



ORDINANCE 2025-12

REVISIONS TO TITLE 10 CHAPTER 22 OF THE TOWN CODE, FARMERS' MARKET AND PRIVATE OUTDOOR EVENTS, ALTERING THE APPLICATION PROCESS AND STANDARDS.

Whereas, the Town of Springdale desires to revise the standards and application requirements for Farmers' Markets and private outdoor events to make the application process efficient; and

Whereas, the necessary processes and public hearings required by State Law and Town Code have been fulfilled;

Now, Therefore, be it ordained by the Springdale Town Council that Title 10-22-8 and 10-22-3 of the Town Code is amended as follows:



Barbara Bruno
Barbara Bruno, Mayor

Attest:

Aren Emerson

Aren Emerson, Town Clerk

ROLL CALL VOTE		
R. Aton	<input checked="" type="radio"/> Yes	No
B. Bruno	<input checked="" type="radio"/> Yes	No
J. Burns	<input checked="" type="radio"/> Yes	No
P. Campbell	<input checked="" type="radio"/> Yes	No
K. Topham	<input checked="" type="radio"/> Yes	No

10-22-8: FARMERS' MARKETS:

The following regulations govern farmers' markets. Farmers' markets must be sponsored by a formal committee or organization and may accommodate any number of individual vendors.

- A. *Regulations:* The property owner and any organizer must comply with the following regulations:
 - 1. A farmers' market is allowed only in the CC, VC, AG, and PU zones.
 - 2. A farmers' market is allowed only with the property owner's written permission and consent.
 - 3. The commodities to be sold at a farmers' market are limited to:
 - a. Farm and garden produce and agricultural products such as fruits and vegetables, plants, flowers, nuts and seeds, meat, poultry, fish, dairy products, and honey;
 - b. Baked goods, processed food items (such as jams, jellies, salsas, and sauces), and hot or cold beverages; and
 - c. Nonagricultural arts and crafts products that are handcrafted by the seller.
 - 4. A food item that is prepared or assembled on site may be sold at a farmers' market only if:
 - a. The prepared or assembled food item is compatible with and complementary to the other products sold at the farmers' market, and
 - b. Vendors preparing or assembling food on site obtain the necessary Health Department permits.
 - 5. The sponsor of a farmers' market must provide to the Town proof of liability insurance with at least \$1,000,000 in coverage for the sponsor/organizer, the owner of land where a market is located, and market participants. The Town must be an "additional insured" under the policy.
 - 6. Sufficient parking must be provided such that the farmers' market does not create parking or traffic congestion on or around the property where the market is located. Written permission must be obtained from the owner of any private parking areas used to serve the farmers' market.
 - 7. No part of any farmers' market may impede or impair emergency service ingress and egress to any fire hydrant or building. No farmers' market vendor or any vehicle associated with the farmers' market may be located within 15 feet of any fire hydrant.
 - 8. The person sponsoring the farmers' market must supervise and ensure that sales tax on farmers' market sales is provided to the State Tax Commission.
 - 9. All tents, booths, tables, and other temporary structures used in the operation of the farmers' market must be removed from the farmers' market site at the conclusion of each day the market is in operation except on consecutive days with the permission of the property owner.
 - 10. All trash, fruit or produce remnants, debris, and general litter must be removed from the farmers' market site at the conclusion of each day the market is in operation. The sponsoring committee or organization shall provide for the general cleanup of the farmers' market area at the conclusion of each day of operation.
- B. *Health Department supervision:* Each vendor selling processed foods, baked goods, meats, eggs, dairy products, or other goods that may be a health concern must have the approval of the applicable State and County Health and Agriculture Departments and shall operate according to the rules and regulations of such departments.
- C. *Months of operation and days open:* Farmers' markets may operate year round. However, no farmers' market may operate for more than three days in any seven-day period.

D. *Signage*: Farmers' markets are allowed one on-site temporary banner sign and two off-site temporary banners, provided:

1. The on-site banner sign is limited to 20 square feet in area and the off-site banners are each limited to ten square feet in area;
2. The off-site banners meet the color requirements established in chapter 17 of this title;
3. The owner of the property where the off-site banners are placed has given written permission to hang the banners;
4. The on-site sign and off-site banners are not illuminated; and
5. The banners are on-site sign is displayed only on days and during times the farmers' market is actually in operation; except that
6. The off-site banners may be displayed a maximum of 24 hours prior to the operation of the farmers' market and must be removed at the conclusion of each market day; and
67. A farmers' market held on property without frontage on SR-9 will be allowed one additional ten square foot off-site banner provided such banner is placed along the road or street on which the property fronts and not along SR-9; and
8. All signage and banners must be setback 3-feet from all public rights-of-way.

E. *Application and permit*: An application for a farmers' market permit must be filed with the Director of Community Development, who will review the application and issue a farmers' market permit if the proposed market complies with all the regulations of this chapter and all other applicable sections of this title. The application must be on a form available at the Town Office and must contain the following required information:

1. Name of the applicant and organizational affiliation The name, mailing address and telephone number of the person or organization in charge;
2. A current copy of the sponsoring committee's or organization's bylaws or rules of operation;
3. Letter of authorization from the owner of the property on which the farmers' market is proposed to be located;
4. Existing zoning of site and contiguous properties;
5. Site plan, drawn to scale, showing proposed locations of all market uses as well as existing permanent structures and parking areas;
 - a. Applicant must submit a detailed schematic/map that includes fencing/barriers (if applicable), signage, equipment/furniture (tents, tables, bars, stage, etc.), location of booths, description of the services planned (selling food, etc.) location of trash and recycling equipment;
6. Parking plan, drawn to scale, showing permanent structures, and parking areas designated to the farmers' market;
7. Written letter of authorization from the owner of any private parking areas used to serve the farmers' market;
8. The proposed dates and times the market will be in operation;
97. Proof of liability insurance sufficient to cover the applicant/organizer, owner of land where the market is located, and market participants; and
108. Color rendering of temporary signage associated with the market and letters of authorization from property owners where the signage will be hung.

- F. *Suspension of permit:* The Chief of Police and the Director of Community Development may inspect a farmers' market to ensure compliance with the regulations of this section. A farmers' market permit shall be suspended and the market immediately ceased if the chief of police or the Director of Community Development finds the market violates any of the provisions of this section or the conditions set forth in the farmers' market permit. The farmers' market sponsor shall cease operation of the farmers' market if directed to do so in accordance with this section. The permit may be reinstated at such time as the violation is corrected.
- G. *Business license required:* A farmers' market permit is not a business license and the granting of said permit shall not relieve the permittee of any other license requirement of the Town or any other public agency.
- H. *Fees:* In order to offset a portion of the costs incurred by the Town in the processing of a farmers' market permit, a fee shall be charged as established by resolution of the Town Council.

10-22-3: EVENTS AND TEMPORARY USES:

The following regulations are provided to accommodate those uses of land or buildings which are temporary in nature and are not, therefore, listed as regular permitted or conditional uses in any zone of the Town. The character of these uses is such that regulations are required to mitigate the impact of these uses on adjacent properties, as well as the general health, safety and welfare of the citizens of the Town. These regulations in this section are adopted to mitigate the negative impacts of temporary uses and events on native wildlife, the night sky, the natural quiet, the Virgin River, and other similar natural resources. Any building or structure which does not meet the requirements of this section shall be treated as a permanent land use and shall conform to all required standards of Building, Health, Fire, Zoning and other similar Codes and ordinances.

A. Definitions: The following definitions apply to this section:

Beer garden: An enclosed area where any type of alcoholic beverage (beer, wine, cider, spirits) is served and/or sold.

Free speech event: Any planned event on public property that: 1) involves 100 or more participants and 2) is organized with the primary purpose being the exercise of expressive activities, including but not limited to rallies, speechmaking, picketing, protesting, marching, demonstrating, or debating.

Fundraising event: Any planned event that: 1) involves less than 100 people, 2) takes place wholly on private property with the written permission of the property owner, 3) does not fall within the definition of a large outdoor event, special event, or free speech event, and 4) is organized with the primary purpose being fundraising for a non-profit organization, community organization, or some other charitable purpose.

Large outdoor event: An outdoor event on commercial or public property that: 1) is open to the general public, 2) involves 100 or more participants, and 3) involves the use of any street, sidewalk, park, or other Town property in a way that is inconsistent with normal or usual traffic, pedestrian, park, or similar regulations or controls, or has the potential to impact surrounding properties or public rights-of-way. These events may include but are not limited to parades, athletic events, festivals, and concerts.

Private outdoor event: An outdoor event to which the general public is not invited.

Special event: A temporary use (other than a large outdoor event or free speech event) that has the potential to impact the community through noise, traffic, parking, or other similar impacts, which includes but is not limited to commercial filming of a media broadcast (other than for news purposes), filming of a motion picture or other commercial media, or still commercial photography.

Temporary structure: Any temporary living space, office space, or storage space that is used during residential or commercial construction.

B. Permit required; liability: It is unlawful for any person, corporation, partnership, association, or any other entity to organize or host an event for which a permit is required under this section without first obtaining the permit. Liability under this section extends only to the organizer(s) and not to participants in any nonpermitted event.

C. Standards for each class of events:

1. A private outdoor event is allowed in all zones subject to noise, nuisance, health, and other applicable standards in this Code. A permit is required for a private outdoor event with 100 or more participants. Notwithstanding the foregoing, no permit is required for the following: (i.) a private outdoor event on residential property; and (ii.) a private outdoor event with less than 100 participants that is held on commercial or public property. In determining the number of participants, all persons associated with the event are counted, including guests, hosts, service staff, event promoters, vendors, performers, etc.

- a. *Standards for private outdoor event permits:*
 - (1) The event must not create a parking problem in the right-of-way or on adjacent properties. The applicant must ensure there is sufficient parking to accommodate all event guests. Such parking may be on-site, on-street through an on-street event parking permit, or at an approved off-site and off-street parking area with the written permission of the off-street parking area property owner.
 - (2) The applicant must designate an on-site manager who will be the event day contact for the Town and who will be responsible for ensuring the event complies with all applicable standards and ordinances.
 - (3) The event must comply with all Town codes for lighting, noise, nuisance, and other applicable codes.
- b. *Application process for private outdoor event permits:*
 - (1) *Application review:* Applications for private outdoor events are reviewed by the DCD or designee.
 - (2) *Application requirements:* Applications for a private outdoor event must contain all of the following:
 - (A) Official, completed application;
 - (B) Written letter of authorization from the owner of the property where the event will take place;
 - (C) Site plan, to scale, showing the property and location of event facilities and any temporary structures;
 - (D) Parking plan;
 - (DE) Name and cell phone number of on-site event manager who will be responsible for ensuring the event complies with all applicable standards and ordinances and who will be on-site at all times during the event;
 - (EE) Application fee, not to exceed \$25.00.

2. A permit is required for any large outdoor event.

- a. *Standards for large outdoor event permits:*
 - (1) The event cannot last more than three calendar days.
 - (2) The location will not create a parking problem in the right-of-way or on adjacent properties. The event planner must ensure there is sufficient parking to accommodate all event guests. Such parking may be on-site, on-street through an on-street event parking permit, or at an approved off-site and off-street parking area with the written permission of the off-street parking area property owner.
 - (3) The event will not cause a traffic hazard. If, in the opinion of the Chief of Police, traffic control is necessary for the event, the applicant, at the applicant's expense, shall provide a traffic control plan. The Chief of Police and Street Department will both review the traffic control plan prior to approval of the large outdoor event permit. The applicant, at the applicant's expense, shall provide all traffic control identified in the traffic control plan. If the event includes a road closure or will create traffic delays, the applicant is responsible for displaying an advance notice sign near the SR9/SR17 intersection that alerts

travelers to the potential for traffic delays. Such sign must be in place at least three days prior to the event.

- (4) The applicant shall provide copies of UDOT approval for any event that takes place within or utilizes in any way the SR-9 right-of-way.
- (5) The applicant must provide sufficient on-site sanitary facilities to accommodate the anticipated number of event participants. A plan for the provision of sanitary facilities must be provided with the application.
 - (A) If the event includes the distribution of alcohol, a sanitary facility must be provided within the controlled area and a sanitary facility must also be provided outside the controlled area.
- (6) The applicant must provide sufficient on-site trash and recycling facilities. The applicant is responsible for ensuring the trash and recycling facilities are emptied on a regular basis to prevent trash and debris from accumulating in the area of the event.
- (7) The applicant must provide copies of Health Department approval where food items are handled or sold, and in any other situation where Health Department standards apply.
- (8) If the event includes distribution of alcohol, the applicant must provide documentation of application to the State of Utah for an alcohol permit at the time the large outdoor event permit is submitted to the Town. Applicant must also provide a final copy of the state alcohol permit prior to the commencement of the event.
 - (A) The event must erect a fenced beer garden defined as an enclosed area consisting of fencing no less than three feet (3') in height and secured at the top and bottom. Consumption of alcoholic beverages shall be restricted to that area within the confines of the beer garden; and
 - (B) There must be adequately displayed signage warning that alcoholic beverages shall not be passed over the area's barrier or be removed from the enclosed area.
- (9) The applicant must provide an insurance certificate evidencing general liability coverage in the amount of at least \$3,000,000.00 listing the Town of Springdale as an additional insured, and if requested, a copy of the policy. Greater liability limits may be required based on the nature of the event or the number of participants.
- (10) The applicant must designate an on-site event manager who will be the event day contact for the Town and who will be responsible for ensuring the event complies with all applicable standards and ordinances. The applicant must display a sign measuring two feet by two feet in a conspicuous location at the event which contains the on-site event manager's name and day of event cellular phone contact number.
- (11) The application must be submitted a minimum of six weeks prior to the event. The Town assumes no responsibility for investment, advertisement, publicity, registrations accepted, etc., prior to the approval of the event permit. Nor shall such be used as justification for approval of the event permit.

(12) The applicant must partake in a pre-event meeting a minimum of three weeks prior to the event with applicable staff if the event: 1) requires traffic control, 2) distributes alcohol, or 3) utilizes a Town property.

b. Application process for large outdoor event permits:

- (1) Permit request: A request for a large outdoor event permit is reviewed by the DCD, or designee.
- (2) Application requirements: An application for a large outdoor event permit must contain all of the following:
 - (A) Official, completed application;
 - (B) Cover letter and narrative describing the event;
 - i. The name, mailing address and telephone number of the person or organization in charge;
 - ii. Location of event;
 - iii. Detailed description of the event;
 - iv. The date when the event is to be conducted;
 - v. The hours the event will start and terminate, including the set-up and take down times;
 - vi. Detail the sanitation facilities, trash, and recycling plan;
 - vii. Detail the traffic control, parking; and
 - viii. If the event includes the distribution of alcohol, detail the control measures.
 - (C) Written letter of authorization from the owner of the property where the event will take place;
 - (D) Site plan, to scale, showing the property and location of event facilities and any temporary structures;
 - i. Applicant must submit a detailed schematic/map that includes fencing/barriers, equipment/furniture (tents, tables, bars, stage, etc.) including dimensions, location of booths (if applicable), description of the services planned (selling food, liquor, etc.) location of sanitary facilities, location of trash and recycling equipment; and
 - ii. If the event includes a beer garden the applicant must submit the dimensions and material of fencing/barriers plan, entrances and exits including dimensions, and, equipment/furniture including dimensions, and signage which includes the organizer's phone number.
 - (E) Name and cell phone number of the on-site event manager who will be responsible for ensuring the event complies with all applicable standards and ordinances and who will be on-site at all times during the event;
 - (F) UDOT approval, if utilizing the SR-9 right-of-way;
 - (G) Sanitary facilities plan;
 - (H) Trash and recycling plan;

- (I) Health Department approval, if food items are sold or handled or in other situations that require Health Department approval;
- (J) Insurance certificate evidencing general liability coverage in the amount of \$3,000,000.00 listing the Town of Springdale as an additional insured, and if requested, a copy of the policy;
- (K) Application fee.

3. A permit is required for any temporary structure.

a. *Standards for temporary structure permits:*

- (1) *Temporary structures for residential construction:* A mobile home and other temporary structures, designed for use as temporary dwelling space, and portable sanitary facilities or tool storage structures, may be placed upon the premises during the actual period of construction of a permanent single- or two-family residential dwelling, provided the following conditions are met:
 - (A) A building permit for construction of the permanent residence has been issued prior to location of the mobile home or other temporary structure on the site; and
 - (B) The structures are temporary and remain on the site only until final inspection is granted on the permanent residence, and in no event for a period exceeding two years.
- (2) *Temporary structure for commercial construction:* Temporary structures designed for use as temporary dwelling space for security purposes, temporary office space, portable sanitary facilities, or tool and equipment storage, may be placed upon the premises during the actual period of construction of a commercial building. A certificate of occupancy will not be issued until any temporary structure is removed from the property.

b. *Application process for temporary structure permits:*

- (1) *Permit request:* A request for a permit for a temporary structure is reviewed by the DCD, or designee.
- (2) *Application requirements:* Applications for temporary structures during construction must contain all of the following:
 - (A) Official application;
 - (B) Written letter of authorization from the owner of the property where the temporary structure will be placed;
 - (C) Site plan, to scale, showing the property and location of all proposed temporary structures;
 - (D) Notarized statement from the property owner acknowledging the temporary structures will be removed from the property prior to the issuance of a certificate of occupancy for the main structure on the property;
 - (E) Application fee.

4. A permit is required for any special event.

a. *Standards for special event permits:*

- (1) The use cannot last more than three calendar days, and must be the shortest possible duration necessary based on the type of event.
- (2) The use will not cause an unreasonable impact on traffic, access to properties, parking, or other transportation systems.
- (3) The use will not cause an unreasonable impact on surrounding properties in loud or unusual noises, odors, vibrations, or other similar annoyances.
- (4) The applicant must provide sufficient on-site sanitary facilities to accommodate the anticipated number of event participants. A plan for the provision of sanitary facilities must be provided with the application.
- (5) The applicant must provide sufficient on-site trash and recycling facilities. The applicant is responsible for ensuring the trash and recycling facilities are emptied on a regular basis to prevent trash and debris from accumulating in the area of the event.
- (6) If taking place in the UDOT right-of-way, approval from UDOT is required.
- (7) Written authorization from owners of property where the use will be located is required.
- (8) The applicant must provide a certificate of insurance evidencing general liability coverage of at least \$3,000,000.00 listing the Town of Springdale as an additional insured, and if requested, a copy of the policy. Greater liability limits may be required based on the nature of the use.
- (9) The Planning Commission may impose following additional conditions to mitigate the anticipated detrimental impacts of the use related to:
 - (A) *Traffic*: A traffic control plan may be required if, in the opinion of the Chief of Police, the special event will have a significant impact on the efficiency or safety of traffic circulation in the Town. The applicant, at the applicant's expense, shall provide all traffic control identified in the traffic control plan.
 - (B) *Parking*: Supplemental parking may be required, depending on the nature of the use. The applicant is responsible to secure authorization for the requisite number of parking spaces for the use.
 - (C) *Noise and other nuisances*: The commission may impose reasonable time limits, noise limits, and other similar limits designed to mitigate the noise impact of the proposed use on adjacent properties.

b. *Application process for special event permits:*

- (1) *Application review*: An application for a special event permit is reviewed by the Planning Commission.
- (2) *Application requirements*: An application for a special event permit must contain all of the following:
 - (A) Official application;
 - (B) Cover letter and narrative describing the proposed special event;
 - (C) Written letter of authorization from the owner of the property where the event will take place;

- (D) Site plan, to scale, showing the property and location of special event facilities and any temporary structures;
- (E) Name and cell phone number of on-site event manager who will be responsible for ensuring the use complies with all applicable standards and ordinances and who will be onsite at all times during the use;
- (F) UDOT approval, if utilizing the SR-9 right-of-way;
- (G) Sanitary facilities plan;
- (H) Trash and recycling plan;
- (I) Insurance certificate listing the Town of Springdale as an additional insured under a commercial general liability policy;
- (J) Application fee.

5. A free speech event must be authorized by a permit pursuant to this section.

a. *Standards for free speech event permits:*

- (1) The event must take place on public property in a traditional public forum, which is defined as a Town street, sidewalk, park, or any other Town property that the Town has opened for use by the public for free expression in general. These locations include the grounds around Town Hall and around the Canyon Community Center. A traditional public forum does not include property directly associated with the operation of utilities, public works, or emergency operations. Free speech events are not allowed inside the Town Hall. Free speech events may be allowed inside the Canyon Community Center, but only after complying with the rental and reservation process for the Canyon Community Center.
- (2) Free speech events may not take place at times and in such a manner that will unreasonably disturb the peace and quiet enjoyed on surrounding properties. Free speech events may not generate noise that is perceptible on Residentially zoned property between the hours of 10:00 p.m. and 7:00 a.m. the following day.
- (3) Free speech events may not obstruct the free flow of traffic on streets, unless the appropriate permits from both UDOT and the Town of Springdale to impact the public right-of-way have first been obtained.
- (4) Free speech events may not obstruct the sidewalk to the degree that pedestrians are unable to safely navigate the sidewalk around the event.
- (5) Free speech events may not block or impede access to any business, residence, or government facility.

b. *Application process for free speech events:*

- (1) *Application review:* The DCD (or designee) reviews applications for free speech event permits.
- (2) *Application requirements:*
 - (A) Official application;
 - (B) Cover letter and narrative describing the event;

- (C) Name and cell phone number of on-site event manager who will be responsible for ensuring the event complies with all applicable standards and ordinances and who will be onsite at all times during the event;
- (D) UDOT approval, if utilizing the SR-9 right-of-way;
- (E) Approved large outdoor event permit, if the event includes a parade or march that will obstruct the free flow of traffic on any dedicated right-of-way;
- (F) No application fee is required.

c. *Exemptions for free speech events:*

- (1) Notwithstanding the requirements above, the DCD may waive any application requirement for a free speech event that would be so financially burdensome that it would preclude the applicant from using a traditional public forum for the proposed free speech event. Application for a waiver shall be made on a form prescribed by the Town and must include an affidavit by the applicant stating that the requirement(s) would be so financially burdensome that it would preclude the applicant from using Town property for the proposed free speech event. A denial of a waiver under this subsection may be appealed under the procedures provided in subsection H. of this section.
- (2) A free speech event (and any large outdoor event that is also a free speech event) is exempt from the insurance requirement under subsection C.2.a.(8) of this section, provided that the applicant certifies that: a) the applicant does not maintain such insurance coverage; b) the cost to obtain insurance coverage for the event is not commercially reasonable or is so cost prohibitive as to prevent the applicant or the event planner from holding the event; and c) the event will not include fireworks or other similarly extraordinarily hazardous features, commercial activity, the sale or consumption of alcoholic beverages, or fuel storage.

6. No permit is required for any fundraising event.

- D. *Additional requirements or conditions:* The DCD or Planning Commission, as the case may be, may impose additional requirements or conditions on any permit as necessary to protect the public interest by ensuring traffic management, noise control, available parking, security of property, or the health and safety of the public.
- E. *Revocation and dispersal:* The Town Manager may revoke any permit for violation of any conditions or standards imposed with the permit. The Police Chief may disperse any event that is being conducted in a manner inconsistent with the conditions of the permit, or if the event is in violation of any federal, state, or local law.
- F. *Permit application denied:* The application reviewer may, in writing, deny any permit application under this section if:
 - 1. The proposed event violates a law, ordinance, policy, procedure, or regulation related to the time, place, or manner of the proposed event.
 - 2. The proposed event is not consistent with the intended nature and use of the requested Town property, unless the applicant demonstrates that there is no alternative forum by which the applicant may reach the intended audience with the same intended message.
 - 3. The proposed event is scheduled at a place and time that will disrupt or interfere with a previously approved event.

- 4. The proposed location or facility is not adequate to accommodate the proposed event, or the nature of the proposed event is such that the Town does not have sufficient resources available to ensure the health, safety, and welfare of event participants or the general public.
- 5. The permit application contains a material falsehood or misrepresentation.
- 6. The applicant is legally incompetent to contract, or to sue and be sued.
- 7. The applicant has failed to pay a debt to the Town for costs incurred during a prior special event.
- 8. The proposed event poses a significant danger or threat to the public health, welfare, or safety, or may result in unreasonable inconvenience or cost to the public.

G. *Permit exemptions:* The following events are exempt from all permitting requirements of this section:

- 1. School events located on or directly adjacent to school property; and
- 2. Activities lawfully conducted wholly by a governmental entity.

H. *Appeals:* An applicant may, in accordance with this subsection, appeal the denial of a permit or the imposition of a condition on a permit. To file an appeal, the applicant must, within seven calendar days of the date of the denial or other adverse action, deliver a written appeal to the Town Manager that states the specific grounds for the appeal. The Town Manager, or designee, shall, within seven calendar days of the date the appeal is received, issue a written decision and notify the applicant of the decision. An applicant who is aggrieved by the Town Manager's decision may seek immediate judicial review of the decision with a court of competent jurisdiction.