 Commercial Or Private Haulers (Non-existent)

AFTER ADOPTION

7.10.080 Commercial Or Private Haulers(*Added*)

No private or commercial hauler shall be allowed to collect or dispose of commercial solid waste generated by businesses or through the use of commercial property within Town without having first obtained from District a license to operate as a private or commercial hauler.

SECTION 10: **ADOPTION** “7.10.090 Collection Vehicles” of the Apple Valley Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

7.10.090 Collection Vehicles (Non-existent)

AFTER ADOPTION

7.10.090 Collection Vehicles(*Added*)

A. All trucks or other vehicles used by any private or commercial hauler to collect or transport solid waste within Town shall:

1. Be maintained in a good mechanical condition,
2. Be equipped with fully enclosed sides and bottom and otherwise constructed as to prevent the contents of the vehicle from spilling or blowing while the vehicle is in motion,
3. Clearly bear on the outside of the body of the vehicle the name and telephone number of the hauler, and
4. Comply with all provisions of all applicable state or federal regulations or laws concerning the collection, transportation or disposal of solid waste.

B. All solid waste transported by any private or commercial hauler shall be contained, tied or enclosed in such a manner that leaking, spilling or blowing are prevented during transportation.

SECTION 11: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 12: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 13: EFFECTIVE DATE This Ordinance shall be in full force and effect from October 19, 2022.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor,, Apple Valley

**APPLE VALLEY
ORDINANCE O-2022-55**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “5.10.020 Beer Licenses” of the Apple Valley Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

5.10.020 Beer Licenses

- A. LICENSE REQUIREMENTS; WHOLESALERS: It is unlawful for any person to engage in the business of selling beer at wholesale within the limits of the Town without meeting the requirements for a wholesale license therefor from the state alcohol beverage control commission. The Town's license shall be deemed "local consent" as required by Utah Code § 32A-11-102(1)(c), 1953, as amended.
- B. LICENSE REQUIREMENTS; RETAIL SALES:
 - 1. It is unlawful for any person to engage in the business of the sale of beer at retail, in bottles, cans or draft, within the corporate limits of the Town without first having procured a license therefor from the Mayor or the Mayor's designee, as hereinafter provided.
 - 2. A separate license shall be required for each place of sale, and the license itself shall identify the specific premises covered thereby. Each license shall at all times be conspicuously displayed in the place to which it shall refer or for which it shall be issued.
 - 3. All licensees shall comply with the provisions of the Act, or its successor; the regulations of the alcoholic beverage control commission; and this Chapter. Every license shall recite that it is subject to revocation under this Chapter, or its successor.
 - 4. All licenses shall comply with all land use ordinances and with the location restrictions of this Chapter, or its successor, applicable to the location of the premises for which the license is issued.
- C. RETAIL LICENSE CLASSIFICATIONS: Retail licenses issued under the provisions of this chapter shall be classified into the following types, which shall carry the privileges and responsibilities hereinafter set forth in this Chapter:
 - 1. Class A Retail License;
 - 2. Class B Retail License;
 - 3. Class C Retail License;
 - 4. Class D Special Event License;
 - 5. Class E Arena/Facility License;
 - 6. Class F Brewpub and Microbrewery License;

7. Temporary License;
8. Government Owned Facility License.

D. CLASS A RETAIL LICENSES:

1. A Class A Retail License shall entitle the licensee to sell beer on the premises described in such license in original containers for consumption off the premises, in accordance with the Act and this code; provided, however, that it is unlawful for the licensee to sell or distribute beer in any container larger than two (2) liters.
2. It is unlawful for a licensee of a Class A Retail License at any hotel, motel, rooming house or boarding house to sell beer in original containers from multiple beer dispensing facilities located in separate rooms of the hotel, motel, rooming or boarding house, unless such dispensing facilities are securely locked and access to the contents of such facilities is restricted by the licensee to hotel, motel, rooming or boarding house patrons who are twenty one (21) years of age or older and who have duly rented such room in which such dispensing facility is located. For purposes of this section, the consumption of beer in such room duly rented by such patron shall be deemed consumed off the premises of the hotel, motel, rooming or boarding house.
3. It is unlawful for a minor to sell beer on the premises of a Class A licensee for off-premise consumption unless the sale is done under the supervision of a person 21 years of age or older who is on the premises and the min or is at least 16 years of age.
4. Class A licensees shall comply with all requirements of Utah Code § 32A-10-10 2.
5. No person shall sell, offer for sale, or be allowed to sell any beer or alcoholic beverage from the premises of a Class A licensee until they have complied with the requirements of Utah Code § 32A-10-103. The Class A licensee is strictly liable to assure compliance with the provisions of Utah Code § 32A-10-103 and failure by any person to strictly abide by such provisions shall entitle the Town to impose fines and other sanctions as set forth in such section.

E. CLASS B RETAIL LICENSES:

1. A Class B Retail License shall entitle the licensee to sell beer in draft or in the original containers only for consumption on the premises.
2. Only bona fide restaurants, where a variety of hot food is prepared and cooked and complete meals are served to the general public in connection with indoor dining accommodations, and which food sales constitute at least seventy percent (70%) of the gross dollar value of licensee's business during each month of the license period, shall be entitled to Class B Retail Licenses.
3. The holders of Class B Retail Licenses shall maintain records which shall disclose the gross sales of beer and the gross sales of food served for consumption on the licensed premises during each and every month of the year, and shall maintain those records for a minimum of two (2) calendar years from the date such records are made. In those licensed premises which are also licensed to allow consumption of liquor on the premises in accordance with

Title or its successor, the sale of carbonated and noncarbonated soft drinks, soda water, water and other mixers shall not constitute the sales of food within the meaning of this chapter. Each licensee shall maintain a separate record which shall disclose the gross sales of such drinks during each and every month of the year. The foregoing sales shall be shown separately in the records and each licensee shall retain all invoices, vouchers, sales slips, receipts and other records of purchases of beer, soft drinks and food from the licensee's suppliers. Such records and supporting data shall be available for inspection and audit by the Town. Failure to maintain or supply the records shall be cause for suspension or revocation of the license. If any audit or inspection discloses that the sales of food served for consumption on any licensed premises under this chapter are less than seventy percent (70%) of the gross dollar volume of business for any month, the Class B Retail License of such licensee may be suspended by the Mayor or the Mayor's designee, after the licensee has been afforded notice and a hearing regarding such license in accordance with the Town's license hearing procedures.

4. It is unlawful for any licensee, operator, manager or any other person in charge of a restaurant holding a Class B Retail License to:
 - a. Sell food for consumption on the premises in an amount which constitutes less than seventy percent (70%) of the restaurant's gross dollar volume of business during any monthly period; or
 - b. Sell beer or liquor, if such establishment is licensed for such, other than in conjunction with the purchase of food menu items; or
 - c. Advertise the sale of beer or liquor, except in compliance with state alcohol beverage commission rules on advertising; or
 - d. Hire or allow or permit any person under twenty one (21) years of age to serve beer or liquor for consumption on the premises.
5. If any audit or inspection discloses that the sales of food served for consumption on any licensed premises under this chapter are less than seventy percent (70%) of the gross dollar volume of business for any month, the Class B Retail License of such licensee shall immediately be suspended and shall not be reinstated until the licensee is able to prove to the satisfaction of the Mayor or the Mayor's designee that in the future the sales of food served for consumption on the licensed premises will exceed seventy percent (70%) of the gross dollar volume of business.

F. CLASS C RETAIL LICENSES: A Class C Retail License shall entitle the licensee to sell beer on draft for consumption on the premises or for consumption off the premises, in containers not larger than two liters, in compliance with the Act, or its successor. Consumption of beer shall not be allowed in parking lots of licensees, nor in any area not within the area of the licensee's premises approved for consumption of beer.

G. CLASS D SPECIAL EVENT LICENSES:

1. Special Events: A Class D Special Event License shall entitle a bona fide corporation, church, political organization, or incorporated association or a subordinate lodge, chapter, or other local unit thereof that is conducting a convention, civic, or community enterprise to sell beer at such event in

accordance with the provisions in this section.

2. Application Requirements: In addition to the application requirements set forth in the Town's business licenses Chapter and this Chapter, or their successors, an application for a Class D Special Event License shall include the following:

- a. The times, dates, location, nature, and purpose of the event;
- b. A description or floor plan designating:
 - (1) The area in which the applicant proposes that alcohol be stored;
 - (2) The sites from which the applicant proposes that alcohol be sold or served, including all dispensing points. Dispensing points include booths, tables, and other areas set apart for the sale of alcoholic beverages;
 - (3) The areas in which the applicant proposes that alcohol be allowed to be consumed;
- c. A statement of the purpose of the association, corporation, church, or political organization, or its local lodge, chapter, or other local unit conducting the event;
- d. A signed consent form stating that any law enforcement officers or representatives of the Town authorized by the Mayor shall have unrestricted right to enter the premises during the event.

3. Operational Restrictions:

- a. All persons involved in the storage, sale, or serving of alcohol at the event shall do so only under the supervision and direction of the licensee.
- b. No alcohol, other than that furnished by the licensee, shall be brought by any person onto the premises of the event.
- c. Alcohol purchased for the event may not be stored in any place other than that described in the application as designated on the license.
- d. Alcohol purchased for the event may not be sold or served in any place other than the sites described in the application and designated on the permit.
- e. Alcohol purchased for the event may not be consumed in any area other than that described in the application and designated on the permit.
- f. Class D Special Event Licenses are not transferable.
- g. No Class D Special Event License shall have a duration longer than seven days.
- h. No more than two Class D Special Event Licenses shall be granted in any calendar year to the same association, corporation, church, or political organization, or subordinate lodge, chapter, or other local unit thereof.
- i. No sale of beer or other alcoholic beverage shall exceed a sixteen (16) ounce serving.

H. CLASS E ARENA/FACILITY LICENSES:

- 1. No beer may be sold or dispensed to the public on or within any publicly

owned recreation facility, or any privately owned sports arena, or recreation or convention facility, designed to accommodate more than five thousand (5,000) persons, by any person, corporation or organization except by the holder of a Class E Arena/Facility License for such premises, or by an operator, manager, food service licensee or employee of such holder. For the purposes of this Chapter, "premises" shall not include separately licensed businesses operating within the same arena or facility which businesses may be subject to other beer and/or alcoholic beverage requirements.

2. A Class E Arena/Facility License shall entitle the licensee to sell beer for consumption on publicly owned recreation facilities or on privately owned sports arenas or recreation or convention facilities designed to accommodate more than five thousand (5,000) persons; provided, however, that no such Class E Arena/Facility License shall be issued for the sale of beer for consumption on publicly owned recreation facilities unless such prospective licensee shall first obtain a concession contract from the public body owning the facility involved. Under the Class E Arena/Facility License, no beer shall be dispensed in original containers in areas accessible to the general public nor shall beer in original containers be allowed in areas accessible to the general public, but must first be emptied into suitable temporary containers. No person under the age of twenty one (21) years of age may sell or serve beer. With the exception of privately leased suites, all sales and deliveries under this license shall be made directly to the consumer.
3. For purposes of this Chapter, "privately leased suite" means space within a Class E facility which is leased by the Class E licensee to private individuals twenty one (21) years of age or older for periods of one year or longer and which shall not be open to the general public.
4. All beer or other alcoholic beverages which are dispensed within a Class E facility, except within a "privately leased suite" as defined above, shall be dispensed only by the Class E licensee or its operator, manager, food service licensee or employee. No alcoholic beverages, except for beer, shall be dispensed at any location within a Class E facility other than within privately leased suites as defined above or within other privately rented or privately occupied space which is not open to the general public. No beer or other alcoholic beverage shall be removed from within the building of a publicly owned or privately owned sports arena or recreation or convention facility holding a Class E license except by the Class E licensee or its operator, manager, food service licensee, or employee operating in the course of business under the Class E Arena/Facility License.
5. It is unlawful for a licensee of a Class E Arena/Facility License to sell beer in original containers from multiple beer dispensing facilities located in privately leased suites of the Class E premises or to allow storage of beer or other alcoholic beverages within such dispensing facilities located in privately leased suites of the Class E premises unless such dispensing facilities are securely locked and access to the contents of such facilities is restricted by the licensee to suite lessees twenty one (21) years of age or older who have duly

rented such private suites in which such dispensing facility is located.

I. CLASS F BREWPUB AND MICROBREWERY LICENSE:

1. DEFINITIONS. The following definitions are applicable to the provisions of this section through this subsection:

- a. "**Bar area**" means an area of the licensed premises separated from the restaurant service area by a substantial physical barrier.
- b. "**Brewpub**" means a restaurant type establishments that also has a beer brewery, producing beer in batch sizes not less than seven (7) U.S. barrels (31 gallons), on the same property and which produces, except as provided in subsection B of this section, only enough beer for sale and consumption on site or for retail carryout sale in containers holding less than two liters for wholesale as outlined in subsections B,2 and B,5 of this section. Automated bottle or canning production is prohibited. At least fifty percent (50%) of the beer sold shall be brewed on the premises. Revenue from food sales shall constitute at least fifty percent (50%) of the total business revenues, excluding retail carryout sales of beer and the sales allowed pursuant to subsection B of this section. Brewpubs are limited to a total brewing capacity of two thousand five hundred (2,500) barrels per year or one hundred twenty (120) barrels of fermentation at any one time, whichever is less.
- c. "**Major streets**" means those streets identified as major streets on Town maps.
- d. "**Microbrewery**" means a brewpub which, in addition to retail sale and consumption on site, markets beer wholesale in an amount not to exceed sixty thousand (60,000) barrels (31 gallons) per year. Revenue from food sales shall constitute at least fifty percent (50%) of the total business revenues, excluding wholesale and retail carryout sales of beer.

2. PRODUCTION LIMITS. Brewpubs may sell beer in keg (larger than 2 liters) containers for the following purposes and in the following amounts:

- a. An unlimited number of kegs (not to exceed 2,500 barrel capacity) for "brew fests" which, for the purpose of this section, means events, the primary purpose of which is the exposition of beers brewed by brewpubs and microbreweries, which include the participation of at least three (3) such brewers;
- b. No more than one hundred (100) kegs per year (not to exceed 2,500 barrel capacity) to events sponsored by charitable organizations exempt from federal income tax pursuant to 26 USC, section 501(c) (3) or its successor;
- c. No more than one hundred (100) kegs per year (not to exceed 2,500 barrel capacity) to events operating under a single event license from the state and the Town where the purpose of the event is not for commercial profit and where the beer is not wholesaled to the event sponsor but is, instead, dispensed by employees of the brewpub;

- d. Unlimited distribution to other restaurants of same ownership or control (not to exceed 2,500 barrel capacity). "Ownership or control" means more than fifty percent (50%) ownership in the actual business or controlling interest in any management partnership; and
- e. No more than five hundred (500) barrels for wholesale distribution (not to exceed 2,500 barrel capacity).
- 3. ALLOWABLE ZONING. Brewpubs and microbreweries may be allowed as conditional uses only in such zones as specified in the Town Land Use Code.
- 4. PROXIMITY REQUIREMENTS. The provisions of subsection N of this Section shall apply to Class F licenses.
- 5. SPACING. Brewpubs and microbreweries shall be located so as to front on a major street or be within a building the main entrance of which building fronts on a major street. This provision may be waived or modified in the same manner as for Class C and Class B private club licenses. Only one brewpub or microbrewery may be located on either side of a major street between the intersections of two (2) major streets.
- 6. OTHER APPLICABLE PROVISIONS. The provisions of subsections E,3 through E,4, except subsection E,4,b of this Section, shall apply to class F licenses.
- 7. INTERIOR DESIGN. The application for a Class F license shall provide an interior design drawn to scale showing the restaurant area, the bar area (if any) and describing the physical barrier separating the restaurant area from the bar area.
- 8. PERSONS UNDER TWENTY ONE YEARS OF AGE. Any other provision of this Chapter notwithstanding, no person under twenty one (21) years of age, unless accompanied by a person twenty one (21) years of age or older, shall be permitted in Class F licensed establishments subject to the provisions of subsection E,4,d of this Section or its successor.
- 9. STATE AND FEDERAL PERMITS REQUIRED. All licensees of brewpubs or microbreweries shall obtain all required state and federal permits prior to opening for business.
- 10. CRIMINAL PROVISIONS. It is unlawful and shall constitute an offense of strict liability for a licensee of a Class F license to serve or allow the consumption of beer in single serving containers larger than twenty three (23) fluid ounces except in the bar area of the licensed premises.

J. CLASS G TEMPORARY LICENSES:

- 1. A temporary license shall be issued as a temporary Class B restaurant license, a temporary Class B private club license, a temporary Class C private club license, or a temporary Class C beer license.
- 2. A temporary Class B restaurant licensee shall comply with all requirements of this code relating to a Class B restaurant license.
- 3. A temporary Class B private club licensee shall comply with all requirements of this code relating to a Class B private club license.
- 4. A temporary Class C private club licensee shall comply with all requirements

of this code relating to a Class C private club license.

5. A temporary Class C beer licensee shall comply with all requirements of this code relating to a Class C retail beer license.
6. A temporary license may be issued for a period not to exceed two hundred ten (210) days.

K. GOVERNMENT OWNED FACILITY LICENSE:

1. A government owned facility license may be issued to state and local governmental units for government operated events. Any such license shall be issued subject to the following terms and conditions:
 - a. Sales of alcohol shall be made only by persons who have been trained for such sale in accordance with state law;
 - b. Dramshop liability insurance shall be obtained and maintained during the period the license is in effect at coverage levels approved by the Town attorney;
 - c. No sale of beer or other alcoholic beverage shall exceed a sixteen (16) ounce serving;
 - d. All applicable business license and other fees shall be paid as set forth in the Town business license Chapter, the Town Consolidated Fee Schedule and this Chapter; and
 - e. All requirements of the Act shall be met.

L. APPLICATION, FILING AND VERIFICATION PROCEDURES:

1. Applications for licenses, for renewal or reissuance of licenses, and for transfer of licenses authorized by this chapter shall be verified and filed with the license officer, addressed to the Mayor or the Mayor's designee, and shall state the applicant's full name and that such applicant has complied with the requirements and possesses the qualifications specified in the Act, or its successor. If the applicant is a partnership, the application shall state the names and addresses of all partners thereof. If the applicant is a corporation, the application shall state the names and addresses of all officers and directors thereof and all stockholders who hold at least twenty percent (20%) of the issued and outstanding stock of the corporation. If the applicant is a limited liability company, the application shall state the names and addresses of all managers thereof and all members who have at least a twenty percent (20%) ownership interest therein. If the business is to be operated by a person other than the applicant, such operator shall sign the application and file the same information required of an applicant.
2. If any business required to be licensed by this chapter is operated by a person who has not filed his or her operator's information at the time of renewal of the license, or, if operation is assumed by another person during the license period, at least thirty (30) days prior to assuming operation of the business, such license may be revoked.
3. The application and operator's information shall be subscribed to by the applicant and operator, who shall state under oath that the information contained therein is true.
4. In addition to the requirements of the Town business license Chapter, or their

successors, the application shall require the applicant to list:

- a. All criminal convictions or pleas of nolo contendere, except those which have been expunged and except for traffic offenses, which were not alcohol related, and the disposition of all such convictions or pleas of nolo contendere for the applicant, individual or other entity subject to disclosure under this chapter, for ten (10) years prior to the date of the application;
- b. All alcohol and controlled substance citations and arrests (including alcohol related traffic law citations), for the applicant, individual or other entity subject to disclosure under this chapter, for five (5) years prior to the date of the application;
- c. All criminal citations issued to, or arrests of, the applicant, individual or other entity subject to disclosure under this chapter which are still pending adjudication, other than non-alcohol related traffic citations or arrests;
- d. Three (3) character references with addresses and telephone numbers of such references; and
- e. All business license revocations for businesses in which the applicant had at least a twenty percent (20%) legal or equitable interest.

M. FEES AND RECORDS:

1. Applications provided for in this Chapter shall be accompanied by the fees as set forth in the Town Consolidated Fee Schedule, or its successor, per year or any part thereof, which fees shall be deposited in the Town treasury if the license is granted, and returned to the applicant if denied.
2. Holders of alcohol licenses shall maintain records, which shall disclose the gross sales of alcohol by such holder during each and every year. Such records shall be available for inspection and audit by the Town license officer at any time following the end of each year and for eighteen (18) months thereafter, unless another time is set by ordinance applicable to a specific license class.
3. Failure of a licensee to properly maintain the required records or failure to submit such records for inspection and audit shall be cause for suspension or revocation of an alcohol license.

N. LOCATION RESTRICTIONS:

1. Permissible Locations: The permissible locations of establishments licensed with either a Class C beer license, a Class B or C private club license, or a temporary Class C beer license or a temporary Class B or C private club license, or any combination thereof, shall be determined by geographical proximity, based upon the following criteria:
 - a. There shall be no more than two (2) licensed establishments located on any linear block. A "linear block" means both sides of a major street between two (2) intersecting major streets. For the purposes of this section, a corner establishment having abutting front footage on two (2) major streets shall be included in the linear block in which the establishment has the greatest number of front footage abutting the

major street, or, if such abutting footage is equal, then the address originally filed with the Town shall determine in which linear block the establishment shall be located.

- b. No licensed establishment shall be located within six hundred feet (600') of another licensed establishment as measured from the nearest point on the property line of one establishment to the nearest point on the property line of the other establishment.
 - c. All major streets will be those designated on official Town maps. All establishments holding a Class C beer or a Class B or C private club license must be located so as to front on a major street or be within a building whose main entrance fronts on a major street.
2. Proximity To Park, School Or Church: No Class C beer establishment and no Class B or C private club may be licensed or operate under the provisions of this code which is in close proximity to a public park, public elementary, junior high or high school, or a church, without having first received approval from the Town Council. Such approval shall be given only after:
- a. The Town Council has received recommendations regarding such an establishment from the planning commission and law enforcement; and
 - b. A public hearing has been held, with actual written notice having been given, where applicable, to the director of the public services, to the school superintendent or to the church, and with notice having been given to the Town and the residents thereof by at least one publication in a paper of general circulation in Washington County at least ten (10) days before the hearing, in each case stating the purpose, time, date and location of such hearing; and
 - c. A finding by the Town Council that the proposed location will not materially interfere with the activities and functions of such parks or school, or interfere with church worship or church related activities. For the purposes of this section, a public park or public elementary, junior high or high school or church which is located six hundred (600) or more feet from the proposed establishment shall not be considered to be in close proximity to such establishment and no notices or hearings need be given or held prior to the granting of a Class C beer license or Class B or C private club license. With respect to the six hundred foot (600') limitation, it shall be measured from the nearest entrance of the proposed establishment by following the shortest route of either ordinary pedestrian traffic, or, where applicable, vehicular travel along public thoroughfares, whichever is the closer, to the property boundary of the public school, church, public park.
 - d. The applicant shall pay an additional sum asset out in the Town Consolidated Fee Schedule to cover the cost of advertising the hearing. The fee shall be paid before such hearing shall be set or

advertised.

- e. The subsequent location of a school, church or park within the spacing requirements of a licensed establishment subject to proximity requirements shall be deemed to be a waiver of spacing requirements as specified under Town Codes.
3. Exceptions: Class C beer establishments or Class B or C private clubs may be allowed on streets other than those outlined in subsection A of this section, and may be allowed within the interior of a block, upon receiving approval from the Town Council. Such approval shall be given only:
- a. After the Town Council has received recommendation from the planning commission and law enforcement; and
 - b. If the street is at least sixty feet (60') in width, or if, within the interior of the block, the entrance to the establishment is from a courtyard or mall-like area with paved vehicular access and proper lighting; and
 - c. If the addition of such requested establishment would not cause the number of such licensed establishments to exceed twelve (12) on the exterior and interior of any block. The foregoing notwithstanding, no more than six (6) such establishments may be located on any street located in the interior of any such block, and no more than six (6) such establishments may be located within the interior of any such block;
 - d. After a public hearing has been held, with actual written notice thereof having been given to the abutting property owners, and public notice thereof having been given to the residents of the Town by at least one publication in a newspaper of general circulation in Washington County at least ten (10) days before the hearing, in each case stating the purpose, time, date and location of such hearing; and
 - e. A finding by the Town Council, after the holding of such hearing, that the proposed location for said establishment will not:
 - (1) Create an undue concentration of Class C beer establishments or Class B or C private clubs;
 - (2) Materially interfere with the free flow of pedestrian or vehicular traffic;
 - (3) Create an undue burden in controlling and policing illegal activities in the vicinity;
 - (4) Create a nuisance to the community; or
 - (5) Adversely affect the health, safety and morals of the residents of the Town.
4. Prior Location: The provisions of this section shall in no way affect the rights of the present licensees to continue their operations, so long as their licenses remain in good standing, and they continue to have their licenses reissued as provided by law until revoked or terminated for any reason.
5. Zoning Restrictions: Notwithstanding any of the provisions of subsection A of this section, all Class C beer or Class B or C private club establishments must

be located within the zoning districts as set forth in the Town Land Use Code.

O. APPLICATIONS; REVIEW BYLAW ENFORCEMENT:

1. All applications filed in accordance with the provisions of this Chapter shall be referred to appropriate law enforcement and fire authorities for inspection and report. Law enforcement and fire authorities shall, within thirty (30) days after receiving such application, make report to the Mayor or the Mayor's designee. The report shall include:
 - a. The results of a criminal background or other required application verification of the proprietor, partner, or, in the case of a corporation, any man aging agent, officer, director, and any stockholder who holds at least twenty percent (20%) of the total issued and outstanding stock of the corporation or, in the case of a limited liability company, any managers and any members with at least a twenty percent (20%) ownership interest in such company;
 - b. The result of any law enforcement or fire authority inspection made of the proposed licensed premises; and
 - c. A recommendation as to whether or not the application should be granted.
2. No license or renewal of a license shall be issued to any of the following:
 - a. A person under the age of twenty one (21) years.
 - b. A person convicted of an unexpunged felony, unless a period of not less than ten (10) years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later;
 - c. A person convicted of any violation of any federal or state law concerning the sale, manufacture, distribution, warehousing, adulteration or transportation of alcoholic beverages or controlled substances, unless a period of not less than ten (10) years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later;
 - d. A person convicted of a crime involving moral turpitude, unless a period of not less than ten (10) years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later; or
 - e. A licensee which has three (3) or more violations of local Code in a thirty six (36) month period related to a business involving the sale or distribution of beer or other alcoholic beverages, whether or not by the licensee or by such licensee's employees, unless a period of not less than ten (10) years shall have elapsed since the expiration of said thirty six (36) month period.
 - f. In the case of a partnership, a corporation, a limited liability company, or association, the proscription under subsections O,2,b through O,2,e of this section shall apply if any partner, managing agent, manager, officer or director has been so convicted or if any stockholder or

member owning at least twenty percent (20%) of the total issued and outstanding stock or having a twenty percent (20%) ownership interest has been so convicted.

- g. Any person who has had a license involving the sale or distribution of alcohol revoked within the three (3) years preceding the date of the application for a license or renewal of a license. In the case of a partnership, a corporation, a limited liability company, or association, this prohibition applies to any partner, managing agent, manager, officer or director and to any stockholder or member who holds at least twenty percent (20%) of the total issued and outstanding stock or has a twenty percent (20%) ownership interest therein.
- h. Any person who has been convicted of driving a vehicle while under the influence of alcohol or a controlled substance, or of being in or about a vehicle while under the influence of alcohol or a controlled substance with the intent of driving such vehicle, within the five (5) years immediately preceding application for a license. In the case of a partnership, a corporation, a limited liability company, or association, this prohibition applies to any partner, managing agent, manager, officer or director and to any stockholder or member who holds at least twenty percent (20%) of the total issued and outstanding stock or has a twenty percent (20%) ownership interest therein.

P. APPLICATIONS; REVIEW BY HEALTH DEPARTMENT: All applications filed in accordance with this Chapter shall be referred to the health department which shall inspect all premises to be licensed to assure sanitary compliance with the laws of the state, the Codes of the Town, and the rules and regulations of the health department. If the premises and all equipment used in the storage, distribution or sale of beer fulfill all such sanitary requirements, the health department shall issue a pennit to the licensee, a copy of which shall be attached to the application for license.

Q. RENEWAL PROCEDURES; FORFEITURE CONDITIONS:

1. Time For Filing Application: All applications to renew licenses shall be filed by the holders of existing licenses with the Town license office at least thirty (30) days prior to the expiration date of the then issued license. To avoid late fees and charges as provided by this Chapter, or its successor, the renewal applications shall state whether or not the business is presently operating and, if not, the date when it ceased daily operation, together with such other information as the license office shall reasonably require to verify or determine the status of such business. Any person who fails to file such application with the required fees within thirty (30) days after the expiration date of a license shall terminate such person's sale of alcohol on the thirty first day after such expiration, and shall keep the premises closed for the sale of alcohol until the date a new license is issued by order of the Mayor or the Mayor's designee.
2. Renewal Of License: A licensee has the right to apply for license renewal annually unless such license has been revoked for cause or until the licensee no longer actively operates the business authorized by such license for a period longer than thirty (30) days.

- R. **LATE FILING FOR RENEWAL; PENALTY:** If any application, notice or petition for renewal is not filed at least thirty (30) days prior to the expiration of the current license, but is filed prior to the expiration of the license, the applicant shall pay a penalty equal to fifty percent (50%) of the license fee. If the application, notice or petition is filed within thirty (30) days after the expiration of the license, a penalty equal to one hundred percent (100%) of the license fee shall be paid. Upon failure to file a timely application, notice or petition required by this Chapter on or before the thirtieth day after the expiration of the current license, the license shall be void on the thirty first day after the expiration date. No business may be conducted thereafter unless and until the Mayor, or the Mayor's designee, approves an application, notice or petition for renewal of a license or for a new license.
- S. **ESTABLISHMENT NAME CHANGE; FEE AND NOTICE TO TOWN:** The licensee shall not change the name of his or her business establishment until such licensee has given written notice to the Town license officer ten (10) days prior to the name change, and has paid the fee as provided in the town Consolidated Fee Schedule, or its successor.
- T. **TRANSFER TO NEW LOCATION; FEE:** Licenses issued pursuant to this Chapter may be transferred to a new proper location upon application to the Mayor or his/her designee, filed with the Town license officer, and upon the payment of the fee as provided in the Town's Consolidated Fee Schedule, or its successor.
- U. **SUBLEASE, TRANSFER OR ASSIGNMENT PROHIBITED:** No license may be transferred, assigned or subleased in any manner. Any violations of this section shall be grounds for revocation of the license or refusal to renew license.
- V. **EXPIRATION DATE:** All licenses shall be issued for one year so long as the license is renewed annually without interruption, except that temporary licenses shall be issued for not longer than two hundred ten (210) days and Class D special events licenses shall be issued for not longer than seven (7) days. All licenses involving disproportionate regulatory license fees issued pursuant to this Chapter on or after May 1, 2010, shall date from issuance by the Town and shall expire in the next calendar year on the first day of the same month in which original issuance occurred. The annual base business license for all businesses regulated under this Chapter shall be issued on the same date and shall expire on the same date as the disproportionate regulatory license issued under this Chapter.
- W. **FORFEITURE CONDITIONS:** If any licensee, licensed to do business under the provisions of this Chapter, sells his or her place of business, together with the entire assets of such business, his or her license shall expire and be forfeited.
- X. **CONFORMANCE WITH TOWN LAWS REQUIRED:** The licensee shall be responsible for the operation of the business in conformance with the Town Code, and it shall be grounds for revocation of the license if a violation of such Codes occurs through an act of a licensee, operator, employer, agent or person who is allowed to perform for patrons of the licensee's business, whether or not such person is paid by the licensee for the performance, or any person who violates such Codes with the consent or knowledge of licensee or his or her agents or employees or operator of the business.

Y. SUSPENSION AND REVOCATION:

1. Suspended or Revoked by the Mayor: License s may be suspended or revoked by the Mayor for:
 - a. The violation on the licensed premises of any provision of this Chapter, whether an infraction or a misdemeanor, or of any other applicable Code or law relating to alcoholic beverages;
 - b. If the licensed premises is used for the commission of any illegal act or activity by any person; or
 - c. If the person to whom the license was issued no longer possesses the qualifications required by this code and the statutes of the state.
2. Suspension Procedure: The procedure for suspension or revocation of a license shall be governed by the provisions of the Town business license Chapter or their successors.

AFTER AMENDMENT

5.10.020 Beer Licenses

- A. LICENSE REQUIREMENTS; WHOLESALERS: It is unlawful for any person to engage in the business of selling beer at wholesale within the limits of the Town without meeting the requirements for a wholesale license therefor from the state alcohol beverage control commission. The Town's license shall be deemed "local consent" as required by Utah Code § 32A-II-102(1)(c), 1953, as amended.
- B. LICENSE REQUIREMENTS; RETAIL SALES:
 1. It is unlawful for any person to engage in the business of the sale of beer at retail, in bottles, cans or draft, within the corporate limits of the Town without first having procured a license therefor from the Mayor or the Mayor's designee, as hereinafter provided.
 2. A separate license shall be required for each place of sale, and the license itself shall identify the specific premises covered thereby. Each license shall at all times be conspicuously displayed in the place to which it shall refer or for which it shall be issued.
 3. All licensees shall comply with the provisions of the Act, or its successor; the regulations of the alcoholic beverage control commission; and this Chapter. Every license shall recite that it is subject to revocation under this Chapter, or its successor.
 4. All licenses shall comply with all land use ordinances and with the location restrictions of this Chapter, or its successor, applicable to the location of the premises for which the license is issued.
- C. RETAIL LICENSE CLASSIFICATIONS: Retail licenses issued under the provisions of this chapter shall be classified into the following types, which shall carry the privileges and responsibilities hereinafter set forth in this Chapter:
 1. Class A Retail License;
 2. Class B Retail License;
 3. Class C Retail License;

4. Class D Special Event License;
5. Class E Arena/Facility License;
6. Class F Brewpub and Microbrewery License;
7. Temporary License;
8. Government Owned Facility License.

D. CLASS A RETAIL LICENSES:

1. A Class A Retail License shall entitle the licensee to sell beer on the premises described in such license in original containers for consumption off the premises, in accordance with the Act and this code; provided, however, that it is unlawful for the licensee to sell or distribute beer in any container larger than two (2) liters.
2. It is unlawful for a licensee of a Class A Retail License at any hotel, motel, rooming house or boarding house to sell beer in original containers from multiple beer dispensing facilities located in separate rooms of the hotel, motel, rooming or boarding house, unless such dispensing facilities are securely locked and access to the contents of such facilities is restricted by the licensee to hotel, motel, rooming or boarding house patrons who are twenty one (21) years of age or older and who have duly rented such room in which such dispensing facility is located. For purposes of this section, the consumption of beer in such room duly rented by such patron shall be deemed consumed off the premises of the hotel, motel, rooming or boarding house.
3. It is unlawful for a minor to sell beer on the premises of a Class A licensee for off-premise consumption unless the sale is done under the supervision of a person 21 years of age or older who is on the premises and the min or is at least 16 years of age.
4. Class A licensees shall comply with all requirements of Utah Code § 32A-10-10 2.
5. No person shall sell, offer for sale, or be allowed to sell any beer or alcoholic beverage from the premises of a Class A licensee until they have complied with the requirements of Utah Code § 32A-10-103. The Class A licensee is strictly liable to assure compliance with the provisions of Utah Code § 32A-10-103 and failure by any person to strictly abide by such provisions shall entitle the Town to impose fines and other sanctions as set forth in such section.

E. CLASS B RETAIL LICENSES:

1. A Class B Retail License shall entitle the licensee to sell beer in draft or in the original containers only for consumption on the premises.
2. Only bona fide restaurants, where a variety of hot food is prepared and cooked and complete meals are served to the general public in connection with indoor dining accommodations, and which food sales constitute at least seventy percent (70%) of the gross dollar value of licensee's business during each month of the license period, shall be entitled to Class B Retail Licenses.
3. The holders of Class B Retail Licenses shall maintain records which shall disclose the gross sales of beer and the gross sales of food served for consumption on the licensed premises during each and every month of the

year, and shall maintain those records for a minimum of two (2) calendar years from the date such records are made. In those licensed premises which are also licensed to allow consumption of liquor on the premises in accordance with Title or its successor, the sale of carbonated and noncarbonated soft drinks, soda water, water and other mixers shall not constitute the sales of food within the meaning of this chapter. Each licensee shall maintain a separate record which shall disclose the gross sales of such drinks during each and every month of the year. The foregoing sales shall be shown separately in the records and each licensee shall retain all invoices, vouchers, sales slips, receipts and other records of purchases of beer, soft drinks and food from the licensee's suppliers. Such records and supporting data shall be available for inspection and audit by the Town. Failure to maintain or supply the records shall be cause for suspension or revocation of the license. If any audit or inspection discloses that the sales of food served for consumption on any licensed premises under this chapter are less than seventy percent (70%) of the gross dollar volume of business for any month, the Class B Retail License of such licensee may be suspended by the Mayor or the Mayor's designee, after the licensee has been afforded notice and a hearing regarding such license in accordance with the Town's license hearing procedures.

4. It is unlawful for any licensee, operator, manager or any other person in charge of a restaurant holding a Class B Retail License to:
 - a. Sell food for consumption on the premises in an amount which constitutes less than seventy percent (70%) of the restaurant's gross dollar volume of business during any monthly period; or
 - b. Sell beer or liquor, if such establishment is licensed for such, other than in conjunction with the purchase of food menu items; or
 - c. Advertise the sale of beer or liquor, except in compliance with state alcohol beverage commission rules on advertising; or
 - d. Hire or allow or permit any person under twenty one (21) years of age to serve beer or liquor for consumption on the premises.
5. If any audit or inspection discloses that the sales of food served for consumption on any licensed premises under this chapter are less than seventy percent (70%) of the gross dollar volume of business for any month, the Class B Retail License of such licensee shall immediately be suspended and shall not be reinstated until the licensee is able to prove to the satisfaction of the Mayor or the Mayor's designee that in the future the sales of food served for consumption on the licensed premises will exceed seventy percent (70%) of the gross dollar volume of business.

F. CLASS C RETAIL LICENSES: A Class C Retail License shall entitle the licensee to sell beer on draft for consumption on the premises or for consumption off the premises, in containers not larger than two liters, in compliance with the Act, or its successor. Consumption of beer shall not be allowed in parking lots of licensees, nor in any area not within the area of the licensee's premises approved for consumption of beer.

G. CLASS D SPECIAL EVENT LICENSES:

1. Special Events: A Class D Special Event License shall entitle a bona fide

corporation, church, political organization, or incorporated association or a subordinate lodge, chapter, or other local unit thereof that is conducting a convention, civic, or community enterprise to sell beer at such event in accordance with the provisions in this section.

2. Application Requirements: In addition to the application requirements set forth in the Town's business licenses Chapter and this Chapter, or their successors, an application for a Class D Special Event License shall include the following:

- a. The times, dates, location, nature, and purpose of the event;
- b. A description or floor plan designating:
 - (1) The area in which the applicant proposes that alcohol be stored;
 - (2) The sites from which the applicant proposes that alcohol be sold or served, including all dispensing points. Dispensing points include booths, tables, and other areas set apart for the sale of alcoholic beverages;
 - (3) The areas in which the applicant proposes that alcohol be allowed to be consumed;
- c. A statement of the purpose of the association, corporation, church, or political organization, or its local lodge, chapter, or other local unit conducting the event;
- d. A signed consent form stating that any law enforcement officers or representatives of the Town authorized by the Mayor shall have unrestricted right to enter the premises during the event.

3. Operational Restrictions:

- a. All persons involved in the storage, sale, or serving of alcohol at the event shall do so only under the supervision and direction of the licensee.
- b. No alcohol, other than that furnished by the licensee, shall be brought by any person onto the premises of the event.
- c. Alcohol purchased for the event may not be stored in any place other than that described in the application as designated on the license.
- d. Alcohol purchased for the event may not be sold or served in any place other than the sites described in the application and designated on the permit.
- e. Alcohol purchased for the event may not be consumed in any area other than that described in the application and designated on the permit.
- f. Class D Special Event Licenses are not transferable.
- g. No Class D Special Event License shall have a duration longer than seven days.
- h. No more than two Class D Special Event Licenses shall be granted in any calendar year to the same association, corporation, church, or political organization, or subordinate lodge, chapter, or other local unit thereof.
- i. No sale of beer or other alcoholic beverage shall exceed a sixteen (16)

ounce serving.

H. CLASS E ARENA/FACILITY LICENSES:

1. No beer may be sold or dispensed to the public on or within any publicly owned recreation facility, or any privately owned sports arena, or recreation or convention facility, designed to accommodate more than five thousand (5,000) persons, by any person, corporation or organization except by the holder of a Class E Arena/Facility License for such premises, or by an operator, manager, food service licensee or employee of such holder. For the purposes of this Chapter, "premises" shall not include separately licensed businesses operating within the same arena or facility which businesses may be subject to other beer and/or alcoholic beverage requirements.
2. A Class E Arena/Facility License shall entitle the licensee to sell beer for consumption on publicly owned recreation facilities or on privately owned sports arenas or recreation or convention facilities designed to accommodate more than five thousand (5,000) persons; provided, however, that no such Class E Arena/Facility License shall be issued for the sale of beer for consumption on publicly owned recreation facilities unless such prospective licensee shall first obtain a concession contract from the public body owning the facility involved. Under the Class E Arena/Facility License, no beer shall be dispensed in original containers in areas accessible to the general public nor shall beer in original containers be allowed in areas accessible to the general public, but must first be emptied into suitable temporary containers. No person under the age of twenty one (21) years of age may sell or serve beer. With the exception of privately leased suites, all sales and deliveries under this license shall be made directly to the consumer.
3. For purposes of this Chapter, "privately leased suite" means space within a Class E facility which is leased by the Class E licensee to private individuals twenty one (21) years of age or older for periods of one year or longer and which shall not be open to the general public.
4. All beer or other alcoholic beverages which are dispensed within a Class E facility, except within a "privately leased suite" as defined above, shall be dispensed only by the Class E licensee or its operator, manager, food service licensee or employee. No alcoholic beverages, except for beer, shall be dispensed at any location within a Class E facility other than within privately leased suites as defined above or within other privately rented or privately occupied space which is not open to the general public. No beer or other alcoholic beverage shall be removed from within the building of a publicly owned or privately owned sports arena or recreation or convention facility holding a Class E license except by the Class E licensee or its operator, manager, food service licensee, or employee operating in the course of business under the Class E Arena/Facility License.
5. It is unlawful for a licensee of a Class E Arena/Facility License to sell beer in original containers from multiple beer dispensing facilities located in privately leased suites of the Class E premises or to allow storage of beer or other alcoholic beverages within such dispensing facilities located in privately

leased suites of the Class E premises unless such dispensing facilities are securely locked and access to the contents of such facilities is restricted by the licensee to suite lessees twenty one (21) years of age or older who have duly rented such private suites in which such dispensing facility is located.

I. CLASS F BREWPUB AND MICROBREWERY LICENSE:

1. DEFINITIONS. The following definitions are applicable to the provisions of this section through this subsection:

- a. "**Bar area**" means an area of the licensed premises separated from the restaurant service area by a substantial physical barrier.
- b. "**Brewpub**" means a restaurant type establishments that also has a beer brewery, producing beer in batch sizes not less than seven (7) U.S. barrels (31 gallons), on the same property and which produces, except as provided in subsection B of this section, only enough beer for sale and consumption on site or for retail carryout sale in containers holding less than two liters for wholesale as outlined in subsections B,2 and B,5 of this section. Automated bottle or canning production is prohibited. At least fifty percent (50%) of the beer sold shall be brewed on the premises. Revenue from food sales shall constitute at least fifty percent (50%) of the total business revenues, excluding retail carryout sales of beer and the sales allowed pursuant to subsection B of this section. Brewpubs are limited to a total brewing capacity of two thousand five hundred (2,500) barrels per year or one hundred twenty (120) barrels of fermentation at any one time, whichever is less.
- c. "**Major streets**" means those streets identified as major streets on Town maps.
- d. "**Microbrewery**" means a brewpub which, in addition to retail sale and consumption on site, markets beer wholesale in an amount not to exceed sixty thousand (60,000) barrels (31 gallons) per year. Revenue from food sales shall constitute at least fifty percent (50%) of the total business revenues, excluding wholesale and retail carryout sales of beer.

2. PRODUCTION LIMITS. Brewpubs may sell beer in keg (larger than 2 liters) containers for the following purposes and in the following amounts:

- a. An unlimited number of kegs (not to exceed 2,500 barrel capacity) for "brew fests" which, for the purpose of this section, means events, the primary purpose of which is the exposition of beers brewed by brewpubs and microbreweries, which include the participation of at least three (3) such brewers;
- b. No more than one hundred (100) kegs per year (not to exceed 2,500 barrel capacity) to events sponsored by charitable organizations exempt from federal income tax pursuant to 26 USC, section 501(c)(3) or its successor;
- c. No more than one hundred (100) kegs per year (not to exceed 2,500 barrel capacity) to events operating under a single event license from

the state and the Town where the purpose of the event is not for commercial profit and where the beer is not wholesaled to the event sponsor but is, instead, dispensed by employees of the brewpub;

- d. Unlimited distribution to other restaurants of same ownership or control (not to exceed 2,500 barrel capacity). "Ownership or control" means more than fifty percent (50%) ownership in the actual business or controlling interest in any management partnership; and
 - e. No more than five hundred (500) barrels for wholesale distribution (not to exceed 2,500 barrel capacity).
3. ALLOWABLE ZONING. Brewpubs and microbreweries may be allowed as conditional uses only in such zones as specified in the Town Land Use Code.
 4. PROXIMITY REQUIREMENTS. The provisions of subsection N of this Section shall apply to Class F licenses.
 5. SPACING. Brewpubs and microbreweries shall be located so as to front on a major street or be within a building the main entrance of which building fronts on a major street. This provision may be waived or modified in the same manner as for Class C and Class B private club licenses. Only one brewpub or microbrewery may be located on either side of a major street between the intersections of two (2) major streets.
 6. OTHER APPLICABLE PROVISIONS. The provisions of subsections E,3 through E,4, except subsection E,4,b of this Section, shall apply to class F licenses.
 7. INTERIOR DESIGN. The application for a Class F license shall provide an interior design drawn to scale showing the restaurant area, the bar area (if any) and describing the physical barrier separating the restaurant area from the bar area.
 8. PERSONS UNDER TWENTY ONE YEARS OF AGE. Any other provision of this Chapter notwithstanding, no person under twenty one (21) years of age, unless accompanied by a person twenty one (21) years of age or older, shall be permitted in Class F licensed establishments subject to the provisions of subsection E,4,d of this Section or its successor.
 9. STATE AND FEDERAL PERMITS REQUIRED. All licensees of brewpubs or microbreweries shall obtain all required state and federal permits prior to opening for business.
 10. CRIMINAL PROVISIONS. It is unlawful and shall constitute an offense of strict liability for a licensee of a Class F license to serve or allow the consumption of beer in single serving containers larger than twenty three (23) fluid ounces except in the bar area of the licensed premises.

J. CLASS G TEMPORARY LICENSES:

1. A temporary license shall be issued as a temporary Class B restaurant license, a temporary Class B private club license, a temporary Class C private club license, or a temporary Class C beer license.
2. A temporary Class B restaurant licensee shall comply with all requirements of this code relating to a Class B restaurant license.
3. A temporary Class B private club licensee shall comply with all requirements

of this code relating to a Class B private club license.

4. A temporary Class C private club licensee shall comply with all requirements of this code relating to a Class C private club license.
5. A temporary Class C beer licensee shall comply with all requirements of this code relating to a Class C retail beer license.
6. A temporary license may be issued for a period not to exceed two hundred ten (210) days.

K. GOVERNMENT OWNED FACILITY LICENSE:

1. A government owned facility license may be issued to state and local governmental units for government operated events. Any such license shall be issued subject to the following terms and conditions:
 - a. Sales of alcohol shall be made only by persons who have been trained for such sale in accordance with state law;
 - b. Dramshop liability insurance shall be obtained and maintained during the period the license is in effect at coverage levels approved by the Town attorney;
 - c. No sale of beer or other alcoholic beverage shall exceed a sixteen (16) ounce serving;
 - d. All applicable business license and other fees shall be paid as set forth in the Town business license Chapter, the Town Consolidated Fee Schedule and this Chapter; and
 - e. All requirements of the Act shall be met.

L. APPLICATION, FILING AND VERIFICATION PROCEDURES:

1. Applications for licenses, for renewal or reissuance of licenses, and for transfer of licenses authorized by this chapter shall be verified and filed with the license officer, addressed to the Mayor or the Mayor's designee, and shall state the applicant's full name and that such applicant has complied with the requirements and possesses the qualifications specified in the Act, or its successor. If the applicant is a partnership, the application shall state the names and addresses of all partners thereof. If the applicant is a corporation, the application shall state the names and addresses of all officers and directors thereof and all stockholders who hold at least twenty percent (20%) of the issued and outstanding stock of the corporation. If the applicant is a limited liability company, the application shall state the names and addresses of all managers thereof and all members who have at least a twenty percent (20%) ownership interest therein. If the business is to be operated by a person other than the applicant, such operator shall sign the application and file the same information required of an applicant.
2. If any business required to be licensed by this chapter is operated by a person who has not filed his or her operator's information at the time of renewal of the license, or, if operation is assumed by another person during the license period, at least thirty (30) days prior to assuming operation of the business, such license may be revoked.
3. The application and operator's information shall be subscribed to by the applicant and operator, who shall state under oath that the information

contained therein is true.

4. In addition to the requirements of the Town business license Chapter, or their successors, the application shall require the applicant to list:
 - a. All criminal convictions or pleas of nolo contendere, except those which have been expunged and except for traffic offenses, which were not alcohol related, and the disposition of all such convictions or pleas of nolo contendere for the applicant, individual or other entity subject to disclosure under this chapter, for ten (10) years prior to the date of the application;
 - b. All alcohol and controlled substance citations and arrests (including alcohol related traffic law citations), for the applicant, individual or other entity subject to disclosure under this chapter, for five (5) years prior to the date of the application;
 - c. All criminal citations issued to, or arrests of, the applicant, individual or other entity subject to disclosure under this chapter which are still pending adjudication, other than non-alcohol related traffic citations or arrests;
 - d. Three (3) character references with addresses and telephone numbers of such references; and
 - e. All business license revocations for businesses in which the applicant had at least a twenty percent (20%) legal or equitable interest.

M. FEES AND RECORDS:

1. Applications provided for in this Chapter shall be accompanied by the fees as set forth in the Town Consolidated Fee Schedule, or its successor, per year or any part thereof, which fees shall be deposited in the Town treasury if the license is granted, and returned to the applicant if denied.
2. Holders of alcohol licenses shall maintain records, which shall disclose the gross sales of alcohol by such holder during each and every year. Such records shall be available for inspection and audit by the Town license officer at any time following the end of each year and for eighteen (18) months thereafter, unless another time is set by ordinance applicable to a specific license class.
3. Failure of a licensee to properly maintain the required records or failure to submit such records for inspection and audit shall be cause for suspension or revocation of an alcohol license.

N. LOCATION RESTRICTIONS:

1. Permissible Locations: The permissible locations of establishments licensed with either a Class C beer license, a Class B or C private club license, or a temporary Class C beer license or a temporary Class B or C private club license, or any combination thereof, shall be determined by geographical proximity, based upon the following criteria:
 - a. There shall be no more than two (2) licensed establishments located on any linear block. A "linear block" means both sides of a major street between two (2) intersecting major streets. For the purposes of

this section, a comer establishment having abutting front footage on two (2) major streets shall be included in the linear block in which the establishment has the greatest number of front footage abutting the major street, or, if such abutting footage is equal, then the address originally filed with the Town shall determine in which linear block the establishment shall be located.

- b. No licensed establishment shall be located within six hundred feet (600') of another licensed establishment as measured from the nearest point on the property line of one establishment to the nearest point on the property line of the other establishment.
 - c. All major streets will be those designated on official Town maps. All establishments holding a Class C beer or a Class B or C private club license must be located so as to front on a major street or be within a building whose main entrance fronts on a major street.
2. Proximity To Park, School Or Church: No Class C beer establishment and no Class B or C private club may be licensed or operate under the provisions of this code which is in close proximity to a public park, public elementary, junior high or high school, or a church, without having first received approval from the Town Council. Such approval shall be given only after:
- a. The Town Council has received recommendations regarding such an establishment from the planning commission and law enforcement; and
 - b. A public hearing has been held, with actual written notice having been given, where applicable, to the director of the public services, to the school superintendent or to the church, and with notice having been given to the Town and the residents thereof by at least one publication in a paper of general circulation in Washington County at least ten (10) days before the hearing, in each case stating the purpose, time, date and location of such hearing; and
 - c. A finding by the Town Council that the proposed location will not materially interfere with the activities and functions of such parks or school, or interfere with church worship or church related activities. For the purposes of this section, a public park or public elementary, junior high or high school or church which is located six hundred (600) or more feet from the proposed establishment shall not be considered to be in close proximity to such establishment and no notices or hearings need be given or held prior to the granting of a Class C beer license or Class B or C private club license. With respect to the six hundred foot (600') limitation, it shall be measured from the nearest entrance of the proposed establishment by following the shortest route of either ordinary pedestrian traffic, or, where applicable, vehicular travel along public thoroughfares, whichever is the closer, to the property boundary of the public school, church, public park.
 - d. The applicant shall pay an additional sum asset out in the Town

Consolidated Fee Schedule to cover the cost of advertising the hearing. The fee shall be paid before such hearing shall be set or advertised.

- e. The subsequent location of a school, church or park within the spacing requirements of a licensed establishment subject to proximity requirements shall be deemed to be a waiver of spacing requirements as specified under Town Codes.
3. Exceptions: Class C beer establishments or Class B or C private clubs may be allowed on streets other than those outlined in subsection A of this section, and may be allowed within the interior of a block, upon receiving approval from the Town Council. Such approval shall be given only:
- a. After the Town Council has received recommendation from the planning commission and law enforcement; and
 - b. If the street is at least sixty feet (60') in width, or if, within the interior of the block, the entrance to the establishment is from a courtyard or mall-like area with paved vehicular access and proper lighting; and
 - c. If the addition of such requested establishment would not cause the number of such licensed establishments to exceed twelve (12) on the exterior and interior of any block. The foregoing notwithstanding, no more than six (6) such establishments may be located on any street located in the interior of any such block, and no more than six (6) such establishments may be located within the interior of any such block;
 - d. After a public hearing has been held, with actual written notice thereof having been given to the abutting property owners, and public notice thereof having been given to the residents of the Town by ~~at least one publication in a newspaper of general circulation in Washington County~~ posting at the Apple Valley Town Hall, the Utah Public Meeting Notice website <http://pmn.utah.gov> and the Town Website www.applevalleyut.gov at least ten (10) days before the hearing, in each case stating the purpose, time, date and location of such hearing; and
 - e. A finding by the Town Council, after the holding of such hearing, that the proposed location for said establishment will not:
 - (1) Create an undue concentration of Class C beer establishments or Class B or C private clubs;
 - (2) Materially interfere with the free flow of pedestrian or vehicular traffic;
 - (3) Create an undue burden in controlling and policing illegal activities in the vicinity;
 - (4) Create a nuisance to the community; or
 - (5) Adversely affect the health, safety and morals of the residents of the Town.
4. Prior Location: The provisions of this section shall in no way affect the rights

of the present licensees to continue their operations, so long as their licenses remain in good standing, and they continue to have their licenses reissued as provided by law until revoked or terminated for any reason.

5. Zoning Restrictions: Notwithstanding any of the provisions of subsection A of this section, all Class C beer or Class B or C private club establishments must be located within the zoning districts as set forth in the Town Land Use Code.

O. APPLICATIONS; REVIEW BYLAW ENFORCEMENT:

1. All applications filed in accordance with the provisions of this Chapter shall be referred to appropriate law enforcement and fire authorities for inspection and report. Law enforcement and fire authorities shall, within thirty (30) days after receiving such application, make report to the Mayor or the Mayor's designee. The report shall include:
 - a. The results of a criminal background or other required application verification of the proprietor, partner, or, in the case of a corporation, any man aging agent, officer, director, and any stockholder who holds at least twenty percent (20%) of the total issued and outstanding stock of the corporation or, in the case of a limited liability company, any managers and any members with at least a twenty percent (20%) ownership interest in such company;
 - b. The result of any law enforcement or fire authority inspection made of the proposed licensed premises; and
 - c. A recommendation as to whether or not the application should be granted.
2. No license or renewal of a license shall be issued to any of the following:
 - a. A person under the age of twenty one (21) years.
 - b. A person convicted of an unexpunged felony, unless a period of not less than ten (10) years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later;
 - c. A person convicted of any violation of any federal or state law concerning the sale, manufacture, distribution, warehousing, adulteration or transportation of alcoholic beverages or controlled substances, unless a period of not less than ten (10) years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later;
 - d. A person convicted of a crime involving moral turpitude, unless a period of not less than ten (10) years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later; or
 - e. A licensee which has three (3) or more violations of local Code in a thirty six (36) month period related to a business involving the sale or distribution of beer or other alcoholic beverages, whether or not by the licensee or by such licensee's employees, unless a period of not less than ten (10) years shall have elapsed since the expiration of said thirty six (36) month period.

- f. In the case of a partnership, a corporation, a limited liability company, or association, the proscription under subsections O,2,b through O,2,e of this section shall apply if any partner, managing agent, manager, officer or director has been so convicted or if any stockholder or member owning at least twenty percent (20%) of the total issued and outstanding stock or having a twenty percent (20%) ownership interest has been so convicted.
 - g. Any person who has had a license involving the sale or distribution of alcohol revoked within the three (3) years preceding the date of the application for a license or renewal of a license. In the case of a partnership, a corporation, a limited liability company, or association, this prohibition applies to any partner, managing agent, manager, officer or director and to any stockholder or member who holds at least twenty percent (20%) of the total issued and outstanding stock or has a twenty percent (20%) ownership interest therein.
 - h. Any person who has been convicted of driving a vehicle while under the influence of alcohol or a controlled substance, or of being in or about a vehicle while under the influence of alcohol or a controlled substance with the intent of driving such vehicle, within the five (5) years immediately preceding application for a license. In the case of a partnership, a corporation, a limited liability company, or association, this prohibition applies to any partner, managing agent, manager, officer or director and to any stockholder or member who holds at least twenty percent (20%) of the total issued and outstanding stock or has a twenty percent (20%) ownership interest therein.
- P. APPLICATIONS; REVIEW BY HEALTH DEPARTMENT: All applications filed in accordance with this Chapter shall be referred to the health department which shall inspect all premises to be licensed to assure sanitary compliance with the laws of the state, the Codes of the Town, and the rules and regulations of the health department. If the premises and all equipment used in the storage, distribution or sale of beer fulfill all such sanitary requirements, the health department shall issue a pennit to the licensee, a copy of which shall be attached to the application for license.
- Q. RENEWAL PROCEDURES; FORFEITURE CONDITIONS:
- 1. Time For Filing Application: All applications to renew licenses shall be filed by the holders of existing licenses with the Town license office at least thirty (30) days prior to the expiration date of the then issued license. To avoid late fees and charges as provided by this Chapter, or its successor, the renewal applications shall state whether or not the business is presently operating and, if not, the date when it ceased daily operation, together with such other information as the license office shall reasonably require to verify or determine the status of such business. Any person who fails to file such application with the required fees within thirty (30) days after the expiration date of a license shall terminate such person's sale of alcohol on the thirty first day after such expiration, and shall keep the premises closed for the sale of alcohol until the

date a new license is issued by order of the Mayor or the Mayor's designee.

2. Renewal Of License: A licensee has the right to apply for license renewal annually unless such license has been revoked for cause or until the licensee no longer actively operates the business authorized by such license for a period longer than thirty (30) days.
- R. LATE FILING FOR RENEWAL; PENALTY: If any application, notice or petition for renewal is not filed at least thirty (30) days prior to the expiration of the current license, but is filed prior to the expiration of the license, the applicant shall pay a penalty equal to fifty percent (50%) of the license fee. If the application, notice or petition is filed within thirty (30) days after the expiration of the license, a penalty equal to one hundred percent (100%) of the license fee shall be paid. Upon failure to file a timely application, notice or petition required by this Chapter on or before the thirtieth day after the expiration of the current license, the license shall be void on the thirty first day after the expiration date. No business may be conducted thereafter unless and until the Mayor, or the Mayor's designee, approves an application, notice or petition for renewal of a license or for a new license.
- S. ESTABLISHMENT NAME CHANGE; FEE AND NOTICE TO TOWN: The licensee shall not change the name of his or her business establishment until such licensee has given written notice to the Town license officer ten (10) days prior to the name change, and has paid the fee as provided in the town Consolidated Fee Schedule, or its successor.
- T. TRANSFER TO NEW LOCATION; FEE: Licenses issued pursuant to this Chapter may be transferred to a new proper location upon application to the Mayor or his/her designee, filed with the Town license officer, and upon the payment of the fee as provided in the Town's Consolidated Fee Schedule, or its successor.
- U. SUBLEASE, TRANSFER OR ASSIGNMENT PROHIBITED: No license may be transferred, assigned or subleased in any manner. Any violations of this section shall be grounds for revocation of the license or refusal to renew license.
- V. EXPIRATION DATE: All licenses shall be issued for one year so long as the license is renewed annually without interruption, except that temporary licenses shall be issued for not longer than two hundred ten (210) days and Class D special events licenses shall be issued for not longer than seven (7) days. All licenses involving disproportionate regulatory license fees issued pursuant to this Chapter on or after May 1, 2010, shall date from issuance by the Town and shall expire in the next calendar year on the first day of the same month in which original issuance occurred. The annual base business license for all businesses regulated under this Chapter shall be issued on the same date and shall expire on the same date as the disproportionate regulatory license issued under this Chapter.
- W. FORFEITURE CONDITIONS: If any licensee, licensed to do business under the provisions of this Chapter, sells his or her place of business, together with the entire assets of such business, his or her license shall expire and be forfeited.
- X. CONFORMANCE WITH TOWN LAWS REQUIRED: The licensee shall be responsible for the operation of the business in conformance with the Town Code, and it shall be grounds for revocation of the license if a violation of such Codes occurs through an act of a licensee, operator, employer, agent or person who is allowed to

perform for patrons of the licensee's business, whether or not such person is paid by the licensee for the performance, or any person who violates such Codes with the consent or knowledge of licensee or his or her agents or employees or operator of the business.

Y. SUSPENSION AND REVOCATION:

1. Suspended or Revoked by the Mayor: License s may be suspended or revoked by the Mayor for:
 - a. The violation on the licensed premises of any provision of this Chapter, whether an infraction or a misdemeanor, or of any other applicable Code or law relating to alcoholic beverages;
 - b. If the licensed premises is used for the commission of any illegal act or activity by any person; or
 - c. If the person to whom the license was issued no longer possesses the qualifications required by this code and the statutes of the state.
2. Suspension Procedure: The procedure for suspension or revocation of a license shall be governed by the provisions of the Town business license Chapter or their successors.

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

EFFECTIVE DATE This Ordinance shall be in full force and effect from October 19, 2022.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple
Valley

Frank Lindhardt, Mayor,, Apple
Valley



FEE SCHEDULE

(Adopted on July 28, 2022)

Administrative Fees

Government Records Access Management Act (GRAMA) Request: To be determined on an individual basis per UCA 63-2-203

Photocopies:	8 1/2 x 11 single or double sided on town paper	\$0.25
	11 x 17 single or double sided on town paper	\$0.50
	Land Use (Zoning Ordinance)	\$22.00
	Subdivision Ordinance	\$9.00
	General Plan	\$8.00
	Standards and Specifications	\$25.00
	Maps 24" x 36"	\$40.00
	Maps 11" x 17"	\$5.00
	Copies on CDs	\$5.00
Returned check fee: (Utah Code Title 7 Section 15)		\$25.00
Smithsonian Fire Department Facility:		
	Training Room	\$50.00
	One Bay (Fire Dept Approval)	\$75.00
	Two Bays (Fire Dept Approval)	\$150.00
	Refundable Deposit.	\$100.00

Park Reservation

Parks are a first come, first serve basis only

Pavilion Rental	1/2 Day	\$25
	Full Day	\$50
	Refundable Cleaning Deposit	\$150

Credit Card Processing Fees

Payments over \$200.00 made with a credit or debit card are subject to an additional 3% processing fee. There is no fee for payments made with cash or check.

Special fees or exceptions may be granted by the Town Council for local non-profit organizations or civic functions depending on scheduling conflicts, etc. Additional fees may be charged if there are special needs; i.e. AV equipment, change in room setup or large groups.

Business Licenses

<u>Alcohol License</u>	<u>Initial</u>	<u>Renewal</u>
Class A Retail License (Off Premises)	\$300.00	\$300.00
Class B Retail License (On Premises)	\$1000.00	\$500.00
Class C Retail License (Draft)	\$1250.00	\$750.00
Class D Special Events License	\$200.00	N/A
Class E Arena/Facility License	\$800.00	\$400.00
Class F Brewpub and Microbrewery License	\$300.00	\$150.00
Temporary License	\$200.00	N/A



Government Owned Facility License	\$400.00	\$200.00
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Business License

Commercial:	\$150.00	
Additional Use, Commercial:	\$20.00 each use	
Home-Based:	\$0.00	
Non-Impact	\$0.00	
Impact	\$150.00	
Local Licensed Non-Profit Organizations:	\$0.00	
Single Event License:	\$100.00	
Dog Kennel License: Non-Commercial:	\$50.00	
Fire Inspection Fee	\$150.00	
Code Inspection Fee	\$150.00	
Business License Late fee:	\$25.00 per month or portion of month	

Special Events Permit

Application Fee (attendance under 100)	\$75/day
Application Fee (attendance over 100)	\$150/day
Sub-License Fee (vendors)	\$5
Fire Personnel/Fire Equipment	\$750/day
Encroachment Permit	\$200

Animal Control

Dog License: (1-year license Expires Dec 31)

Spayed/Neutered:	\$10.00
Functional:	\$20.00

Late fee of 25% after February 15.

Solid Waste

Monthly Fee	\$13.00
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Storm Drainage

Residential	\$10/month
Commercial	\$35/month

Signs

Free Standing Sign	\$100.00
Monument	\$100.00
Temporary Sign	N/A
Wall Sign	N/A
Sign Review Board	\$100.00



Zoning

Annexation	\$2,200
Conditional Use Permit (CUP)	\$800
Easement Abandonment	\$800
Encroachment Permit	\$700+ \$10.00 per square foot, \$500.00 non-compliance
General Plan Amendment	\$1,050 + Acreage fee
Zone Change	\$1,100 + Acreage fee

Note: This is a sliding fee schedule charged in the following incremental tier schedule:

First: 1-100 ac. = \$25 per ac.
 Then: 100-500 ac. = \$15 per ac.
 Then: 500 + = \$5 per ac.

(Note: acreage to be zoned open space; no charge if open space is over 10 acres)

(Note: <1 ac. No acreage charge)

(Note: Open space includes parks, golf courses, flood plains, hillsides and similar natural areas, but not required recreation areas and setback areas.)

Home Occupation Permit	\$10 Reprint
Lot Split	\$800 per new lot
Non-Compliant Lot Split	\$900 per new lot
Lot Line Adjustments	\$800 per line?
Planning Staff Review (PSR)	\$75/Hr (1 Hour Minimum)

Site Plan Review (*SPR)	\$750 + Actual Cost
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(* An SPR is used for commercial, industrial, and institutional developments; exceptions are public schools and minor additions to an existing development)

Engineering/Legal/Admin Fees	Actual Cost
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Planned Developments and Development Agreement Fees

Initial Fee	\$7,500 + Engineering Cost of Services
Revisions/Amendments	\$2,500 + Engineering Cost of Services
Road Dedications	\$750

Subdivisions and Other Projects

Construction Plan and Review Fee

Application Fee	\$500
1-10 Lots	\$1,000.00
11-20 Lots	\$100.00/lot
21+ Lots	\$125/lot
 Preliminary Plat	 \$2,700
Final Plat (subdivision, town homes, roads, etc.)	\$1,200 + \$160/per lot



Amendments

Preliminary Plat	\$2,700
Final Plat	\$1,200 + \$10.00 per lot
Public Improvement Inspection Fee	2% of Public Works Improvement Construction Costs

Board of Appeals

Variance Application	\$550.00
Appeal Hearing	\$550.00

Building Permits

Pools/Solar/Other Building Permit	\$375.00
Habitat Conservation Plan Fee	Based on Valuation (see table below)
State Building Permit Surcharge	.002 of Valuation
Plan Review	1% of Building Permit Fee
Special Inspection	15% of Permit Fee
Re-Inspection Fee	\$125
Building Permit Issued After-The-Fact	\$125
	Double Permit Fee

TOTAL VALUATION

FEE

*Valuation = Square Feet x
Current ICC Building Valuation*

	\$23.50
\$1 to \$500	
\$501 to \$2,000	\$23.50 for the first \$500 plus \$3.05 for each additional \$100 or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$69.25 for the first \$2,000 plus \$14.00 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000 or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$643.75 for the first \$50,000 plus \$7 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 to 500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000 or fraction thereof, to and including \$500,000



\$500,000 to \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000 or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000 or fraction thereof

Refunds

Where applicant voluntarily withdraws the application, the following refunds will apply:

Application accepted; no further work done	90% of total filing fee
Notification of hearing	75% of total filing fee
Planning Staff Review (PSR) meeting or written comments from department received.	50% of total filing fee
Staff Report completed	25% of total filing fee
Public hearing held	No Refund
Staff error resulting in mandatory withdrawal	100% refund

TOWN OF APPLE VALLEY

RESOLUTION R-2022-47

A RESOLUTION AMENDING THE TOWN FEE SCHEDULE

WHEREAS, the Town of Apple Valley ("Town") has adopted a fee schedule related to various fees imposed by the Town; and,

WHEREAS, the Town Council of the Town of Apple Valley deems it necessary and appropriate that the fee schedule be amended; and,

WHEREAS, at a meeting of the Town Council of the Town of Apple Valley, Utah, duly called, noticed, and held on the 19th day of October 2022, a motion to amend the fee schedule was proposed, seconded, and accepted by majority vote.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Apple Valley that the Town Fee Schedule is hereby amended to reflect the changes and additions contained in the fee schedule which is attached hereto.

PASSED this 19th day of October 2022. This resolution shall be in full force and effect from the date of passage and after the required publication.

TOWN OF APPLE VALLEY

PRESIDING OFFICER

 Frank G. Lindhardt, Mayor

ATTEST:

 Jenna Vizcardo, Town Recorder

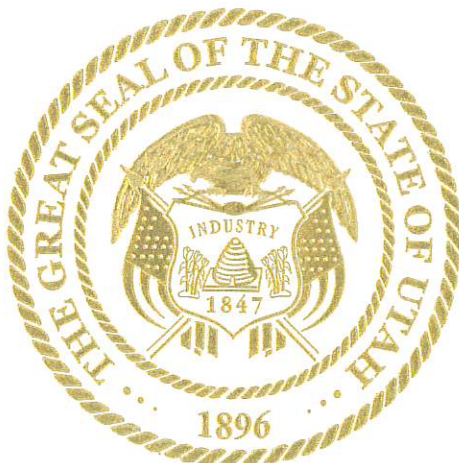
	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt				
Council Member Kevin Sair				
Council Member Robin Whitmore				
Council Member Andy McGinnis				
Council Member Barratt Nielson				



OFFICE OF THE LIEUTENANT GOVERNOR
CERTIFICATE OF ANNEXATION

I, Deidre M. Henderson, Lieutenant Governor of the State of Utah, hereby certify that there has been filed in my office a notice of annexation for the ASH CREEK SPECIAL SERVICE DISTRICT - APPLE VALLEY ANNEXATION, located in THE TOWN OF APPLE VALLEY, dated OCTOBER 6, 2022, complying with Section §17D-1-403, Utah Code Annotated, 1953, as amended.

Now, therefore, notice is hereby given to all whom it may concern that the attached is a true and correct copy of the notice of annexation, referred to above, on file with the Office of the Lieutenant Governor pertaining to the ASH CREEK SPECIAL SERVICE DISTRICT - APPLE VALLEY ANNEXATION, located in WASHINGTON COUNTY, State of Utah.



IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Utah this 6th day of October, 2022 at Salt Lake City, Utah.

A handwritten signature in black ink, reading "Deidre M. Henderson".

DEIDRE M. HENDERSON
Lieutenant Governor



ADAM SNOW, COMMISSIONER | VICTOR IVERSON, COMMISSION, CHAIR | GIL ALMQUIST, COMMISSIONER

September 20, 2022

Lt. Governor Deidre M. Henderson
Utah State Capitol Complex
350 North State Street, Suite 220
P.O. Box 142325
Salt Lake City, UT 84114-2325

Re: Notice of Impending Boundary Action
Ash Creek Special Service District Annexation
Request for Issuance of a Certificate of Annexation

Dear Lt. Governor Henderson:

Pursuant to Utah Code Sections 67-1a-6.5 and 17-D-1-403(1), notice is hereby given that the Washington County Commission annexed the municipal limits of the Town of Apple Valley into Ash Creek Special Service District on September 20, 2022 through Resolution Number R-2022-3000. I have enclosed a certified copy of the Resolution.

In addition, a certified copy of the approved final local entity plat reflecting the new boundary of the Ash Creek Special Service District, after the addition of the boundary of the Town of Apple Valley, is enclosed.

The annexation was completed at the joint request of the Town of Apple Valley and Ash Creek Special Service District.

I hereby certify that all of the statutory requirements for the above referenced annexation have been met. Please sign and issue a Certificate of Annexation.

If you have any questions or concerns, please give me a call. Thank you for your assistance.

Very truly yours,

Victor Iverson
Washington County Commission, Chair

Enclosures

Copy Certification

State of Utah)

County of [§] Washington)

On this 22 day of September, in the year 2022, I certify that the preceding or attached
date month year

document, is a true, exact, complete and unaltered photocopy made by me of

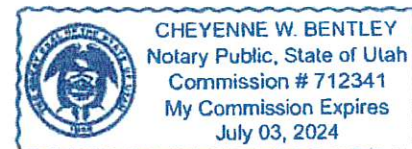
R-2022-3000 presented to me by the document's custodian,
description of document

Commission office, and that, to the best of my knowledge, the photocopied document
name of document custodian

is neither a public record nor a publicly recorded document, certified copies of which are available from
 an official source other than a notary.

Witness my hand and official seal.

Cheyenne W. Bentley
 (notary signature)



(seal)

RESOLUTION NO. 2022-3000

A RESOLUTION ANNEXING THE PROPERTY WITHIN THE MUNICIPAL LIMITS OF THE TOWN OF APPLE VALLEY INTO ASH CREEK SPECIAL SERVICE DISTRICT

WHEREAS, Washington County (the "County") established the Ash Creek Special Service District ("Ash Creek" or "the District") on December 17, 1979;

WHEREAS, the District currently provides sewage collection, treatment, and disposal services to the residents of Hurricane, La Verkin, and Toquerville, and certain unincorporated areas of Washington County;

WHEREAS, the District and the Town of Apple Valley (the "Town") enacted a joint resolution (Exhibit A, hereafter referred to as the "Joint Resolution") requesting the annexation of property within the boundaries of the Town into the District;

WHEREAS, according to the Joint Resolution, the Town anticipates an increase in demand for commercial and residential development of property within the Town, which, in turn, will require the establishment, operation and maintenance of a system or systems for collection, treatment, and disposal of sewage materials;

WHEREAS, Town residents would benefit from the experience and expertise of the District in matters pertaining to the collection, treatment, and disposal of sewage materials;

WHEREAS, on April 19, 2022, the Washington County Commission adopted Resolution No. R-2022-2939, proposing to have the District annex all property within the municipal boundaries of the Town of Apple Valley;

WHEREAS, all notice of the annexation required under Utah Code Section 17D-1-205 has been provided;

WHEREAS, on June 7, 2022, a public hearing was held on the proposed annexation;

WHEREAS, the protest period has passed without adequate protests having been filed;

WHEREAS, on August 24, 2022, the Town Council of Apple Valley enacted Resolution No. R-2022-40, a copy of which is attached to this Resolution as Exhibit B, formally consenting to the District's annexation of all property within the municipal boundaries of Apple Valley;

WHEREAS, it is in the best interest of the citizens of the Town that the property within the boundaries of the Town be annexed into the District for sewer service; and

WHEREAS, the attached map (Exhibit C) and the boundary description (Exhibit D) accurately describe the area that is annexed into the District boundaries.

NOW THEREFORE, IT IS RESOLVED by the County Commission of Washington County, Utah that all real property within the municipal boundaries of the Town of Apple Valley

RESOLUTION NO. R-2022-3000

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is hereby annexed into the boundaries of Ash Creek Special Service District as shown in the attached map (Exhibit C) and as particularly described in Exhibit D to this Resolution.

NOW THEREFORE, IT IS FURTHER RESOLVED by the County Commission of Washington County, Utah that the commission chairman is authorized to sign and issue a notice of impending boundary action (Exhibit E) and a final local entity plat (a copy of which is approved and attached as Exhibit F) in conformity with the annexation accomplished through this Resolution and to submit these materials to the Utah Lieutenant Governor's Office.

NOW THEREFORE, IT IS FURTHER RESOLVED by the County Commission of Washington County, Utah that the commission chairman is authorized to approve minor changes or corrections to the final local entity plat where necessary to make it conform to the intent of this Resolution.

PASSED AND ADOPTED by the Washington County Commission this 20th day of September, 2022.

WASHINGTON COUNTY


VICTOR IVERSON, Chair
Washington County Commission

ATTEST:


Susan Lewis
Washington County Clerk/Auditor

Commissioner Iverson voted Aye
Commissioner Snow voted Aye
Commissioner Almquist voted Aye

Approved as to Form:


Deputy Washington County Attorney

Resolution No: BPW-R-2022-01

A JOINT RESOLUTION OF THE TOWN COUNCIL OF APPLE VALLEY, UTAH
AND THE ADMINISTRATIVE CONTROL BOARD OF ASH CREEK SPECIAL SERVICE
DISTRICT REQUESTING ANNEXATION OF PROPERTY WITHIN THE BOUNDARIES
OF APPLE VALLEY INTO ASH CREEK SPECIAL SERVICE DISTRICT.

WHEREAS Ash Creek Special Service District (hereafter "the District") is a Utah special service district created by the Washington County Commission under the Utah Special Service District Act for the purpose of providing sewage collection, treatment and disposal services to the residents of Hurricane, LaVerkin and Toquerville, as well as to certain other unincorporated areas of Washington County, Utah; and

WHEREAS the Washington County Commission has delegated certain power and authority to said district's Administrative Control Board, while at the same time having retained authority as the governing authority of said District to expand the boundaries of the District through annexation; and

WHEREAS the Town of Apple Valley (hereafter "the Town") anticipates an increase in demand for commercial and residential development of property within the Town, which, in turn, will require the establishment, operation and maintenance of a system or systems for collection, treatment and disposal of sewage materials; and

WHEREAS the Town Council of Apple Valley desires to avail itself of the experience and expertise of the District in matters pertaining to collection, treatment and disposal of sewage materials and has engaged in discussions with the Administrative Control Board of the District regarding the desirability of annexing property included within the boundaries of the Town into the boundaries of the District for the purpose of providing sewage collection, treatment and disposal to property in the Town; and

WHEREAS the Administrative Control Board of the District is supportive of the annexation of property within the boundaries of the Town into the District, provided that the Town and District enter into a written agreement whereby the Town shall agree to: (1) be responsible for billing and collection of fees and charges for services provided by the District, (2) adopt by ordinance and incorporate into the Apple Valley Municipal Code the District's Rules of Operation and Construction Standards as presently constituted or as may be amended from time to time, and (3) comply in all respects with said District's rules, regulations, policies and procedures; and

WHEREAS Utah Code Ann. §17D-1-401(1)(a) provides that the governing authority of a special service district has authority, in accordance with the procedure outlined in §17D-1-201 et. seq., to annex an area into an existing special service district to provide to that area a service that the special service district is authorized to provide; and

WHEREAS the Town Council of Apple Valley and the Administrative Control Board of Ash Creek Special Service District believe that it is in the best interest of the health, safety and welfare of the residents of Apple Valley that property within the boundaries of the Town of Apple Valley be annexed into Ash Creek Special Service District,

BE IT HEREBY RESOLVED by the Town Council of Apple Valley, Utah and the Administrative Control Board of Ash Creek Special Service District that the Washington County Commission, as governing authority of Ash Creek Special Service District, be requested to commence the process outlined in Utah Code Ann. §17D-1-201 et. seq. for annexation of property within the boundaries of the Town of Apple Valley into the Ash Creek Special Service District, subject to the Town and District entering into a written agreement whereby the Town shall agree to: (1) be responsible for billing and collection of fees and charges for services provided by the District, (2) adopt by ordinance and incorporate into the Apple Valley Municipal Code the District's Rules of Operation and Construction Standards as presently constituted or as may be amended from time to time, and (3) comply in all respects with said district's rules, regulations, policies and procedures.

BE IT FURTHER RESOLVED that this Resolution shall be submitted to the Washington County Commission upon execution of the agreement described herein between the Town of Apple Valley and Ash Creek Special Service District.

APPROVED AND ADOPTED this 17 day of February, 2022.

TOWN OF APPLE VALLEY

Dina Mason Walters
Dina Mason Walters, Mayor

Attest:

JW
Town Clerk

APPROVED AND ADOPTED this 24 day of March, 2022.

ASH CREEK SPECIAL SERVICE DISTRICT

Lynn Chamberlain
Lynn Chamberlain, Chairman
Kelly Wilson

Attest:

Darrel Humphries
Darrel Humphries, Secretary

**TOWN OF APPLE VALLEY
RESOLUTION NO. R-2022-40**

**RESOLUTION CONSENTING TO THE INCLUSION OF ALL PROPERTY WITHIN THE TOWN OF APPLE VALLEY
IN ASH CREEK SPECIAL SERVICE DISTRICT**

WHEREAS, on February 17, 2022, the Town of Apple Valley adopted a Joint Resolution with Ash Creek Special Service District requesting the annexation of property within the boundaries of Apple Valley into Ash Creek Special Service District ("Ash Creek SSD");

WHEREAS, on April 19, 2022, the Washington County Commission adopted a resolution proposing to have Ash Creek SSD annex the property within the boundaries of Apple Valley into Ash Creek SSD;

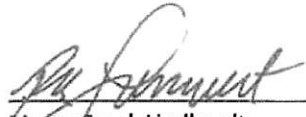
WHEREAS, under Utah Code Sections 17D-401(4) and 17D-1-202(2)(d) municipal consent is required for a special service district to annex property within municipal boundaries; and

WHEREAS, as stated in the Town of Apple Valley's Joint Resolution requesting the annexation, the Town continues to support the annexation, and the Town wishes to provide the statutorily required consent so that Ash Creek SSD can annex the property within the Town of Apple Valley.

NOW, THEREFORE, IT IS RESOLVED by the Town Council of the Town of Apple Valley that the Town of Apple Valley consents to the inclusion of all property within the Town of Apple Valley in the Ash Creek Special Service District.

RESOLVED this 24th day of August, 2022.

TOWN OF APPLE VALLEY



Mayor Frank Lindhardt

Attest:



Jenna Vizcardo, Town Recorder



Council Member Kevin Sair Voted Aye Yes
Council Member Robin Whitmore Voted Aye Yes
Council Member Marshal McGinnis Voted Aye Yes
Council Member Barratt Nielson Voted Aye Yes
Mayor Frank Lindhardt Voted Aye Yes



Annexation Area

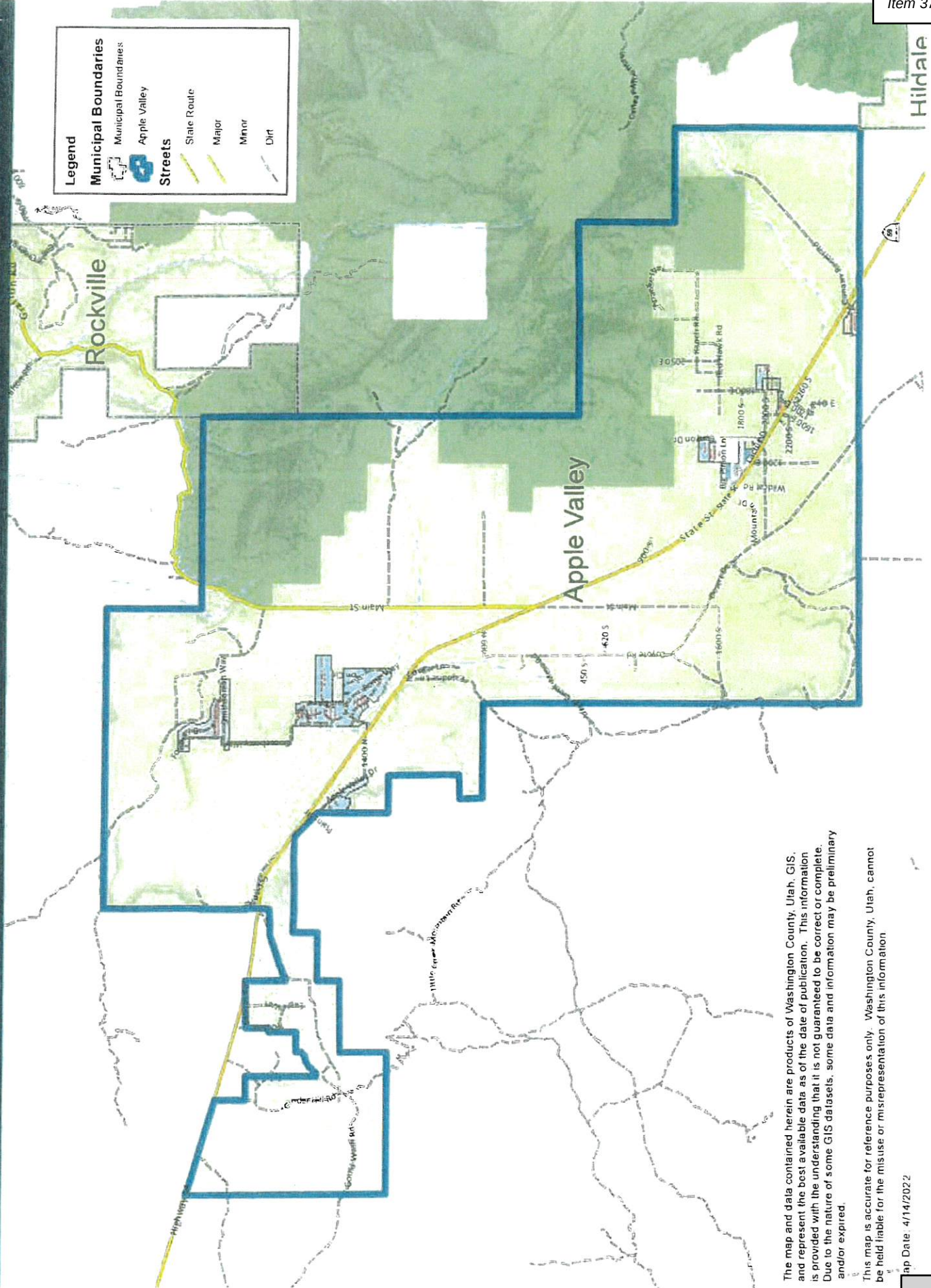
0 0.5 1 1.5 Miles



Legend

Municipal Boundaries
Municipal Boundaries
Apple Valley

Streets
State Route
Major
Minor
Dirt



The map and data contained herein are products of Washington County, Utah, GIS, and represent the best available data as of the date of publication. This information is provided with the understanding that it is not guaranteed to be correct or complete. Due to the nature of some GIS datasets, some data and information may be preliminary and/or expired.

This map is accurate for reference purposes only. Washington County, Utah, cannot be held liable for the misuse or misrepresentation of this information.

Map Date: 4/14/2022

EXHIBIT D
ANNEXATION AREA

Beginning at the Northwest corner of Section 18, Township 42 South, Range 11 West, Salt Lake Base and Meridian and running thence Easterly along the North line of Section 18 and Section 17 to the Northeast corner of said Section 17; thence Southerly along the East line of said 17 to the Northwest corner of Section 21: Thence Easterly along the North line of said Section 21 and Section 22 to the Northeast corner of said Section 22; Thence Southerly along the East line of Sections 22, 27 and 34 to the Northeast corner of Section 3, Township 43 South, Range 11 West, Salt Lake Base and Meridian; Thence Southerly along the East line of said Section 3 to the Northwest corner of Section 11; Thence Easterly along the North line of said Section 11 and Section 12 to the Northeast corner of said Section 12; Thence Southerly along the East line of said Section 12 to the Northwest corner of Section 18, Township 43 South, Range 10 West, Salt Lake Base and Meridian; Thence Easterly along the North line of said Section 18 to the Northeast corner of said Section 18: Thence Southerly along the East line of said Section 18 and Section 19 to the Southeast corner of said Section 19; Thence Westerly along the South line of said Section 19 to the Southeast corner of Section 24, Township 43 South, Range 11 West, Salt Lake Base and Meridian; Thence Westerly along the South line of Sections 24, 23, 22, 21 and 20 to the Southwest corner of said Section 20; Thence Northerly along the West line of Sections 20, 17, 8 and 5 to the Southeast corner of Section 31, Township 42 South, Range 11 West, Salt Lake Base and Meridian; Thence South 89°51'17" West, along the South line of said Section 31, a distance of 2,642.59 feet; Thence South 89°52'29" West, along said South line a distance of 2,640.00 feet, to the Southeast corner of Sectional Lot 10: Thence North 00°13'22" West, along said Sectional Lot a distance of 1,315.50 feet, to the Southwest corner of Sectional Lot 8; Thence North 89°48'42" East, along said Lot a distance of 1,320.00 feet; Thence North 00°13'22" West, a distance of 1316.95 feet, to the Southeast corner of Sectional Lot 5; Thence North 00°13'22" West, along said Lot a distance of 2642.99 feet, to a point on the North line of said Section 31; Thence South 89°44'31" West, along the North line of said Section 31, a distance of 2,100.92 feet, to the Southwest corner of Section 30; Thence North 00°05'21" West, along the West line of said Section 30, a distance of 2,651.79 feet, to the West ¼ corner of said Section 30; Thence North 00°10'22" West, along said West line, a distance of 1,461.75 feet; Thence North 47°24'33" West, a distance of 1,742.36 feet; Thence South 89°57'59" West, a distance of 1,360.03 feet, to the South ¼ Corner of Section 24 Township 42 South, Range 12 West, Salt Lake Base and Meridian; Thence South 89°52'13" West, along the South line of said Section 24, a distance of 2,643.58 feet, to the Southwest corner of said Section 24; Thence South 89°53'47" West, along the South line of Section 23, a distance of 1,318.89 feet, to a point on a parcel more particularly described in Instrument #499255, filed and on record at the Washington County Records Office, said point also being on the East 1/16th line of Section 26; Thence along said parcel the following three (3) courses South 00°01'41" East, along said 1/16th line, a distance of 1,321.07 feet, to a point on the North 1/16th line of said Section 26; Thence South 89°55'07" West, along said 1/16th line, a distance of 1,318.01 feet; Thence South 89°55'27" West, along said 1/16th line, a distance of 1,319.14 feet, to the Northeast corner of a parcel more particularly described in Instrument #423108 in said Washington County Records Office, said point being on the West 1/16th line of said Section 26;

Thence along said parcel the following two (2) courses South $00^{\circ}04'51''$ East, along said $1/16^{\text{th}}$ line, a distance of 1,320.13 feet, to a point on the Center Section line; Thence South $89^{\circ}56'29''$ West, along said Center Section line, a distance of 1,318.80 feet, to the East $1/4$ corner of Section 27; Thence South $89^{\circ}54'58''$ West, along said Center Section line, a distance of 2,642.24 feet, to the Center Section line of said Section 27; Thence South $00^{\circ}03'39''$ East, along the Center Section line, a distance of 2,637.96 feet, to the South $1/4$ corner of said Section 27; Thence South $89^{\circ}53'25''$ West, along the South Section line, a distance of 2,638.36 feet, to the Southwest corner of said Section 27; Thence West, along the South line of Section 28, a distance of 2,640.51 feet, to the South $1/4$ corner of said Section 28; Thence South $89^{\circ}50'50''$ West, along the South Section line, a distance of 2,635.69 feet, to the Southwest corner of said Section 28; Thence along the West line of said section 28, the following two (2) courses North $00^{\circ}07'18''$ West, a distance of 2,638.66 feet, to the West $1/4$ corner of said Section 28; Thence North $00^{\circ}07'15''$ West, a distance of 2,640.42 feet, to the Southwest corner of Section 21; Thence along the West line of said Section 21 the following two (2) courses North $00^{\circ}05'43''$ West, a distance of 2,638.43 feet, to the West $1/4$ corner of said Section 21; Thence North $00^{\circ}06'22''$ West, a distance of 2,639.01 feet, to the Northwest corner of said Section 21; Thence North $00^{\circ}06'22''$ West, along the West line of Section 16, a distance of 631.70 feet, to a point on the Southerly right-of-way line of SR-59; Thence South $73^{\circ}32'44''$ East, along said right-of-way line, a distance of 5,512.18 feet, to the East line of said Section 21; Thence South $00^{\circ}02'25''$ East, along said East line, a portion of which is also along a parcel more particularly described in Instrument #838345 in said Washington County Recorders Office, a distance of 1,705.68 feet, to the East $1/4$ Corner of said Section 21; Thence along said parcel the following twenty nine (29) courses North $89^{\circ}53'29''$ East, along the Center Section line a distance of 1,319.79 feet, to a point on the West $1/16^{\text{th}}$ line; Thence South $00^{\circ}03'53''$ East, along said $1/16^{\text{th}}$ line, a distance of 2,636.52 feet, to a point on the North line of said Section 27; Thence South $00^{\circ}04'17''$ East, along the West $1/16^{\text{th}}$ line a distance of 1,319.53 feet, to a point on the North $1/16^{\text{th}}$ line of said Section 27; Thence North $89^{\circ}55'00''$ East, along said $1/16^{\text{th}}$ line a distance of 184.32 feet; Thence North $33^{\circ}44'12''$ East, a distance of 248.06 feet, to the beginning of a curve to the right having a radius of 400.00 feet and a central angle of $27^{\circ}10'52''$, thence northeasterly along the arc of said curve a distance of 189.76 feet to the beginning of a reverse curve to the left having a radius of 150.00 feet and a central angle of $31^{\circ}14'05''$, thence northeasterly along the arc of said curve, a distance of 81.77 feet, to the beginning of a reverse curve to the right having a radius of 350.00 feet and a central angle of $47^{\circ}09'47''$, thence northeasterly along the arc of said curve, a distance of 288.10 feet, to the beginning of a reverse curve to the left having a radius of 800.00 feet and a central angle of $13^{\circ}04'57''$, thence easterly along the arc of said curve, a distance of 182.67 feet to the beginning of a reverse curve to the right having a radius of 500.00 feet and a central angle of $23^{\circ}10'41''$, thence easterly along the arc of said curve, a distance of 202.27 feet to the beginning of a reverse curve to the left having a radius of 90.00 feet and a central angle of $56^{\circ}24'18''$, thence northeasterly along the arc of said curve, a distance of 88.60 feet; Thence North $30^{\circ}32'12''$ East, a distance of 165.67 feet; Thence South $79^{\circ}09'39''$ East, a distance of 55.00 feet, to a point on the Center Section line of said Section 27; Thence North $00^{\circ}03'39''$ West, along said Center Section line a distance of 309.44 feet; Thence North $89^{\circ}54'23''$ East, a distance of 1,117.67 feet; Thence North

00°04'41" West, a distance of 165.00 feet; Thence North 00°05'03" West, a distance of 1,318.70 feet, to a point on the South 1/16th line of section 22; Thence North 89°53'56" East, along said 1/16th line, a distance of 202.70 feet, to a point on the East 1/16th line of said Section 22; Thence North 00°05'03" West, along said 1/16th line, a distance of 1,318.73 feet, to a point on the Center Section line of said Section 22; Thence North 89°53'29" East, along said Center Section line, a distance of 1,319.79 feet, to the West ¼ corner of Section 23, Township 42 South, Range 12 West; Thence North 89°51'31" East, along the Center Section line of said Section 23, a distance of 1,319.71 feet, to a point on the West 1/16th line of said Section 23; Thence South 00°05'26" East, along said 1/16th line, a distance of 2,177.10 feet; Thence North 72°04'06" East, a distance of 777.03 feet, to a point on the North right-of-way line of 0460 Washington County Road; Thence along said right-of-way line the following three (3) courses North 60°46'58" East, a distance of 156.69 feet to the beginning of a curve to the right having a radius of 1,000.00 feet and a central angle of 11°17'08", thence northeasterly along the arc of said curve a distance of 196.97 feet; Thence North 72°04'06" East, a distance of 1,521.72 feet, to a point on the South 1/16th line of said Section 23; Thence leaving said right-of-way North 89°52'39" East, along said 1/16th line, a distance of 1,450.46 feet, to a point on the East line of said Section 23; Thence along the East line of said Section 23 the following two (2) courses North 00°08'56" West, a distance of 1,320.87 feet, to the East ¼ corner of Section 23; Thence North 00°08'34" West, a distance of 2,638.10 feet, to the Southeast corner of Section 14; Thence along the East line of said Section 14 the following two (2) courses and leaving said parcel North 00°06'02" West, a distance of 2,645.85 feet, to the East ¼ corner of said Section 14; Thence North 00°08'45" West, a distance of 2,645.08 feet, to the Northwest corner of Section 13; Thence North 89°51'51" East, along the North line of said Section 13, a distance of 2,641.91 feet, to the North ¼ corner of said Section 13; Thence North 89°50'51" East, along said north line, a distance of 2,642.17 feet, to the Point of Beginning.

TOWN OF APPLE VALLEY**RESOLUTION R-2022-49*****A RESOLUTION APPOINTING AN EMERGENCY PROGRAM MANAGER***

WHEREAS, the Town of Apple Valley ("Town") officially established an emergency management program December 20, 2007; and

WHEREAS, the Town Council of the Town of Apple Valley is aware that public safety is the responsibility of all incorporated municipalities within the State of Utah; and

WHEREAS, public safety includes reasonable and prudent efforts on the part of the Town to assist its citizens to be prepared for emergencies and disasters of different origins and types, to the extent possible within existing available resources; and

WHEREAS, it is the objectives of the Town to assist its citizens in being able to mitigate against, prepare for, respond to and recover from, serious emergencies and disasters; and

WHEREAS, the Mayor and Town Council desire to appoint Town Council Member Robin Whitmore as the responsible Town Council Member for this program.

WHEREAS, at a meeting of the Town Council of the Town of Apple Valley, Utah, duly called, noticed, and held on the 19th day of October 2022, a motion to appoint Robin Whitmore as the responsible Town Council Member of the Emergency Management Program was proposed, seconded, and accepted by majority vote.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Apple Valley that the Town Council Member Robin Whitmore is appointed as the responsible Town Council Member of the Emergency Management Program.

PASSED this 19th day of October 2022. This resolution shall be in full force and effect from the date of passage and after the required publication.

TOWN OF APPLE VALLEY

[SIGNATURE BLOCK ON NEXT PAGE]

PRESIDING OFFICER

Frank G. Lindhardt, Mayor

ATTEST:

Jenna Vizcardo, Town Recorder

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____