



ORDINANCE 2024-10

**AN ORDINANCE AMENDING TITLES 1, 2, 3, 4, 5, AND 6 OF THE TOWN
CODE TO CONFORM TO AND BE CONSISTENT WITH UTAH STATE CODE
AND APPLICABLE CASE LAW**

WHEREAS, the Town Attorney's office has conducted a comprehensive and thorough review of Titles 1 through 6 of Town Code to review the code based on recent State Code changes and applicable case law; and

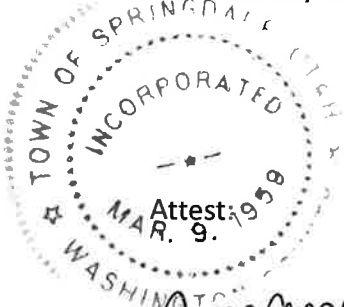
WHEREAS, based on this review, the Town Attorney has proposed numerous changes throughout Titles 1 through 6 to provide consistency and compliance with the Utah State Code and applicable case law; and

WHEREAS, Town staff and the Town Attorney have reviewed the proposed changes and recommend their adoption by the Town Council, and

WHEREAS, the Town Council determines that modifying Titles 1 through 6 as proposed by the Town Attorney and Town Staff is necessary to provide for a town code that is consistent and compliant with the Utah State Code and applicable case law;

NOW THEREFORE BE IT ORDAINED by the Springdale Town Council that Titles 1, 2, 3, 4, 5, and 6 of the Springdale Town Code are amended as shown in the attached pages of the Town Code.

ADOPTED by the Springdale Town Council this 11th day of December 2024.



Aren Emerson

Aren Emerson, Town Clerk

Barbara Bruno
Barbara Bruno, Mayor

ROLL CALL VOTE

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

Title 1 ADMINISTRATION

CHAPTER 1 OFFICIAL TOWN CODE

1-1-1: TITLE:

Upon ~~the adoption~~adoption by the Town Council, this Town Code is the Official Town Code of Springdale. This Town Code of Ordinances shall be known and cited as the Springdale Town Code and is published by the authority of the Town Council.

(1978 Code § 1-001; amd. 2001 Code; Ord. No. 2022-03 , 3-9-2022)

1-1-2: ACCEPTANCE:

The Town Code, as it may be amended from time to time, shall be admitted without further proof in all courts and in administrative tribunals of this state as the ordinances of the Town of general and permanent effect.

(2001 Code; Ord. No. 2022-03 , 3-9-2022)

1-1-3: AMENDMENTS:

Any ordinance amending the Town Code must set forth the title, chapter, and section number of the section or sections to be amended, and this shall constitute sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Town Code. All such amendments or revisions by ordinance must be immediately forwarded to the codifiers, and the said ordinance material shall be prepared for insertion in its proper place in each copy of this Town Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the Town Code.

(2001 Code; Ord. No. 2022-03 , 3-9-2022)

1-1-4: CODE ALTERATIONS:

It is unlawful for any person to alter, change, replace, or deface in any way any section or any page of this Town Code in such a manner that the meaning of any phrase or order may be changed or omitted, without authorization to do so. Replacement pages may be inserted according to the official instructions when so authorized by the Town Council. The Town Clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the Town Clerk.

(2001 Code; Ord. No. 2022-03 , 3-9-2022)

1-1-5: INCORPORATION OF STATUTES:

Any reference or citation to any statute shall not be interpreted or construed to include, incorporate, or make the citation or statute part of this Code unless the provisions of this Code specifically include, incorporate, or make the citation or statute part of this Code by reference or incorporation, and any such reference or citation not specifically included or incorporated may be changed, amended or deleted without publication on an order of the Town Council.

(1978 Code § 1-009; Ord. No. 2022-03 , 3-9-2022)

CHAPTER 2 SAVING CLAUSE

1-2-1: REPEAL OF GENERAL ORDINANCES:

- A. *Repeal; exceptions:* All general ordinances of the Town passed prior to the adoption of this Town Code are hereby repealed, except such as are included in this Town Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; fee ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the Town; and all special ordinances.
- B. *Effect of repealing ordinances:* The repeal of the ordinances provided in subsection A. of this section shall not affect any debt or fee which is accrued, any duty imposed, any penalty incurred, nor any action or proceeding commenced under or by virtue of the ordinances repealed or the term of office of any person holding office at the time these ordinances take effect; nor shall the repeal of any ordinance have the effect of reviving any ordinance heretofore repealed or superseded.

(1978 Code §§ 1-002, 1-003; amd. 2001 Code; Ord. No. 2022-03 , 3-9-2022)

1-2-2: PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES:

No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service, or rates of public utilities shall be repealed by virtue of the adoption of this Town Code or by virtue of the preceding section, excepting as the Town Code may contain provisions for such matters, in which case, this Town Code shall be considered as amending such ordinance or ordinances in respect to such provisions only.

(2001 Code; Ord. No. 2022-03 , 3-9-2022)

1-2-3: COURT PROCEEDINGS:

- A. *Prior acts:* No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new

ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture, or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

- B. *Scope of section:* This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.
- C. *Actions now pending:* Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the Town herein repealed, and the provisions of all general ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Town under any ordinance or provision thereof in force at the time of the adoption of this Town Code.

(2001 Code; Ord. No. 2022-03 , 3-9-2022)

1-2-4: SEVERABILITY CLAUSE:

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Town Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The Town Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

(1978 Code § 1-007; amd. 2001 Code; Ord. No. 2022-03 , 3-9-2022)

CHAPTER 3 DEFINITIONS

1-3-1: 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's ordinances is not meant to amend passage and effective dates of such original ordinances.

1-3-2: 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 with authority conferred, either expressly or by implication.

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

Code: The Town Code of the Town of Springdale, Utah.

County: Washington County, Utah.

Employees: Whenever reference is made in this Code to a Town employee by title only, this shall be construed as though followed by the words "of the Town of Springdale".

Fee: A sum of money charged by the Town for the carrying on of a business, profession, or occupation.

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".

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 Town.

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 the Town.

Must and shall: Each means required or mandatory.

Nuisance: Any condition, action, or activity which:

- A. Is specifically identified as a nuisance in any section of this Code; or
- B. Creates a hazard which threatens the health and welfare of the inhabitants of the Town; or
- C. Is offensive to the sensibilities of reasonable persons; or
- D. Can reasonably said to have a detrimental effect on the property of a person or persons within the Town; or
- E. Renders soil, air, water, or food impure or unwholesome.

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 or officials: Any elected or appointed person employed by the Town, unless the context clearly indicates otherwise. Whenever reference is made in this Code to a Town officer or official by title only, this shall be construed as though followed by the words "of the Town of Springdale."

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, company, 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 Town, 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: The Town of Springdale, Washington County, Utah.

Town Clerk: The individual appointed to act as the Town Clerk of the Town.

Town Council: Unless otherwise indicated, the Town Council of the Town of Springdale, Utah.

Week: Shall be construed to mean any seven-day period.

Wholesaler: 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.

Written, in writing: May include printing and any other mode of representing words and letters, including through any electronic transmission, 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 a legally valid electronic signature, or in case such person is unable to write, by such person's proper mark.

(1978 Code § 1-005; amd. 2001 Code; Ord. 2007-13, 10-23-2007; Ord. No. 2022-03 , 3-9-2022)

1-3-3: CATCHLINES:

The catchlines of the several sections of this Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor

unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(1978 Code § 1-006; Ord. No. 2022-03 , 3-9-2022)

CHAPTER 4 GENERAL PENALTY

1-4-1: SENTENCING:

- A. *Criminal Penalty for violation of ordinance*¹: The Town Council may impose a minimum criminal penalty for the violation of any municipal ordinance by a fine not to exceed the maximum class B misdemeanor fine under U.C.A. § 76-3-301 or by a term of imprisonment up to six months, or by both the fine and term of imprisonment.
- B. *Term of imprisonment for misdemeanors*²: A court may sentence a person who has been convicted of a misdemeanor as follows:
1. Class A misdemeanor: A term of imprisonment not exceeding ~~one year~~ 364 days;
 2. Class B misdemeanor: A term of imprisonment up to six months; or
 3. Class C misdemeanor: A term of imprisonment up to 90 days.
- C. *Infractions*³:
1. A person convicted of an infraction may not be imprisoned but may be subject to a fine, forfeiture and disqualification, or any combination.
 2. If a person is convicted of an infraction and no punishment is specified, the person may be fined as for a class C misdemeanor.
- D. *Fines of persons*⁴: In addition to any term of imprisonment, a court may impose a fine upon a person convicted of an offense in the following amounts fixed by the court, not exceeding:
1. \$2,500.00 class A misdemeanor;
 2. \$1,000.00 for a class B misdemeanor; and
 3. \$750.00 for a class C misdemeanor or infraction.
- E. *Fines of corporations*⁵: The sentence to pay a fine, when imposed upon a corporation, association, partnership or governmental instrumentality for an offense defined in this Code, or the ordinances of the Town, or for an offense defined outside of this Code over which this Town has jurisdiction, for which no special corporate fine is specified, must be to pay an amount fixed by the court, not exceeding:
1. \$10,000.00 for a class A misdemeanor;

¹U.C.A. § 10-3-703.

²U.C.A. § 76-3-204.

³U.C.A. § 76-3-205.

⁴U.C.A. § 76-3-301.

⁵U.C.A. § 76-3-302.

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2. \$5,000.00 for a class B misdemeanor; and
 3. \$1,000.00 for a class C misdemeanor or infraction.
- F. ~~Upon conviction, the violation of any part of U.C.A. Title 10 is punishable as a class C misdemeanor~~
~~conviction as a class C misdemeanor.~~

(1978 Code §§ 1-322, 1-323, 3-331, 3-332; amd. 2001 Code; Ord. No. 2022-03 , 3-9-2022)

1-4-2: OFFENSES DESIGNATED; CLASSIFIED:

- A. *Sentencing in accordance with chapter:* A person adjudged guilty of an offense under this Code or the ordinances of this Town must be sentenced in accordance with the provisions of this chapter.
- B. *Designation of offenses:* Offenses are designated as misdemeanors or infractions.
- C. *Misdemeanors classified⁶:*
1. Misdemeanors are classified into three categories:
 - a. Class A misdemeanors;
 - b. Class B misdemeanors; and
 - c. Class C misdemeanors.
 2. An offense designated as a misdemeanor or any act prohibited or declared to be unlawful in this Code or any ordinance of this Town when no other specification as to punishment or category is made, is a class B misdemeanor.
- D. *Infractions:*
1. Infractions are not classified.
 2. Any offense which is made an infraction in this Code or other ordinances of this Town, or which is expressly designated an infraction and any offense designated by this Code or other ordinances of this Town which is not designated as a misdemeanor and for which no penalty is specified is an infraction.
- E. *Continuing violation:* In all instances where the violation of this Code or any ordinance hereinafter enacted is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues to occur.
- F. *Employers and agents:* When a provision of any section of this Code prohibits the Commission of an act, not only the person actually doing the prohibited act or omitting the directed act, but also the employer and all other persons concerned with or in aiding or abetting the said person, shall be guilty of the offense described and liable to the penalty set forth.
- G. *Limitations under state law:* No part of this Code may be applied or enforced in such a way that violates the limitations imposed under section 10-3-703(1)(b), as may be amended from time to time.

(1978 Code §§ 1-311—1-315; Ord. No. 2022-03 , 3-9-2022)

⁶U.C.A. § 76-3-104.

1-4-3: ADMINISTRATIVE HEARINGS:

- A. *Request:* Unless otherwise specifically provided in any ordinance of the Town or any code adopted by reference, a hearing before the Town Council may be requested by any person:
1. Who is denied or refused a permit or license by any officer, agent, or employee of this Town.
 2. Whose permit or license is revoked, restricted, qualified, or limited from that for which it was first issued.
- B. *Form of request:* The request for hearing must be made in writing to the Mayor or Town Clerk and made within 30 days following the date notice denying, refusing, revoking, qualifying, or restricting the license or permit is mailed by the Town to the applicant or license holder at his address as it appears on the application or license.
- C. *Procedure:*
1. *Time and place:* Following receipt of a request for hearing, the Town Council shall inform the person requesting a hearing of the time and place the hearing is to be held.
 2. *Witnesses; evidence:* At the hearing, the aggrieved party shall have the right to hear and examine any witnesses the Town may produce to support its decision and to present his own evidence in support of his contention.
 3. *Decision of Town Council:* The Town Council shall, within ten days following the conclusion of the hearing, in writing, inform the person who requested the hearing of the decision of the Town Council.
- D. *Not additional remedy; exclusions:* This section shall not be construed so as to afford any aggrieved party more than one hearing before the Town Council. The hearing provided in this section does not apply to any criminal complaint or proceeding. This section does not apply where a specific review process is designated elsewhere in the Code for a permit or license that is denied, refused, revoked, restricted, qualified, or limited.

(1978 Code §§ 1-411—1-414; Ord. No. 2022-03 , 3-9-2022)

1-4-4: CIVIL ENFORCEMENT FOR VIOLATIONS OF TITLE 10:

The Town may impose civil penalties for the violation of any requirement, regulation or other provision contained in Title 10. When imposing a civil penalty for violation of any requirement, regulation or other provision contained in Title 10, the Town will follow the procedure in this section. Civil enforcement of any violation is only one option for enforcement. Nothing in this section removes the Town's ability to use criminal proceedings or other enforcement strategies authorized by state law and this code in the resolution of code violations.

- A. *Notice of violation.* Upon inspection and discovery that any provision of Title 10 has been violated or is currently being violated, the Director of Community Development or Code Enforcement Officer, or designee, may provide written notice of the violation to the property owner, and in addition, may provide written notice of the violation to any other responsible party.
1. The notice of violation shall: (a1) indicate the nature of the violation; (b2) order the necessary action to correct the violation; (c3) establish a reasonable time period for the necessary corrective actions to be completed (the "warning period"); and (d4) state that the property owner and other responsible party (if any) will be subject to civil penalties if the violation is not corrected within the warning period.

2. The warning period shall be the minimum time period reasonably necessary to correct the violation, given the nature of the violation, the cost of curing the violation, and the amount of effort needed to correct the violation. The warning period could be as short as several hours or as long as several weeks.
 3. The notice of violation shall be delivered personally or mailed to the owner of record at the address shown on the records of the County Recorder, or to a person designated, in writing, by the owner of record as the owner's agent for the purpose of receiving notice of an ordinance violation. The notice of violation may also be delivered personally or mailed to any other responsible party. Personal delivery or mailing of the written notice shall serve to start the warning period.
- B. *Civil citation.* If the violation remains uncorrected at the end of the warning period, the Director of Community Development or Code Enforcement Officer may issue a civil citation to the property owner and/or other responsible party.
1. The civil citation shall be personally delivered, or mailed to property owner, as shown on the records of the County Recorder.
 2. The civil citation shall serve to start imposition and accrual of civil penalties. The civil citation shall state that civil penalties are being assessed to the property owner and/or other responsible party for each day the violation persists, beginning on the date the civil citation is personally delivered or mailed.
- C. *Referral to Police Department:* The Director of Community Development or Code Enforcement Officer may refer any violation to the Chief of Police for an immediate criminal enforcement action, as allowed by state law.
- D. *Daily violations.* Each day a violation is continued or maintained after the date the civil citation is either personally delivered or mailed is considered a separate violation and shall give rise to a separate civil penalty for each day of violation. The filing of an appeal does not stop the daily accrual of any penalty unless the Civil Hearing Officer ultimately dismisses the citation.
- E. *Civil penalties.* A violation of any provision of Title 10 shall result in a civil penalty pursuant to the following schedule:

Violation	Penalty
General penalty for any violation not otherwise specified	\$100.00 per day
Grading construction violation (Section 10-15B-6)	\$350.00 per day
Grading without a permit (Section 10-15B-13)	\$750.00 per day
Short term rental in a residential zone (sections 10-9A-14(A) and 10-9B-13(A))	\$1,000.00 per day

- F. *Correction of violation required.* The payment of a civil penalty does not relieve the obligation to correct the violation. The property owner or other responsible party is required to correct the violation regardless of whether or not the civil penalty has been paid.
- G. *Citation appeal.* Any person who has received a civil citation and who wishes to dispute the violation may appeal the citation in writing to the civil hearing officer within 15 calendar days after the citation has been issued. If a person who has received a citation does not appeal within 15 days, the right to an appeal is lost. In such case, the person shall be responsible for both correcting the violation and paying all applicable civil penalties.

H. *Appeal procedures.*

1. The Town Manager shall appoint the Civil Hearing Officer.
2. The Hearing Officer shall adopt rules of procedure that govern the review and adjudication of civil citation appeals. Such rules shall provide meaningful opportunity for the appellant to present evidence documenting one of the following defenses:
 - a. The alleged violation did not occur;
 - b. The alleged violation was corrected before the end of the warning period;
 - c. At the time of citation, compliance with the subject ordinance(s) would have violated the criminal laws of the state.
 - d. Compliance with the subject ordinance(s) would have presented an imminent and irreparable physical injury to persons or property.
 - e. The violation and failure to correct the violation were both caused by a force majeure event such as war, act of nature, or civil disturbance.
 - f. Any other defense as required for due process.
3. After reviewing the appeal, the Civil Hearing Officer may dismiss the citation only on a finding that a defense listed in paragraph 2 above applies to the appeal. If the hearing officer finds none of the defenses apply, the Hearing Officer shall uphold the citation and associated civil penalties. If the hearing officer upholds the citation, daily civil penalties that began on the date the citation was issued shall continue to accrue after the hearing until the violation is corrected.
4. If the Hearing Officer upholds the citation, the Hearing Officer may, in the interest of justice and on behalf of the Town, enter into an agreement for the delayed or periodic payment of the civil penalty by the violator.
5. If the Civil Hearing Officer upholds the citation, the hearing officer may partially or wholly abate the civil penalties for one of the following reasons only:
 - a. The violation was corrected promptly after the issuance of the civil citation and at the time of the appeal hearing the violation does not exist.
 - b. There has been a change in the actual ownership of the property where the violation exists since the time the citation was written, and the new owner is not related by blood, marriage, adoption, or common ownership to the prior owner.
- I. *Late fees.* A late fee will be assessed for any unpaid civil penalty in instances where daily penalties are not accruing (such as when a violation has been corrected on the property but the civil penalty imposed by a citation for the earlier violation has not been paid, or when the violation was transitory and the unpaid civil penalty was only imposed for the period of time the violation existed). In such cases, a late fee equivalent to 25 percent of the civil penalty will be assessed 30 days after the date the civil citation is issued, or 15 days after the date of the appeal hearing, whichever is later. The property owner shall pay any late fee that is assessed in accordance with this section.
- J. *Collection of civil penalties.* The Town may file a civil action to collect any unpaid amount under this section. The violator and any responsible person shall pay for all costs of collection, including but not limited to costs and attorney's fees.

(Ord. 2020-01, 5-20-2020; Ord. No. 2022-03 , 3-9-2022)

1-4-5: CIVIL ENFORCEMENT FOR OTHER VIOLATIONS:

This section governs the procedure for civil penalties issued for violations of the Springdale Town Code, except as specifically provided in subsection A below. Civil enforcement of any violation is only one option for enforcement. Nothing in this section removes the Town's ability to use criminal proceedings or other enforcement strategies authorized by state law and this code in the resolution of code violations.

- A. *Exclusions.* Section 1-4-5 does not apply to any code violation that is governed under Section 1-4-4 or Chapter 6-2. The Town may not impose a civil penalty and adjudication for the violation of a municipal moving traffic ordinance.
- B. *Civil citation.* Upon inspection and discovery that any provision of this Code has been violated or is being violated, the director of community development, the Chief of Police, a Code Enforcement Officer, or designee, may issue a civil citation to the violator, property owner, and/or other responsible party. The civil citation will be issued via personal delivery or mail. Delivery of the civil citation shall serve to start imposition and accrual of any civil penalties. The civil citation may state that civil penalties are being assessed to the violator, property owner, and/or other responsible party for each day the violation persists, beginning on the date the civil citation is personally delivered or mailed.
- C. *Referral to Police Department.* The Director of Community Development or Code Enforcement Officer may refer any violation to the Chief of Police for an immediate criminal enforcement action, as allowed by state law.
- D. *Daily violations.* If provided in the citation, each day a violation is continued or maintained after the date the civil citation is personally delivered or mailed is considered a separate violation and shall give rise to a separate civil penalty for each day of violation. The filing of an appeal does not stop the daily accrual of any penalty unless the civil hearing officer ultimately dismisses the citation.
- E. *Civil penalties.* A violation of any provision of this Code shall result in a civil penalty pursuant to the following schedule:

Violation	Penalty
General penalty for any violation not otherwise specified	\$100.00 per instance or day
Operating a business without a license (Section 3-1-4)	\$500.00 per day
Weed violation (Chapter 4-3A)	\$50.00 per day
Noise violation (Chapter 4-3B)	\$350.00 per instance
Building without a permit (Section 9-1-4)	\$500.00 per day

- F. *Correction of violation required.* The payment of a civil penalty does not relieve the obligation to correct the violation. The violator, property, and/or responsible party is required to correct the violation regardless of whether the civil penalty has been paid.
- G. *Citation appeal.* Any person who has received a civil citation and who wishes to dispute the violation may appeal the citation in writing to the Civil Hearing Officer within 15 calendar days after the citation has been issued. If a person who has received a citation does not appeal within 15 days, the right to an appeal is lost. In such case, the person shall be responsible for both correcting the violation and paying all applicable civil penalties.
- H. *Appeal procedures.*
 - 1. The Town Manager shall appoint the Civil Hearing Officer.

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2. The Hearing Officer shall adopt rules of procedure that govern the review and adjudication of civil citation appeals. Such rules shall provide meaningful opportunity for the appellant to present evidence documenting one of the following defenses:
 - a. The alleged violation did not occur.
 - b. The alleged violation was corrected before the end of the warning period.
 - c. At the time of citation, compliance with the subject ordinance(s) would have violated the criminal laws of the state.
 - d. Compliance with the subject ordinance(s) would have presented an imminent and irreparable physical injury to persons or property.
 - e. The violation and failure to correct the violation were both caused by a force majeure event such as war, act of nature, or civil disturbance.
 - f. Any other defense as required for due process.
 3. After reviewing the appeal, the Civil Hearing Officer may dismiss the citation only on a finding that one of the four defenses in paragraph 2. above applies to the appeal. If the Hearing Officer finds none of the defenses apply, the Hearing Officer shall uphold the citation and associated civil penalties. If the Hearing Officer upholds the citation, daily civil penalties that began on the date the citation was issued shall continue to accrue after the hearing until the violation is corrected.
 4. If the Hearing Officer upholds the citation, the Hearing Officer may, in the interest of justice and on behalf of the Town, enter into an agreement for the delayed or periodic payment of the civil penalty by the violator.
 5. If the Civil Hearing Officer upholds the citation, the Hearing Officer may partially or wholly abate the civil penalties for one of the following reasons only:
 - a. The violation was corrected promptly after the issuance of the civil citation and at the time of the appeal hearing the violation does not exist.
 - b. There has been a change in the actual ownership of the property where the violation exists since the time the citation was written, and the new owner is not related by blood, marriage, adoption, or common ownership to the prior owner.
 - I. *Late fees.* A late fee will be assessed for any unpaid civil penalty in instances where daily penalties are not accruing (such as when a violation has been corrected on the property but the civil penalty imposed by a citation for the earlier violation has not been paid, or when the violation was transitory and the unpaid civil penalty was only imposed for the period of time the violation existed). In such cases, a late fee equivalent to 25 percent of the civil penalty will be assessed 30 days after the date the civil citation is issued, or 15 days after the date of the appeal hearing, whichever is later. The property owner shall pay any late fee that is assessed in accordance with this section.
 - J. *Collection of civil penalties.* The Town may file a civil action to collect any unpaid amount under this section. The violator and any responsible person shall pay for all costs of collection, including but not limited to attorney's fees and costs.

(Ord. 2020-01, 5-20-2020; Ord. No. 2022-03 , 3-9-2022)

CHAPTER 5 MAYOR AND TOWN COUNCIL

1-5-1: ELIGIBILITY AND RESIDENCY REQUIREMENTS:

- A. *Declaration of candidacy:* A person filing a declaration of candidacy for a Town office must meet the requirements of U.C.A. § 20A-9-203(1), as may be amended from time to time.
- B. *Registered voter:* Any person elected to Town office shall be a registered voter in the Town.
- C. *Continuous absence from Town:* If an elected Town Officer is absent from the Town any time during his or her term of office for a continuous period of more than 60 days without the consent of the Town Council, the Town office is automatically vacant, in which case the vacancy may be filled in accordance with local and state law. This subsection is subject to the provisions of U.C.A. § 20A-1-513, as applicable.

(Ord. 10-93, 9-2-1993; amd. 2001 Code; Ord. No. 2022-03 , 3-9-2022)

1-5-2: MEMBERSHIP; TERMS:

- A. *Composition:* The Town Council consists of five members, one of whom is the Mayor.
- B. *Election; terms:* The election and terms of officers shall be as follows: The offices of Mayor and all Council Members shall be filled in municipal elections. The terms for each shall be for four years. The elections for Mayor and two Council Members shall be staggered from the election of the other two Council Members such that there shall be a two-year separation between said elections.
- C. *Vacancy in office:* Mayor or Town Council vacancies shall be filled as provided in U.C.A. § 20A-1-510.

(Ord. 10-93, 9-2-1993; amd. 2001 Code; Ord. No. 2022-03 , 3-9-2022)

1-5-3: MAYOR AS MEMBER OF TOWN COUNCIL:

- A. *Presiding officer; Mayor Pro Tempore:* The Mayor is the chairperson and presides at ~~all the~~ meetings of the Town Council. In the absence of the Mayor or because of the Mayor's inability or refusal to act, the Town Council may elect a member of the Town Council to preside over the meeting as Mayor Pro Tempore, who shall have all the powers and duties of the Mayor during the Mayor's absence or disability. The election of a Mayor Pro Tempore shall be entered in the minutes of the meeting.
- B. *Voting:* The Mayor shall vote as a member of the Town Council. Any member of the Town Council appointed to act as Mayor Pro Tempore shall cast only one vote.
- C. *Powers and duties:* The Mayor:
 - 1. Shall execute on the Town's behalf all bonds, notes, contracts, and written obligations of the Town;
 - 2. Shall appoint, with the advice and consent of the Town Council, persons to fill Town offices or vacancies on commissions or committees of the Town.
- D. *No veto:* The Mayor ~~has power to veto any act of the Town Council, unless otherwise specifically authorized by statute~~ may not veto any ordinance, tax levy, or appropriation passed by the Town Council.

(Ord. 10-93, 9-2-1993; amd. 2001 Code; Ord. No. 2022-03 , 3-9-2022)

1-5-4: MUNICIPAL ADMINISTRATION:

- A. *Additional powers and duties of elected officials:* The Town Council may, by resolution, prescribe additional duties, powers, and responsibilities for any elected or appointed official which are not prohibited by any

specific statute, except that the Mayor may not serve as Clerk or Town Manager and neither the Mayor nor the Clerk may serve as Treasurer. A Justice Court Judge may not hold any other Town office or position of employment with the Town.

- B. *Rules and regulations for administration:* The Town Council shall approve rules and regulations which are not inconsistent with the laws of this state, as it deems best for the efficient administration, organization, conduct, and business of the Town.
1. *Contracts and agreements:* All contracts or agreements made for the benefit of the Town with any person, agency, business, or governmental entity shall be written, fully integrated documents and must either be signed by the Mayor or signed by another authorized agent of the Town, then countersigned and filed with the Town Clerk in accordance with U.C.A. § 10-5-122.
 2. *Internal communication:* Elected and appointed Town officials and Town staff members who are made aware of information about any incident or circumstance that may reflect positively, negatively, or compromise the Town's well-being shall immediately report such information to the Town Manager, who shall expeditiously report the information to the Mayor and Town Council.
- C. *Appointed officers; residency requirements:* The Town Council may require by ordinance that any or all appointed officers reside in the Town.

(Ord. 10-93, 9-2-1993; amd. 2001 Code; Ord. 2012-10, 7-11-2012; Ord. No. 2022-03, 3-9-2022)

1-5-5: MEETINGS; PROCEDURE AND CONDUCT:

- A. *Regular meetings:* The Town Council shall hold one regularly scheduled meeting per month, which shall be held at Canyon Community Center, 126 Lion Boulevard, Springdale, Utah, on a day and at a time established by the Town Council on at least an annual basis; provided, that:
1. If the meeting date is a legal holiday, then the meeting shall be held at the same time and place above described on an alternate date determined by the Town Council.
 2. Upon approval of each member, the Town Council may provide for a different time and place for holding any regular meeting in any given month, provided notice of the change and of the new meeting time and place is posted at the Town Hall, the post office and the bank no later than the Friday preceding the meeting.
 3. The Town Council may also call for and hold work meetings as deemed necessary to discuss matters of Town business, said meetings shall be held at Canyon Community Center, 126 Lion Boulevard, and noticed in compliance with state law.
- B. *Special meetings:* If at any time the business of the Town requires a special meeting of the Town Council, such meeting may be ordered in accordance with state law.
- C. *Electronic meetings:* The Town Council may convene and conduct an electronic meeting in accordance with state law.
1. A quorum of the Council must be present, either in person at the anchor location or by electronic participation. If, for any reason, lack of communication with a member of the Council causes a lack of a quorum, no additional business may be conducted until the quorum can be reconstituted. Business already conducted remains valid and binding.
 2. For meetings with an anchor location, a Council member must give notice to the Town Clerk as to what electronic means they intend to utilize to attend a meeting at least 48 hours prior to the meeting to allow for arrangements to be made for the electronic meeting. One anchor location for electronic meetings is the Canyon Community Center, 126 Lion Boulevard. Other locations may be deemed

acceptable as required by circumstances, as long as adequate facilities are provided for public participation.

3. Electronic meetings may be prohibited or limited based on budget, public policy or logistical circumstances.
 4. Notice of the meeting is to be given pursuant to state law.
- D. *Open meetings; exceptions:* Every meeting is open to the public, unless closed pursuant to state law.
- E. *Quorum:*
1. *Defined:* The number of members of the Town Council necessary to constitute a quorum is three or more.
 2. *Necessary:* No action of the Town Council is official or of any effect unless a quorum of the members is present. Fewer than a quorum may adjourn from time to time.
 3. *Compelling attendance:* The Town Council may compel the attendance of its own members and provide such penalties as it deems necessary for the failure to comply therewith.
- F. *Voting:*
1. Votes are taken in accordance with state law.
 2. *Minimum vote required:* The minimum number of "yes" votes required to pass any ordinance, resolution or to take any action by the Town Council, unless otherwise prescribed by law, shall be a majority of the members of the quorum, but shall never be less than three.
 - a. Any ordinance, resolution, or motion of the Town Council having fewer favorable votes than required herein is defeated and is invalid, except a meeting may be adjourned to a specific time by a majority vote of the Town Council even *if though* such majority vote is less than that required herein.
 - b. A majority of the members of the Town Council, regardless of number, may fill any vacancy in the Town Council.
 3. *Reconsideration:* Any action taken by the Town Council shall not be reconsidered or rescinded at any special meeting unless the number of members of the Town Council present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.
- G. *Record of proceedings:* The Town Council shall keep a journal of its proceedings. The books, records, accounts, and documents of the Town shall be kept at the office of the Town Clerk and approved copies shall be open and available to the public during regular business hours for examination and copying. The Town Council may by resolution establish reasonable charges for providing copies of its public records to individuals, except when by law the Town must provide the records without cost to the public.
- H. *Procedure; conduct:*
1. *Rules of procedure:* The procedure governing meetings of the Town may be established by resolution.
 2. *Rules of conduct:*
 - a. The Town Council may fine or expel any member as allowed by state law only on a two-thirds vote of the members of the Town Council.
 - b. The Town Council, on a two-thirds vote, may expel any person who is disorderly during the meeting of the Town Council. This subsection or any action taken by the Town Council pursuant hereto, shall not preclude prosecution under any other provision of law.

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- I. *Action on committee reports:* Final action on any report of any committee appointed by the Town Council shall be deferred to the next regular meeting of the Town Council on the request of any two members, except that the Town Council may call a special meeting to consider final action.
 - J. *Requiring attendance of witness; production of evidence:* The Town Council may require the attendance of any person to give testimony or produce records, documents, or things for inspection, copying or examination necessary or useful for the governance of the Town. The Town Council may by ordinance establish its own procedures for issuing subpoenas to require attendance and production under this subsection or it may issue subpoenas in its own name in the same manner as is provided in the Utah Rules of Civil Procedure.

(Ord. 2009-10, 11-18-2009; Ord. No. 2020-06, 8-12-2020; Ord. No. 2022-03 , 3-9-2022)

1-5-6: METHOD OF COMMUNICATION FOR PROFESSIONAL SERVICES:

Any requests made upon persons or entities under contract for professional services for legal, accounting, engineering, or other professional opinions or services may be sent by the Town Manager or other point of contact at the Town.

(Ord. 10-93, 9-2-1993; amd. 2001 Code; Ord. No. 2022-03 , 3-9-2022)

1-5-7: ORDINANCES AND RESOLUTIONS; PROCEDURES:

- A. *Legislative power exercised by ordinance:* Except as otherwise specifically provided, the Town Council shall exercise its legislative powers through ordinances.
- B. *Power exercised by ordinance:* The Town Council may pass any ordinance to regulate, require, prohibit, govern, control, or supervise any activity, business, conduct, or condition authorized by statute or any other provision of law. An officer of the Town shall not be convicted of a criminal offense where the officer relied on or enforced an ordinance that the officer reasonably believed to be a valid ordinance. It shall be a defense to any action for punitive damages that the official acted in good faith in enforcing an ordinance or that the officer enforced an ordinance on advice of legal counsel.
- C. *Penalty for violation of ordinance:*
 - 1. *Specified:* The Town Council may impose a minimum criminal penalty for the violation of any municipal ordinance by a fine not to exceed the maximum class B misdemeanor fine under U.C.A. § 76-3-301 or by a term of imprisonment up to six months, or by both the fine and term of imprisonment.
 - 2. *Exceptions:*
 - a. Except as provided in subsection C.2.b. of this section, the Town Council may prescribe a minimum civil penalty for the violation of any municipal ordinance by a fine not to exceed the maximum class B misdemeanor fine under U.C.A. § 76-3-301.
 - b. The municipality may not impose a civil penalty and adjudication for the violation of a municipal moving traffic ordinance, except as authorized in U.C.A. § 10-3-703.5.
 - c. Notwithstanding subsection C.1. of this section, the Town may impose only an infraction for certain violations specified under U.C.A. § 10-3-703, as amended from time to time.
- D. *Form of ordinance:* Any ordinance passed by the Town Council shall contain the matters required by state law.
- E. *Requirements as to form; effective date:*

1. Ordinances passed or enacted by the Town Council shall be signed by the Mayor, or if they Mayor is absent, by the Mayor Pro Tempore, or by a quorum of the Town Council, and shall be recorded before taking effect. No ordinance shall be void or unlawful by reason of its failure to conform to the provisions of U.C.A. § 10-3-704(1) through (4).
 2. Ordinances shall become effective 20 days after publication or posting or 30 days after final passage by the Town Council, whichever is closer to the date of final passage, but ordinances may become effective at an earlier or later date after publication or posting if so provided in the ordinance.
 3. Ordinances which do not have an effective date shall become effective 20 days after publication or posting, or 30 days after final passage by the Town Council, whichever is sooner.
- F. *Publication and posting of ordinances:* All ordinances, except those enacted pursuant to U.C.A. §§ 10-3-706 to 10-3-710, before taking effect shall be deposited in the office of the Town Clerk and a short summary of the ordinance published ~~at least once in a newspaper published within the Town, or if there is no newspaper published therein, then by posting complete copies in three public places within the Town~~ as a class A notice in accordance with U.C.A. § 63G-30-102, as may be amended from time to time. Any ordinance, code or book, other than the state code, relating to building or safety standards, Town functions, administration, control or regulations, may be adopted and shall take effect without further publication or posting, if reference is made to the code or book and at least one copy has been filed for use and examination by the public in the office of the Town Clerk prior to the adoption of the ordinance by the Town Council. Any state law relating to building or safety standards, Town functions, administration, control, or regulations, may be adopted and shall take effect without further publication or posting if reference is made to the state code. The ordinance adopting the code or book shall be published in the manner provided in U.C.A. §§ 10-3-709 and 10-3-710.
- G. *Recording; numbering; certification of passage:* The Town Clerk shall record, in a book used exclusively for that purpose, all ordinances passed by the Town Council. The Town Clerk shall give each ordinance a number, if the Town Council has not already so done. Immediately following each ordinance, or codification of ordinances, the Town Clerk shall make or cause to be made a certificate stating the date of passage and of the date of publication or posting, as required. The record and memorandum, or a certified copy thereof, shall be prima facie evidence of the contents, passage and publication or posting of the ordinance or codification.
- H. *Resolutions:*
1. *Purpose:* Unless otherwise required by law, the Town Council may exercise all administrative powers by resolution, including, but not limited to: (a) establishing water and sewer rates; (b) charges for garbage collection and fees charged for Town services; (c) establishing personnel policies and guidelines; and (d) regulating the use and operation of Town property. Punishment, fines, or forfeitures may not be imposed by resolution.
 2. *Form:* Any resolution passed by the Town Council shall be in a form and contain sections substantially similar to ~~that~~those prescribed for ordinances.
 3. *Publication; effective date:* Resolutions may become effective without publication or posting and may take effect on passage or at a later date as the Town Council may determine, but resolutions may not become effective more than ninety days from the date of passage.

(Ord. 10-93, 9-2-1993; amd. 2001 Code; Ord. No. 2022-03 , 3-9-2022)

CHAPTER 6 OFFICERS AND EMPLOYEES

1-6-1: CREATING OFFICES; FILLING VACANCIES:

- A. *Offices created by Council:* The Town Council may create any office deemed necessary for the government of the Town and provide for filling vacancies in elective and appointive offices.
- B. *Mayor to appoint and fill vacancies:* The Mayor, with the advice and consent of the Town Council, may appoint and fill vacancies in all offices provided for by law or ordinance.
- C. *Continuation in office:* All appointed officers shall continue in office until their successors are appointed and qualified.

(Ord. 10-93, 9-2-1993; amd. 2001 Code; Ord. No. 2022-03 , 3-9-2022)

1-6-2: DIRECTOR OF FINANCE, TOWN CLERK AND TOWN TREASURER:

- A. *Appointment:* On or before the first Monday in February following a Town election, the Mayor, with the advice and consent of the Town Council, shall appoint a qualified person to each of the offices of Town Clerk and Town Treasurer.
- B. *Ex Officio Auditor:* The Town Manager, appointed as Director of Finance, is Ex Officio Town Auditor and shall perform the duties of that office.

(Ord. 10-93, 9-2-1993; amd. 2001 Code; Ord. 2010-03, 5-12-2010; Ord. No. 2022-03 , 3-9-2022)

1-6-3: BONDS OF OFFICERS:

- A. *Bonds required:* All elected officers of the Town, before taking office, shall execute a bond with good and sufficient sureties, payable to the municipality in such amount as shall be set by the Town Council by ordinance or resolution from time to time, conditioned for the faithful performance of the duties of the respective officers and the payment of all monies received by such officer according to law and the ordinances of the municipality.
- B. *Approval of bonds:* The bonds of the Mayor and the Council members shall be approved by the Town Council at the first meeting of the Town Council in January following a Town election.
- C. *Premium paid by Town:* The premium charged by a corporate surety for any bond required by the Town shall be paid by the Town.
- D. *Additional bonds; filing:* The Town Council may at any time require further and additional bonds of any or all officers elected or appointed, with good and sufficient sureties, payable to the Town in such sum as the resolution or ordinance may establish, conditioned for the faithful performance of the duties of their office and the payment of all monies received by such officers according to law and the ordinances of the Town. All bonds given by the officers, except as otherwise provided by law, shall be filed with the Town Treasurer.
- E. *Treasurer's bond:* The Town Treasurer's bond, or the bond of any person who acts as Town Treasurer, may be set by Town Council resolution or ordinance in any amount, not less than that established by the State Money Management Council, in accordance with U.C.A. § 51-7-15. The Town Treasurer's bond shall be superseded by any rule, regulation, or directive of the State Money Management Council when such rule, regulation or directive is binding on the Town.
- F. *Blanket bond:* The bond(s) required in this section may be included within public blanket bonds in such amount(s) as may be determined by the Town Council.

(Ord. 2006-06, 3-8-2006; Ord. No. 2022-03 , 3-9-2022)

1-6-4: OATH OF OFFICE:

- A. *Constitutional oath of office:* All officers, whether elected or appointed, before entering on the duties of their respective offices shall take, subscribe, and file the constitutional oath of office. The form of oath shall be as provided in the Utah Constitution Article IV, Section 10.
- B. *Filing:* The oath of office required under this section shall be administered by any judge, notary public, or by the Town Clerk. Elected officials shall take their oath of office at 12:00 noon on the first Monday in January following their election or as soon thereafter as is practical. Appointed officers shall take their oath at any time before entering on their duties. All oaths of office shall be filed with the Town Clerk.
- C. *Acts of officials not voided:* No official act of any Town Officer shall be invalid for the reason that the Town Officer failed to take the oath of office.

(Ord. 10-93, 9-2-1993; amd. 2001 Code; Ord. No. 2022-03 , 3-9-2022)

1-6-5: COMPENSATION:

- A. *Specified:* The salary of the elective and statutory/appointive officers of this Town shall be paid in the amount and at such times as is below specified:

Mayor:	\$6,500.00 per year
Council member:	\$5,200.00 per year
Planning Commission:	\$2,600.00 per year
Town Clerk:	Annual salary, as set by Town Council in accordance with state law
Town Treasurer:	Annual salary, as set by Town Council in accordance with state law
Chief of Police:	As agreed upon in employment contract approved in accordance with state law
Town Engineer:	As agreed upon in employment contract approved in accordance with state law
Town Attorney:	As agreed upon in employment contract approved in accordance with state law
Town Manager:	As agreed upon in employment contract approved in accordance with state law

- B. *Benefits:* In addition to the salary paid the elective and statutory/appointive officers of this Town, they shall receive the following benefits:
1. The employees' share of the social security tax.
 2. Health and accident insurance in accordance with Town policies and procedures.
 3. Vacation and sick leave in accordance with Town policies and procedures.
 4. Participation in the Utah State Retirement Program in accordance with Town policies and procedures.
- C. *Serving two or more positions:* Whenever any person serves in two or more positions either as officers or employees of this Town, unless otherwise specifically provided in the employment agreement, by ordinance or by resolution, that person shall receive the salary or compensation of the office or employment paying the greater amount.
- D. *Travel expenses; per diem:* In addition to all other compensation or salary, any officer or employee of this Town may receive, following the submission to the Town Clerk of a claim, travel expenses and per diem

established by the Utah State Department of Finance for expenses actually incurred by the person for attending any meeting, conference, seminar or training session, provided attendance shall have been approved in advance by the Town Manager.

- E. *Review of compensation; public hearing:* Upon its own motion, the Town Council may review or consider the compensation of any officer of the Town, or a salary schedule applicable to any officer of the Town, for the purpose of determining whether or not it should be adopted, changed or amended. In the event that the Town Council decides that the compensation or compensation schedule should be adopted, changed, or amended, it shall set a time and place for a public hearing at which all interested persons shall be given an opportunity to be heard.
- F. *Notice of public hearing:* Notice of the time, place and purpose of the meeting shall be published in accordance with state law pursuant to Utah Code § 10-3-818 as amended.
- G. *Ordinance enacted:* After the conclusion of the public hearing, the Town Council may enact an ordinance fixing, changing or amending the compensation of any elective or appointive officer of the Town or adopting a compensation schedule applicable to any officer.

(Ord. 10-93, 9-2-1993; amd. 2001 Code; Ord. 2007-08, 7-11-2007; Ord. No. 2021-07 , 6-23-2021; Ord. No. 2022-03 , 3-9-2022; Ord. No. 2022-07 , 7-13-2022)

1-6-6: OFFICIAL NEGLIGENCE AND MISCONDUCT:

In case any Town Officer shall at any time willfully omit to perform any duty, or willfully and corruptly be guilty of oppression, misconduct, misfeasance, or malfeasance in office, the person is guilty of a class A misdemeanor⁷, shall be removed from office and is not eligible for any Town office thereafter.

(Ord. 10-93, 9-2-1993; amd. 2001 Code; Ord. No. 2022-03 , 3-9-2022)

1-6-7: EMPLOYEE APPEALS BOARD:

- A. Pursuant to U.C.A § 10-3-1106(7), a Town employee may appeal the final decision to discharge, suspend without pay, or involuntarily transfer to the Town Council.

(Ord. 10-93, 9-2-1993; amd. 2001 Code; Ord. No. 2022-03 , 3-9-2022)

ARTICLE A. TOWN MANAGER

1-6A-1: SELECTION AND APPOINTMENT:

The Town Council may by two-thirds vote appoint any person as the Town Manager. The Town Manager must be selected based on the candidate's abilities, integrity and prior experience relating to the duties of the office, including, but not limited to, abilities in public administration and executive leadership. The manager must, in the opinion of the Town Council, have the managerial capabilities necessary to provide professional direction to the Mayor and Town Council.

(Ord. 10-93, 9-2-1993; amd. 2001 Code; Ord. No. 2022-03 , 3-9-2022)

⁷U.C.A. § 76-3-204 for penalty provisions.

1-6A-2: TERM OF OFFICE; COMPENSATION:

The Town Manager shall serve at the pleasure of the Town Council. Any person serving as Town Manager under this article may be removed with or without cause by a majority vote of the Town Council, subject to the provisions of any contract entered into between the Town Manager and the Town. The Town Manager shall receive compensation at the rate and in the form to be determined by the Town Council.

(Ord. 10-93, 9-2-1993; Ord. No. 2022-03 , 3-9-2022)

1-6A-3: ACTING TOWN MANAGER:

The Town Manager, with the advice and consent of the Town Council, may appoint an acting Town Manager during any period of absence or disability of the Town Manager. The acting Town Manager must, during the effective dates of the appointment, have all the responsibilities, duties, functions, and authority of the Town Manager.

(Ord. 10-93, 9-2-1993; Ord. No. 2022-03 , 3-9-2022)

1-6A-4: POWERS AND DUTIES:

The Town Manager acts under the control and supervision of the Mayor and Town Council. The manager is responsible for the administration of all affairs of the Town. The manager's powers and duties are as follows:

- A. Be responsible for the enforcement of the laws, ordinances, rules and regulations of the Town, and see that all franchises, leases, permits, contracts, licenses and privileges granted by the Town are observed;
- B. Appoint, hire, suspend, supervise, transfer and remove any Town employees. The power of the Town Manager to appoint, hire, suspend, supervise, transfer and remove shall not apply to elected, statutory or appointed officials of the Town;
- C. Serve as the Town Financial Director upon appointment by the Mayor, with the advice and consent of the Town Council;
- D. Cause a proposed budget to be prepared annually and submitted to the Mayor and Town Council and be responsible for the administration of the budget after its adoption (said budget to be construed as a financial estimate only);
- E. Be appointed Director of Finance and perform the financial duties and responsibilities of an Ex Officio Auditor as described in U.C.A. § 10-5-123. Provide for and assist in the conduct, performance and presentation of the annual financial report to the Mayor and Town Council. The annual financial report shall be prepared within 180 days of the close of the fiscal year. The Town Manager shall submit all required reports to state and other agencies as compiled from the audited financial statement. Upon written request of the Mayor or Town Council, the Town Manager shall make written or verbal reports at any time concerning the affairs of the Town under his supervision;
- F. Keep the Mayor and the Town Council advised of the financial condition and future needs of the Town and make such recommendations to the Mayor or Town Council for adoption as he/she may deem necessary or expedient;
- G. Be responsible for the enforcement of all terms and conditions imposed in favor of the Town in any contract or public utility franchise, and upon knowledge of any violation thereof, report the same to the Mayor and Town Council for such action and proceedings as may be necessary to enforce the same;

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- H. Attend council meetings and participate in discussions with the Mayor and Town Council in an advisory capacity;
 - I. Establish a system of accounting and auditing for the Town which shall reflect, in accordance with the generally accepted accounting principles, the financial condition and financial operation of the Town;
 - J. Act as the liaison officer, where not specifically excluded by law or otherwise excluded by majority vote of the Mayor and Town Council, between the Town and other outside parties, consultants and agencies, including, but not limited to, those providing professional services to the Town (including the Town Attorney), developers, National Park Service Administration and persons or entities contracting with the Town;
 - K. Carry out the policies and programs established by the Town Council;
 - L. Organize and direct the management of the executive affairs of the Town in a manner consistent with state law and Town ordinances; and
 - M. Perform such other duties as may be prescribed by ordinance or requested of him by the Mayor and Town Council that are consistent with state laws.

(Ord. 10-93, 9-2-1993; amd. 2001 Code; Ord. 2010-03, 5-12-2010; Ord. No. 2022-03 , 3-9-2022)

1-6A-5: RESERVED:

Ord. No. 2022-03 , adopted March 9, 2022, repealed § 1-6A-5, which pertained to legislative powers and official position of Mayor not delegated and derived from Ord. 10-93, 9-2-1993; amd. 2001 Code.

ARTICLE B. TOWN ENGINEER

1-6B-1: APPOINTMENT:

The Mayor, with the advice and consent of the Town Council, shall appoint a Town Engineer.

(Ord. 10-93, 9-2-1993; amd. 2001 Code; Ord. No. 2022-03 , 3-9-2022)

1-6B-2: POWERS AND DUTIES:

- A. *Specified:* The Town Engineer shall:
 - 1. Be custodian of all maps, plans, plats, profiles, drawings, final estimates, specifications, and contracts which in any way relate to the public improvements and engineering affairs of the Town;
 - 2. Record all maps, plats, and other materials, that relate to public improvements; and
 - 3. Be responsible for and coordinate construction of, by example and not by way of limitation, bridges, roads, water systems, sewer systems, irrigation systems, reservoirs, power stations and utilities.
- B. *Other duties:* The Town Engineer shall also perform all other duties as directed from time to time by the Town Council.

(Ord. 10-93, 9-2-1993; Ord. No. 2022-03 , 3-9-2022)

1-6B-3: RECORDINGS NOT IN LIEU OF OTHER RECORDINGS:

Recording or filing of a document in the Town Engineer's office does not remove the obligation to file a drawing or instrument in other offices. ~~h10;~~ (Ord. 10-93, 9-2-1993; amd. 2001 Code; Ord. No. 2022-03 , 3-9-2022)

ARTICLE C. TOWN ARCHITECT

1-6C-1: APPOINTMENT:

The Mayor may appoint, with the advice and consent of the Town Council, a Town Architect. Rate of pay and terms of the contract shall be negotiated from time to time by the Town Manager and ratified by the Town Council. Contact with the Town Architect for assistance will be authorized by the Town Manager or the Director of Community Development. This appointment is at the will of the Town Council and can be terminated without cause or notice, at which time the vacancy could be filled by appointment of another qualified licensed architect.

(Ord. 99-2, 3-4-1999; amd. 2001 Code; Ord. No. 2022-03 , 3-9-2022)

1-6C-2: POWERS AND DUTIES:

The Town Architect has the following powers and duties:

- A. To participate in the design review of homes, businesses or other structures, as deemed necessary by the Planning Commission, Town Council, or Director of Community Development (DCD);
- B. To make recommendations to the DCD and Planning Commission, or Town Council, based on those reviews;
- C. Other relevant reviews as deemed necessary by the Planning Commission, Town Council, DCD, or Town Manager.

(Ord. 99-2, 3-4-1999; Ord. No. 2022-03 , 3-9-2022)

ARTICLE D. TOWN ATTORNEY AND TOWN PROSECUTOR

1-6D-1: TOWN ATTORNEY:

- A. *Powers and duties:* The Town Attorney may prosecute violations of Town ordinances and under state law, infractions and misdemeanors occurring within the boundaries of the Town. The Town Attorney has the same powers in respect to the violations as are exercised by a County Attorney or District Attorney, including, but not limited to, granting immunity to witnesses. The Town Attorney shall represent the interests of the State or the Town in the appeal of any matter prosecuted in any trial court by the Town Attorney. The Town Attorney may provide general legal representation to the Town and may represent the Town in state and federal court.
- B. *Appointment:* The Mayor may appoint, with the advice and consent of the Town Council, a Town Attorney. Rate of pay and terms of the contract shall be negotiated from time to time by the Town Manager and ratified by the Town Council. Contact with the Town Attorney for assistance will be authorized by the Town Manager or the Director of Community Development. This appointment is at the will of the Town Council and can be terminated without cause or notice, at which time the vacancy may be filled by appointment of another qualified licensed attorney.

(Ord. 10-93, 9-2-1993; amd. 2001 Code; Ord. No. 2022-03 , 3-9-2022)

1-6D-2: TOWN PROSECUTOR:

The Mayor may appoint, with the advice and consent of the Town Council, a Town Prosecutor. Rate of pay and terms of the contract shall be negotiated from time to time by the Town Manager and ratified by the Town Council. Contact with the Town Prosecutor for assistance will be authorized by the Town Manager or the Director of Community Development. This appointment is at the will of the Town Council and can be terminated without cause or notice, at which time the vacancy may be filled by appointment of another qualified licensed attorney.

(2001 Code; Ord. No. 2022-03 , 3-9-2022)

CHAPTER 7 ELECTIONS

1-7-1: CONDUCT OF MUNICIPAL ELECTIONS:

Election for Mayor, Council members, and other elections conducted within the Town shall be in accordance with the Utah Election Code, as set out in U.C.A. Title 20A.

(Ord. 11-95, 5-11-1995; amd. 2001 Code; Ord. 2009-03, 8-12-2009; Ord. No. 2022-03 , 3-9-2022)

1-7-2: PRIMARY ELECTIONS:

This chapter provides for the candidates for Mayor and Council members to be nominated at a primary election, if required. A primary election will be held only when the number of candidates filing for an office exceeds twice the number to be elected. The candidates nominated at the primary election, plus candidates that were not required to run in the primary, are to be placed on the November ballot.

(Ord. 11-95, 5-11-1995; Ord. No. 2022-03 , 3-9-2022)

1-7-3: CAMPAIGN FINANCE DISCLOSURE REQUIREMENTS:

A. *Definitions:*

Contribution: Monetary and nonmonetary contributions such as in-kind contributions and contributions of tangible things, but shall not include personal services provided without compensation by individuals volunteering their time on behalf of a candidate.

Expenditure: A purchase, payment distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any candidate.

- B. *Filing of disclosure reports:* Each candidate for elective municipal offices shall file with the Town Clerk, dated, signed, and sworn financial reports which comply with this section and applicable state statutes.
- C. *Time of filing:* Each candidate for elective municipal office shall report their itemized and total contributions and expenditures at least once no later than seven days before the municipal general election and at least once no later than 30 days following the municipal general election. Each candidate for elective municipal office who is eliminated at a municipal primary election shall report their itemized and total contributions and expenditures no later than 30 days after the date of the municipal primary election.
- D. *Financial reports; required information:* Financial reports required by this section shall identify:

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1. For each contribution of more than \$50.00:
 - a. The name of the donor of the contribution; and
 - b. The actual amount of the contribution.
 2. The aggregate total of all contributions under \$50.00.
 3. For each campaign expenditure:
 - a. The name of the recipient of each expenditure; and
 - b. The actual amount of each expenditure.
- E. *Public information:* The statements required by this section shall be public documents and shall be available for public inspection and copies may be requested in accordance with the government records access and management act.
- F. *Penalty for noncompliance:* Any candidate who fails to comply with this section shall be guilty of an infraction.
- (Ord. 2007-09, 7-11-2007; Ord. No. 2022-03 , 3-9-2022)

CHAPTER 8 JUSTICE COURT

1-8-1: ESTABLISHMENT:

- A. *Authority:* The Town Council may by ordinance or interlocal agreement establish or designate a justice court.
- B. *Established:* The Town is served by the Washington County Justice Court. The justice court is located at ~~87 North 200 East, 3rd floor~~ 197 E Tabernacle Street, St. George, UT 84770.
- (Ord. 12-93, 9-2-1993; Res. 01-0110, 1-10-2001; Ord. No. 2022-03 , 3-9-2022)

CHAPTER 9 PROCUREMENT

1-9-1: PURPOSE:

The purposes and policies of this chapter are:

- A. To simplify, clarify, and modernize the procurement policies of the Town;
- B. To ensure fair and equitable treatment of all persons who conduct, or wish to conduct, business with the Town;
- C. To provide for the greatest possible economy in Town procurement activities; and
- D. To foster effective broad-based competition within the free enterprise system to ensure the Town will receive the best possible service or product at the lowest possible price.

(Ord. 2019-04, 6-12-2019; Ord. No. 2022-03 , 3-9-2022)

1-9-2: PURCHASING AUTHORITY:

- A. The Town Council appoints the Town Manager as the Town Purchasing Agent and delegates to the Town Manager authority to purchase supplies, services or construction work or items when the dollar amount is \$10,000.00 or less, or the payment of a particular obligation that has been specifically approved by the Town Council as part of the annual Town budget, regardless of the budget amount.
- B. The Town Manager may delegate to department directors, or any other Town employee, authority to purchase supplies, services, or construction work or items when the dollar amount is \$2,000.00 or less. These delegations shall be in writing and may be limited in scope as the Town Manager directs.
- C. Where the dollar value exceeds \$10,000.00, procurement of supplies, services, or construction work or items shall require approval by the Town Council before being awarded, unless the purchase is for a specific service or for the payment of a particular obligation that the Town Council has specifically approved as part of the annual Town budget.

(Ord. 2019-04, 6-12-2019; Ord. No. 2022-03 , 3-9-2022)

1-9-3: APPLICATION:

This chapter applies to any procurement, irrespective of the source of funds. When a procurement involves the expenditure of Federal assistance or agreement funds, the procurement shall be conducted in accordance with any mandatory applicable Federal law and regulations.

(Ord. 2019-04, 6-12-2019; Ord. No. 2022-03 , 3-9-2022)

1-9-4: COMPLIANCE; EXCEPTIONS:

- A. *General policy:* The Town including all departments, agencies, committees, commissions, officials, and employees of the Town, shall abide by the terms and provisions of this policy.
- B. *Grant, gift, or bequest:* Nothing in this chapter shall prevent any public agency from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law.
- C. *\$2,000.00 or less:* Procurements with a dollar amount of \$2,000.00 or less may be made by the individual department directors of the Town, as delegated by the Town Manager.
- D. *\$10,000.00 or less:* Procurement with a dollar amount of \$10,000.00 or less may be made by the Town Manager.
- E. *Other procurements not budgeted:* Approval from the Town Council is required for any nonbudgeted procurement that exceeds \$10,000.00.
- F. *Exchanges:* Exchanges of supplies, material, or equipment between the Town and any other public agency that are not by sale or auction shall be by mutual agreement of the respective public agencies.
- G. *Town employees:* The bidding requirements of the Town Procurement Code do not apply to the following work performed by Town employees:
 - 1. Conducting or managing any department, business, or property of the Town;
 - 2. Installing, raising, lowering, or repairing water mains, or sewers; and
 - 3. Grading, repairing, or maintaining streets, sidewalks, bridges, culverts, or conduits.

H. *Review by Town Council:* The Town Council shall review all purchases of \$1,000.00 or more as part of its regular monthly Council meeting agenda.

(Ord. 2019-04, 6-12-2019; Ord. No. 2022-03 , 3-9-2022)

1-9-5: DEFINITIONS:

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

Agreement: All types of Town agreements, regardless of what they may be called, for the procurement of supplies, services, or construction.

Bidder: A person who submits a bid or price quote in response to an invitation for bids or a request for proposals.

Bidding: The procedure used to solicit quotations on price and delivery from various prospective suppliers of supplies, equipment and contractual services.

Change order: A written order signed by the Town Manager or department director delegated by the Town Manager directing the contractor to suspend work or make changes, which the appropriate clauses of the contract authorize without consent of the contractor, or any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract accomplished by mutual action of the parties to the contract.

Construction: The process of building, renovating, altering, improving, or repairing a public building or public work; but does not include the routine operation, repair, or maintenance of existing structures, buildings, or real property.

Contract: Any Town agreement for the procurement or disposal of supplies, services, or construction.

Contractor: Any person having an agreement with the Town.

Cost reimbursement contract: A contract under which a contractor is reimbursed for costs that are allowed and allocated in accordance with the contract terms and the provisions of this chapter, and a fee, if any.

Department: Any Town department, commission, board, or agency requiring the procurement of supplies, services, or construction pursuant to this chapter.

Invitation to bid: All documents, whether attached or incorporated by reference, used for soliciting bids.

Person: Any business, individual, union, committee, club, other organization, or group of individuals.

Procurement: Buying, purchasing, renting, leasing, leasing with an option to purchase, or otherwise acquiring any supplies, services, or construction, including description of requirements, selection, and solicitation of sources, preparation of award of agreement, and all phases of agreement administration.

~~*Purchase order:* A form provided by the Town for the procurement of any goods and/or services of a nonrecurring nature, describing the goods or services and giving the pertinent vendor information.~~

Purchasing agent: The person or persons designated in this chapter to procure supplies, services, or construction on behalf of the Town.

Request for proposals: All documents, whether attached or incorporated by reference, used for soliciting proposals.

~~*Requisition Request:* A form provided by the Town for the procurement of any goods and/or services of a nonrecurring nature, describing the goods or services and giving the pertinent vendor information.~~

Responsible bidder or offeror: A person who has the capability in all respects to perform fully the agreement requirements, and the experience, integrity, reliability, capacity, facilities, equipment, and credit that will assure good faith performance.

Responsive bidder or offeror: A person who has submitted a bid or proposal that conforms in all material respects to the requirements set forth in the invitation for bids or request for proposals.

Services: The furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports that are merely incidental to the required performance; but does not include employment agreements.

Sole source provider: A provider who is the only provider of a specific material, supply, equipment, or service. This may include providers of specific brands set forth in the specifications or providers of a unique service.

Specification: Any description of the physical or functional characteristics or of the nature of a supply, service, or construction item. It may include a description of any requirement for inspecting, testing, or preparing a supply, service or construction item for delivery.

Supplies: All property, including, but not limited to, equipment, materials, printing, insurance, and leases of real property, excluding land or a permanent interest in land.

(Ord. 2019-04, 6-12-2019; Ord. No. 2022-03 , 3-9-2022)

1-9-6: SOURCE SELECTION:

A. ~~Purchase order~~Requisition Requests requirements:

1. Specified:

- a. Any procurement over \$1,000.00 in total shall be accompanied by a ~~purchase order~~requisition request signed by the department director and Town Manager, or designee. For purposes of this requirement, no purchase shall be divided in portions as to make each ~~purchase order~~requisition request less than or equal to \$1,000.00.
 - b. Each ~~purchase order~~requisition request shall be attached to an invoice or other documentation supporting the amount of the order.
 - c. In the case where a staff member or member of the Town Council is being reimbursed, that person shall not be allowed to be signatory on the ~~purchase order~~requisition request.
2. *Exceptions:* If considered to be a periodically recurring expenditure and the amount is reasonably predictable and consistent from one period to the next, no ~~purchase order~~requisition request will be required on subsequent expenditures.
3. *Administrative procedures:* The Town Council shall authorize the Town Manager to develop additional administrative procedures related to the ~~purchase order~~requisition request process as needed, which procedures shall not be inconsistent with this chapter. No administrative procedure shall be interpreted to circumvent or replace any part of this policy.

B. Procurements requiring no bid: The following procurements do not require a bid:

1. *Small purchases:* Procurements with a dollar amount of \$1,000.00 or less do not require bids of any type. Procurements shall not be artificially divided so as to constitute a small purchase under this section.
2. *State contracts:* Procurements made through the cooperative purchasing contracts administered by the State Division of Purchasing.

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3. *Sole source:* Procurements made from a sole source provider may be approved, without competition, when the Purchasing Agent, or designee, determines in writing that:
 - a. There is only one source for the required purchase; or
 - b. The award is a condition of a donation or grant that will fund the full cost of the purchase.
 - c. Examples of potential reasons for sole source procurements include, but are not limited to:
 - (1) The compatibility of equipment, accessories, replacement parts, or service is the paramount consideration;
 - (2) Trial use or testing;
 - (3) Procurement of items for resale;
 - (4) Procurement of public utility service; or
 - (5) Unique properties.

When a sole source procurement has been approved, the Purchasing Agent or designee shall negotiate the price and terms. Unsatisfactory results of such negotiations may prompt additional evaluation of alternatives.

4. *Emergency purchases:* Procurements required during an emergency, including, but not limited to, an imminent threat to the public health, welfare, or safety. However, as much competition as practical should be obtained; and, such purchases should be limited to amounts necessary to resolve the emergency.
 5. *Contracts with the Town:* Procurement may be approved, without additional competition otherwise required by this chapter, when the procurement is the result of work to be completed through a contract with the Town previously awarded through a competitive bid, competitive proposal, or the hiring of designated professional services as provided herein, and as provided for in the terms of the contract.
 6. *Other government agency contracts:* Procurement may be approved, without additional competition otherwise required by this chapter, when the Purchasing Agent, or designee, determines that another governmental agency has issued a procurement contract based on competitive quotes or bids and either: a) the Town is authorized to purchase under the terms of that contract; or b) the Town is offered by a vendor a price equal to or less than the bid price offered through the other agency.
 7. *Direct government agency purchases:* When the Purchasing Agent, or designee, determines that the Town would benefit from purchases of goods or services either surplus by or manufactured by another governmental agency, procurement may be approved without additional competition otherwise required by this chapter.
- C. *Procurements requiring a bid:*
1. Procurements with a dollar amount over \$1,000.00, but less than \$10,000.00 shall require a minimum of three documented telephone bids.
 2. Procurements with a dollar amount of \$10,000.00 or more, but less than \$50,000.00 shall require a minimum of three written bids. When reasonable efforts have been made to receive three written bids, but efforts are unsuccessful, the Town Manager or Purchasing Agent may approve the procurement with fewer than three written bids.
 3. Any procurement with a dollar amount of \$50,000.00 or more shall follow the competitive sealed bid process outlined herein.

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- D. *Competitive sealed bids:* Except as permitted in this chapter, purchases exceeding \$50,000.00 shall require competitive sealed bids and shall be awarded to the lowest responsible and responsive bidder, whose bid meets the requirements and criteria set forth in the invitation for bids.
1. *Invitation to bid:* Invitations to bid shall include the following terms:
 - a. The period of time during which bids will be accepted;
 - b. A description of the manner in which a bid shall be submitted;
 - c. The place where a bid shall be submitted;
 - d. The place and time where bids shall be publicly opened;
 - e. A description and specifications for the item or service being bid; and
 - f. The objective criteria to be used to evaluate the bids and any required contractual terms and conditions.
 2. *Review and approval:* The ~~ordering~~Ordering Department shall prepare a bid request package using standard Town formats. The bid request shall be reviewed and approved by the Town Manager prior to advertising.
 3. *Advertisements:* All sealed bid requests shall be advertised at least once in a generally and widely available medium, which may include a newspaper, business journal, or website. Such advertising shall be completed a minimum of two weeks prior to the deadline for submission of bids. Any procurement subject to noticing requirements of State and/or Federal law shall comply with those requirements.
 4. *Bid clarifications:* Bidders may submit challenges or requests for clarification of specifications, prior to the date specified in the bid requirements. Responses to challenges and requests shall only be through official addenda issued by the Purchasing Agent, or designee.
 5. *Bid opening:* All sealed bids shall be received by the Town Purchasing Agent, or designee by the time and date specified in the invitation for bids. Bids shall be opened in a public meeting held for that purpose by the Purchasing Agent, or designee, and representatives from the ~~ordering~~Ordering Department. The amount of each bid, and other relevant information as the Purchasing Agent, or designee, deems appropriate, together with the names of each bidder shall be recorded and made available for public inspection.
 6. *Bid tabulation, review, and recommendation:* Bids shall be tabulated and reviewed by the Purchasing Agent, or designee, and the ~~ordering~~Ordering Department to verify that the bidders are responsible and responsive. The ~~ordering~~Ordering Department, with concurrence of the Purchasing Agent, or designee, shall prepare a recommendation for award of the bid to the Town Manager for review and approval, prior to submittal to the Town Council for final action.
 7. *Award:* The Town Council shall award the bid to the lowest responsible and responsive bidder.
 8. *Notification:* The Purchasing Agent, or designee, shall notify all bidders of the bid award, within three business days following the award by the Town Council.
 9. *Administrative procedures:* The Town Council shall authorize the Town Manager to develop additional administrative procedures related to the sealed bid process as needed, which procedures shall not be inconsistent with this chapter. No administrative procedure shall be interpreted to circumvent or replace any part of this policy.
- E. *Use of competitive sealed proposals in lieu of bids:* Proposals may be solicited in lieu of sealed bids when the Town Manager determines in writing, that: 1) bidding is not practicable or is not advantageous to the Town; 2) waiving sealed bids would not be in contravention of applicable State law; 3) the process will be fair, just, and equitable; and 4) the request for proposals procurement process will provide the best value to the Town.

Competitive sealed proposals are most appropriately used for the procurement of professional services, design-build procurement, when cost is not the most important factor to be considered when making the selection that is most advantageous to the Town, or when other factors, in addition to cost, are highly significant in making the selection that is most advantageous to the Town.

1. *Contents:* A request for proposal (RFP) shall state the period of time during which proposals will be accepted, describe the manner in which a proposal shall be submitted, state the place and time where a proposal shall be submitted, include a description for the item or service being sought, the subjective and objective criteria to be used to evaluate the proposals, and any required contractual terms and conditions.
 2. *Advertisements:* All RFPs shall be advertised at least once in a generally and widely available medium, which may include a newspaper, business journal, or website. Such advertising shall be completed a minimum of two weeks prior to the deadline for submission of proposals. Any procurement subject to noticing requirements of State and/or Federal law shall comply with those requirements.
 3. *Opening of proposals:* All sealed proposals shall be received by the Town Purchasing Agent, or designee by the time and date specified in the RFP. Proposals shall be opened in a manner that avoids disclosing the contents to competing offerors during the evaluation process. The Purchasing Agent, or designee, shall prepare a register of proposals containing the name of each offeror, the number of modifications received, if any, and a description of the item or service offered. The register of proposals may be open for public inspection only after the proposal award.
 4. *Best and final offers:* After proposals are received and opened, the Purchasing Agent, or designee, may conduct discussions with the offerors and allow the offerors to make best and final offers after the discussions. The Purchasing Agent, or designee, shall:
 - a. Ensure that each offeror receives fair and equal treatment;
 - b. Ensure that information in each proposal and gathered in discussions is not shared with other offerors;
 - c. Ensure that auction tactics are not used; and
 - d. Set a time and date for submission of best and final offers.
 5. *Evaluation committee:* The Purchasing Agent, or designee, shall appoint an Evaluation Committee consisting of at least three individuals, one of which shall be the Purchasing Agent, or designee. No member of the Evaluation Committee shall have contact with an offeror for any reason other than conducting the procurement process.
 6. *Scoring:* The Evaluation Committee shall score proposals on all criteria other than cost before having access to information relating to or scoring of the cost of each proposal. The committee shall provide a detail of scores awarded to each offeror to the Purchasing Agent, or designee.
 7. *Recommendation:* The Purchasing Agent, or designee, shall prepare a recommendation for award of the proposal to the Town Manager for review and approval, prior to submittal to the Town Council for final action.
 8. *Award:* The Town Council shall award the proposal to the responsible and responsive offeror with the highest total score.
- F. *Cancellation and rejection of bids or proposals:* An invitation for bids or request for proposals (RFP) or other solicitation may be canceled or any or all bids or proposals may be rejected, in whole or in part, when it is in the best interest of the Town, as determined by the Town Council.
- G. *Contracting for designated professional services:* Notwithstanding any term or provision to the contrary herein, the services of professional consultants (including, but not limited to, architects, engineers,

attorneys, veterinarians, information technology professionals) may be procured pursuant to the provisions outlined in this chapter, or such other manner as is deemed by the Town Council to be fair and reasonable, efficient and in the best interest of the Town. Such procurements are qualification based. Where practicable, requests for such services should be publicly announced. Contracts should be negotiated by the Town based on demonstrated competence, availability under any applicable time constraints, and fair and reasonable prices. The services of architects and engineers shall be procured in accordance with U.C.A. § 10-7-86 as amended.

- H. *Construction projects:* Procurement for construction projects subject to U.C.A. § 11-39-101 *et. seq.* must comply with State bidding requirements.
- I. *Determination of nonresponsiveness of bidder:* Determination of nonresponsiveness of a bidder or offeror shall be made in writing. The failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of nonresponsiveness with respect to the bidder or offeror. Information furnished by a bidder or offeror pursuant to this subsection shall not be disclosed outside of the Purchasing Agent, or designee, without prior written consent by the bidder or offeror.
- J. *Evaluation factors:* The following evaluation factors shall apply to all invitations for bids and requests for proposals:
1. The quality of supplies and/or services offered;
 2. The ability, capacity and skill of the bidder to perform the contract or provide the supplies or service required;
 3. Whether the bidder can perform the contract or provide the supplies promptly, or within the time specified, without delay or interference;
 4. The sufficiency of the bidder's financial resources and the effect thereof on his ability to perform the contract or provide the supplies or services;
 5. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
 6. The quality of the bidder's performance on previous orders or contracts for the Town or others;
 7. Litigation by or against the bidder, either pending or threatened, where claim is made that the bidder provided or furnished materially defective workmanship or materials or failed to substantially comply with bid specifications or contract terms and conditions;
 8. Any previous or existing noncompliance by the bidder with laws and ordinances of the Town relating directly or indirectly to the subject of the contract;
 9. The ability of the bidder to provide future maintenance and service, where such maintenance and service is essential;
 10. Possession or ability to obtain all necessary local and State licenses either at the time of bid or before doing business with the Town, as specified by the contracting agent;
 11. A statement by bidder of all subcontractors the bidder will use who may do or supply ten percent or more of the total contract being awarded, or a willingness to supply such listing of subcontractors at the time of bid award.

(Ord. 2019-04, 6-12-2019; Ord. No. 2022-03 , 3-9-2022)

1-9-7: APPEALS OF SPECIFICATIONS OR AWARD OF BID, CONTRACT OR PROPOSAL:

- A. *Filing; time limit:* Any actual or prospective bidder, offeror or contractor who is aggrieved in connection with the solicitation or award of a bid, contract or proposal may appeal to the Purchasing Agent, or designee. The appeal must be in writing.
- B. *Appeal of specifications:* An appeal regarding the specifications of a solicitation must be submitted in writing, prior to the opening of the bid, and must list the pertinent facts giving rise to the appeal.
- C. *Appeal of award of contract or purchase:* An appeal regarding the award of a bid, contract or proposal must be submitted in writing, within five business days after notice is given of the award of the bid, contract or proposal, and must list the pertinent facts giving rise to the appeal.
- D. *Stay of proceedings:* In the event of a timely appeal, the Town shall not proceed further with the solicitation or with the award of the bid, contract or proposal until the appeal is sustained or rejected as provided for herein, unless an immediate award of the contract is required to protect substantial interests of the Town. Untimely protests will not be considered.
- E. *Decision; appeal to Town Council:* The Purchasing Agent, or designee, shall issue a written decision regarding any appeal, if the appeal is not settled by mutual agreement. The decision shall state the reasons for the action taken and inform the protester, contractor or prospective contractor of the right to appeal to the Town Council.
- F. *Final appeal:* The decision of the Purchasing Agent, or designee, may be appealed to the Town Council by submitting a written appeal to the Town within five business days of the decision issued by the Purchasing Agent, or designee. The decision of the Town Council is final.

(Ord. 2019-04, 6-12-2019; Ord. No. 2022-03 , 3-9-2022)

1-9-8: SPECIFICATIONS:

- A. The ~~ordering~~ **Ordering** Department shall be responsible for developing complete, accurate, and understandable specifications for the item or service being bid.
- B. Specifications shall be in a format acceptable to the Town Purchasing Agent, or designee, and shall comply with all requirements of any applicable Town, State, or Federal contract and procurement policies and regulations, including, but not limited to, bond and insurance requirements.
- C. The Town Council, Town Manager, Purchasing Agent, or designee may authorize the Town Engineer, Town Attorney or other individuals or entities as appropriate to prepare specifications for the Town's use in making procurements, provided there is no substantial conflict of interest involved.
- D. All specifications shall seek to promote overall economy and best use for the purpose intended and encourage competition in satisfying the Town's needs, and shall not be unduly restrictive. Where practical and reasonable and within the scope of this chapter, local products shall be given preference.

(Ord. 2019-04, 6-12-2019; Ord. No. 2022-03 , 3-9-2022)

1-9-9: CONTRACTS:

- A. *Contract requirements:* With the exception of small purchases, all contracts between the Town and a person or entity providing supplies or services shall be in writing, and approved by department directors, the Town Manager, Purchasing Agent, or the Town Council as authorized herein. Contracts approved by the Town Council shall be signed by the Mayor and attested by the Town Clerk.

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- B. *Exclusive and nonexclusive contracts:* Exclusive and nonexclusive contracts may be awarded by the Town. Unless a contract specifically states it is exclusive, it shall be deemed to be nonexclusive. "Nonexclusive" means that the Town may award multiple contracts to more than one contractor for similar supplies or services, as it deems appropriate.
- C. *Period of time for contracts:*
1. *Terms included:* A contract for supplies and services may be entered into for any period of time deemed to be in the best interest of the Town; provided, that the term of any contract and the conditions of renewal or extension, if any, are included in the solicitation.
 2. *Pay and performance obligations:* Pay and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriations of funds by the Town Council.
- D. *Prohibited contracts:*
1. "Open ended" (starting date only) contracts and "evergreen" (automatically renewed) contracts, are prohibited, unless it is subject to a written provision authorizing the Town to cancel without penalty or charge on a not greater than 30 calendar days' notice.
 2. Cost plus percentage of cost contracts are prohibited.
- E. *Modification of contracts/change orders:* Contracts (including purchase order/requisition requests) may be amended, modified, or supplemented only by written amendment to the contract, executed by the parties to the contract.
- F. *Cost reimbursement contracts:* A cost reimbursement contract may be used only when a determination is made in writing that such contract is likely to be less costly to the Town than any other type or that it is impracticable to obtain the supplies, services or construction required except under such a contract.
- G. *Required contract clauses:* Required contract clauses are as follows:
1. The unilateral right of the Town to order, in writing, changes in the work within the scope of the contract and changes in the time of performance of the contract that do not alter the scope of the contract work.
 2. Variations occurring between estimated quantities of work in a contract and actual quantities.
 3. Suspension of work ordered by the Town.
 4. Warranties of title and quality of construction; timely correction of defects.
 5. Compliance with local, State, and Federal laws applicable to contract.
 6. Indemnification of Town by contractor for contractor's negligence, inclusive of contractor's agents, assigns, and subcontractors, while engaged in the performance of the contract and resulting damage or injury to persons or property.
 7. Contractor assumes risk of loss until completion and final acceptance of contract or service by Town.
 8. Venue and jurisdiction; governing law; and attorney fees awarded to prevailing party in any dispute to interpret or enforce the terms of the contract.
 9. All other contract clauses as the Town Attorney may deem appropriate for the particular procurement.
- H. *Review of contracts by Town Attorney:* All procurements utilizing a request for proposal or an invitation to bid shall be reviewed and approved as to form by the Town Attorney.

(Ord. 2019-04, 6-12-2019; Ord. No. 2022-03 , 3-9-2022)

1-9-10: PAYMENT OF PURCHASE ORDER REQUISITION REQUESTS, INVOICES, ACCOUNTS PAYABLE:

- A. *Prepared weekly:* Payment shall be prepared weekly for all purchase order requisition requests, contract payments, or invoices prepared in accordance with this chapter.
- B. *Payment to payee:* Payment shall be made directly to the payee shown on the purchase order requisition request, contract payment, or invoice.
- C. *Check payments:* Check payments may be issued only upon full conformity of the requirements of this chapter and following appropriate signatures (two required) on each check.

(Ord. 2019-04, 6-12-2019; Ord. No. 2022-03, 3-9-2022)

1-9-11: ETHICS:

- A. *Personal investment:* No person involved in making procurement decisions may have personal investments in any business entity that will create a substantial conflict between their private interests and their public duties.
- B. *Items of value used to influence award of contract:* It shall be unlawful for any employee of the Town (or family member of an employee) to ask for or receive; or for a supplier, provider, or contractor to offer; a gratuity, gift, reward, or anything of value, to any employee of the Town (or family member of an employee) which could be reasonably intended to influence the award of any contract or purchase order requisition request; or otherwise violate State or Town conflict of interest laws.
- C. *Gifts permitted; conditions:* Reasonableness shall be interpreted conservatively, and may be additionally defined or limited by the Mayor, Town Council, or Town Manager, as occasions warrant. Seasonal gifts offered to general Town staff and not intended for exclusive personal use, are acceptable if not in violation of the Town Conflict of Interest Ordinance. Other minor gifts, including business meals, may be acceptable if they otherwise comply with this Code, but in no case shall such gifts exceed \$50.00 in value in any fiscal year. Any such gift shall be reported by the employee within five working days to the supervising department director and the Town Manager.

(Ord. 2019-04, 6-12-2019; Ord. No. 2022-03, 3-9-2022)

1-9-12: PROHIBITED ACTIVITIES, PENALTIES:

- A. *Conflicts of interest:* No member of the Town Council or Town employee may be interested directly or indirectly in any contract entered into by the Town. A violation of this provision shall be cause for removal or other disciplinary action; provided, however, that no violation shall be deemed to have occurred if the interested member of the Town Council or employee declares, prior to awarding of any contract, their interest and the potential for conflict of interest.
- B. *Collusion among bidders:* Any agreement or collusion among bidders or prospective bidders, in restraint of freedom of competition by agreement to bid a fixed price or otherwise, shall render the bids of such bidders void.
- C. *Bid disclosure:* It is unlawful for any elected official, officer or employee to disclose, in advance of the opening of the bids, the content of any bid invited through the formal competitive bidding process.

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- D. *Benefit from active participation:* It is unlawful for any elected official, officer or employee to actively participate in the awarding of the contract from which the elected official will directly benefit, without fully disclosing any interest the elected official has therein.
 - E. *Purchases in violation:* Any employee or official of the Town who purchases goods or services in violation of the procedures set forth in this chapter may be subject to penalties up to and including possible termination or removal from office.
 - F. *Waiver:* The Town Council shall have the right to waive any or all of the requirements of this chapter it deems necessary or in the best interests of the Town. Waiver shall be deemed to have occurred either implicitly or explicitly through action of the Town Council in public meeting whether taken before or after the expenditure has occurred.

(Ord. 2019-04, 6-12-2019; Ord. No. 2022-03 , 3-9-2022)

1-9-13: SURPLUS PROPERTY:

- A. *Authority:* The Town may, from time to time, dispose of real and/or personal property that it has previously acquired for Town use. Such property may include, but not be limited to, property which no longer functions properly, is dilapidated, requires frequent or costly maintenance or repairs, is outmoded or outdated, and/or is no longer needed or desired for Town use.
- B. *Notifications:* Whenever Town property meets conditions outlined in subsection A. of this section, the department director having control of such property shall notify the Town Manager. The Town Manager shall notify other Town departments of the availability of such property and if requested, shall transfer such property to the department requesting the property. If the property is not requested by any department, the property may be disposed of in accordance with this section.
- C. *Property permitted for disposal:* When necessary, the Town Manager, or the Town Manager's designee, shall prepare and present to the Town Council a listing of all Town owned property to be declared surplus. After the Town Council has declared by resolution the property to be surplus, the Town may, at its option and discretion, proceed to sell or exchange the property by offering the same for sale or exchange to the public, to one or more specific persons or governmental, educational, religious, public, or private entities.
- D. *Declaration of ~~surplus~~ surplus required:* No Town owned property, except such items as are consumed in their use for official Town business, may be disposed of or released to ownership unless such property is first declared surplus by the Town Council and then disposed or released in accordance with subsection E. of this section.
- E. *Property disposal requirements:* Except as provided for in this section, any proposed sale or exchange shall be:
 - 1. Open to public bidding or offer, or by sealed bid or offer;
 - 2. On terms that are deemed by the Town Council to be in the best interests of the Town, including, but not limited to, terms that are financially advantageous to the Town and its residents; and
 - 3. Consistent with any criteria established by the Town Council for such sale and/or exchange.
- F. *Property disposal to specific persons or entities:* In the case of a proposed sale and/or exchange that is limited solely to a sale and/or exchange with one or more specific persons or governmental, educational, religious, or public or private entities, such proposed sale and/or exchange need not be open to public bidding or offer. However, the Town Council shall, by resolution, condition the declaration of surplus property on the closing of the proposed sale and/or exchange of property; limit the proposed sale and/or exchange of property to the identified one or more persons or governmental, corporate, educational, religious or public entities;

require that such sale and/or exchange be on terms that are fair and equitable to the Town; and require that the sale and/or exchange be in furtherance of a significant public interest, and determine and identify therein what that significant public interest is or may be.

- G. *Unsold property*: If the surplus item is subjected to sale by bidding, offer or sealed bid, and remains unsold, the Town Manager may sell the surplus item to any person for such price as the Town Manager deems appropriate or may dispose of the item as the Town Manager shall direct.
- H. *Fund credited*: Monetary proceeds from the sale or other disposition of items pursuant to this section shall be credited to the department having control of the surplus property.

(Ord. 2019-04, 6-12-2019; Ord. No. 2022-03 , 3-9-2022)

CHAPTER 10 RECORDS ACCESS AND MANAGEMENT

1-10-1: ADOPTION OF STATE STANDARDS:

Except as otherwise provided in this chapter, the Town does hereby adopt all relevant provisions of the Government Records Access and Management Act (GRAMA), U.C.A. § 63G-2-101 et seq., as the same may be amended from time to time. Town records shall be classified and managed pursuant to the standards set out in the act.

(Ord. 2014-04, 4-9-2014; Ord. No. 2022-03 , 3-9-2022)

1-10-2: FEES:

The town shall establish by resolution reasonable fees for the cost of duplicating requested records.

(2001 Code; Ord. No. 2022-03 , 3-9-2022)

1-10-3: RETENTION:

Retention of Town records shall be in accordance with the municipal general schedule, as it may be amended from time to time, as prepared by the Utah Department of Administrative Services, Division of Archives, and Record Service (state archives); however, the Town reserves the right to maintain any or all of its records beyond the time limits set out in the municipal general schedule.

(Ord. 2014-04, 4-9-2014; Ord. No. 2022-03 , 3-9-2022)

1-10-4: APPEALS; CHIEF ADMINISTRATIVE OFFICER:

The Town will follow the appeals process as outlined in GRAMA. The Town manager or manager's designee will serve as the Chief Administrative Officer referred to in any section of GRAMA.

(Ord. 2014-04, 4-9-2014; Ord. No. 2022-03 , 3-9-2022)

Title 2

BOARDS AND COMMISSIONS⁸

Title 3

BUSINESS AND LICENSE REGULATIONS

CHAPTER 1 GENERAL LICENSE PROVISIONS

3-1-1: DEFINITIONS:

As used in this chapter:

Application: Includes an original application and an application for a renewal of a license or permit.

Business: Means and includes all activities engaged in within this Town carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically provided.

Each separate place of business: Each separate establishment or place of operation, whether or not operating under the same name, within the Town, including a home or other place of residence, if the same is held out by advertisements, listings or otherwise as part of the business establishment or place of operation, of a person engaging in the business of selling tangible, personal property at either retail or wholesale, or both, in the Town.

Employee: Operator, owner, or manager of a place of business and any persons employed by such person in the operation of that place of business, in any capacity, and also any salesman, agent engaged in the operation of that place of business, in any capacity.

Engage in business: Includes, but is not limited to, transacting, engaging in, or carrying on any business, trade, profession, or calling, the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property, soliciting patronage for the business (actively or passively), performing or attempting to perform any part of such business in the Town, and the rendering of personal services for others for a consideration by a person, firm or corporation engaged in any profession, trade, craft, business, occupation or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.

License or permit: Includes a renewal of a license or permit. Also, "license" includes a permit unless the context clearly requires otherwise.

Local social and welfare activities: Local based charitable and social welfare events whose activity is open to the public for the primary purpose of serving the local community. Examples include, but are not limited to: Zion

⁸Note(s)—For provisions regarding commissions relating to zoning, see Title 10 of this Code.

For provisions regarding the secondary water advisory board, see section 8-2-2 of this Code.

Canyon Visitor's Bureau, local churches, Z-Arts!, Boy Scouts, Girl Scouts, YAZ, and community health and education courses.

Peddler: One who sells food, goods, wares, services or commodities from place to place, without an appointment or invitation to the place of solicitation, and makes delivery of the product at the time to conduct or promises delivery at a future date. The time of collection of payment is immaterial. The term "peddler" includes all activities described as solicitation of sales or services door to door. This type of business is prohibited in Springdale Town unless the sales are done by an approved civic organization.

Person: Any individual, corporation, limited liability company, general or limited partnership, joint venture, business trust, receiver, assignee for the benefit of creditors, trustee in bankruptcy, trust, estate, foundation, association, or any other form of organization, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise.

Responsible party: The individual designated on the license application as the authorized contact person to receive all communication from the Town related to the business license, including but not limited to the application, renewal, denial, or revocation.

(Ord. 2018-07, 4-11-2018)

3-1-2: NOTICES:

The Town may send communications related to a license or application by mail, or fax or email. A notice is deemed received by the applicant or licensee if it is sent to the responsible party at the address, fax, or email indicated in the most recent application on file. A mailed communication is deemed received by the responsible party three days after mailing, and an emailed or faxed communication is deemed received by the responsible party upon transmission.

(Ord. 2018-07, 4-11-2018)

3-1-3: LICENSE ASSESSOR AND COLLECTOR:

The Town Clerk or Deputy Clerk is designated and appointed as ex officio assessor of license fees for this Town. On receipt of any application of a license, the Town Clerk shall collect all license fees based upon the rate established by resolution. The Town Clerk or Deputy Clerk shall enforce all provisions of this title, and all other applicable ordinances and regulations, shall cause to be filed complaints against all persons violating any of the provisions of this title, and shall maintain a suitable index containing the names and addresses of all licensees of each class.

(Ord. 2018-07, 4-11-2018)

3-1-4: LICENSE REQUIRED:

Except as specifically provided otherwise in this chapter, it is a Class B misdemeanor for any person to engage in business in the Town without first receiving the proper classification of business license required by the Town.

(Ord. 2018-07, 4-11-2018)

3-1-5: APPLICATION FOR NEW LICENSE:

- A. *Information required:* To apply for a business license, a person must submit a complete application to the Town Clerk or Deputy Clerk. An application is complete only if it includes all required documentation and information, all signatures of persons appearing on the application as principals of the business entity, proof of fire inspection with a passing score, and required fees. An incomplete application will not be accepted or processed and will be returned to the applicant. The Town will process a complete application when it is received.
- B. *Additional information:*
1. *Food:* If the business application indicates an intent to serve food, the application must include a copy of the applicant's current food permit certificate issued by the Southwest Utah District Board of Health, Division of Environmental Health. The application must also state whether there is a grease trap at the business, the location of the grease trap, and date of its last service/cleaning. The application must also state the square footage of the dining area in the restaurant.
 2. *Other documentation:* An applicant must also submit the following documentation upon request:
 - a. Proof of liability insurance.
 - b. Proof of professional State licensure.
 - c. Copy of commercial driver's license.
 - d. Proof of automobile insurance.
- C. *False information; violation:* It is a violation of this chapter for any person to knowingly file a business license application or related documents containing false information or for any person to knowingly provide any false statement of information to any authorized official investigating any matter.
- D. *Different classifications of businesses:*
1. There are three classifications of businesses, which are commercial, mobile, and home based. Applicants with two or more businesses of the same classification and business name under the same roof, but which are of distinctly different types, i.e., food service, retail, lodging, etc., will be licensed together and pay an enhanced fee as set by the Council by resolution from time to time. Businesses operated by the same owner or different owners under the same roof but under different business names, or in different locations must obtain a separate license and pay a separate fee for each such business name or location.

(Ord. 2018-07, 4-11-2018; Ord. No. 2024-06, 3-13-2024)

3-1-6: ANNUAL BUSINESS LICENSE RENEWAL PROCESS:

- A. *Renewal:* To renew a business license, a person must file with the Town Clerk or Deputy Clerk a complete renewal form with all required documentation and fees. A renewal application is considered complete if it contains all of the requested documentation and information, all signatures of persons appearing on the application as principals of the business entity, proof of annual fire inspection with a passing score, and required fees. An incomplete renewal application will not be accepted and will be returned to the applicant. Processing will begin only when the renewal form has been fully completed and the required documentation and fees have been submitted.

- B. *Due date:* A complete renewal application is due on or before the license expiration date of June 30 each year. A penalty may be imposed under section 3-1-8 of this chapter for any late payment of a renewal fee. If after July 15 the Town has not received a complete application with any accrued late payment fees, the Town will issue a notice of violation due to expired license.
- C. *Expired license:* A person who receives a notice of violation due to expired license will have ten business days after the date of receipt of the notice to submit a complete renewal application. If a person receives a notice of violation and submits a complete renewal application within ten business days, and the Town issues a renewal, then the person is not guilty of any violation under section 3-1-4 of this chapter for engaging in business from the time of the expiration until the time of the renewal. If a person receives a notice of violation and does not submit a complete renewal application within ten business days of receipt of the notice, then the license expires automatically at the end of the ten business days specified in the notice.

(Ord. 2018-07, 4-11-2018; Ord. No. 2024-02, 2-14-2024)

3-1-7: FEE FOR LICENSE; EXEMPTIONS:

- A. *Set by resolution:* The business license fees for each classification of business shall be set by resolution from time to time by the Town Council, based on a periodical review of the relevant costs.
- B. *Exemptions to license and fee:* No license or fee is required for:
 - 1. Any enterprise not maintaining a place of business within this Town unless the business substantially advertises itself as operating from or being located in Springdale.
 - 2. Organizations recognized under Title 26, Section 501(c)(3) of the United States Internal Revenue Code or any successor law, rule or regulation, provided persons representing the Organization Act with the knowledge of the organization, and provided that persons representing the organization have identification establishing their connection with the organization on their person. Such identification may include, but is not limited to, uniforms and preprinted nametags.
 - 3. Persons who represent a fixed place of business located outside of the Town who regularly make deliveries, for the purposes of completing sales or fulfilling orders over an established route, or obtaining additional customers for regular deliveries. An example would be newspaper deliveries.
 - 4. Any vehicle that is merely passing through the Town and is used exclusively in intercity or interstate commerce.
 - 5. a. Yard sales or garage sales of household goods held on residential property. Such sales shall operate not more than three consecutive days, or any more than a total of 12 days in any 12-month period.
 - b. A business that is operated only occasionally and by an individual who is under 18 years of age.
 - 6. Any person whose only business activity in this Town is the mere delivery in the Town of property sold by that person at a regular place of business maintained by that person outside the Town (such as a furniture store outside Springdale) where:
 - a. Such person's business is at the time of such delivery licensed by the state, municipality or county in which such place of business is situated;
 - b. The authority licensing such business grants to licensees of Springdale Town making deliveries within its jurisdiction the same privileges, upon substantially the same terms, as are granted by this subsection;

- c. Neither the property delivered nor any of the facilities by which it was manufactured, produced or processed are subject to inspection by authority of Springdale Town for compliance with health or sanitary standards prescribed by Springdale; and
 - d. The truck or other conveyance by which such delivery is made prominently displays at all times a license plate or symbol used by the said licensing authority to evidence such business license. Such plate or symbol shall identify the licensing authority by which it is issued, shall indicate that it evidences a license issued thereby, and shall specify the year or term for which it is effective.
7. Local social and welfare activities.
- C. *Home-based business:* A license fee is not required for a license to operate a home-based business unless the combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone. To claim this exemption, an applicant must affirm on the business license application that the business will have no material offsite impact in addition to the impacts of the primary residential use.
- D. *Fees not refunded:* No license fee or any part of it will be refunded for any reason once a license application has been processed by the Town.

(Ord. 2018-07, 4-11-2018)

3-1-8: PENALTY FOR LATE PAYMENT:

If any license fee provided for in this title is not paid within 15 calendar days of the due date, it is delinquent, and a late payment penalty in an amount established by resolution of the Town Council will be added to the original amount thereof. No license may be issued to a person until all penalties assessed to the person have been paid in full.

(Ord. 2018-07, 4-11-2018)

3-1-9: LICENSE APPLICATIONS PUBLIC RECORDS EXCEPTIONS:

License applications are public records except for specific items of data that the licensee designates as proprietary information, or that the Town Clerk or Deputy Clerk designates or classifies as private, controlled, or protected data consistent with the provisions of the Government Records Access and Management Act, U.C.A. § 63G-2-101 et seq., or other applicable laws.

(Ord. 2018-07, 4-11-2018)

3-1-10: COMPLIANCE WITH BUILDING AND ZONING REQUIREMENTS:

An application for a business license may be denied if the business is not in compliance with all Building, Zoning, and Development Codes (in titles 9 and 10 of this Code).

(Ord. 2018-07, 4-11-2018)

3-1-11: EMERGENCY SUSPENSION:

A license issued under this chapter may be suspended by the Town without prior hearing if there is probable cause to believe that violations of this chapter or State law are occurring, and the violations present a threat to the public health and safety. Written notice of a temporary suspension and of a hearing date before the Town Council on the suspension will be served on the licensee if the licensee fails to remedy the violation within one hour of notification by the Town that a suspension will occur if the conditions complained of are not remedied in a manner that eliminates the threat to public health and safety.

The hearing before the Town Council on the emergency suspension is mandatory and will be set as soon as possible, but in no event will the hearing occur more than ten business days after the suspension. If no hearing occurs within ten business days, unless the delay is at the request of the licensee, the suspension will be lifted. At the hearing, the Town Council may lift the suspension, revoke the license, or grant a conditional license. If the licensee fails to appear at the hearing, the license shall be revoked.

(Ord. 2018-07, 4-11-2018)

3-1-12: DENIAL OR REVOCATION OF A LICENSE; APPEALS:

- A. *Revocation or denial:* The Town Council may, of its own accord or upon the recommendation of the Town Clerk or Deputy Clerk, revoke an existing license or deny a license renewal application in accordance with this section if the applicant, or any partner, officer, director or employee of the applicant as applicable:
1. Has obtained or sought to obtain or to aid another in obtaining a license from the Town or another governmental entity in the previous three years by means of misrepresentation, fraud or deceit, including the filing of false information as part of the license application;
 2. Within the previous ten years has violated the law of the State, the United States government, the ordinances of the Town, or the rules and regulations of any Town or Utah State agency governing the operation of the relevant business subject to the license;
 3. Has failed to comply with conditions and requirements of this Code or any ordinance or requirement of the Town after notice of the violation and the passage of a reasonable time for compliance;
 4. Has allowed or is responsible for unlawful activities conducted or permitted on the premises where the business is conducted;
 5. Refuses to permit authorized officials to make a lawful inspection of the premises or to take a sample of a commodity or material, or has interfered with such authorized official while in the performance of his or her duty in making such inspection; or
 6. Conducts business or operations in a manner that creates a nuisance or otherwise violates any local, State or Federal law.
- B. *Notice; hearing:*
1. To revoke a license or deny an application to renew a business license, the Town will provide the licensee or applicant with a notice of pending denial or revocation that will state in substance that the Town Council intends to revoke the business license or deny the application to renew, together with the reason or reasons therefor, and that the applicant/licensee may request a hearing on the revocation/denial. A request for hearing under this section must be made within ten business days from the receipt of the notice. If a request for hearing is not made in accordance with this section, then

the license or application may be revoked or denied by the Town Council without a hearing. If a licensee submits a timely request for hearing, the license continues to be valid until the Town holds a hearing and issues a written decision denying the license. If a timely request for hearing is submitted, the licensee or applicant has a right to appear, to be represented by counsel, to hear the evidence against the licensee or applicant, to cross examine witnesses and to present evidence as to why the license should not be revoked or the application denied.

2. Subsection B.1. of this section does not apply to applications for licenses for businesses which have not previously been licensed by the Town. The Town Clerk may deny such an application by providing written notice of the denial and the reasons for the denial, and notice of the right to request a hearing before the Town Council within ten business days to address the denial.
 3. Upon receipt of a timely request for hearing by an applicant/licensee, the Town Council shall set a hearing date as soon as is reasonably practical, and shall provide written notice to the person requesting the hearing of the time and place the hearing is to be held, and the manner in which the hearing will be conducted. The Town Council will set by resolution fees to cover the costs associated with the hearing process.
 4. Within ten business days of the date of any hearing on license revocation, suspension or denial, the Town Council shall issue a written decision to dismiss the notice, to deny a license application, to revoke a business license, or to grant a conditional license for a specified period of time, in which case a review hearing shall be scheduled at the end of that specified time to review whether the conditions have been complied with and whether the license should be granted or denied.
 5. If a licensee/applicant fails to make a timely request for a hearing, or fails to appear at a scheduled hearing, the Town Council may deny an application or revoke a license without a hearing.
- C. *Operation unlawful:* If at any time a license is suspended or revoked, or application for renewal is denied under the provisions of this chapter, it shall be unlawful for any person to engage in or carry on or operate any business, or to use or permit to be operated or used any property for any business with respect to which the license has been suspended or revoked, or renewal has been denied, until a new license is granted by the Town Council.

(Ord. 2018-07, 4-11-2018)

3-1-13: LICENSE PROVISIONS:

- A. *Information contained on license:* All licenses will be signed by the Mayor, attested by the Town Clerk or Deputy Clerk, and will contain the following information:
1. The name of the individual, corporation or partnership to which the license has been issued.
 2. The amount paid.
 3. The classification of the license and the type(s) of business, i.e., retail, lodging, service, etc.
 4. The term of the license with the commencing date and the date of its expiration. All licenses expire on June 30.
 5. The physical address where such business, calling, trade or profession is to be conducted.
- B. *Display of license:* Every license issued under this title shall be posted by the licensee in a conspicuous place. If a license expires or has been revoked, the licensee must remove it. If the licensee's business is such that a

license cannot be displayed due to the mobile nature of the business, then the licensee shall carry a copy of the license on his person.

- C. *Transferability*: A license granted or issued under any ordinance of this Town must not be assigned or transferred to any other person. Any attempted assignment or transfer is void. A license shall not be deemed to authorize any person other than the person therein named to do business or to authorize the licensee to perform any other business, calling, trade or profession than is therein named unless by permission of the Town Council.
- D. *Branch establishments*: A separate license must be obtained for each separate place of business, branch establishment or location of any business within the Town as if such branch establishment or location were a separate business. For purposes of clarification, if one business operates under a separate roof from a business operated by the same licensee, it is deemed a separate business, except that motels may have more than one building related to lodging. Each license shall authorize the licensee to engage only in the business licensed thereby. Warehouses and distributing places used in connection with a business licensed under this section shall not be deemed a separate location.

(Ord. 2018-07, 4-11-2018)

3-1-14: COMPLAINTS AND VIOLATIONS:

The Town Clerk or Deputy Clerk, in conjunction with the Police Department and other authorized officials, is authorized to issue notices under this chapter, or to direct police to issue citations for the violation of any of the provisions of the license ordinances.

(Ord. 2018-07, 4-11-2018)

3-1-15: PROHIBITED BUSINESSES:

Peddlers, itinerant sales, door to door sales, and sales from temporary booths, vehicles or any other type of temporary structure are expressly prohibited in the Town of Springdale, except in conjunction with a mobile business authorized under section 10-22-11 or a temporary use permit as authorized under section 10-22-4 of this Code. Section 10-22-3 of this Code identifies other uses for which a business license cannot be issued.

(Ord. 2018-07, 4-11-2018; Ord. No. 2024-06, 3-13-2024)

3-1-16: UNLAWFUL USES OF CERTIFICATES:

It is unlawful to counterfeit a license certificate, or to deface or mutilate an active license certificate or to remove it or attempt to remove it from a required location, or to use, or permit the same to be used, at any place other than that designated on the license, or for any licensee to maintain or place or to permit the license to be placed in any place of business after that business has been declared to be unlawful or the license has been revoked or its renewal denied.

(Ord. 2018-07, 4-11-2018)

3-1-17: PENALTY:

Any person violating any provision of this chapter is guilty of a Class B misdemeanor and shall be subject to fines and punishment as provided in section 1-4-1 of this Code.

(Ord. 2018-07, 4-11-2018)

CHAPTER 2 BEER LICENSING REGULATIONS⁹

3-2-1: POLICY:

It is the policy of the Town of Springdale to permit the operation of establishments serving alcoholic beverages in a manner consistent with the provisions of the Alcoholic Beverage Control Act, U.C.A. Title 32B, and related provisions of state law. It is also the policy of Town of Springdale to place the primary responsibility for maintaining order and preventing breaches of the peace within establishments selling and serving alcoholic beverages on the owners and managers of those establishments.

(Ord. 2012-09, 7-11-2012)

3-2-2: DEFINITIONS:

The words and phrases used in this chapter shall have the meanings specified in all chapters of the Utah Alcoholic Beverage Control Act, U.C.A. Title 32B, unless a different meaning is clearly evident. The following terms do not have a corresponding definition in the state code:

Microbrewery: A restaurant that also has a beer brewery on the same property, producing beer in batch sizes not less than seven U.S. barrels (31 gallons per barrel). At least 50 percent of the beer on sale shall be brewed on the premises. Revenue from food sales shall constitute at least 50 percent of the total business revenues, excluding retail carryout sale and wholesale of beer. Pursuant to section 10-2-2 of this Code, microbreweries located within the Town are limited to a total brewing capacity of 2,500 barrels per year.

(Ord. 2012-09, 7-11-2012)

3-2-3: COMPATIBILITY WITH STATE LAW:

This chapter contains summaries of various license types which are governed in accordance with U.C.A. Title 32B. This chapter governs the issuance of retail licenses for the sale of beer only. All liquor sales shall be governed in accordance with U.C.A. Title 32B. Applicants are recommended to consult the rules and regulations set forth in U.C.A. Title 32B prior to applying for a license from the Town. If any provision of this chapter conflicts with the regulations set forth in U.C.A. Title 32B, the rules specifically set forth in U.C.A. Title 32B shall govern.

(Ord. 2012-09, 7-11-2012)

⁹Cross reference(s)—See also section 7-6-13 of this Code for provisions regarding alcoholic beverages in park and recreation areas.

3-2-4: LICENSE REQUIRED:

- A. *License required; fees:* It shall be unlawful for any person to engage in the business of selling beer without first having procured a license ~~therefor~~therefore from the Town and paid the license fee required. All licensees shall comply with the Utah Alcoholic Beverage Control Act and the regulations of the Utah Alcoholic Beverage ~~Services~~Control Commission.
- B. *Sales after revocation:* It shall be unlawful for any person to sell beer after a license issued pursuant to this section has been revoked.
- C. *Separate license; display:* A separate license shall be required for each place of sale, unless the license is for an on premises beer retail license or beer only restaurant license and each retail beer dispensing location is in the same building or on the same resort premises owned or operated by the same person with each dispensing location being operated in the same manner. The license shall be conspicuously displayed on the premises at all times.
- D. *License not transferable:* Licenses issued pursuant to this chapter shall not be transferable from the original licensee to any other person, partnership, and corporation of any other entity, unless the state license has been successfully transferred pursuant to U.C.A. Title 32B, Chapter ~~18a, Transfer of Retail License Act~~Change of Alcohol License or Location Act, as amended.
- E. *Corresponding state alcoholic beverage license required:* An on premises beer retailer license is issued by the Town only in conjunction with a state alcoholic beverage license. If the state license is not in effect due to suspension, revocation or any other reason, the Town license shall immediately become invalid. Upon presentation of written proof that the state has reinstated the license, the Town license may be reinstated.

(Ord. 2012-09, 7-11- 2012)

3-2-5: CLASSIFICATIONS, PRIVILEGES, REGULATIONS:

Retail licenses issued hereunder shall be of the following kinds and shall carry the following privileges:

- A. *Class 1 - Off premises beer retail license:* An off premises beer retail license issued hereunder shall entitle the licensee to sell beer on the premises in original containers for consumption off the licensee's premises. An off premises beer retail license does not require a state license but is subject to the regulations contained in U.C.A. Title 32B, Chapter 7, Off Premises Beer Retailer Act, and the employee ID and training requirements of section 3-2-13 of this chapter, as amended. A minor may only sell beer on the premises of an off premises beer retailer licensee if the sale is done under the supervision of a person 21 years of age or older who is on the licensed premises and the minor is at least 16 years old. Beer may be sold in sealed, original containers that do not exceed two liters. There are no time limitations on the sale of beer for off premises consumption if the beer is sold under a class 1 license. Beer displayed for sale by an off premises beer licensee must be visibly separate and distinct from the nonalcoholic beverages displayed on the premises. A prominent, easily readable display sign which states: "These beverages contain alcohol. Please read the label carefully." must be placed on the premises in the area where the beer is displayed. The type font on the display sign must be at least 0.5 inches, bold font.

An off premises beer retailer licensee must make and maintain a record of each current staff member's unique identification badge assigned by the off premises retailer. The record shall include the staff member's full name, address, driver's license number or similar ID number, and training information.

The record must be made available for inspection by the police department. The Town may impose a fine of \$250.00 against an off premises beer retail licensee that does not comply with this section.

- B. *Class 2 - On premises beer retail license:* Class 2 retail licenses shall entitle the licensee to sell beer in the original containers on the premises for consumption on the premises. The following licenses can only be issued in conjunction with one or more of the corresponding state licenses and are, by reference, subject to the general regulations contained in U.C.A. Title 32B, Chapter 5, Retail License Act and Chapter 6, Specific Retail License Act, as amended (applicable chapters are enumerated with each license type):

1. *On premises restaurant - Full Service:* (U.C.A. § 32B-5-101 et seq.; U.C.A. § 32B-6-201 et seq., as amended)

An on premises restaurant full service license shall entitle the licensee to serve, sell and store all types of alcoholic beverages on the premises in conjunction with food service. Patrons may only purchase alcoholic beverages in connection with an order for food which is prepared, sold and served at the restaurant. Each full service on premises restaurant shall maintain at least 70 percent of its total restaurant business from the sale of food. Beer in original, sealed containers may be sold for off premises consumption so long as the menu price for each beer is charged to the customer and the customer has been served a meal in the restaurant. At the licensee's discretion, patrons may bring in unopened wine. Bottled liquor may not be brought in or taken out. Unfinished wine may be removed from a restaurant by a dining patron only if the bottle is recorked or recapped. Liquor may be sold on any day from 11:30 a.m. until 12:00 midnight. Beer may be sold on any day between the hours of 11:30 a.m. and 1:00 a.m.

2. *On premises restaurant - Limited:* (U.C.A. § 32B-5-101 et seq.; U.C.A. § 32B-6-301 et seq., as amended)

An on premises restaurant limited license shall entitle the licensee to serve, sell and store wine, heavy beer and beer on the premises in conjunction with food service. Notwithstanding, a limited service restaurant licensee may not sell, offer for sale, or allow consumption of spirituous liquor or flavored malt beverages except as flavoring on a dessert and in preparation of a flaming food dish, drink, or dessert. Patrons may only purchase alcoholic beverages in connection with an order for food which is prepared, sold and served at the restaurant. Beer in original, sealed containers may be sold for off premises consumption so long as the menu price for each beer is charged to the customer and the customer has been served a meal in the restaurant. At the licensee's discretion, patrons may bring in unopened wine. Unfinished wine may be removed from a restaurant by a dining patron only if the bottle is recorked or recapped. Each limited on premises restaurant shall maintain at least 70 percent of its total restaurant business from the sale of food. Wine and heavy beer may be sold on any day from 11:30 a.m. until 12:00 midnight. Beer may be sold on any day between the hours of 11:30 a.m. and 1:00 a.m.

3. *On premises restaurant - Beer only:* (U.C.A. § 32B-5-101 et seq.; U.C.A. § 32B-6-701 et seq.; U.C.A. § 32B-6-901 et seq., as amended)

An on premises restaurant beer only license allows the storage, sale, service and consumption of beer on the premises of the restaurant in conjunction with food service. Patrons may only purchase beer in connection with an order for food which is prepared, sold and served at the restaurant. Liquor may not be stored or sold on the premises except for use as flavoring for a dessert and in the preparation of a flaming food dish, drink or dessert. Beer in original, sealed containers may be sold for off premises consumption so long as the menu price for each beer is charged to the customer and the customer has been served a meal in the restaurant. Each beer only on premises restaurant shall maintain at least 70

percent of its total restaurant business from the sale of food. Beer may be sold on any day from 11:30 a.m. until 1:00 a.m.

4. *On premises beer - Tavern:* (U.C.A. § 32B-5-101 et seq.; U.C.A. § 32B-6-701 et seq., as amended)

An on premises beer tavern license is required for any business establishment designated as a tavern by the alcoholic beverage control commission. A tavern may sell beer to public patrons for consumption on nonrestaurant premises. It is not necessary for a tavern to serve food in conjunction with beer. Liquor may not be stored or sold on a tavern's premises. Minors may not be allowed on the premises of a tavern. Beer may be sold on any day between the hours of 10:00 a.m. until 1:00 a.m. Taverns shall remain open for one hour after the tavern ceases the sale and furnishing of beer during which time a patron may finish consuming a single serving of beer not exceeding 26 ounces. Notwithstanding, a tavern need not remain open after all patrons have vacated the premises.

5. *On premises beer - Recreational:* (U.C.A. § 32B-5-101 et seq.; U.C.A. § 32B-6-701 et seq., as amended)

An on premises beer recreational license allows the sale of beer for on premises consumption at a "recreational amenity" establishment. A "recreational amenity" establishment is defined by the Utah Alcoholic Beverage ~~Services~~Control Commission in accordance with U.C.A. Title 63G, Chapter 3, Utah Administrative Rule Making Act and shall be one or more of the following or an activity substantially similar to one of the following: a billiard parlor; pool parlor; golf course; tennis club; certain government owned facilities (convention center, fair facility, theater, or concert venue); venue for live entertainment (if the venue is not regularly open for more than five hours on any day, food is available whenever beer is sold or furnished, and no more than 15 percent of its total annual receipts are from the sale of beer); or concessions operated within the boundary of a park administered by the division of parks and recreation, or the national parks service. The "recreational amenity" must be on or adjoining the beer retailer's business. To qualify for an on premises beer recreational license, the retailer must either maintain at least 70 percent of total gross revenues from business directly related to the recreational amenity or maintain at least 70 percent of the total gross revenues from the sale of food. Patrons may not bring in or store alcoholic beverages on the premises. Beer in original, sealed containers may be sold for off premises consumption. Liquor, wine, heavy beer, and flavored malt beverages may not be stored or sold on the premises. Beer may be sold on any day between the hours of 10:00 a.m. and 1:00 a.m.

6. *On premises banquet license:* (U.C.A. § 32B-5-101 et seq.; U.C.A. § 32B-6-601 et seq., as amended)

An on premises banquet license shall entitle the licensee to serve, sell and store beer and liquor to patrons for consumption on the premises of a hotel, resort facility, sports center, or convention facility. An on premises banquet licensee shall maintain at least 50 percent of total annual banquet gross receipts from the sale of food. Patrons may not bring any alcoholic beverages into or remove any from the premises of a banquet. Alcoholic beverages may be provided at a banquet at a hosted bar (the host of the banquet pays for alcoholic beverages provided), or a cash bar (banquet patrons pay for the alcoholic beverages). There must be a contract between the on premises banquet licensee and the host of a banquet to provide alcoholic beverage services at a meal, reception, or other private banquet function at a defined location on a specific date and time for a prearranged, guaranteed number of attendees at a negotiated price. Each banquet contract shall:

- a. Clearly define the location of the private banquet function;
- b. Require that the private banquet function be separate from other areas of the facility that are open to the general public; and

- c. Require signage at or near the entrance to the private banquet function to indicate that the location has been reserved for a specific group.

The on premises banquet license also allows for room service in hotels. Room service delivery shall be made in person to an adult guest in the guestroom of a hotel or resort facility. Alcoholic beverages may not be left outside the guestroom for retrieval by a guest. Alcohol may be sold at a banquet or in connection with room service between the hours of 10:00 a.m. and 1:00 a.m.

7. *On premises club license:* (U.C.A. § 32B-5-101 et seq.; U.C.A. § 32B-6-401 et seq., as amended)

An on premises club license shall entitle the licensee to serve, sell and store alcoholic beverages on the premises for on site consumption only. A club license may be issued to an equity club (i.e., a country club), a fraternal club (i.e., a mutual benefit or patriotic association that is organized under a lodge system), a dining club (i.e., maintains a majority of its sales from food along with dining facilities), or a social club (i.e., a club that does not fulfill the food requirements for a dining club). At the time the Utah Alcoholic Beverage ~~Services~~Control Commission grants a club license the commission must designate whether the club qualifies to operate as an equity, fraternal, dining, or social club.

Membership requirements are only applicable to equity and fraternal clubs and said requirements must be set forth in the club's bylaws or house rules. A minor may not be a member, officer, director, or trustee of a club licensee. Dining and social clubs are open to the public but the club licensee may choose to restrict access to only those who are on a list and/or pay a fee. Dining and social club licensees are required to verify proof of age of persons who appear to be 35 years of age or younger.

A club licensee must display in a prominent place on the premises a list of the types and brands of liquor being furnished through the club licensee's calibrated metered dispensing system. Liquor may be sold on any day from 10:00 a.m. until 1:00 a.m. Beer may be sold on any day between the hours of 11:30 a.m. and 1:00 a.m. An on premises club licensee shall keep its licensed premises open for one hour after the club licensee ceases the sale and furnishing of an alcoholic product during which time a patron of the club licensee may finish consuming a single drink. An on premises club license is not required to keep its licensed premises open after all patrons have vacated the premises.

C. *Class 3 manufacturing:* The following license can only be issued in conjunction with the corresponding state license and is, by reference, subject to the general regulations in U.C.A. Title 32B, Chapter 11, Manufacturing and Related Licenses Act, as amended (applicable chapters are enumerated with license type):

1. *Brewery manufacturing license:* (U.C.A. § 32B-11-101 et seq.; U.C.A. § 32B-11-501 et seq., as amended)

A brewery manufacturing license is required to manufacture, brew, store, transport, or export beer, heavy beer, and flavored malt beverages.

Brewery license holders may: a) sell heavy beer and malt beverages to the department of alcoholic beverage control, military installations, and to out of state customers; b) sell beer to beer wholesaler licensees; and c) in the case of microbreweries, sell directly to licensed retailers, off premises beer retailers, and event permittees. This license will only be issued in conjunction with a department of alcoholic beverages control brewery manufacturing license. A conditional use permit for a microbrewery must be approved by the Town before this license can be issued. (See title 10, chapter 3A of this Code.)

D. *Class 4 event permit licenses:* The following licenses can only be issued in conjunction with one or more of the corresponding state licenses and are, by reference, subject to the general regulations in U.C.A.

Title 32B, Chapter 9, Event Permit Act, as amended (applicable chapters are enumerated with license type):

1. *Single event permit:* (U.C.A. § 32B-9-101 et seq.; U.C.A. § 32B-9-201 et seq.; U.C.A. § 32B-9-301 et seq., as amended)

A single event permit is available for a group that wants to sell liquor or beer at a temporary event. Single event permits are available to a bona fide partnership, corporation, limited liability company, church, political organization, incorporated association, recognized subordinate lodge, chapter or other local unit thereof, state agency, or political subdivision of the state. The organization must have been in existence as a bona fide entity for at least one year prior to the date of application. A single event permit may be in the form of either a 120-hour single event permit or a 72-hour single event permit. An entity may not receive more than four single event permits in one calendar year if one or more of the single events is a 120-hour single event or 12 single event permits in any one calendar year if each of the single event permits is a 72-hour single event permit. The licensee shall provide adequate event security, given the nature of the event and the expected number of event patrons.

If minors may attend an event for which a single event permit was obtained, all dispensing and consumption of alcoholic beverages shall be in a designated, confined, and restricted area where minors are not allowed without being accompanied by a parent or guardian, and where alcohol consumption may be closely monitored. Attendees of an event may not bring any alcoholic beverages onto the premises of the event. An open container primarily used for drinking purposes and containing an alcoholic beverage may not be removed from the single event premises. Employees that sell or serve alcoholic beverages do so under the direction and supervision of the permit holder. Alcoholic products may be sold on any day between the hours of 10:00 a.m. and 1:00 a.m.

2. *Temporary beer event permit:* (U.C.A. § 32B-9-101 et seq.; U.C.A. § 32B-9-201 et seq.; U.C.A. § 32B-9-401 et seq., as amended)

A temporary beer event permit allows the sale of beer for on premises consumption at a temporary event that does not last longer than 30 days. The sale of beer under a series of temporary permits issued to the same person may not exceed 90 aggregate days in any one calendar year. Liquor may not be stored or sold on the permitted premises. The licensee shall provide adequate event security, given the nature of the event and the expected number of event patrons.

An open container primarily used for drinking purposes and containing beer, may not be removed from the premises. Employees that sell or serve beer do so under the direction and supervision of the temporary beer permit holder. Beer may be sold, offered for sale, furnished, or consumed on any day from 10:00 a.m. until 1:00 a.m.

(Ord. 2012-09, 7-11-2012)

3-2-6: LICENSE PERIOD AND FEE:

- A. *Duration:* All beer licenses shall expire on June 30 of each year. All licensees must notify the Town Clerk immediately if their state issued license is denied, suspended or revoked for any reason. All renewal applications must attach a copy of a valid state license.
- B. *Fee:* In addition to any other business license fee which any person or place of business may be required to pay, there is hereby imposed a fee for the type of beer license required. Fees shall be established by the

Town Council by resolution from time to time. All applications filed in accordance with this chapter shall be accompanied by the established fee. If the beer license application is denied, 50 percent of the license fee will be retained by the Town to pay a portion of the costs of processing the application. If a license that has been granted is later revoked by the Town, the license fee shall be forfeited to the Town.

(Ord. 2012-09, 7-11-2012)

3-2-7: APPLICATION FOR LICENSE:

- A. *Required; form:* All applications filed in accordance with this chapter shall be in substantially the form adopted by resolution of the Town Council from time to time and known as the "alcoholic beverages license application" which is on file in the Town Clerk's office. All applications shall be verified and filed with the town clerk or deputy Town Clerk. All applications must state the applicant's name, street and mailing address, if different, citizenship, social security number, driver's license information and date of birth. All applications must certify that the licensee, and any partner, officer or director thereof, and any employee of the licensee who will be involved in the sale or dispensing of alcoholic beverages, meets the qualifications in U.C.A. Title 32B, as amended, and section 3-2-8 of this chapter. If the applicant is a partnership, association or corporation, the same information shall be submitted for each partner, officer or director thereof. All applications must be accompanied by photocopies of certificates showing that all servers of alcoholic beverages have undergone and passed the training required by the Alcoholic Beverage Control Act department of alcoholic beverages control in under U.C.A. § 32B-1-70332B-5-403 or 703404, as applicable, and U.C.A. § 26B-5-20562A-15-401, as amended. A copy of the state license must be filed with the application or within 15 days of the license being issued by the state.
- B. *Oath on application:* The application shall contain a statement by which the applicant attests that the facts contained therein are true.
- C. *Referral to Chief of Police:* All applications filed in accordance with this chapter shall be referred to the chief of police for inspection and report. The chief of police shall, within ten business days after receiving such application, conduct an investigation of any criminal violations or charges against the applicant, and any partners, officers, or directors of the applicant, and of employees of the applicant who will be selling or dispensing alcoholic beverages, or supervising the same; the nature and kind of business to be conducted on the premises; and the nature and kind of entertainment, if any, on the premises. The chief of police shall, upon completion of said investigation, submit a recommendation to the Town Clerk or Deputy Town Clerk as to whether the license should be granted or denied. In making the recommendation, the chief of police may refer to the character of other alcohol serving premises owned in full or in part by the applicant or any of its partners, officers or directors. If recommending denial of an alcoholic beverage license application, the chief of police shall submit a detailed report of the investigation.
- D. *Referral to Planning Department:* All applications filed in accordance with this chapter shall be referred to the Planning Department for review to ensure the premises comply with the applicable state law and Town ordinances. The planning department shall also verify or determine whether the premises is too close to a community location as governed by U.C.A. § 32B-2-202, as amended.
- E. *Other referrals as needed:* Applications may also be subject to review by the Hurricane Valley Fire Special Service District ~~Town Fire Marshal~~, Town Public Works Department and/or the Utah Public Health Department as determined by the Town Clerk or Deputy Town Clerk in order to ensure the premises meet the requirements for the public's health and safety.

(Ord. 2012-09, 7-11-2012)

3-2-8: LICENSEE QUALIFICATIONS:

A beer license shall not be issued to any person, retailer, partnership, corporation or association if the applicant or any partner, director or officer of the applicant, or any employee who will work in the sale or dispensing of alcoholic beverages does not meet the qualifications for a license as set forth in subsections A. through F. of this section:

- A. Each such person shall be 21 years of age or older.
- B. Each such person shall not:
 - 1. Have ever been convicted of or pled guilty to a felony under any state or federal law, any crime involving moral turpitude or a violation of any federal or state law or local ordinance concerning the sale, manufacture, distribution, warehousing, adulteration or transportation of alcoholic beverages; or
 - 2. Pled guilty to or been convicted of driving under the influence of alcohol, any drug, or the combined influence of alcohol and any drug within the five years before the date of application.
- C. Each such person shall not have been convicted of any violation of any law or ordinance relating to the importation or sale of intoxicating liquors, or of keeping a gambling or disorderly establishment, or have pled guilty to or forfeited his bail on a charge having violated any such law or ordinance within the preceding three years of the date of the application.
- D. Each such person shall not have had a renewal application for his alcoholic beverages license denied, or his regular license revoked, or an emergency suspension that was made permanent pursuant to this chapter within the previous three years.
- E. Each such person shall submit to the Town a certificate granted by the Utah Department of Alcoholic Beverage ~~Services~~Control, or demonstrate proof of the existence of said certificate, providing proof that they have completed the alcohol training and education seminar, as required in U.C.A. § ~~26B-5-20562A-15-401 et seq.~~, and section 3-2-13 of this chapter, as amended.
- F. No class 2 licenses shall be granted to sell alcoholic beverages for either on site or off site consumption near a church or school as set forth in the U.C.A. § 32B-1-202, as amended.

If any such person violates these qualifications after an alcoholic beverage license is issued, or if a new partner, director or officer becomes affiliated with the licensee or the licensee hires a new employee to work in the sale or dispensing of alcoholic beverages after issuance of the license, and said person is in violation of any of the above qualifications, the Town shall send the licensee a notice that the license shall be automatically revoked unless the licensee requests a hearing within ten business days of the date the notice is mailed or otherwise delivered to the applicant, pursuant to section 3-2-16 of this chapter. Resolution of the matter shall then be as set forth in section 3-2-16 of this chapter.

(Ord. 2012-09, 7-11-2012)

3-2-9: GROUNDS FOR DENIAL OF APPLICATION:

The Town Clerk or deputy clerk or designee may deny an application for an alcoholic beverages license if:

- A. The license application does not contain all of the information required by section 3-2-7 of this chapter;
- B. The application fee is not paid;

- C. The premises to be licensed do not comply with the applicable zoning regulations and building codes in force at the time of application;
- D. The applicant does not meet the licensee qualifications set out in section 3-2-8 of this chapter;
- E. The applicant intentionally misrepresented or concealed information required by section 3-2-7 of this chapter in an application for the license;
- F. The proposed premises do not meet health codes, and the applicant does not provide reasonable assurances that the premises will be brought into compliance upon approval of the license;
- G. The applicant holds other licenses under this title, which are not in good standing, or on which licensed premises the provisions of this Code and state laws are frequently violated;
- H. The applicant does not hold a current Springdale Town business license;
- I. The applicant fails to receive a state license or is denied a state license.

If denying an alcoholic beverage license application, the Town Clerk or deputy clerk or designee shall provide the applicant with a written explanation for said denial.

(Ord. 2012-09, 7-11-2012)

3-2-10: RENEWAL:

- A. On or before May 1 of each year, the Town shall send notice to each alcoholic beverages licensee within the Town that the renewal application and regulatory license fee required in this chapter is due by June 15. The renewal application will contain a listing of the information needed for successful renewal of the application pursuant to criteria set forth in section 3-2-7 of this chapter. Upon receipt of the renewal application and fee and finding that renewal information is submitted and complete, the Town shall issue a license certificate valid through June 30 of the next licensing year. If the applicant fails to meet the criteria requested, the Town shall issue a notice that the renewal application will be denied unless the applicant remedies the deficiencies or requests a hearing within ten days after the date the notice is mailed or otherwise delivered to the applicant pursuant to section 3-2-16 of this chapter. Resolution of the matter shall then be as set forth in section 3-2-16 of this chapter.
- B. If the Town has not issued a notice of approval or pending denial to an applicant by July 1, the most recently issued license is deemed temporarily extended for a period not to exceed one month, provided a renewal application and regulatory license fee was filed by the applicant on or before June 15. If the Town has not issued a notice to the applicant regarding a properly submitted renewal application by August 31, the application shall be considered automatically renewed until June 30 of the next license year.
- C. Each year, as part of the renewal process, the licensee shall identify in writing all of its partners, officers and board of directors, if any, and all employees who are or will be involved in the sale or dispensing of alcoholic beverages. If there are any changes from the previous year, each such new individual must meet the requirements of U.C.A. Title 32B and this chapter, as amended, and the application shall be referred to the Chief of Police for investigation pursuant to subsection 3-2-7C of this chapter.
- D. A renewal application may be denied if the clerk or deputy clerk finds any of the following:
 - 1. A complete renewal application was not submitted by June 15.
 - 2. The licensee has attempted to transfer or assign the license to others in violation of U.C.A. Title 32B, Alcoholic Beverages Control Act, Chapter 18a, Change of Alcohol License or Location Act~~transfer of retail license act~~, as amended, and this title.

3. The licensee or any partner, officer, director or employee involved in the sale or dispensing of alcoholic beverages does not meet the qualifications required under section 3-2-8 of this chapter, or satisfies one of the denial criteria as set forth in section 3-2-9 of this chapter, or is otherwise not in compliance with any requirements of this chapter or state law.
4. The premises have been remodeled or changed in a manner that no longer complies with State Code or Town Ordinances.
5. The licensee or his employees or agents have been convicted of or pled guilty to more than five violations of U.C.A. Title 32B or this title relative to the conduct of the licensed premises in a single calendar year preceding the renewal, not including violations by patrons.
6. The licensee does not hold a current valid Springdale Town business license.
7. The licensee does not hold a current valid state alcohol license, where required.

(Ord. 2012-09, 7-11-2012)

3-2-11: EMERGENCY SUSPENSIONS:

Licenses issued under this chapter may be suspended by the Town without prior hearing provided that there is probable cause to believe that violations of this chapter or state law are occurring, and the violations are such that there is a threat to the public health and safety. Written notice of such temporary suspension and of a hearing date before the Town Council on said suspension shall be issued if the management or the licensee fails to remedy the situation within one hour of notification by the town that a suspension will occur if the conditions complained of are not remedied in a manner that eliminates the threat to public health and safety. The hearing before the Town Council on the emergency suspension by the Town is mandatory and shall be set as soon as possible but in no event shall such hearing occur more than two weeks after the suspension unless a delay is at the request of the applicant. If a hearing does not occur within two weeks, unless it is delayed at the request of the applicant, the suspension shall be lifted. The hearing and decision by the Town Council shall be as set forth in subsections 3-2-16D through F of this chapter.

(Ord. 2012-09, 7-11-2012)

3-2-12: PURCHASE OF BEER FOR RESALE:

It shall be unlawful for any licensee to purchase or acquire or to have or possess for the purpose of sale or distribution any alcoholic beverages except that which they shall have lawfully purchased from a brewer or wholesaler licensed under the provisions of the U.C.A. Title 32B and this chapter, as amended.

(Ord. 2012-09, 7-11-2012)

3-2-13: LICENSEE REQUIREMENTS AND RESTRICTIONS:

- A. *Copy of the license:* Every licensee shall display a copy of the license obtained from the Town in a prominent place on the premises. Every licensee shall also display any licenses or permits obtained from the state as may be required in U.C.A. Title 32B.
- B. *Warning sign:* Every licensee shall display a sign no smaller than eight and one-half inches high by 11 inches wide stating:

WARNING Drinking alcoholic beverages during pregnancy can cause birth defects and permanent brain damage for the child. Call the Utah Department of Health at 1-800-822-2229 with questions or for more information.

WARNING Driving under the influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah.

The warning sign shall be displayed in a prominent place on the premises. The warning messages shall be in the same font size, no smaller than 36- point bold, but each warning shall be in different font styles. The font size for the sentence containing the health department contact information shall be no smaller than 20-point bold.

- C. *Illumination:* Licensed premises shall be kept illuminated at all times while occupied or open for business. Illumination for signage must conform to Town ordinances.
- D. *Employee requirements:* Any employee handling alcoholic beverages must be 21 years of age or older, unless otherwise specified in U.C.A. Title 32B. Servers of alcohol must wear a unique identification badge showing the employee's first name, initials, or a number assigned by the employer. Employees may not consume or be under the influence of alcoholic beverages while on duty.
- E. *Training:* The Town may revoke or refuse to renew any class of alcoholic beverages licenses if any individual who manages operations, supervises servers or serves an alcoholic beverage fails to complete and pass an alcohol training and education seminar, as required in U.C.A. § ~~26B-5-20562A-15-401 et seq.~~, as amended, and provide evidence of that training as part of the application for a license or an application for renewal. Managers, supervisors, and employees who serve alcohol pursuant to a class 2 license must complete and pass an alcohol server training seminar every three years and must complete the training within 30 days of commencing employment. An individual who directly supervises the sale of alcohol or sells alcohol pursuant to a class 1 license must complete and pass an alcohol server training seminar every five years and must complete the training within 30 days of commencing employment.
- F. *Notice if ceasing operation:* Except for holders of class 1 licenses and certain class 2 licenses, a retail licensee may not close or cease operation for a period longer than 240 hours, unless approval is granted by the Department of Alcoholic Beverages pursuant to U.C.A. § 32B-5-309, as amended. A copy of the approval shall be submitted to the Town.

(Ord. 2012-09, 7-11-2012)

3-2-14: VIOLATIONS:

It shall be a violation of this chapter for any person or any employee or agent of any person to cause or permit to be caused on his or her premises any of the following:

- A. *Licensure and sale to intoxicated:* To sell any alcoholic beverages if unlicensed, or after license denial, revocation or suspension, or to sell any alcoholic beverages to any person intoxicated, or under the influence of any intoxicating beverage.
- B. *Failure to display license:* To fail to have the license issued under this chapter on display on the licensed premises.
- C. *Minors:* Except as specifically provided in U.C.A. Title 32B, minors may not sell, dispense, or furnish alcohol. All licensees may prohibit minors from entering the premises at their discretion by posting a sign at the entrance stating that minors are not permitted inside.
- D. *Illegal sales:* It shall be a violation of this chapter to sell beer except in the manner for which a license has been issued pursuant to the provisions of U.C.A. Title 32B and this chapter.

- E. *Advertisements:* It shall be a violation of this chapter to advertise the sale of alcoholic beverages except under such regulations established by the Utah Alcoholic Beverage ~~Services~~Control Commission and as provided in the Town ordinances.
- F. *Prohibited Conduct:* Acts or conduct on the licensee's premises which are considered contrary to the public welfare and morals, as defined by U.C.A. §§ 32B-1-504 and 32B-1-505, as amended, are prohibited. Licensees may not engage in or permit any form of gambling on the premises. A licensee may not knowingly allow a person on the licensed premises to sell, distribute, possess, or use a controlled substance; or use, deliver, or possess with the intent to deliver drug paraphernalia. It is the responsibility of the licensee to maintain proper order and decorum within his establishment by taking appropriate action to prohibit disorderly or prohibited conduct in the premises by any patron or employee. Failure of the licensee to do so may subject the licensee to possible revocation of the license.

(Ord. 2012-09, 7-11-2012)

3-2-15: INSPECTIONS:

- A. *Authority:* All licensed premises shall be subject to inspection by any officer, agent or peace officer of the Town, the alcoholic beverage control commission or the Utah Department of Health. At any time during which licensees are open for the transaction of business and upon presentation of credentials, said officer shall immediately be admitted onto the premises and permitted without hindrance or delay to inspect completely the entire premises and all books and records of the licensee. Every licensee shall, at the request of the Utah Department of Health, furnish samples of the beer offered for sale.
- B. *Violations; revocation:* Following an inspection and upon a finding by the Town Clerk or Deputy Clerk that the licensee is in violation of any requirement of this chapter or has had ten days' or more notice from the Utah Department of Health that the licensee is violating one or more health ordinances, rules or regulations and has not remedied the same, the town may issue a notice of pending revocation, giving the applicant ten business days from the date the notice is mailed or otherwise delivered to the applicant to request a hearing pursuant to section 3-2-16 of this chapter. Resolution of the matter shall then be as set forth in section 3-2-16 of this chapter.
- C. *Enforcement:* The police chief, after consultation with the Town Manager, the Town Clerk or the Deputy Clerk may close down any business licensed under this section where the Utah Department of Health has determined that continued operation of the business presents an imminent danger to the health of the community or persons who may eat or drink at the business. In such case, the procedures described in section 3-2-11 of this chapter shall be followed.

(Ord. 2012-09, 7-11-2012)

3-2-16: APPEAL HEARING:

A new applicant whose license application is denied, and a licensee who receives notice that his renewal license will be denied or that his regular license will be revoked or suspended, may appeal said decision by requesting a hearing as outlined in this section.

- A. *Notice:* Notice in writing of the denial of a new license application, or that a renewal license will be denied or a regular license will be revoked, shall be promptly given by the Town to the applicant or

licensee and shall describe the appeals process as outlined in this section, and shall set forth the deadline by which a request for hearing must be made. A hearing may be requested by any person:

1. Who is denied or refused an alcoholic beverage license by any officer, agent or employee of the Town.
 2. Who receives notice that his application for renewal of an alcoholic beverages license will be revoked, denied or suspended.
- B. *Request for hearing:* The request for hearing must be made in writing to the Town Clerk and made within ten business days following the date notice of denial of a new application, or of pending denial of a renewal application or revocation or suspension of an existing alcoholic beverages license is mailed to the applicant's address as it appears on the application or is otherwise delivered by the Town to the applicant or license holder. If no request for a hearing is received within ten business days on a pending denial of a renewal license or revocation of an existing license, said denial/revocation/suspension shall immediately thereafter become effective and be enforced and notice thereof shall immediately be issued to the applicant/licensee.
- C. *Notice requirements of requested hearing:* Following receipt of a timely request for a hearing, the Town Council shall promptly provide written notice to the person requesting a hearing of the time and place the hearing is to be held and the manner in which the hearing will be conducted.
- D. *Conduct of hearing:* At the hearing, the aggrieved party shall have the right to hear and examine any witnesses the Town may produce to support its decision and to present his or her own evidence in support of the contention. If the applicant/licensee fails to appear at the hearing, the denial, revocation or suspension shall be made permanent and take effect immediately, and notice thereof shall immediately be issued to the applicant/licensee.
- E. *Decision:* The Town Council shall, within ten business days following the conclusion of the hearing at which the applicant appeared, in writing and with specific findings, inform the applicant/licensee of the decision of the Town Council. The council may sustain or set aside the denial, revocation or suspension, or may grant a probationary license for a fixed period of time less than one year, in which case it shall set a hearing date at the end of such time to again review the status of the license. At the follow up hearing at the end of the probationary period, the council shall review whether the licensee has complied with all the requirements of U.C.A. Title 32B, this chapter and any conditions of the probationary license, and based thereon, may issue a regular license or may sustain the initial denial, revocation or suspension.
- F. *Applicability:* Other than as provided for herein, this section shall not be construed so as to afford any aggrieved party more than one hearing before the Town Council, nor shall the hearing provided in this section apply to any criminal complaint or proceeding. No party may appeal a denial, revocation or suspension of a license to the district court unless the administrative remedies under this section have been exhausted.

(Ord. 2012-09, 7-11-2012)

3-2-17: REVOCATION OR SUSPENSION OF LICENSE:

- A. *Authority:* The Town Council may, after a hearing as set forth in section 3-2-16 of this chapter, and in accordance with the procedures of that section, revoke or suspend any alcoholic beverages license.
- B. *Revocation:* The following are grounds for revocation or suspension of alcoholic beverages related licenses:

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1. The licensee has failed to comply with the requirements of the Alcoholic Beverage Control Act as currently in force or amended in the future, or the requirements of this title;
2. The licensee or any partner, officer, director or employee of the licensee involved in the sale or dispensing of alcoholic beverages have been convicted or pled guilty to violations occurring under section 3-2-14 of this chapter or of any city, county, state or federal law or ordinance and said violations occurred on the licensed premises;
3. The licensee has attempted to transfer the license to another in violation of U.C.A. Title 32B, Chapter 18a, Change of Alcohol License or Location Act~~transfer of retail license act~~, as amended, and this title;
4. The licensee or any partner, officer, director or employee of the licensee involved in the sale or dispensing of alcoholic beverages fails to meet the qualifications for licensees listed in section 3-2-8 of this chapter;
5. The licensee or any partner, officer, director or employee of the licensee involved in the sale or dispensing of alcoholic beverages, with the knowledge of the license holder, have been engaged in the sale, distribution or delivery of controlled substances, as defined by state statute, on or from the licensed premises;
6. The licensee has been denied a license by the State of Utah under the Alcoholic Beverage Control Act or has had its state license revoked or suspended;
7. The premises have been remodeled or changed in a manner that eliminates required exits or creates closed booths or stalls;
8. The licensee does not hold a current valid Springdale Town business license;
9. It is discovered that the licensee intentionally misrepresented or concealed information required by section 3-2-7 of this chapter;
10. The premises do not meet applicable health and building codes and the licensee does not provide reasonable assurances that the premises will be immediately brought into compliance with such requirements;
11. The licensee holds other licenses under this title, which are not in good standing, or on which licensed premises the provisions of this Code and state laws are frequently violated;
12. The licensee is in violation of any requirements of this title or state law;
13. The licensee fails to maintain proper order and decorum within his establishment by taking appropriate action to prohibit disorderly or prohibited conduct on the premises by any patron or employee.

(Ord. 2012-09, 7-11-2012)

3-2-18: PENALTY:

Any person violating any provision of this chapter shall be guilty of a class B misdemeanor and upon conviction, subject to penalty as provided in section 1-4-1 of this Code.

(Ord. 2012-09, 7-11-2012)

CHAPTER 3 TAXES

ARTICLE A. SALES AND USE TAX

3-3A-1: PURPOSE:

The purpose of this article is to levy a one percent sales and use tax in compliance with the provisions of the local sales and use tax act, U.C.A. Title 59, Chapter 12, Part 2.

(Ord. 13-93, 11-4-1993; amd. 2001 Code)

3-3A-2: CONTRACT WITH STATE:

The existing contract between the Town and the Utah State Tax Commission, which provides that the commission will perform all functions incident to the administration and operation of the sales and use tax ordinance of this Town, is hereby declared to be in full force and effect.

(Ord. 13-93, 11-4-1993; amd. 2001 Code)

3-3A-3: SALES AND USE TAX LEVIED:

- A. *Levy of tax:* There is hereby levied a tax upon the transactions described in U.C.A. § 59-12-103(1) made within the Town at the rate of one percent.
- B. *Situs of levy:* For the purposes of this article, all retail sales shall be presumed to have been consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has no permanent place of business in the state, or has more than one place of business, the place or places at which the retail sales are consummated shall be as determined under the rules and regulations prescribed and adopted by the state tax commission. "Public utilities", as defined by U.C.A. Title 54, shall not be obligated to determine the place or places within any county or city where public utilities services are rendered, but the place of sale or the sales tax revenues arising from such service allocable to the Town shall be as determined by the state tax commission pursuant to an appropriate formula and other rules and regulations to be prescribed and adopted by it.
- C. *Exemptions:* The tax levied hereunder shall not include any sales and uses described in U.C.A. § 59-12-104 to the extent such sales and uses are exempt under that section. Furthermore, the Town is prohibited from imposing a tax under U.C.A. § 59-12-204 or § 59-12-205 on any amounts paid or charged by a vendor that collects a tax under U.C.A. § 59-12-107(1)(b) unless all the counties, cities and towns in the state impose such a tax, and in such case the rate of said tax shall be that of the lowest rate established by any county, city or town in the state.
- D. *Substitution of city/town for state:* Except as hereinafter provided and except insofar as they are inconsistent with U.C.A. Title 59, Chapter 12, Part 2, the local sales and use tax act, or with any other state law, all definitions and provisions of U.C.A. Title 59, Chapter 12, Part 1 (tax collection), as amended, in force and effect on the effective date hereof insofar as they relate to the Town's sales or use tax, are adopted and made a part of this article as though fully set forth herein, except that the name of the Town shall be substituted for that of the state where necessary and that an additional license is not required if one has been or is issued under U.C.A. § 59-12-106. However, nothing in this subsection shall be deemed to require substitution of the name of the Town for the word "state" when that word is used as part of the title of the

state tax commission, or of the constitution of Utah, nor shall the name of the Town be substituted for that of the state in any section when the result of that substitution would require action to be taken by or against the Town, or any agency thereof, rather than by or against the state tax commission in performing the functions incidental to the administration or operation of this article.

- E. *Exemption for tax ordinances of other municipalities:* The sale, storage, use or other consumption of tangible personal property, the gross receipts from the sale of or the cost of which has been subject to sales or use tax under a sales and use tax ordinance enacted in accordance with this part by any county other than Washington County, or city or town in this state, shall be exempt from the tax due under this article.
- F. *State tax not included in purchase price:* There shall be excluded from the purchase price paid or charged by which the tax is measured the amount of any sales or use tax imposed by the state under U.C.A. Title 59, Chapter 12, Part 1, Tax Collection, upon a retailer or consumer.
- G. *Exemption from Washington County sales and use tax:* Any person subject to the provisions of the sales and use tax provided for in this article shall be exempt from the Washington County sales and use tax.

(Ord. 13-93, 11-4-1993; amd. 2001 Code)

ARTICLE B. TRANSIENT ROOM TAX

3-3B-1: TAX IMPOSED:

- A. *Imposed:* A transient room tax is hereby levied on the rents charged to transients occupying public accommodations in the Town in the amount of one percent of the rents charged. The transient room tax shall be levied at the same time and collected in the same manner as provided in U.C.A., Title 59, Chapter 12, Part 2, Local Sales and Use Tax Act. As such, the Utah State Tax Commission shall collect and administer the tax imposed hereby.
- B. *Appropriation of revenues:* Pursuant to U.C.A. § 59-12-352(4), the revenues generated by the tax imposed hereby shall be appropriated for general fund purposes.
- C. *Review/Evaluation:* The one percent transient room tax imposed by this article shall be reviewed by the Town Council on an annual basis to evaluate the overall efficacy and the fiscal advisability of continuing with said tax as imposed by this article.
- D. *Penalty:* Violation or avoidance of payment of the tax imposed hereby shall subject the violator to penalties as provided in section 1-4-1 of this Code, as well as to whatever penalties shall be fixed and administered by the state tax commission pursuant to its statutory powers.

(Ord. 2005-02, 1-12-2005)

ARTICLE C. RESORT COMMUNITIES TAX

3-3C-1: DEFINITIONS:

For purposes of this article, all terms used shall have the same meaning and definition as applied to those terms by the provisions of U.C.A. Title 59, Chapter 12, and the state tax commission regulations adopted under those sections, unless superseded by the definitions provided below:

Purchase price: The purchase price for a retail sale of tangible personal property subject to the tax shall be the gross selling price, before any trade-in adjustment or cash discounts or allowances, exclusive of all sales or use taxes.

Wholesale sale:

- A. A sale of tangible personal property by any person to a retailer, merchant, jobber, dealer or commission, agent or another wholesaler for purposes of resale within a retail business; and
- B. For purposes of this section only, "wholesale sales" shall also include the sale of building materials to a licensed contractor. For purposes of this definition, the term "building materials" includes any item which is intended to become an integral part of a structure, including personal property affixed to the structure.

(Ord. 6-320, 4-16-1986; amd. 2001 Code)

3-3C-2: RESORT COMMUNITIES TAX LEVIED:

- A. *Tax levied:* Inasmuch as the Town Council has found that the transient room capacity of the Town is greater than or equal to 66 percent of the permanent census population, and pursuant to U.C.A. § 59-12-401 et seq., and in addition to other sales taxes provided for in this title, and as a result of the affirmative vote of the electorate on November 3, 1998, for the enactment of an additional one-half percent (½%) resort communities tax, there is hereby levied a resort communities tax in a total amount of one and six-tenths percent (1.6%) on the transactions described in U.C.A. § 59-12-103(1).
- B. *Exemptions:* The resort communities tax provided for in this section shall not apply to: 1) "wholesale sales" as defined in this article; 2) the sale of a single item for which consideration paid is more than \$2,500.00; 3) the sales and uses described in U.C.A. § 59-12-104 to the extent the sales and uses are exempt from taxation under that section; and 4) any amounts paid or charged by a vendor that collects a tax under U.C.A. § 59-12-107(1)(b).
- C. *Collection:* The resort communities tax shall be collected by the Utah State Tax Commission at the same time and in the same manner as provided in U.C.A. Title 59, Chapter 12, Part 2, Local Sales and Use Tax Act. The Tax Commission may charge a fee for collection and distribution of the resort communities tax. If the costs incurred by the state in its collection and distribution of resort communities taxes throughout the state exceeds the revenues it receives from collection fees, the Town shall pay its allocated proportionate share (based on the tax revenue received by the Town) of such excess cost to the state general fund pursuant to U.C.A. §§ 59-12-401 and 59-12-402.
- D. *Use of revenues:* Revenues generated by the resort communities tax may be used by the Town for general fund purposes.
- E. *Effective dates:* The effective date of the one-tenth percent (0.1%) tax increase is January 1, 2008. The effective date of the original one percent tax was May 1, 1986, and the effective date of the additional one-half percent (½%) tax was April 1, 1999.
- F. *Penalty:* Violation or avoidance of payment of the tax imposed hereby shall subject the violator to penalties as provided in section 1-4-1 of this Code, as well as to whatever penalties shall be fixed and administered by the State Tax Commission pursuant to its statutory powers.

(Ord. 6-320, 4-16-1986; amd. 2001 Code; Ord. 2007-12, 8-8-2007)

3-3C-3: SEVERABILITY:

In the event that any provision, section or clause of this article is found to be unlawful, in excess of the enabling legislation, or unconstitutional, only the particular section, provision or clause shall be stricken, and the remainder of the article shall stand and not be affected thereby. Should any exclusion or exemption granted in this article be found unlawful or unconstitutional, that exemption shall be stricken, and the tax shall apply to the item formerly exempted.

(Ord. 6-320, 4-16-1986; amd. 2001 Code)

ARTICLE E. TELECOMMUNICATIONS LICENSE TAX

3-3E-1: DEFINITIONS:

As used in this article:

Commission: The state tax commission.

Customer:

- A. Subject to subsections B. and C. of this definition, "customer" means the person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract.
- B. For purposes of this article, "customer" means:
 - 1. The person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract; or
 - 2. If the end user is not the person described in subsection B.1. of this definition, the end user of telecommunications service.
- C. "Customer" does not include a reseller:
 - 1. Of telecommunications service; or
 - 2. For mobile telecommunications service of a serving carrier under an agreement to serve the customer outside the telecommunications provider's licensed service area.

End user: The person who uses a telecommunications service.

- A. For purposes of telecommunications service provided to a person who is not an individual, "end user" means the individual who uses the telecommunications service on behalf of the person who is provided the telecommunications service.

Gross receipts attributed to the municipality: Those gross receipts from a transaction for telecommunications services that is located within the municipality for the purposes of sales and use taxes under U.C.A. Title 59, Chapter 12, Sales and Use Tax Act and determined in accordance with U.C.A. § 59-12-[215207](#).

Gross receipts from telecommunications service: The revenue that a telecommunications provider receives for telecommunications service rendered except for amounts collected or paid as:

- A. A tax, fee, or charge:
 - 1. Imposed by a government entity;

2. Separately identified as a tax, fee, or charge in the transaction with the customer for the telecommunications service; and
3. Imposed only on a telecommunications provider;
- B. Sales and use taxes collected by the telecommunications provider from a customer under U.C.A. Title 59, Chapter 12, Sales and Use Tax Act; or
- C. Interest, a fee, or a charge that is charged by a telecommunications provider on a customer for failure to pay for telecommunications service when payment is due.

Mobile telecommunications service: Is as defined in the mobile telecommunications sourcing act, 4 U.S.C. ~~§Section~~ 124.

Municipality: The Town of Springdale.

Place of primary use:

- A. For telecommunications service other than mobile telecommunications service, means the street address representative of where the customer's use of the telecommunications service primarily occurs, which shall be:
 1. The residential street address of the customer; or
 2. The primary business street address of the customer; or
- B. For mobile telecommunications service, is as defined in the mobile telecommunications sourcing act, 4 U.S.C. ~~§Section~~ 124.

Service address: Notwithstanding where a call is billed or paid, "service address" means:

- A. If the location described in this subsection is known, the location of the telecommunications equipment:
 1. To which a call is charged; and
 2. From which the call originates or terminates;
- B. If the location described in subsection A. of this definition is not known but the location described in this subsection is known, the location of the origination point of the signal of the telecommunications service first identified by:
 1. The telecommunications system of the telecommunications provider; or
 2. If the system used to transport the signal is not a system of the telecommunications provider, information received by the telecommunications provider from its service provider; or
- C. If the locations described in subsection A. or B. of this definition are not known, the location of a customer's place of primary use.

Telecommunications provider:

- A. Subject to subsections B and C of this definition, "telecommunications provider" means a person that:
 1. Owns, controls, operates, or manages a telecommunications service; or
 2. Engages in an activity described in subsection A.1. of this definition for the shared use with or resale to any person of the telecommunications service.

- B. A person described in subsection A. of this definition is a telecommunications provider whether or not the public service commission of Utah regulates:

1. That person; or
2. The telecommunications service that the person owns, controls, operates, or manages.

- C. "Telecommunications provider" does not include an aggregator as defined in U.C.A. § 54-8b-2.

Telecommunications service:

- A. Telephone service, as defined in U.C.A. § 59-12-102, other than mobile telecommunications service, that originates and terminates within the boundaries of this state; and

- B. Mobile telecommunications service, as defined in U.C.A. § 59-12-102:

1. That originates and terminates within the boundaries of one state; and
2. Only to the extent permitted by the mobile telecommunications sourcing act, 4 U.S.C. § Section 116 et seq.

(Ord. 2004-03, 5-12-2004)

3-3E-2: LEVY OF TAX:

There is hereby levied a municipal telecommunications license tax on the gross receipts from telecommunications service attributed to this municipality.

(Ord. 2004-03, 5-12-2004)

3-3E-3: TAX RATE:

The rate of the tax levy shall be three and one-half percent of the telecommunication provider's gross receipts from telecommunications service that are attributed to the municipality subject to the following:

If the location of a transaction is determined to be other than this municipality, then the rate imposed on the gross receipts for telecommunications services shall be the lower of: a) the rate imposed by the taxing jurisdiction in which the transaction is located or b) the rate for nonmobile telecommunication services shall be the rate imposed by the municipality in which the customer's service address is located; or for mobile telecommunications service, the rate imposed by the municipality of the customer's primary place of use.

(Ord. 2007-11, 8-8-2007)

3-3E-4: RATE LIMITATION AND EXEMPTION:

This rate of this levy shall not exceed three and one-half percent of the telecommunication provider's gross receipts from telecommunication service attributed to the municipality unless a higher rate is approved by a majority vote of the voters in this municipality that vote in:

- A. A municipal general election;
- B. A regular general election; or
- C. A local special election.

(Ord. 2007-11, 8-8-2007)

3-3E-5: EFFECTIVE DATE:

This tax shall be levied beginning the earlier of July 1, 2004, or the first day of any calendar quarter after a 75-day period beginning on the date the commission received notice pursuant to U.C.A. § 10-1-403 that this municipality has enacted this article.

(Ord. 2004-03, 5-12-2004)

3-3E-6: INTERLOCAL AGREEMENT:

On or before the effective date hereof, the municipality shall enter into the uniform interlocal agreement with the commission as described in U.C.A. § 10-1-405 for the collection, enforcement, and administration of this municipal telecommunications license tax.

(Ord. 2004-03, 5-12-2004)

3-3E-7: REPEAL OF INCONSISTENT TAXES AND FEES:

Ordinance 01-02, adopted May 1, 2001, and any other tax or fee previously enacted by this municipality under authority of U.C.A. § 10-1-203 or U.C.A. Title 11, Chapter 26, local taxation of utilities limitation is hereby repealed.

Nothing in this article shall be interpreted to repeal any municipal ordinance or fee which provides that the municipality may recover from a telecommunications provider the management costs of the municipality caused by the activities of the telecommunications provider in the rights-of-way of the municipality, if the fee is imposed in accordance with U.C.A. § 72-7-102 and is not related to the municipality's loss of use of a highway as a result of the activities of the telecommunications provider in a right-of-way, or increased deterioration of a highway as a result of the activities of the telecommunications provider in a right-of-way nor does this article limit the municipality's right to charge fees or taxes on persons that are not subject to the municipal telecommunications license tax under this article and locate telecommunications facilities, as defined in U.C.A. § 72-7-108, in this municipality.

(Ord. 2004-03, 5-12-2004)

ARTICLE F. ENERGY SALES AND USE TAX

3-3F-1: PURPOSE:

It is the intent of the Town of Springdale to adopt the municipal energy sales and use tax, pursuant to, and in conformance with, U.C.A. §§ 10-1-301—10-1-310, "the Municipal Energy Sales and Use Tax Act".

(Ord. 2016-12, 12-14-2016, eff. 12-31-2016)

3-3F-2: DEFINITIONS:

As used in this article:

Consumer: A person who acquires taxable energy for any use that is subject to the municipal energy sales and use tax.

Contractual franchise fee:

A. A fee:

1. Provided for in a franchise agreement; and
2. That is consideration for the franchise agreement; or

B. 1. A fee similar to subsection A. of this definition; or

2. Any combination of subsection A. of this definition or this subsection B.

Delivered value: The fair market value of the taxable energy delivered for sale or use in the municipality and includes:

- A. The value of the energy itself; and
- B. Any transportation, freight, customer demand charges, service charges, or other costs typically incurred in providing taxable energy in usable form to each class of customer in the municipality.

"Delivered value" does not include the amount of a tax paid under U.C.A. Title 59, Chapter 12, Part 1 or Part 2.

Energy supplier: A person supplying taxable energy, except for persons supplying a de minimis amount of taxable energy, if such persons are excluded by rule promulgated by the State Tax Commission.

Franchise agreement: A franchise or an ordinance, contract, or agreement granting a franchise.

Franchise tax:

- A. A franchise tax;
- B. A tax similar to a franchise tax; or
- C. Any combination of subsection A. or B. of this definition.

Person: Includes any individual, firm, partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, this state, any county, city, municipality, district, or other local governmental entity of the state, or any group or combination acting as a unit.

Sale: Any transfer of title, exchange, or barter, conditional or otherwise, in any manner, of taxable energy for a consideration. It includes:

- A. Installment and credit sales;
- B. Any closed transaction constituting a sale;
- C. Any transaction under which right to acquire, use, or consume taxable energy is granted under a lease or contract and the transfer would be taxable if an outright sale were made.

Storage: Any keeping or retention of taxable energy in the Town of Springdale for any purpose except sale in the regular course of business.

Taxable energy: Gas and electricity.

Use: The exercise of any right or power over taxable energy incident to the ownership or the leasing of the taxable energy.

"Use" does not include the sale, display, demonstration, or trial of the taxable energy in the regular course of business and held for resale.

(Ord. 2016-12, 12-14-2016, eff. 12-31-2016)

3-3F-3: MUNICIPAL ENERGY SALES AND USE TAX:

Beginning April 1, 2017, the Town of Springdale hereby levies a six percent tax, subject to the provisions of this article, on every sale or use of taxable energy made within the Town of Springdale. This tax is referred to in this article as the "tax".

- A. The tax rate is six percent of the delivered value of taxable energy to the consumer.
- B. The tax is levied in addition to any sales or use tax on taxable energy imposed by the Town of Springdale under U.C.A. Title 59, Chapter 12, Part 2, the Local Sales and Use Tax Act.

(Ord. 2016-12, 12-14-2016, eff. 12-31-2016)

3-3F-4: EXEMPTIONS FROM THE MUNICIPAL ENERGY SALES AND USE TAX:

- A. The exemptions stated in U.C.A. § 59-12-104 do not apply to this tax unless specifically provided for in subsection B. of this section.
- B. The following are exempt from the municipal energy sales and use tax, pursuant to U.C.A. § 10-1-305(2)(b):
 - 1. Sales and use of aviation fuel, motor fuel, and special fuels subject to taxation under U.C.A. Title 59, Chapter 13;
 - 2. Sales and use of taxable energy that is exempt from taxation under federal law, the United States constitution, or the Utah Constitution;
 - 3. Sales and use of taxable energy purchased or stored in the state for resale;
 - 4. Sales or use of taxable energy to a person, if the primary use of the taxable energy is for use in compounding or producing taxable energy or a fuel subject to taxation under U.C.A. Title 59, Chapter 13;
 - 5. Taxable energy brought into the state by a nonresident for the nonresident's own personal use or enjoyment while within the state, except taxable energy purchased for use in the state by a nonresident living or working in the state at the time of purchase;
 - 6. The sale or use of taxable energy for any purpose other than as a fuel or energy; and
 - 7. The sale of taxable energy for use outside the boundaries of the Town of Springdale.
- C. The sale, storage, use or other consumption of taxable energy is exempt from the municipal energy sales and use tax levied by this article if:
 - 1. The delivered value of the taxable energy has been subject to a municipal energy sales or use tax levied by another municipality within the state authorized by U.C.A. Title 59, Chapter 12, Part 3; and

2. The Town of Springdale is paid the difference between the tax paid to the other municipality and the tax that would otherwise be due under this article, if the tax due under this article exceeds the tax paid to the other municipality.

(Ord. 2016-12, 12-14-2016, eff. 12-31-2016)

3-3F-5: NO EFFECT UPON EXISTING FRANCHISES; CREDIT FOR FRANCHISE FEES:

- A. This article shall not alter any existing franchise agreements between the Town of Springdale and energy suppliers.
- B. There is a credit against the tax due from any consumer in the amount of a contractual franchise fee paid if:
 1. The energy supplier pays the contractual franchise fee to the Town of Springdale pursuant to a franchise agreement in effect on July 1, 1997;
 2. The contractual franchise fee is passed through by the energy supplier to a consumer as a separately itemized charge; and
 3. The energy supplier has accepted the franchise.

(Ord. 2016-12, 12-14-2016, eff. 12-31-2016)

3-3F-6: TAX COLLECTION CONTRACT WITH STATE TAX COMMISSION:

- A. On or before the effective date hereof, the Town of Springdale will contract with the State Tax Commission to perform all functions incident to the administration and collection of the municipal energy sales and use tax, in accordance with this article. The Mayor, with the Town Council is hereby authorized to enter a new or supplementary agreement with the state tax commission that may be necessary to the continued administration and operation of the municipal energy sales and use tax ordinance enacted by this article.
- B. An energy supplier must pay the municipal energy sales and use tax revenues collected from consumers directly to the Town of Springdale if:
 1. The Town of Springdale is the energy supplier; or
 2. a. The energy supplier estimates that the tax collected annually from its Utah consumers equals \$1,000,000.00 or more, and
b. The energy supplier collects the municipal energy sales and use tax.
- C. An energy supplier paying the municipal energy sales and use tax directly to the Town of Springdale may deduct any contractual franchise fees collected by the energy supplier qualifying as a credit and remit the net tax less any amount the energy supplier retains as authorized by U.C.A. § 10-1-307(4).

(Ord. 2016-12, 12-14-2016, eff. 12-31-2016)

3-3F-7: INCORPORATION OF U.C.A. TITLE 59, CHAPTER 12, PART 1, INCLUDING AMENDMENTS:

- A. Except as provided, and except insofar as they are inconsistent with the provisions of U.C.A. Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act, as well as this article, all of the provisions of U.C.A. Title 59, Chapter 12, Part 1, as amended, and in force and effect on the effective date of this article, insofar as they

relate to sales and use taxes, excepting U.C.A. § 59-12-101 thereof, and excepting for the amount of the sales and use taxes levied therein, are hereby adopted and made a part of this article as if fully set forth herein.

- B. Wherever, and to the extent that in U.C.A. Title 59, Chapter 12, Part 1, as amended, the State of Utah is named or referred to as the "taxing agency", the name of the Town of Springdale shall be substituted, insofar as is necessary for the purposes of that part, as well as U.C.A. Title 10, Chapter 1, Part 3, as amended. Nothing in this subsection requires the substitution of the name Town of Springdale for the word "state" when that word is used as part of the title of the state tax commission, or of the constitution of Utah, nor does this subsection require that the Town of Springdale be substituted for that of the state in any section when the result of such a substitution would require action to be taken by or against the Town of Springdale or any agency thereof, rather than by or against the state tax commission in performing the functions incident to the administration or operation of this article.
- C. Any amendment made to U.C.A. Title 59, Chapter 12, Part 1, as amended, which would be applicable to the Town of Springdale for the purposes of carrying out this article are hereby incorporated herein by reference and will be effective upon the date that they are effective as a Utah statute.

(Ord. 2016-12, 12-14-2016, eff. 12-31-2016)

3-3F-8: NO ADDITIONAL LICENSE TO COLLECT OR REPORT THE MUNICIPAL ENERGY SALES AND USE TAX REQUIRED:

No additional license to collect or report the municipal energy sales and use tax levied by this article is required, provided the energy supplier collecting the tax has a license issued under U.C.A. § 59-12-106.

(Ord. 2016-12, 12-14-2016, eff. 12-31-2016)

CHAPTER 4 RETAIL TOBACCO SPECIALTY BUSINESSES

3-4-1: DEFINITIONS:

Retail tobacco specialty business: As used herein, this term will have the same definition as set forth in U.C.A. § 10-8-41.6(1)(g), as amended.

Tobacco paraphernalia: As used herein, this term will have the same definition as set forth in U.C.A. § 76-10-101(19)104.1(1)(b), as amended.

Tobacco product: As used herein, this term will have the same definition as set forth in U.C.A. § 10-8-41.6(1)(i), as amended.

(Ord. 2017-08, 7-12-2017)

3-4-2: RETAIL TOBACCO SPECIALTY BUSINESS NOT PERMITTED:

The operation of a retail tobacco specialty business within the Town of Springdale is prohibited.

(Ord. 2017-08, 7-12-2017)

3-4-3: PENALTY:

Any violation of this chapter is a Class B misdemeanor and punishable by a fine of \$1,000.00, not including any mandatory fees and surcharges imposed by law or a court of competent jurisdiction.

(Ord. 2017-08, 7-12-2017)

Title 4 PUBLIC HEALTH AND SAFETY

CHAPTER 1 FIRE DEPARTMENT

4-1-1: SPECIAL SERVICE DISTRICT FOR FIRE AND AMBULANCE SERVICES:

The Town has ~~entered into an interlocal agreement with~~ been incorporated into the ~~Rockville/Springdale Fire Protection~~ Hurricane Valley Fire Special Service District ("district") for the district to provide the Town's fire protection and ambulance service needs. Details and fees related to the fire and ambulance service provided by the district to the Town are set forth ~~in that agreement by the district, as it~~ which may be modified ~~or renewed~~ by the ~~district parties~~ from time to time.

~~(Ord. 2017-01, 2-8-2017)~~ (Washington County Res. R-2019-2427, 1-22-2019; Washington County Res. R-2019-2532, 11-19-2019)

4-1-2: ENFORCEMENT:

- A. *Enforcement:* The district is authorized ~~during the term of its interlocal agreement with the Town~~ to enforce the state fire code that is adopted in title 9, chapter 7 of this Code.

(Ord. 2017-01, 2-8-2017)

CHAPTER 2 OFFENSIVE BUSINESSES AND FACILITIES

4-2-1: PROHIBITED; INCLUDED BUSINESSES:

- A. *Prohibited:* As provided under U.C.A. § 10-8-67, ~~No~~ no person shall commence or change the location of any offensive business or establishment in this Town or within one mile of the Town limits.
- B. *Included businesses:* Offensive businesses, within the meaning of this chapter, shall include, but not be limited to, packinghouses, dairies, tanneries, canneries, renderies, junk or salvage yards, bone factories, slaughterhouses, butcher shops, soap factories, foundries, distilleries, livery stables, blacksmith shops, or any other enterprise or establishment which creates excessive odors, fumes, smoke, gases or noises.

(Ord. 2006-03, 1-3-2006)

4-2-2: CONTROL OF ANIMAL AND FOWL FACILITIES:

- A. *Location and management:* The Town Council shall have the power to prohibit or control the location and management of any offensive, unwholesome business or establishment in or within one mile of the Town limits and may compel the owner of any pigsty, privy, barn, corral, furbearing animal farm, feed yard, poultry farm or other unwholesome or nauseous house or place to cleanse, abate or remove the same.

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- B. *Examination of operation:* The Town Council may, ~~on its own initiative and shall, on complaint of a member of the public,~~ examine the operation, ~~control and~~ the location of any business or facility for the purpose of determining whether or not the operation of such business or facility should be improved so as to minimize the offensive and unwholesome characteristics or whether the business or activity should be moved or abated.
- C. *Notification of abatement:* In the event that the Town Council decides that the business or facility should be abated, removed or controlled, it shall notify the owner or operator of the business or facility of such fact.
- D. *Hearing; limited license:* After a hearing, the Town Council may issue a limited license wherein it may prescribe the specifications and standards which must be followed by the business or facility in order to be permitted to continue in operation.
- E. *Abatement or removal:* Upon a determination by the Town Council that the business or facility is a nuisance, it shall have power to order the abatement or removal of the facility or establishment. If the owner fails to conform to such order, the Town Council shall have power to bring all necessary legal proceedings to force removal, abatement or adherence to standards.

(Ord. 2-97, 4-30-1997)

4-2-3: EXISTING OFFENSIVE BUSINESSES AND FACILITIES:

- A. *Investigation:* The Town Council may require an investigation of any existing offensive business or facility to determine whether or not it should be permitted to remain in existence in or within one mile of the Town limits. If the Town Council determines that the continuation of the business or facility has become a nuisance to persons situated within the Town limits or that ample control is not being exercised to minimize the creation of excessive odors, fumes, smoke, gases and noise, it shall notify the owner or operator thereof that the Town Council is considering revoking or modifying the operator's license.
- B. *Standards and specifications for modification:* If the Town Council decides to require a modification of the manner in which the business or facility is to be maintained, it shall specify the standards or specifications to which the enterprise must conform or otherwise lose its license to engage thereafter in the business or activity.

(Ord. 2-97, 4-30-1997)

CHAPTER 3 NUISANCES

4-3-1: DEFINITIONS:

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

Aircraft: A machine or contrivance which is capable of sustaining flight through the air, including airplanes, helicopters, hot air balloons, and other machines or contrivances that are operated by direct human intervention from on or within the aircraft, but not "unmanned aircraft" as defined by U.C.A. § 72-10-102.

Animal park or preserve: Any property where large or wild animals, other than household pets or farm animals, are kept and cared for. This definition shall also include any property where more than one horse, cow, pig, or other similar animal per 10,000 square feet of property area are kept and cared for.

Author of nuisance: Where a nuisance exists upon property and is the outgrowth of the usual, natural or necessary use of the property, the landlord or his agent and all other persons having control of the property on

which such nuisance exists, shall be deemed to be the authors thereof and shall be equally liable and responsible. Where any such nuisance shall arise from the unusual or unnecessary use of such property or from the business thereon conducted, then the occupants and all other persons contributing to the continuance of such nuisance shall be deemed the authors.

Debris: The remains of something that has been broken up or destroyed and that are scattered across a property.

Nuisance: Any condition, action or activity which:

- A. Is specifically identified as a nuisance in any section of this Code and under U.C.A. § 78B-6-1101; or
- B. Creates a hazard which threatens the health and welfare of the inhabitants of the Town; or
- C. Renders soil, air, water or food impure or unwholesome.

Any condition, action or activity which fits this definition shall be considered a nuisance and unlawful.

Pigsty: A property where more than one pig per 10,000 square feet of property area is kept.

Stockyard: A property where transient cattle, sheep, swine, horses, or other similar animals are kept temporarily for slaughter, market, or shipping.

Trash: Items of little or no value which have been discarded or cast aside and are stored on a property but not in a regularly emptied trash can or dumpster.

Zoo: A collection of living animals, other than farm animals or household pets, intended for public display.
(Ord. 2007-13, 10-23-2007; amd. Ord. 2014-06, 7-9-2014; Ord. No. 2023-11, 10-11-2023)

4-3-2: DECLARATION OF NUISANCE:

- A. *Statement:* It shall be unlawful for any person either as an owner, agent or occupant of property to create, contribute to, maintain or aid in the creation of a nuisance. Every act or condition that constitutes a nuisance that is made, permitted, allowed or continued may be punished as hereinafter provided.
- B. *Specified:* Nuisances include, but are not limited to:
 - 1. *Befouling water:* Befouling water in any spring, stream, well or water source supplying water for culinary purposes.
 - 2. *Privies, cesspools:* Allowing any privy vault or cesspool, or other individual wastewater disposal system, to become a menace to health or a source of odors or contamination to air or water.
 - 3. *Garbage containers, unemptied:* Permitting any garbage container to remain on premises when it has become full of refuse and is not emptied on a regular basis.
 - 4. *Garbage accumulation:* Allowing vegetable waste, garbage, litter, filth or refuse of any nature to accumulate within or upon any private alley, yard or area, except when it is temporarily deposited for immediate removal.
 - 5. *Manure accumulation:* Permitting the accumulation of manure in any stable, stall, corral, feed yard, yard or in any other building or area in which any animals are kept.
 - 6. *Slaughterhouses, feed yards:* Permitting any slaughterhouse, market, meat shop, stable, feed yard or other place or building wherein any animals are slaughtered, kept, fed or sold to remain unclean or in any state or condition detrimental to health or creating a nuisance because of odors, or in which flies or rodents breed.

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7. *Discharging offensive water or liquid waste:* Discharging or placing any offensive water, chemical spray, liquid waste or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural watercourse, ditch, canal or any vacant lot or which, as the result of continued discharge, will render the place of discharge offensive or likely to become so.
 8. *Collecting grease, offensive matter:* Keeping or collecting any stale or putrid grease or other offensive matter, or operating any food preparation area without a grease trap as required by this Code.
 9. *Flies and mosquitoes:* Having or permitting upon any premises any fly or mosquito producing condition to the extent that such condition produces flies or mosquitoes and disturbs three or more people in the ordinary enjoyment or use of their property.
 10. *Public drinking vessels:* Keeping any drinking vessel for public use without providing a method of decontamination between uses.
 11. *Ablutions near drinking fountain:* Permitting or performing any ablutions in or near any public drinking fountain.
 12. *Boarding house or factory, sanitary condition:* Failing to furnish any dwelling house, boarding house or factory or other place of employment with such privy vaults, water closets, sinks or other facilities as may be required to maintain the same in sanitary condition.
 13. *Cleaning privy vaults:* Neglecting or refusing to discontinue use of, clean out, disinfect and fill up all privy vaults and cesspools or other individual wastewater disposal systems within 20 days after notice from ~~any~~ the code enforcement officer or official of the Town.
 14. *Stagnant water; offensive substances:* Permitting any lot or excavation to become the repository of stagnant water or any decaying or offensive substances.
 15. *Obstructing public ways, watercourses, parks:* Obstructing or tending to obstruct or interfere with or render dangerous for passage any street or sidewalks, lake, stream, drainage, canal or basin, or any public park without first obtaining the written permission of the Town Council.
 16. *Portable lights:* Portable spotlights and other portable lights of high illumination, unless otherwise approved by the Town.
 17. *Animal facilities:* Stockyards, pigsties, animal parks or preserves, and zoos.
 18. *Brightly colored structures:* Brightly colored or fluorescent buildings or structures unless approved in connection with the Town's sign ordinance and/or color palette.
 19. *Aircraft landings:* The landing of aircraft on any ground within the Town of Springdale, with the following exceptions:
 - a. Aircraft landings in association with an official response to a medical emergency or natural disaster.
 - b. Aircraft landings in association with annual training of emergency aircraft and personnel provided advance notice is given to the Town at least one week prior to the training, and the training is coordinated with the chief of police and the Hurricane Valley Fire Special Service District~~Rockville/Springdale fire protection district~~. No more than one such training session is allowed in a calendar year.
- C. *Unlimited scope:* The types of nuisances above stated shall be deemed in addition to and in no way a limitation of the nuisances subject to this chapter.

(Ord. 2007-13, 10-23-2007; Ord. 2016-02, 1-13-2016; Ord. 2007-13, 10-23-2007))

4-3-3: TOILET OR SEWER FACILITIES:

All toilet or sewer facilities shall be constructed and maintained in accordance with state law and Town ordinances. All such facilities that do not comply with such provisions are hereby declared to be a nuisance and are subject to abatement as herein prescribed.

(Ord. 2-97, 4-30-1997; amd. 2001 Code)

4-3-4: RESTRICTIONS ON BLOCKING WATER:

- A. It shall be unlawful for any person to permit any drainage system, canal, ditch, conduit or other watercourse of any kind or nature, natural or artificial, to become so obstructed as to cause the water to back up and overflow therefrom, or to become unsanitary. Obstructions created by collection of refuse or debris during storms shall be cleared as soon as reasonably possible, preferably before an overflow or backup occurs.
- B. Failure to maintain any such watercourse in such condition shall constitute a nuisance and the same shall be subject to abatement.

(Ord. 2-97, 4-30-1997)

4-3-5: NUISANCES ON PROPERTY:

- A. *Definition:* For the purpose of this section, the term "*nuisance*" is defined to mean any condition or use of premises or of building exteriors which are deleterious, injurious, or noxious, which includes, but is not limited to, keeping or depositing on or scattering over the premises any of the following:
 - 1. Trash or debris.
 - 2. Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans, containers or other discarded items not currently in use.
 - 3. Open storage of unused machinery, implements, equipment, automobiles, or other personal property of any kind, when such objects are no longer safely usable for the purposes for which they were manufactured, for a period of 30 days or more. For the purposes of this section, "open storage" means visible from any point outside the property boundaries on which the storage is contained.
- B. *Duty of maintenance:* No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon.
- C. *Abatement by owners:* The owner, owners, tenants, lessees or occupants of any lot within the Town on which such "nuisance", as defined in subsection A. of this section, is made, and also the owner, owners or lessees of the above described personal property involved in such nuisance, shall jointly and severally abate such nuisance by its prompt removal into completely enclosed and secured buildings to be used for such purposes, or otherwise by removeing such property from the Town.

(Ord. 2007-13, 10-23-2007)

4-3-6: ABATEMENT PROCEDURE:

- A. Code Enforcement Officer~~Nuisance inspector~~:

1. *Established:* There is hereby established the position of nuisance-inspectorcode enforcement officer, whose duties it shall be to enforce the provisions of this chapter. ~~More than one person may be appointed to act as inspector under this section.~~
 2. *Duties:* The nuisance-inspectorcode enforcement officer shall:
 - a. Perform all functions necessary to enforce the provisions of this chapter.
 - b. Inspect or cause to be inspected, as often as needed, all buildings, structures, lots or places for the purpose of determining whether such are in compliance with the provisions of this chapter.
 - c. Obtain an inspection warrant from the court or obtain the property owner's permission prior to entering any building or structure, fenced or gated yard, or other private area.
 3. *Existence of objectionable condition:* If he concludes there exists an objectionable condition or activity in violation of this chapter, the nuisance-inspectorcode enforcement officer may:
 - a. Ascertain the names of the owners, according to county tax records, and occupants and descriptions of the premises where such objects, conditions, or activities exist.
 - b. Serve notice in writing upon the owner and occupant of such premises, either personally or by mailing notice prepaid, addressed to the owner and occupant at their last known post office address(es) as disclosed by the records of the county assessor, or as otherwise ascertained, requiring such owner or occupant, or both, as the case may be, to eradicate or destroy and remove the nuisance within such time as the nuisance-inspectorcode enforcement officer may designate; provided, that any person notified pursuant to this subsection shall be given at least ten days following the date of service of such notice, to correct the objectionable condition. The notice shall:
 - (1) Contain a specific statement of the nature of the violation and generally describe the premises on which the violation exists.
 - (2) Inform the person that in the event he fails or neglects to correct the objectionable condition within the time designated by the nuisance-inspectorcode enforcement officer, the Town may issue a citation and pursue correction of the objectionable condition through criminal proceedings.
 - (3) Inform the person that failure to correct the violation within the time given in the notice will be considered a demonstration of the person's intent to create and perpetuate the nuisance.
- B. *Criminal proceedings:* Notwithstanding the other provisions of this title, the issuance of a citation by an officer (including the nuisance-inspectorcode enforcement officer, if the nuisance-inspectorcode enforcement officer is a regular police officer or certified as a special function officer under U.C.A. § 53-13-105) and the commencement of criminal proceedings for the purpose of imposing penalties for violations of this chapter shall not be conditioned upon prior issuance of a notice or the granting to the defendant an opportunity to abate or remove the nuisance.
- C. *Abatement by Town of weeds and nuisances on property:* If any owner, occupant, or other person having interest in land where a nuisance on property (according to sections 4-3-2 and 4-3-5 of this chapter) or a weed nuisance (according to chapter 3A of this title) exists shall, after being duly noticed pursuant to this section, fail to eradicate, destroy, or otherwise remove the nuisance from the property within the time limit given in the notice, the nuisance-inspectorcode enforcement officer may issue a citation, and may, under order of the court, employ all necessary assistance to cause such objectionable objects or conditions to be removed or destroyed at the expense of the Town. The owner of the property where the objectionable objects or conditions have been removed or destroyed shall reimburse the Town for this abatement as provided in this section.

1. *Itemized statement:* The nuisance inspector/code enforcement officer shall prepare an itemized statement of all expenses incurred in the removal and destruction of nuisances, and shall mail a copy thereof to the owner or occupant, or both, or to persons having an interest in the property, demanding payment within 30 days of the date of mailing. The notice shall be deemed delivered when mailed by certified mail, addressed to the last known address of the property owner, occupant or person having an interest in the property.
2. *Failure to make payment:* In the event the owner, occupant or person having an interest in the property fails to make payment of the amount set forth in the statement to the Town Treasurer within the 30 days, the nuisance inspector/code enforcement officer shall refer the matter to the county treasurer as provided in subsection D. of this section.
- D. *Collection:* In the event that the nuisance inspector/code enforcement officer refers the expenses of destruction or removal to the county treasurer for inclusion in the tax notice of the property owner, he shall make in triplicate an itemized statement of all expenses incurred in the destruction and removal of the same, and shall deliver three copies of the statement to the county treasurer within ten days after the end of the 30-day period provided for in subsection C.2. of this section.
- E. *Civil enforcement:* The Town may elect to pursue enforcement of any nuisance through a civil lawsuit, in lieu of criminal enforcement. If the Town prevails in such a suit, the property owner shall be obligated to pay the cost of abating the nuisance and the Town's reasonable attorney fees and costs expended in such suit.

(Ord. 2007-13, 10-23-2007)

4-3-7: PENALTY FOR FAILURE TO COMPLY:

- A. *Class C misdemeanor:* Except in the case of weeds (as provided in chapter 3A of this title) and noise (as provided in chapter 3B of this title), any owner, occupant or person having an interest in property subject to this chapter who shall fail to comply with the notice or order given pursuant to this chapter, or who is issued a citation for a nuisance which results in a conviction, shall be guilty of a class C misdemeanor for each offense and shall be subject to a fine as provided in section 1-4-1 of this Code.
- B. *Criminal proceedings:* Compliance by any owner, occupant or person to whom a notice has been given as provided in this chapter, subsequent to expiration of the notice period, shall not be admissible in any criminal proceeding brought pursuant to this section.

(Ord. 2007-13, 10-23-2007)

CHAPTER 3A WEEDS

4-3A-1: DEFINITION:

"Weeds" shall include any vegetation commonly referred to as a weed or which shall have been designated a noxious weed by the Utah Commissioner of Agriculture. Weeds specifically include, but are not limited to: Russian thistle and other similar tumbleweed species, Scotch thistle, non-native invasive grasses such as cheatgrass, and puncture vine.

(Ord. 2007-13, 10-23-2007)

4-3A-2: STANDARD OF WEED CONTROL:

It is hereby declared that the above stated weeds constitute a nuisance when they create a fire hazard, a source of contamination or pollution of the water, air or property, a danger to health, a breeding place or habitation for insects or rodents or other forms of life deleterious to humans or are unsightly or deleterious to their surroundings. ~~Additionally, any weed that grows to a height of 18 inches or more shall be considered a nuisance.~~

- A. The ~~nuisance inspector~~code enforcement officer is authorized to enforce the removal of all weeds that constitute a nuisance according to the abatement procedure in section 4-3-6 of this title (one notice of weed nuisances on a property shall be deemed sufficient for the entire season of weed growth during that year).
- B. Weeds which are eradicated by chemicals must be done so before their height exceeds 18 inches, or they must be cut at a level not exceeding six inches in height.
- C. Weeds which are rototilled or removed by the root must be buried under the soil or removed from the property.
- D. Weeds which are cut shall be removed from the property in a timely manner. Cut weeds shall be stored in such a way that they do not create a fire hazard or visual offense while awaiting removal from the property.
- E. The ~~nuisance inspector~~code enforcement officer may, by written order, allow and limit the cutting of weeds to a firebreak not less than 15 feet in width (unless the ~~nuisance inspector~~code enforcement officer determines that a firebreak of a lesser width will provide adequate protection against fire spread at the particular location) on all sides of property adjacent to developed properties if, in the opinion of the ~~inspector~~code enforcement officer:
 1. The large size or topography of the property makes the cutting of all weeds impractical;
 2. The location of the property and the weeds thereon do not present a foreseeable health or fire hazard to surrounding structures and properties; or
 3. The property has not been developed, graded, or otherwise disturbed and is substantially in its native state.

(Ord. 2007-13, 10-23-2007)

4-3A-3: PENALTY:

It shall be an infraction, subject to penalty commensurate with a class C misdemeanor as provided in section 1-4-1 of this Code, for any person owning or occupying real property to allow weeds to grow ~~higher~~ on such property ~~than is permitted as defined~~ by this chapter ~~or and~~ not to remove from such property any cuttings of such weeds or any refuse, unsightly or deleterious objects after having been given notice from the ~~nuisance inspector~~code enforcement officer as provided in chapter 3 of this title.

(Ord. 2007-13, 10-23-2007)

CHAPTER 3B NOISE

4-3B-1: PURPOSE AND INTENT:

The Springdale Town Council finds the making, creation or maintenance of excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual or unnatural in their time, place and use to be a detriment to the public health, comfort, convenience, safety, welfare, prosperity, and peace and quiet of the residents of the Town and a negative impact on the Town's natural surroundings and wildlife communities. The purpose of this chapter is to establish reasonable standards for the creation of noise in the Town in order to prevent noise nuisances and the negative impacts of excessive, unnecessary, unnatural or unusually loud noises.

As used in this chapter, the term "noise" shall mean any sound which is not created by the natural environment in Zion Canyon. Noise includes sounds made by people, domesticated animals, equipment, machinery, motors, engines, generators, tools, vehicles, musical instruments, loudspeakers, amplifying devices, buildings, wind chimes, and the interaction of wind with non-natural structures. Noise does not include sounds made by native wildlife and natural processes in the natural environment which are part of the natural soundscape.

(Ord. 2019-02, 7-10-2019)

4-3B-2: NOISE CONTROL STANDARDS:

Except as allowed by subsections C. and D. of this section, it shall be unlawful for any person to make, allow to be made, or cause to be made or continued any noise in excess of the limits established in the chart below.

Daytime - 7:00 a.m. to 8:00 p.m.	Evening - 8:00 p.m. to 10:00 p.m.	Nighttime - 10:00 p.m. to 7:00 a.m.
90 dBA	60 dBA	50 dBA

- A. *Duration standard:* To be in violation of the noise standards above, noises must exceed the applicable decibel limit:
- Continually for a period of 30 seconds or more, or
 - Cumulatively for a period of 90 seconds or more in any 30-minute period.
- B. *Measurement location standard:* Measurements to determine whether a noise meets the standards in the chart above shall be taken at either: 1) the nearest publicly accessible location not on the property where the noise is being made, or 2) on the nearest private property to the property where the noise is being made when the owner of the private property has given access permission to Town officials.
- C. *Exemption permits:* A person, group, or organization may make application to the Town Council for an exemption permit to exceed the noise standards in the chart above. Exemption permits are granted for a specific noise making occurrence. Exemption permits are approved only when all of the standards below are met:
- The noise making occurrence is necessary for the operation or administration of a project, event, or land use which has been permitted by the Town of Springdale. Exemption permits shall only be granted for unavoidable instances of noise making necessary for the function or construction of an approved project, event, or land use. Exemption permits shall not be granted for private parties or commercial events that do not have a community wide public benefit.
 - The person seeking the exemption permit has mailed notice of the proposed noise making event, as well as the Town Council meeting where the permit application will be reviewed, to all property owners within 600 feet of the proposed noise making location. Such notice must be

mailed at least ten days prior to the Town Council meeting where the permit application will be considered. The applicant must submit proof of mailing to Town staff.

3. Only one exemption permit will be granted to the same person, group, organization, or property within a one-year period.
4. The applicant will take all reasonable measures to limit the noise impact and nuisance on surrounding properties.
5. The proposed noise is the minimum amount of noise necessary, and for the shortest duration, to effectively complete the project, event, or land use.

D. *Exceptions:* The standards in this section do not apply to the following noises:

1. Sirens and other similar warning sounds made by emergency vehicles when responding to an emergency.
2. Noises associated with emergency utility work needed to repair broken or impaired public utilities when such repairs are necessary for public safety or welfare.
3. Noises made by the operation of construction equipment when such equipment is used in the construction of a project that has received all necessary approvals and permits from the Town, and is operated between the hours of 7:00 a.m. and 8:00 p.m.
4. Back up alarms on garbage trucks, delivery trucks, or similar vehicles, but only when operated between 7:00 a.m. and 8:00 p.m.
5. Noises made by yard care and landscape maintenance equipment (e.g., lawn mowers, leaf blowers, trimmers, etc.) when operated between the hours of 7:00 a.m. and 8:00 p.m.
6. Noises associated with the normal operation of motor vehicles, but not including:
 - a. Intentional revving of engines, squealing of tires, and similar unnecessary vehicles noises, and
 - b. Engine brakes.
7. Noises from events and festivals that are open to the public, authorized by the Town issuing a Large Outdoor Event permit for the event pursuant to section 10-22-3, and are held at the Town Park between the hours of 7:00 a.m. and 10:30 p.m.
8. Noises from the routine operation of buildings such as air conditioning units.
9. Noises associated with the cleaning of grease traps, associated lateral sewer lines, and kitchen hoods.

(Ord. 2019-02, 7-10-2019; Ord. No. 2021-09, 7-14-2021)

4-3B-3: PENALTY:

It shall be an infraction, subject to penalty commensurate with a Class C misdemeanor as provided in section 1-4-1 of this Code, for any person to make, continue, or cause to be made or continued any noise prohibited by this chapter.

(Ord. 2019-02, 7-10-2019)

CHAPTER 4 WEEDS¹

CHAPTER 5 SOLID WASTE

4-5-1: DEFINITIONS:

Words or phrases used in this chapter have the meanings that are provided in Section 1 of the District/Republic Waste Agreement (as defined below). In addition, for purposes of this Chapter, the following terms shall have the following meanings:

Allied Waste: Allied Waste Transportation, Inc.

Commercial property: Any premises or property: a) used primarily in connection with the supply of goods or services on a regular basis or in the regular course of business, or for which a business license is required by any state law or local ordinance, or b) containing a structure hooked to power and water and used for human habitation on an overnight or other temporary rental basis of less than 30 consecutive days, or c) containing a structure with more than eight dwelling units which is hooked to power and water and used for human habitation on a rental basis. Commercial shall include, but shall not be limited to, business establishments, hotels, motels, recreational vehicle developments and apartments.

District: Washington County Special District No. 1.

District/Republic waste agreement: The agreement, and any amendments thereto, between Washington County Special Service District No. 1 and Allied Waste Transportation, Inc., dba Republic Services of St. George (hereinafter "Republic") dated September 1, 2020, a copy of which is attached to the ordinance codified herein as Exhibit A and incorporated herein by this reference. Copies of Exhibit A are available at Springdale town offices with original ordinances.

District/Springdale agreement: The agreement between the District and Springdale dated August 20, 2020, a copy of which is attached to the ordinance codified herein as Exhibit B and incorporated herein by this reference. Copies of Exhibit B are available at Springdale town offices with original ordinances.

Private hauler:

- A. Any person or entity who, as the owner, tenant or other occupant of property or premises classified as commercial, collects and disposes of solid waste generated by the use of said property, and
- B. Any person or entity who collects and disposes of construction debris.

Residential property: Any property or premises containing a structure which is hooked to culinary water and power and intended or used for human habitation, but excluding: a) property or premises containing a structure hooked to power and water and used for human habitation on an overnight or other temporary rental basis of less than 30 consecutive days, and b) property or premises containing a structure with more than eight dwelling units, which is hooked to power and water and used for human habitation on a rental basis.

(Ord. 2009-09, 11-18-2009, eff. 1-1-2010; Ord. No. 2020-08, 2-1-2021)

¹Editor's note(s)—Rep. by Ord. 2007-13, 10-23-2007.

4-5-2: USE OF WASHINGTON COUNTY LANDFILL:

All solid waste generated within the corporate limits of Springdale, except as otherwise provided in District's rules and regulations, shall be transported to and disposed of at the Washington County Landfill.

(Ord. 2009-09, 11-18-2009, eff. 1-1-2010; Ord. No. 2020-08, 2-1-2021)

4-5-3: COLLECTION AND DISPOSAL OF RESIDENTIAL SOLID WASTE:

Pursuant to the District/Springdale Agreement, Springdale provides automated residential waste collection and disposal service once each week to residences located within the boundaries of Springdale in accordance with the District/Republic Waste Agreement.

(Ord. 2009-09, 11-18-2009, eff. 1-1-2010; Ord. No. 2020-08, 2-1-2021)

4-5-4: MANDATORY USE OF SERVICE:

The use by all residents of said automated residential waste collection and disposal service is hereby declared to be mandatory, provided that an owner or occupant of residential property or premises may, in addition to utilizing said service, haul his or her own residential solid waste to the Washington County landfill in accordance with the District's rules and regulations.

(Ord. 2009-09, 11-18-2009, eff. 1-1-2010; Ord. No. 2020-08, 2-1-2021)

4-5-5: MANDATORY USE OF AUTOMATED/SEMI-AUTOMATED CONTAINERS:

Each residence or residential unit within the incorporated areas of Springdale shall be required to utilize an automated/semiautomated container(s) which has(have) been approved and delivered to the property by the District, except that collection of residential waste may be accomplished by use of dumpsters in:

- A. Condominium or townhome developments already utilizing dumpsters prior to the date hereof, and
- B. Condominium, townhome or other high density developments established after January 1, 2010, where use of dumpsters is approved by the District and Springdale.

Any waste in excess of that placed in the automated/semiautomated container(s) may be placed for collection in bags or manual containers located in close proximity to the automated/semiautomated container(s).

(Ord. 2009-09, 11-18-2009, eff. 1-1-2010; Ord. No. 2020-08, 2-1-2021)

4-5-6: RESIDENTIAL WASTE COLLECTION PROCEDURES:

All residential solid waste shall be placed for collection by 6:00 a.m. of the day scheduled for collection. Automated/semiautomated containers shall be placed within three feet of the curbside, blacktop or other roadway surface, with three 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. All empty waste containers shall be removed from the street as soon as reasonably practicable but not later than 24 hours after being emptied.

(Ord. 2009-09, 11-18-2009, eff. 1-1-2010)

4-5-7: ESTABLISHMENT OF RESIDENTIAL FEES:

There is hereby established a monthly residential solid waste collection and disposal fee for each residence or residential unit in Springdale, consisting of the following amounts:

- A. The amount to be paid to Republic for residential waste and bulky waste pursuant to sections 4.b and 17.a of the District/Republic Agreement consisting of the amount of \$6.90 per residence per month, which is subject to a 2.5 percent annual increase;
- B. The amount to be paid to Republic for residential recycling collection pursuant to sections 4.b and 17.b of the District/Republic Agreement consisting of the amount of at least \$5.66 per residence per month, or other such amount as indicated in the agreement based on the percentage of residences participating in the recycling program, which is subject to a 2.5 percent annual increase;
- C. The amount of \$4.55 per residence per month, increased by an annual increase of \$0.10 per residence per month, or such other amount as may be reasonably determined by resolution of the District, for operation of the Washington County Landfill and the District's administrative expenses; and
- D. An amount equal to three percent (3%) of the amounts in subsections A., B. and C. of this section (\$0.51 as of adoption of Ord. No. 2021-01) to offset the cost of billing and collection by Springdale.

(Ord. 2009-09, 11-18-2009, eff. 1-1-2010; Ord. No. 2020-08, 2-1-2021; Ord. No. 2021-01, 2-1-2021)

4-5-8: RESIDENTIAL FEE ESTABLISHED FOR AVAILABILITY OF SERVICE:

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

(Ord. 2009-09, 11-18-2009, eff. 1-1-2010; Ord. No. 2020-08, 2-1-2021)

4-5-9: MONTHLY BILLING:

Fees for residential waste collection and disposal services provided by Springdale shall be paid on a monthly basis, and shall be included in any billing for other municipal services supplied by Springdale, including water, power, sewer, etc. All payments for residential solid waste collection and disposal services not received on or before the 25th 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 five percent per annum until paid in full, and shall be subject to all collection practices or procedures as may be established from time to time by ordinance.

(Ord. 2009-09, 11-18-2009, eff. 1-1-2010)

4-5-10: COLLECTION OF COMMERCIAL WASTE:

Nothing in this chapter 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 the District and authorized to conduct business within the Town of Springdale.

(Ord. 2009-09, 11-18-2009, eff. 1-1-2010; Ord. No. 2020-08, 2-1-2021)

4-5-11: COMMERCIAL OR PRIVATE HAULERS:

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 Springdale without having first obtained from the District a license to operate as a private or commercial hauler.

(Ord. 2009-09, 11-18-2009, eff. 1-1-2010; Ord. No. 2020-08, 2-1-2021)

4-5-12: COLLECTION VEHICLES:

All trucks or other vehicles used by any private or commercial hauler to collect or transport solid waste within Springdale shall: a) be maintained in a good mechanical condition, b) 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, c) clearly bear on the outside of the body of the vehicle the name and telephone number of the hauler, and d) comply with all provisions of all applicable state or federal regulations or laws concerning the collection, transportation or disposal of solid waste.

(Ord. 2009-09, 11-18-2009, eff. 1-1-2010)

4-5-13: TRANSPORTATION OF WASTE:

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.

(Ord. 2009-09, 11-18-2009, eff. 1-1-2010)

CHAPTER 6 LITTER; HANDBILLS

4-6-1: DEFINITIONS:

For the purpose of this chapter:

Authorized receptacle: A public or private litter storage and collection receptacle.

Commercial handbill: Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter or literature:

- A. Which advertises for sale any merchandise, product, commodity or thing;
- B. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest in sales thereof;
- C. Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind; or
- D. Which, while containing reading matter other than advertising matter is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

District: The Washington County Special Service District No. 1.

Garbage: Waste from the preparation, cooking or consumption of food, condemned food products and all refuse and waste from the handling, storage, preparation and sale of produce. Garbage originates primarily in

kitchens, stores, markets, restaurants, hotels and other places where food is handled, stored, sold, cooked or consumed.

Litter: "Garbage", "refuse" and "rubbish", as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, welfare or appearance of the Town.

Newspaper: Any newspaper of general or local circulation or any periodical or current magazine regularly published with not less than four issues per year and sold to the public.

Noncommercial handbill: Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.

Park: A park, reservation, playground, beach, recreation center or any other public area in the Town, owned or used by the Town.

Refuse: Putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals and solid market and industrial wastes.

Rubbish: Nonputrescible solid wastes consisting of both combustible and noncombustible waste, such as paper, wrapping, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

Vehicle: Every device in, on or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively on stationary rails or tracks.

(Ord. 2-97, 4-30-1997; amd. 2001 Code)

4-6-2: LITTER REGULATIONS:

- A. *Public places:* No person shall throw or deposit litter in or on any street, sidewalk or other public place except:
 - 1. In authorized receptacles for collection or in official Town garbage dumps; or
 - 2. For collection as authorized by the Town Council or district.
- B. *Placement in receptacles:* Persons placing litter in authorized receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements on any street, sidewalk or other public place or on private property.
- C. *Sweeping into gutters prohibited:* No person shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
- D. *Merchants' duty to keep sidewalks clear:* No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business shall keep the sidewalk in front of their business premises free of litter.
- E. *Thrown by person in vehicle:* No person, while a driver or passenger in a vehicle, shall throw or deposit litter on any street or other public place, or on private property.
- F. *Truck loads causing litter:* No person shall drive or move any truck or other vehicle unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited on any street, alley or other public place. Nor shall any person drive or move any vehicle or truck, the wheels or tires of

which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matters of any kind.

- G. *Parks*: No person shall throw or deposit litter in any park, except in authorized receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements on any part of the park or on any street or other public place. Where authorized receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.
- H. *Lakes and fountains*: No person shall throw or deposit litter in any fountain, pond, lake, stream or any other body of water in a park or elsewhere within the Town.
- I. *Occupied private property*: No person shall throw or deposit litter on any occupied private property, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements on any street, sidewalk or other public place or on any private property.
- J. *Vacant lots*: No person shall throw or deposit litter on any open or vacant private property, whether or not owned by such person.

(Ord. 2-97, 4-30-1997)

4-6-3: HANDBILL REGULATIONS:

- A. *Throwing or distributing in public places; penalty*: No person shall throw or deposit any commercial or noncommercial handbill in or on any sidewalk, street or other public place. Unless otherwise authorized by the Town Council, it is an infraction, subject to penalty as provided in section 1-4-1 of this Code, for any person to hand out, distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.
- B. *Placing on vehicles*: Unless otherwise authorized by the Town Council, no person shall throw or deposit any commercial or noncommercial handbill in or on any vehicle; provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a noncommercial handbill to any occupant of a vehicle who is willing to accept it.
- C. *Depositing on uninhabited or vacant premises*: No person shall throw or deposit any commercial or noncommercial handbill in or on any private premises which is temporarily or continuously uninhabited or vacant.
- D. *Prohibiting distribution where properly posted*: No person shall throw, deposit or distribute any commercial or noncommercial handbill on any private premises, if requested by anyone thereon not to do so or if there is placed on said premises in a conspicuous position near the entrance thereof a sign bearing the words "no trespassing", "no peddlers or agents", "no advertisements", or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or to have their right of privacy disturbed or to have any such handbills left on such premises.
- E. *Distributing at inhabited private premises*: No person shall throw, deposit or distribute any commercial or noncommercial handbill in or on private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant or other person then present in or on such private premises. However, in case of inhabited private premises which are not posted, as provided in this section, such person, unless requested by anyone on such premises not to do so, may place or deposit any such handbill in or on such inhabited private premises if such handbill is so placed or deposited as to secure or prevent such

handbill from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when prohibited by federal postal law or regulations.

- F. *Exception for mail and newspapers:* The provisions of this chapter shall not apply to the distribution of mail by the United States, nor to newspapers, except that newspapers shall be placed on private property in such a manner so as to prevent their being carried or deposited by the elements on any street, sidewalk or other public place or on private property.
- G. *Posting notice prohibited:* No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole or shade tree, or on any public structure or building, except as may be authorized or required by law.

(Ord. 2-97, 4-30-1997; amd. 2001 Code)

CHAPTER 7 GENERAL HEALTH REGULATIONS

4-7-1: BOARD OF HEALTH:

- A. *Established:* The Southwestern District Health Department is hereby designated as the Board of Health of this Town.
- B. *Powers and duties:*
 - 1. The Town may contract with the Southwestern District Health Department on such terms and conditions as the parties may agree to enforce the provisions of this chapter and such other ordinances of this Town which authorize or require action or impose any duty on the Board of Health.
 - 2. The Board of Health shall adopt such rules and regulations as it shall deem necessary to govern its meetings and conduct.
 - 3. The Board of Health shall review and approve all applications for permits to operate any business or engage in any construction for which a permit is required for the Board of Health pursuant to any ordinances or regulations of this Town.
 - 4. The Board of Health shall recommend to the Mayor for promulgation by the Town Council such health rules, regulations and ordinances as it deems necessary for the health of persons within the Town.

(Ord. 2-97, 4-30-1997)

4-7-2: HEALTH DIRECTOR:

- A. *Created:* The Health Director of the Southwestern ~~Utah District~~ Public Health Department is hereby designated as the Health Director of this Town.
- B. *Powers and duties:*
 - 1. The Health Director may appoint any qualified person to act as his assistant for the purpose of enforcing the ordinances of the Town.
 - 2. Subject to the terms and conditions of the contract between the Southwestern ~~Utah Public~~ District Health Department, the Health Director shall:
 - a. Be the executive officer of the Board of Health;

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- b. Enforce all ordinances of this Town and the state which relate to the health and welfare of the residents of this Town;
 - c. Enforce all rules, regulations and ordinances relating to:
 - (1) Plumbing, sanitation, contagious or infectious diseases, quarantine and sewage disposal;
 - (2) Producing, storing, keeping and selling meat, dairy or other foods or food products; and
 - (3) The quarantine and disposal of all animals affected with any contagious or infectious diseases;
 - d. Have the power to impose and maintain a strict quarantine of all infected persons and premises having contagious or infectious diseases, and to require such persons or premises be disinfected; and
 - e. Have the right and authority, when he shall deem necessary, to secure and preserve the public health, to enter into or upon any premises, building or other places during the daytime, to examine, analyze or test any building, structure, premises, product or goods manufactured, stored or kept within the Town for the purposes of enforcing this chapter.

(Ord. 2-97, 4-30-1997; amd. 2001 Code)

4-7-3: PERMIT REQUIREMENTS:

It shall be unlawful for any person to engage in any of the following businesses or activities without first obtaining a permit from the Board of Health:

- A. Handling, selling, offering for sale, preparing or serving any food or food products or beverages or water intended for human consumption.
- B. Operating or permitting public access to any public swimming pool.
- C. Commercially operating any public dump, garbage or refuse collection or disposal facility, or cleaning out or installing any privy, cesspool or septic tank.

(Ord. 2-97, 4-30-1997)

4-7-4: APPLICATION FOR PERMIT:

Applications for a permit from the Board of Health shall be made to the Board of Health.

(Ord. 2-97, 4-30-1997)

4-7-5: UNWHOLESOME FOOD:

It is a class B misdemeanor, subject to penalty as provided in section 1-4-1 of this Code, for any person to sell or offer for sale any unwholesome food or beverage which has been condemned by any government food inspector.

(Ord. 2-97, 4-30-1997; amd. 2001 Code)

4-7-6: VACATING PREMISES:

- A. It shall be unlawful for any person, upon vacating or moving from any dwelling, storeroom or other building, to fail to remove all garbage, rubbish or ashes from such building or premises and the grounds appurtenant thereto, or to fail to place the same in a thoroughly sanitary condition within 24 hours after the premises are vacated.
- B. In situations where rental property is so vacated, the owner of the property shall be concurrently responsible with the tenant thereof for compliance with this section.

(Ord. 2-97, 4-30-1997)

4-7-7: DISCHARGE OF SEWAGE POLLUTION:

- A. It shall be unlawful for any person to discharge or permit the discharge of any sewage or filth from any premises into and upon any public highway, stream, watercourse or public place, or into any drain, cesspool or private wastewater disposal system which does not conform to standards established by the state division of health or by this Town.
- B. The Health Director may order a connection for sewage disposal to be made with the public sewer system provided by the Town if such is available.
- C. The Health Director shall use all due measures to prevent the fouling of any streams, watercourses, reservoirs or any source furnishing water to any of the inhabitants of this Town.

(Ord. 2-97, 4-30-1997)

4-7-8: INADEQUATE PLUMBING:

The Health Director shall have power to require the prompt repair of all leaks or other defects in plumbing throughout the Town. He shall have power to condemn and abate all plumbing which is deficient under the plumbing ordinances. When, in the opinion of the Health Director, a change in occupants, type of business or other cause requires changes in plumbing, he shall have the power to compel the installation of an increased number of plumbing fixtures and a change in their type or capacity, and to make such other alterations or increases as may be necessary for the health and safety of the occupants of the building and the public generally.

(Ord. 99-10, 10-7-1999)

CHAPTER 9: FIREWORKS AND FIRE PREVENTION

4-9-1: FINDINGS.

All of the property within the boundaries of the Town of Springdale are considered hazardous environmental conditions, including areas that are covered in brush and dry grass, areas that are within 200 feet of waterways, trails, canyons, washes, ravines, and similar features, and areas that are in the wildland urban interface area. The use of ignition sources including explosive and other fireworks within the Town of Springdale substantially increases the risk of fires.

(Ord. No. 2021-06, 4-14-2021; Ord. No. 2022-08, 5-11-2022; Ord. No. 2023-06, 5-10-2023; Ord. No. 2024-07, 5-8-2024)

4-9-2: FIREWORKS PROHIBITED.

It is unlawful to ignite or discharge fireworks in the Town of Springdale from June 1, 2024 through September 15, 2024. The term "Fireworks" under this Section has the definition provided under Title 53, Chapter 7, Part 2, Section 202, Utah Code Annotated 1953, as amended.

(Ord. No. 2021-06, 4-14-2021; Ord. No. 2022-08, 5-11-2022; Ord. No. 2023-06, 5-10-2023; Ord. No. 2024-07, 5-8-2024)

4-9-3: OPEN FIRES.

It is unlawful to have an open fire in the Town of Springdale from June 1, 2024 through September 15, 2024. As used in this Section, the term "open fire" does not include the following:

- A. The use of LPG gas/natural gas and charcoal briquettes in contained BBQ grills, covered stoves, and devices (e.g., Coleman stoves, Weber, or other BBQ grills);
- B. A fire in an approved fire pit at an improved campground, provided that the campground complies with section 4-9-4; or
- C. A fire in an approved fire pit, provided that it is not left unattended.

(Ord. No. 2021-06, 4-14-2021; Ord. No. 2022-08, 5-11-2022; Ord. No. 2023-06, 5-10-2023; Ord. No. 2024-07, 5-8-2024)

4-9-4: CAMPGROUND FIRES.

- A. A person who operates an improved campground that allows campfires shall comply with the following requirements:
 - 1. Issue to all customers, at check-in, a handout explaining the extreme fire danger situation and instructions about fire safety and building reduced-smoke fires;
 - 2. Prohibit unattended fires and enforce the prohibition; and
 - 3. Post fire danger signs to advise campers of extreme fire danger and to inform them that their fires will be extinguished if left unattended.
- B. A person who operates a campground in violation of section 4-9-4(A) may not have any fire within the campground for the remainder of the fire season.

(Ord. No. 2021-06, 4-14-2021; Ord. No. 2022-08, 5-11-2022; Ord. No. 2023-06, 5-10-2023; Ord. No. 2024-07, 5-8-2024)

4-9-5: PENALTIES.

- A. A person who violates section 4-9-2 is guilty of an infraction.
- B. A person who violates section 4-9-3 is guilty of an infraction.
- C. A person who violates section 4-9-4 is guilty of an infraction, and the person may not have any campfire in the campground until after September 15, 2024.

(Ord. No. 2021-06, 4-14-2021; Ord. No. 2022-08, 5-11-2022; Ord. No. 2023-06, 5-10-2023; Ord. No. 2024-07, 5-8-2024)

Title 5 POLICE REGULATIONS

CHAPTER 1 ~~PUBLIC SAFETY~~SPRINGDALE POLICE DEPARTMENT

5-1-1: ~~PUBLIC SAFETY~~SPRINGDALE POLICE DEPARTMENT:

The ~~Public Safety~~Springdale Police Department shall be under the supervision of the Chief of Police. The ~~Public Safety~~Springdale Police Department shall provide the Town with public safety services, including police protection, ~~investigation of~~ animal control ~~issues, fire protection, ambulance services~~ and school crossing guards, unless such services are provided by way of a contract with another local government entity.

(Ord. 00-8, 8-9-2000)

5-1-2: ~~QUALIFICATIONS OF CHIEF OF POLICE:~~[Reserved for future use.]

~~The Chief of Police shall possess the following attributes and qualifications:~~

- ~~A. Be a United States citizen;~~
- ~~B. Be at least 21 years old at the time of appointment;~~
- ~~C. Be a high school graduate or furnish evidence of successful completion of an examination indicating an equivalent achievement;~~
- ~~D. Have not been convicted of a crime for which the appointee could have been punished by imprisonment in a federal penitentiary or by imprisonment in the penitentiary of this or another state;~~
- ~~E. Have demonstrated good moral character as determined by a background investigation;~~
- ~~F. Be free of any physical, emotional or mental condition that might adversely affect the performance of his duties as Chief of Police;~~
- ~~G. Have successfully completed peace officer certification and training as prescribed by U.C.A. § 53-6-201 et seq., as amended, and provide evidence of successful completion;~~
- ~~H. Complete 40 hours of annual certified training in peace officer administration or similar law enforcement training; and~~
- ~~I. Attain or complete such other attributes or qualifications as the Mayor and Town Council may from time to time impose.~~

(Ord. 00-8, 8-9-2000)

5-1-3: APPOINTMENT OF CHIEF OF POLICE:

The office of Chief of Police or any vacancy therein shall be filled by appointment of the Mayor, with the advice and consent of the Town Council. The Chief of Police shall act under the direction, supervision and control

of the Mayor. The Chief of Police shall serve at the pleasure of and may be removed by the Mayor and Town Council.

(Ord. 00-8, 8-9-2000)

5-1-4: CLASSIFICATION OF POSITION OF CHIEF OF POLICE:

The position of Chief of Police shall be classified as an exempt position with at-will status, pursuant to all guidelines identified in the fair labor standards act, as well as other applicable laws and guidelines. The Chief of Police shall receive compensation at the rate and in a form to be determined by the Town Council and as outlined by contract.

(Ord. 00-8, 8-9-2000)

5-1-5: POWERS AND DUTIES OF CHIEF OF POLICE:

The Chief of Police shall have and exercise such powers and perform such duties as specified in this section, or such other ordinances or resolutions as specified by the Town Council. Specifically, the powers and duties of the Chief of Police shall be:

- A. *Execute and enforce laws:* To faithfully execute and enforce all applicable laws, ordinances, rules and regulations of the Town; to prevent crime, and to suppress riots, disturbances and breaches of the peace; to remove nuisances existing in public streets, roads or highways and other public places; to apprehend all persons violating state laws or Town ordinances; to diligently discharge his or her duties and enforce all ordinances of the Town to preserve the peace, good order and protection of the rights and property of all persons; and without process, to arrest and take into custody any person who shall commit, threaten or attempt to commit in the presence of the Chief of Police, or within his or her view, any breach of the peace, or any offense directly prohibited by the laws of this state or by ordinance.
- B. *Head of department:* As head of the Town's Public SafetySpringdale Police Department, the Chief of Police shall supervise and have charge of those providing public safety services to the Town, including, but not limited to, police officers, Animal Control Officers, the Fire Department, ambulance services and crossing guards. unless one or more of these public safety services are provided by way of a contract with another local government entity, in which case tThe Chief of Police shall act as liaison with fire protection and ambulance services provided to the Town under incorporation with the Hurricane Valley Fire Special Service District as set forth in section 4-1-1 of the Town Code. The Chief of Police shall act as liaison with animal control services provided to the Town under contract with La Verkin City Animal Control as set forth in sections 5-2-1 through 5-2-13 of this chapter. such service provider in respect to the service. As head of the Public SafetySpringdale Police Department, the Chief of Police shall also prepare and submit a proposed annual budget for his department to the Town Manager for inclusion in the overall Town budget, and shall be responsible for the administration of the department's budget upon adoption. The Chief of Police shall also keep registers of arrest and of stolen property, and shall dispose of stolen property as set forth in section 5-1-11 of this chapter.
- C. *Court:* To attend the municipal justice court when required, provide security for the court, and obey its orders and directions.
- D. *Execute warrants:* To execute and serve all warrants, processes, commitments and writs.
- E. *Other required duties:* To discharge any other duties specified by statute or imposed by the Mayor and Town Council. The duties enumerated in this section shall not act as a limitation on the Police Chief's statewide authority as otherwise provided by law.

(Ord. 00-8, 8-9-2000)

5-1-6: POLICE OFFICER QUALIFICATIONS:

Police officers shall be ~~appointed~~hired by the ~~Town Manager in consultation with the~~ Chief of Police ~~as outlined in the Law Enforcement Policy Manual of the Springdale Police Department~~, and shall serve under the direction of the Chief of Police. ~~Police officers shall possess the following attributes and qualifications:~~

- ~~A. Be a United States citizen;~~
- ~~B. Be at least 21 years old at the time of appointment~~hiring;
- ~~C. Be a high school graduate or furnish evidence of successful completion of an examination indicating an equivalent achievement;~~
- ~~D. Have not been convicted of a crime for which the appointee~~applicant ~~could have been punished by imprisonment in a federal penitentiary or by imprisonment in the penitentiary of this or another state;~~
- ~~E. Have demonstrated good moral character as determined by a background investigation;~~
- ~~F. Be free of any physical, emotional or mental condition that might adversely affect the performance of his duties as a police officer;~~
- ~~G. Have successfully completed peace officer certification and training as prescribed by U.C.A. § 53-6-201 et seq., as amended, and provide evidence of successful completion;~~
- ~~H. Complete 40 hours of annual certified training in peace officer administration or similar law enforcement training; and~~
- ~~I. Attain or complete such other attributes or qualifications as the Chief of Police, Mayor and Town Council may from time to time impose.~~

(Ord. 00-8, 8-9-2000, Law Enforcement Policy Manual of Springdale Police Department)

5-1-7: POLICE OFFICERS DUTIES:

Police officers shall act under the direction of the Chief of Police, and shall at all times have the authority to execute and serve all warrants, processes, commitments and writs, and to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, protect persons and property, remove nuisances existing in the public streets, roads and highways, enforce every law relating to the suppression of offenses, and perform all duties required of them by ordinance, resolution or the direction of the Chief of Police, ~~Mayor and Town Council~~. The duties enumerated in this section shall not act as a limitation of a police officer's statewide authority as otherwise provided by law.

(Ord. 00-8, 8-9-2000, Law Enforcement Policy Manual of Springdale Police Department)

5-1-8: REGISTER OF ARREST:

~~The Chief of Police shall provide and cause to be kept a register of arrest. Upon such register shall be entered a statement showing the date of such arrest, the name of the person arrested, the name of the arresting officer, the offense charged, and a description of any property found upon the person arrested.~~

(Ord. 00-8, 8-9-2000, Law Enforcement Policy Manual of Springdale Police Department)

5-1-9: PROPERTY TAKEN FROM PERSON ARRESTED:

When money or other property is taken from a person arrested upon a charge of a public offense, the officer taking it must at the time issue triplicate receipts therefore specifying particularly the amount of money or kind of property taken. One of the receipts he must deliver to the person arrested. Another he must forthwith file with the clerk of the court to which the complaint and other papers in the case are required by law to be sent. The third receipt must be sent at once to the office of the Public Safety Department.

(Ord. 00-8, 8-9-2000, Law Enforcement Policy Manual of Springdale Police Department)

5-1-10: REGISTER OF PROPERTY TO BE KEPT:

The Chief of Police must enter or cause to be entered in a suitable book a description of every article of property alleged to be stolen or embezzled and brought into his office or taken from the person of the prisoner, and must attach a number to each article and make a corresponding entry thereof.

(Ord. 00-8, 8-9-2000, Law Enforcement Policy Manual of Springdale Police Department)

5-1-11: STOLEN PROPERTY DISPOSITION:

It shall be the duty of the Chief of Police to keep all lost or stolen property that comes into the possession of the public safety dSprindale Police Department or any of its members. He shall make all reasonable efforts to discover the owners thereof and to return said property, in accordance with the directions, stipulations and orders of the court.

(Ord. 00-8, 8-9-2000, Law Enforcement Policy Manual of Springdale Police Department)

CHAPTER 2 ANIMAL CONTROL

5-2-1: DEFINITIONS:

As used in this chapter, unless the context otherwise indicates, the following words shall mean:

Animal control officer: The custodian selected by the Town CouncilSpringdale Police Department to be responsible for the operation of the poundcoordination of animal control services with the La Verkin City Animal Shelter.

At large: Every person who has in his/her possession or under his/her control any animal within this Town shall keep any such animal under control at all times by means of: a) a leash or lead not to exceed six feet in length, b) under voice or hand command, c) a pen or other physical enclosure, or d) being kept within the real property limits of the owner. An animal is considered at large when not controlled as outlined above.

Dog: Any male, female or spayed female dog of any age.

Impounded: Having been received into the custody of the Town-poundanimal control officer or into the custody of any authorized agent or representative of the La Verkin City Animal ShelterTown.

Owner: When applied to the proprietorship of an animal, shall mean any person or persons, firm, association or corporation owning, keeping or harboring an animal.

Pound: An animal shelter, lot, premises or building maintained by or authorized or employed by the [Town of La Verkin City Animal Shelter](#) for the confinement or care of animals seized either under the provisions of this chapter or otherwise.

Unlicensed animal: An animal for which the license for the current year has not been paid, or to which the tag provided for in this chapter is not attached.

Vicious animal: An animal that has attacked or bitten a person without provocation or an animal that has a known propensity to attack or bite human beings or other animals.

(1978 Code § 13-241; amd. Ord. 2-93, 2-4-1993; 2001 Code; Ord. 2007-03, 3-14-2007; Ord. 2008-01, 3-12-2008)

5-2-2: ANIMAL CONTROL OFFICER:

- A. ~~Created; a~~*Appointment:* ~~The position of Town Animal Control Officer is hereby created.~~ The [Town ManagerSpringdale Police Department](#) shall appoint the Animal Control Officer ~~with the advice and consent of the Mayor and Town Council.~~ The Animal Control Officer shall ~~be empowered to designate assistants, with the approval of the Town Manager, coordinate with the La Verkin City Animal Shelter~~ to administer and enforce the provisions of this chapter.
- B. *Duties:* The Animal Control Officer shall perform the following duties:
1. Carry out and enforce the provisions of this chapter.
 2. Take into his possession and impound all strays running at large and dispose of the same as hereinafter provided.
 3. Enforce the licensing of and control of animals within the Town as hereinafter provided.
 4. File complaints in the courts against any person failing to comply with the provisions of this chapter and obtain licenses when required thereunder.
 5. Capture and secure all animals found running at large contrary to the provisions of this chapter and impound such animals ~~in a humane manner~~[with the La Verkin City Animal Shelter](#).
 - ~~6. Provide for a good and sufficient pound in which all animals duly committed to his charge or otherwise impounded by him shall be maintained.~~
 - ~~7. Enter a description thereof in records kept for that purpose stating the kind of animal, the circumstance under which received or impounded, and a description thereof sufficient to provide identification, the costs expended for the maintenance of the animal and amounts received arising out of maintenance or sale of animals.~~
- C. *Owners* ~~shall be charged fees for services:~~ The ~~Animal Control Officer shall charge, and the~~ owners of animals taken into ~~his~~ possession for impound disposal or other services shall pay, such fees and charges for services ~~set forth and~~ performed by the [La Verkin City Animal Shelter](#). ~~pound or Animal Control Officer as the Town Council shall establish from time to time by resolution. All fees received by the Animal Control Officer shall be paid over to the Town Treasurer.~~
- D. *Interference with Animal Control Officer prohibited:* It shall be unlawful for any person to interfere, molest, hinder or obstruct the Animal Control Officer or any ~~of his~~ authorized representatives [of the La Verkin City Animal Shelter](#) in the discharge of their duties as herein prescribed.

(1978 Code §§ 13-213, 13-214; Ord. 2-93, 2-4-1993; amd. 2001 Code; Ord. 2008-01, 3-12-2008)

5-2-3: POUND:

The Town Council ~~may contract with some humane person as Animal Control Officer, with an adjoining municipality or with the county has contracted with the La Verkin City Animal Shelter~~ for the purpose of providing suitable premises and facilities to be used by the Town as the pound. ~~It shall be maintained in some convenient location and shall be sanitary and so operated as to properly feed, water and protect the animals from injury.~~

(Ord. 2008-01, 3-12-2008)

5-2-4: LICENSING REQUIREMENTS:

A. Dog licensing:

1. Time for obtaining license; effective date:

- a. ~~It is unlawful to keep, harbor or maintain four or more dogs over the age of four months old.~~
- b. It is unlawful for any person to keep, harbor or maintain any dog three or more months old unless such dog has been registered and licensed in the manner herein provided.
- cb. The fee due and payable pursuant to this chapter shall be due May 1, and shall be delinquent after May 15 of each year. A penalty of 50 percent shall be added to delinquent payments.
- de. The owner of any newly acquired dog of licensing age or of any dog which attains licensing age after April 15 of any year shall make an application for registration and license within 30 days after such acquisition or dogs attain the above stated age; provided, that the license fee shall be one-half of that above required for new applications received after November 1 of any year.

2. Application; expiration: Application for registration and licensing shall be made to the Animal Control Officer or such other person as the ~~Town Council~~Springdale Police Department may authorize to receive such applications. The owner shall state at the time application is made for such license, ~~his~~their name and address and the sex, breed, and color of each dog owned or kept by ~~them~~him.

3. License fees enumerated: No dog license shall be issued by the ~~Town~~Springdale Police Department unless the fee required herein is paid. ~~The fee shall be in such amount as established by resolution of the Town Council.~~

4. Expiration: The license shall expire on April 30 of each year, regardless of the date when issued.

B. ~~Kennel licensing:~~[Reserved for future use.]

~~1. Time for obtaining license; effective date:~~

- a. ~~It is unlawful to keep, harbor or maintain four or more dogs over the age of four months old unless a license to operate a kennel has been applied for and received.~~
- b. ~~The fee due and payable pursuant to this chapter shall be due May 1, and shall be delinquent after May 15 of each year. A penalty of 50 percent shall be added to delinquent payments.~~

~~2. Kennel license fee¹: No kennel license shall be issued by the Town unless the fee required herein is paid. The fee shall be in such amount as established by resolution of the Town Council.~~

¹~~See also definition of "kennel, noncommercial", as provided in section 10-2-2 of this Code.~~

~~3. Application: Application for a kennel shall be made to the Animal Control Officer or such other person as the Town Council may authorize to receive such applications. If required by title 10 of this Code, a conditional use permit must be granted before a kennel license may be issued.~~

~~4. Expiration: The kennel license shall expire on April 30 of each year, regardless of the date when issued.~~

C. *License tag:*

1. *Issuance:* A dog license shall be issued by the Animal Control Officer or such other person as the ~~Town Council~~ Springdale Police Department shall authorize. Upon payment of the license fee, the ~~Town Clerk~~ Springdale Police Department shall issue to the owner ~~a license certificate and a metallic tag for each dog so licensed. The tag shall be changed every year and shall have stamped thereon an the year for which it was issued and the number corresponding with the number on file with the police department the certificate.~~ Every dog owner, ~~except those operating a kennel,~~ shall provide each dog with a collar to which the license tag shall be affixed, and shall see that the collar and tag are constantly worn. It shall be unlawful to deprive a registered dog of its collar and/or tag.
2. *Duplicate tag:* In case a dog tag is lost or destroyed, a duplicate will be issued by the ~~Town Clerk~~ Springdale Police Department upon presentation of a receipt showing the payment of the license fee for the current year and the payment of \$5.00 for such duplicate.
3. *Tag not transferrable or refundable:* Dog tags shall not be transferable from one dog to another, and no refunds shall be made on any dog license fee because of death of the dog or the owner leaving the Town before expiration of the license period.

D. *Licensing exemptions:*

1. *Temporary residents:* The provisions of this section shall not be intended to apply to dogs whose owners are nonresidents temporarily within the Town for fewer than 60 days, nor to dogs brought to the Town for the purpose of participating in any dog show, ~~nor to commercial kennels.~~
2. *Guide dogs:* Dogs used as guides for blind persons and commonly known as seeing eye dogs shall be licensed and registered as other dogs hereinabove provided; except that the owner or keeper of such dog shall not be required to pay any fee therefor.

(1978 Code §§ 13-242C, 13-242J; Ord. 2-93, 2-4-1993; amd. 2001 Code; Ord. 2008-01, 3-12-2008)

5-2-5: CRUELTY TO ANIMALS PROHIBITED:

As set forth in this section and under U.C.A. § 76-9-301, it shall be unlawful for any person to:

- A. *Treat in cruel and inhumane manner:* Overdrive, overload, drive when overloaded, overwork, torture, cruelly beat, mutilate, or needlessly kill, or carry or transport in any vehicle or other conveyance in a cruel and inhumane manner, any animal or cause any of these acts to be done.
- B. *Abandon:* Abandon or turn out at large any sick, diseased or disabled animal, but such animal shall, when rendered useless by reason of sickness or other disability, be killed by the owner thereof and its carcass disposed of in such manner as to create no nuisance or hazard to health.
- C. *Kill or poison:* Willfully kill any domestic animal, or to administer poison to any such animal or to expose any poisonous substance with the intent that it shall be taken by any such animal.
- D. *Fail to provide care:* Fail to provide any animal in his charge or custody with necessary sustenance, drink and protection from the elements, or cause any of these acts to be done.

- E. *Intentionally exhibit*: Intentionally exhibit any stud, horse or bull or other animal indecently, or let any male animal to any female animal for the purpose of providing entertainment or viewing to any person.
- F. *Maintain place of exhibition*: Maintain any place where fowl or any animals are suffered to fight upon exhibition or for sport upon any wager.

(1978 Code §§ 13-222, 13-224, 13-231A—13-231D)

5-2-6: DANGEROUS OR VICIOUS ANIMALS:

- A. *Unlawful to own and possess*: It shall be unlawful for any person to harbor any vicious animal within the Town. Whenever a prosecution for this offense is commenced under this section, the animal so involved may not be redeemed, pursuant to the provisions of this chapter, while awaiting final decision of the court as to the disposition to be made of such animal.
- B. *Disposition after conviction of offense*: Upon the trial of any offense under this section, the court may, upon conviction and in addition to the usual judgment of conviction, order the Animal Control Officer or other authorized personnel of the [TownSpringdale Police Department](#) to put the animal to death or may order such other disposition of the animal as will protect the inhabitants of the Town.

(Ord. 2008-01, 3-12-2008)

5-2-7: CONTROL OF RABIES AND RABID ANIMALS; VACCINATIONS:

- A. *Vaccinations required*: Every owner of any domestic animal shall be required to have such animal vaccinated, including rabies vaccination.
- B. *Rabies vaccination required*: It shall be unlawful for the owner of any dog or other animal of a species subject to rabies to suffer, allow or permit such animal to be or go upon any sidewalk, street, alley, public place or square within the Town without first having had such animal vaccinated against rabies as provided in subsection C. of this section, ~~within the past two years, and without there being on such animal a A~~ collar or harness with a license tag thereon showing that such animal has been so vaccinated must be worn by the animal at all times.
- C. *Vaccination by licensed veterinarian; exception*: Every owner of any animal over the age of six months within the Town shall have the animal vaccinated against rabies by a duly licensed veterinarian, and shall secure from the veterinarian a certificate thereof. ~~A tag showing such vaccination has been obtained and shall be~~ attach to the collar or harness, which such person is hereby required to place upon the animal. Rabies vaccinations are required every three years. a tag showing that such vaccination has been done; provided, that the Town Council may, by resolution, provide that the owners of any animal may themselves purchase serum and vaccinate their own animals. The resolution shall also prescribe the conditions with which the owner must comply to obtain the tag herein required.
- D. *Reporting of rabid animals*: Anyone having knowledge of the whereabouts of an animal known to have or suspected of having rabies shall report the fact immediately to the Animal Control Officer. The Animal Control Officer shall likewise be notified of any person or animal bitten by a rabid or suspected rabid animal.
- E. *Biting animal quarantined*: Any dog or other animal of a species subject to rabies which is known to have bitten or injured any person so as to cause an abrasion of the skin shall be placed in confinement under observation of a veterinary hospital or the ~~Town pound~~[La Verkin City Animal Shelter](#) and shall not be killed or released until at least 14 days after the biting or injury has occurred in order to determine whether or not

the animal has rabies. If the animal dies or has been killed, its head shall be removed and immediately taken to the state health laboratory to be examined for rabies.

- F. *Bitten animal quarantined:* Any animal of a species subject to rabies which has been bitten by a known rabid animal or has been in intimate contact with a rabid animal shall be isolated in a suitable place approved by the Animal Control Officer for a period of 120 days or destroyed.

(1978 Code § 13-228—13-230; 2001 Code; Ord. 2008-01, 3-12-2008)

5-2-8: ANIMALS AT LARGE:

No animal, including, but not limited to, cattle, horses, mules, sheep, goats or swine, shall be allowed to run at large or to be herded, picketed or staked out upon any street, sidewalk or other public place within the limits of the Town, and all such animals so found may be impounded. Nothing herein contained shall be so construed as to prevent any person from driving cows, horses, mules or other animals from outside the Town limits to any enclosure within the Town limits or from any enclosure in the Town to a place outside the Town or from one enclosure to another within limits of the Town.

(Ord. 2008-01, 3-12-2008)

5-2-9: DOGS AT LARGE; NUISANCE DECLARED:

- A. *Unlawful acts:* It shall be unlawful:

1. For the owner or keeper of any dog to permit such dog to run at large.
2. For an owner of a dog to permit such dog to go upon or be upon the private property of any person without the permission of the owner or person entitled to the possession of such private property.

- B. *Violation regardless of precautions:* The owner of any dog running at large shall be deemed in violation of this section, regardless of the precautions taken to prevent the escape of the dog and to prohibit it from running at large and regardless of whether or not such owner or person knows that the dog is running at large.

- C. *Declared nuisance:* Any dog running at large in violation of the provisions of this section is hereby declared to be a nuisance and a menace to the public health and safety, and the dog shall be taken up and impounded as provided in this chapter.

- D. *Infraction:* Any owner of a dog in violation of this section is subject to an infraction and fine as provided in section 1-4-1(C) of this Code.

(Ord. 2007-03, 3-14-2007)

5-2-10: PROHIBITED ACTS AND CONDITIONS:

- A. *Disposition of dead animals; violation:* The owner of any animal or fowl that has died or been killed shall remove or bury the carcass of such animal within ten hours after its death; provided, that no horse, cow, ox or other animal shall be buried within the closely inhabited portions of the Town. A violation of this section is a class C misdemeanor, subject to penalty as provided in section 1-4-1 of this Code.
- B. *Diseased animals:* It is a class C misdemeanor, subject to penalty as provided in section 1-4-1 of this Code, for any person to bring into the Town 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.

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- C. *Diseased animals for human consumption:* It is a class C misdemeanor, subject to penalty as provided in section 1-4-1 of this Code, for any person to bring into the Town for sale or to sell, or offer for sale any cattle, sheep, swine, fish, game, fowl or poultry which is diseased, unsound and unwholesome or which for any other reason is unfit for human food.
- D. *Female dogs in heat:* The owner of a female dog in heat shall cause such dog to be penned or enclosed in such a manner as to preclude other dogs from attacking such female dog or being attracted to such female dog so as to create a public nuisance.
- E. *Unlawful to harbor stray dogs:* It shall be unlawful for any person to harbor or keep within the Town any lost or stray dog without notifying the Animal Control Officer. Whenever any dog shall be found which appears to be lost or stray, it shall be the duty of the finder to notify the ~~Town Clerk or~~ Animal Control Officer, who shall impound for running at large contrary to the terms of this chapter. If there shall be attached to such dog a license tag for the then current fiscal year, the Animal Control Officer shall notify the person to whom such license was issued, at the address given on the license.
- F. *Loud or offensive animals:* No person, persons, firm or corporation shall own, keep or harbor any animal which by loud, continued or frequent barking, howling, yelping, or by noxious or offensive odors, or in any other manner, shall annoy, disturb or endanger the health and welfare of any person or neighborhood. The Animal Control Officer may order the impounding of any such nuisance animal pending the resolution of the situation to the satisfaction of the aggrieved party or the courts. A violation of this subsection shall be a class C misdemeanor, subject to penalty as provided in section 1-4-1 of this Code, and such is hereby declared to be a nuisance, and each day a violation is permitted to exist or continue shall constitute a separate offense. This subsection shall not apply to ~~the town pound,~~ veterinary hospitals or medical laboratories.
- G. *Trespassing animals:* It shall be unlawful for any owner or caretaker of any domestic fowl or animal to permit such fowl or animal to trespass upon the premises of another person.

(1978 Code §§ 13-223, 13-225—13-227, 13-245; Ord. 2-93, 2-4-1993; amd. 2001 Code; Ord. 2008-01, 3-12-2008)

5-2-11 TRESPASSING ANIMALS; DAMAGE TO PREMISES:

If any animal shall trespass or do damage upon the premises of any person, the party aggrieved, whether he be the owner or the occupant of such premises, may recover damages by an action at law against the owner of the trespassing animal or by distraining and impounding the animal in the manner provided.

(Ord. 2008-01, 3-12-2008)

5-2-12: IMPOUNDING:

- A. *Duty of official to impound:* It shall be the duty of every police officer ~~or other designated official~~ and the Animal Control Officer to apprehend any animal found running at large, not wearing his tag, or which is in violation of this chapter and to ~~impound such animal in the pound or other suitable place~~ arrange for transport to the La Verkin City Animal Shelter. The Animal Control Officer, or some other designated official, ~~upon receiving any such animal,~~ shall make a complete registry, entering the species, breed, color and sex of such animal and whether licensed. If licensed, he shall enter the name and address of the owner and number of the license.
- B. *Interference with impounding prohibited:* It shall be unlawful for any person to hinder, delay, interfere with or obstruct the Animal Control Officer or any of his assistants while engaging in capturing, securing or taking to the pound any animal or animals liable to be impounded, or to break open or in any manner directly or indirectly aid, counsel or advise the breaking open of any temporary pound or ambulance, wagon or other vehicle used for the collecting or conveying of animals to the ~~pound~~ La Verkin City Animal Shelter.

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- C. *Records maintained by animal control officer:* The Animal Control Officer shall keep a record of each animal impounded by him, the date of receipt of such animal, the date and manner of its disposal and if redeemed, reclaimed or sold, the name of the person by whom redeemed, reclaimed or purchased, the address of such person, the amounts of all fees received or collected for or because of the impounding, reclaiming or purchasing thereof, together with the number of any tag and the date of any tag exhibited or issued upon the redemption or sale of such animal.
- D. *Redemption of impounded animals:* Any licensed or unlicensed animal impounded may be redeemed as prescribed by the La Verkin City Animal Shelter, and taken from such pound by the owner or any authorized person, upon exhibiting to the Animal Control Officer or person having charge of said pound, a certificate of registry as provided in subsection A. of this section, showing that the license imposed by this chapter has been paid for such animal and upon paying the person in charge of the pound an impounding fee in such amount as established by resolution of the Town Council for each and every day such animal shall have been impounded. All impounded animals not redeemed within five days shall be delivered to the humane society.

(1978 Code § 13-253; Ord. 2008-01, 3-12-2008)

5-2-13: LEASH RESTRICTIONS; OFF LEASH AREAS AND RESTRICTIONS:

- A. Notwithstanding section 5-2-1 of this chapter, dogs must be controlled by a leash not to exceed six feet in length in the following areas:
1. The entire length of Zion Park Boulevard (SR-9), including sidewalks and pavement.
 2. The entire length of Lion Boulevard, including sidewalks and pavement.
 3. Paradise Road, including sidewalks and pavement, from Zion Park Boulevard to Winderland Lane.
 4. On or within 20 feet of the Zion canyon trail or similar multiuse public trail or path.
 5. At any public event, festival or gathering.
 6. The Town ~~ball field~~ballfield, as required in subsection B. of this section, if the area is occupied by another individual or group.
 7. The George Barker River park, as required in subsection B. of this section, if the area is occupied by another individual or group.
 8. Any other area specifically designated by signage to require dogs to be on a leash.
- B. Notwithstanding section 7-6-6 of this Code, dogs shall be permitted to run off leash in Town parks and recreation areas specifically authorized as off leash areas by Town ordinance and clearly identified by signage as such. These areas are listed as follows:
1. The area of the river park that lies east of the Virgin River and designated as the Marj Bonner dog park, except as limited by subsection A. of this section.
 2. The area of Town property south of the Town cemetery and public works access road and west of the power substation access road.
 3. The area of the Town park that lies north of Black's Wash and designated as the ball field if the area is not otherwise occupied by any other individual or group.
 4. The area of the river park that lies west of the Virgin River and designated as the George Barker River park if the area is not otherwise occupied by any other individual or group.
- C. The owner of a dog in an off leash area must:

1. Carry a leash not more than six feet in length sufficient to bring the dog under effective control if the dog behaves in a manner that disturbs any person or animal.
2. Remain in effective voice or hand control of the dog and within constant sight of the dog.
3. Not allow the dog to rush at, threaten or attack any person or animal.
4. Not allow the dog to obstruct or interfere with any person or motor vehicle on public property.
5. Obey control signs, erected to indicate dog off and on leash areas.
6. Not allow the dog to damage or disturb vegetation, habitat or native wildlife.
7. Remove and dispose of dog feces.

(Ord. 2007-03, 3-14-2007)

CHAPTER 3 OFFENSES

5-3-1: UTAH CRIMINAL CODE ADOPTED BY REFERENCE:

Except insofar as the application thereof is clearly impractical or inappropriate, in view of the context of purposes or penalty as provided, all of the definitions, requirements, regulations, prohibitions, provisions and sections of the Utah Criminal Code (Title 76), as amended, are hereby adopted by the Town. Any and all violations thereof shall be considered violations of this chapter, and each such violation shall subject the violator thereof to penalty provisions under this chapter if ~~proceeded~~ prosecuted hereunder.

(2001 Code)

CHAPTER 4 MINORS; CURFEW

5-4-1: ESTABLISHED:

No person under the age of 18 years shall be or remain upon any of the streets, alleys or public places or vacant lots at night between the hours of ~~12:00 p.m.~~ 6:00 p.m. and ~~6:00 a.m. following,~~ unless such person is accompanied by a parent, guardian or other person having legal custody of such minor person, or unless the ~~employment or~~ lawful business of such minor makes it necessary to be upon the streets, alleys or public places between such specified hours. ~~in which event such minor person shall obtain a permit from the Town's law enforcement official to be upon the streets, alleys or public places during such hours. On any night when school, civic or church functions are taking place, the hours of curfew shall be 12:00 a.m. to 6:00 a.m. following, in order to provide adequate time to attend such functions provided for minor persons. Where a permit is required from the Town's law enforcement official under this section, such permit shall be kept upon the person, and it shall be unlawful to be upon the streets, alleys or public places within such curfew hours without such perm~~ Such lawful business of minor persons would include, but not be limited to:

1. Engaged in lawful employment or occupation which requires the presence of the minor person upon any of the streets, alleys or public places or vacant lots while engaged in or traveling to and from such employment;
2. Engaged in an emergency errand as directed by the minor's parent, guardian or other person having legal custody of such minor person, or as determined by a minor person under exigent circumstances;

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(Supp. No. 15)

3. Attending, traveling to, and returning from official school, religious, political or recreational activities supervised by adults and hosted by any school, religious, civic organization or similar group, or in the exercise of first amendment rights protected by the constitutions of the United States and the state of Utah; and

4. Within the boundaries of the minor person's place of residence.

~~(1978 Code § 13-312)~~

5-4-2: RESPONSIBILITY OF PARENTS, GUARDIANS:

No person, guardian or other person having legal charge or custody of any person under 18 years of age shall allow or permit any such person or child, ward or other person under such age, while in such legal custody, to go or be in or upon any of the streets, alleys or public places when such going or being in or upon such streets, alleys or public places would be in violation by such minor of any provision of section 5-4-1 of this chapter.

(1978 Code § 13-313)

CHAPTER 5 FIREARMS CONTROL, HUNTING AND TRAPPING

5-5-1: TITLE:

This chapter shall be known as the firearms and bows and arrows/crossbows control, hunting and trapping ordinance.

(1978 Code § 13-371)

5-5-2: DEFINITIONS:

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

Bow and Arrow/Crossbow: Any archery equipment using tension on a rope or wire to propel or throw a tipped shaft.

Firearm: Any gun, revolver, pistol, rifle or firearm of any kind or nature, or any air gun or any other such type instrument designated to propel or throw missiles.

Hunting: As defined under U.C.A. § 23A-1-101, the taking or pursuit of a reptile, amphibian, bird, or mammal by any means.

Trapping: The use of any mechanical device which entraps, snares or snaps closed on any animal.

(1978 Code § 13-372; amd. 2001 Code)

5-5-3: DISCHARGE AND USE OF FIREARMS AND BOWS AND ARROWS/CROSSBOWS:

It shall be a class C misdemeanor, subject to penalty as provided in section 1-4-1 of this Code, for any person to discharge any firearm or make use of a bow and arrow(s)/crossbow within the Town, except as follows:

- A. At a regularly organized gun and/or archery club shooting range where the range and facilities have been approved by the Town Council.
- B. In self-defense or in any case of any peace officer in the discharge of his duty.

C. At the annual Lions Club Turkey Shoot, provided the following standards are met:

1. The site must be approved by the Town Council ~~following a recommendation from the Springdale Chief of Police.~~
2. Safety rules for the event must be posted on site.
3. A copy of the safety rules must be provided to all participants at the event.
4. The Lions Club shall appoint a qualified person as a safety monitor for the event.

(Ord. 2006-18, 11-8-2006)

5-5-4: HUNTING AND TRAPPING PROHIBITED:

It shall be a class C misdemeanor, subject to penalty as provided in section 1-4-1 of this Code, for any person to ~~trap, set a trap or~~ engage in hunting or trapping in this Town for personal or commercial purposes, except for the removal of nuisance or pest rodents such as mice, rats, moles, voles, or gophers. Removal of wildlife that poses a threat to personal property or human safety shall be subject to the guidelines provided by the Utah Division of Wildlife.

(1978 Code § 13-374; amd. 2001 Code; Ord. No. 2022-04, 4-13-2022)

CHAPTER 1 UNIFORM TRAFFIC CODE; GENERAL PROVISIONS

6-1-1: UTAH TRAFFIC RULES AND REGULATIONS ADOPTED:

The Town does hereby adopt all relevant provisions of the Utah traffic rules and regulations as described in U.C.A. Title 41, Chapter 6a, as the same may be amended from time to time.

6-1-2: DEFINITIONS:

Unless the context otherwise requires, all references in the traffic code to:

The ~~State Road Commission or~~ *State Department of Transportation* shall mean this Town and its officers, departments, agencies and agents.

Local highway authorities shall mean the Town Council.

The *Department of Public Safety of the State of Utah* shall mean the Springdale Police Department ~~Town's law enforcement official or his agent.~~

Magistrate shall mean the a judge with the Washington County Justice Court ~~justice of the peace or judge of the Town.~~

6-1-3: TRAFFIC CONTROL:

A. *Prima facie speed; designated streets:*

1. *Streets with signs:* When appropriate street signs giving notice of the maximum permitted speed thereon are erected, the prima facie speed limit designated upon said signs shall apply to the appropriate streets or portions of streets so posted.
2. *Streets not posted:* Unless otherwise provided in this chapter or in any other ordinance of the Town, the prima facie speed limit on the streets of the Town shall be 25 miles per hour.

B. *Through streets designated; stop and yield intersections:* When appropriate traffic control or regulatory signs are posted at entrances to intersections identifying them as stop or yield entrances, such streets are hereby declared to be stop entrances and yield entrances as designated by said signs.

C. *Authority to erect stop or yield signs:* Whenever any ordinance of this Town designates and describes a through street, it shall be the duty of the ~~Town Law Enforcement Officer or the~~ street supervisor or the Springdale Police Department to place and maintain a stop sign or, where safety and efficiency require at any intersection, a yield sign, on each and every street intersecting such through street, unless traffic at such intersection is controlled at all times by traffic control signals. However, at the intersection of two through streets or at the intersection of a through street and a heavily traveled street, stop signs shall be erected at approaches to either street as determined by the ~~Town Law Enforcement Officer~~ Springdale Police Department on the basis of an engineering and traffic study.

D. *Angle parking:* When appropriate traffic control or regulatory signs are posted permitting angle parking, angle parking shall be permitted on the streets or parts of streets so posted at the angle designated by the sign.

E. *Penalty:* Any person violating, causing or permitting violation of any provision of this section shall be subject to penalty as provided in Utah Code.

6-1-4: PARKING REGULATIONS:

(Rep. by Ord. 2016-05, 4-13-2016)

Editor's note(s)—See chapter 2 of this title.

6-1-5: MOTOR VEHICLE IDLING RESTRICTIONS:

- A. *Purpose:* The Town of Springdale discourages excessive idling of motor vehicle engines. Excessive idling contributes to air pollution, wastes fuel, and causes noise disturbances in the Town. In order to educate operators of motor vehicles about the detrimental impacts of excessive idling and to encourage responsible idling practices, the Town adopts the following policy.
- B. *Anti-idling policy:* No driver operating a motor vehicle within the Town of Springdale shall cause or permit a vehicle's engine to idle for more than five minutes, with exceptions for the following circumstances:
 - 1. Idling while stopped at the direction of a police officer or authorized traffic control personnel.
 - 2. Idling required for the operation of emergency vehicles and appurtenant equipment, including police, fire, and ambulance vehicles.
 - 3. Idling to operate heating or air conditioning equipment inside the vehicle when the external air temperature is below 32°F or above 100°F and when the vehicle is occupied by passengers. Idling to operate heating or air conditioning equipment in unoccupied vehicles is prohibited.
 - 4. Idling of refrigerated delivery trucks to operate refrigeration equipment while the truck is making a delivery.
- C. *Applicability:* This policy applies to idling on all public streets and public property. The policy also applies to any private property that is open to the general public unless the private property owner:
 - 1. Has a private business that has a drive-through service (a window or other opening in the building that allows customers to receive goods and/or services while remaining in their vehicles) as a component of the private property owner's business operations and posts a sign acceptable to the Town informing customers and the public of the Town's time limit for idling vehicle engines, or
 - 2. Adopts an idle reduction education policy approved by the Town.
- D. *Penalties and enforcement:* Violations of this policy will be handled in the following manner:
 - 1. A person must be issued at least three warning citations before the Town imposes a fine for violations. For the purposes of this section, a "person" is defined as:
 - a. An individual driver of a private motor vehicle, or
 - b. A company operating a fleet of commercial vehicles, such as a tour bus company, a delivery truck company, or other similar company.
 - 2. Fines for violations of this policy shall be assessed according to the fee structure for parking violations.
 - 3. This policy shall be enforced in such a manner as to provide for the safety of law enforcement officers or designees who enforce it.

CERTIFICATION OF PASSAGE AND POSTING

I, Aren Emerson, acting on behalf of the Town of Springdale, hereby certify that the following public notice requirements were completed per Utah Code 63G-30-102 for Ordinance 2024-10:

- (1) Notice of Ordinance was posted to the Utah Public Notice Website on 12/12/24.
- (2) Posted at the Springdale Town Hall, CCC, & PO on 12/12/24.
- (3) Posted to the Springdale Town Code of Ordinances on its website 12/12/24.

Aren Emerson 12/12/24
Aren Emerson, Town Clerk

