

PUBLIC NOTICE

Notice is Hereby Given that the Tooele City Council and the Redevelopment Agency (RDA) of Tooele City will meet in a Work Meeting, on Wednesday, June 7, 2023, at 5:30 p.m. The Meeting will be Held in the Tooele City Hall Council Chambers, Located at 90 North Main Street, Tooele, Utah. The Complete public notice is posted on the Utah Public Notice Website www.utah.gov, the Tooele City Website www.tooelecity.org, and at Tooele City Hall. To request a copy of the public notice or for additional inquiries please contact Michelle Pitt, City Recorder at (435)843-2111 or michellep@tooelecity.org

We encourage you to join the City Council meeting electronically by visiting the **Tooele City YouTube Channel**, at <https://www.youtube.com/@tooelecity> or by going to YouTube.com and searching "Tooele City Channel".

AGENDA

1. **Open City Council Meeting**
2. **Roll Call**
3. **Mayor's Report**
4. **Council Members' Report**
5. **Discussion Items**
 - a. **Ordinance 2023-25** An Ordinance of Tooele City Enacting Tooele City Code Section 8-4-7 to Reinstate Civil Penalties for Public Nuisances
Presented by Roger Baker, City Attorney
 - b. **Payment of a Fee-in-Lieu of Water Rights Conveyance** Request for the Flex Spaces Project
Presented by Jared Stewart, Economic Development Director
 - c. **Budget Discussion**
6. **Closed Meeting**
~ Litigation, Property Acquisition, and/or Personnel
7. **Adjourn**

Michelle Y. Pitt, Tooele City Recorder

Pursuant to The Americans With Disabilities Act, Individuals Needing Special Accommodations Should Notify Michelle Y. Pitt, Tooele City Recorder, At 435-843-2111 Or Michellep@Tooelecity.Org, Prior To The Meeting.

TOOELE CITY CORPORATION

ORDINANCE 2023-25

AN ORDINANCE OF TOOELE CITY ENACTING TOOELE CITY CODE SECTION 8-4-7 TO REINSTATE CIVIL PENALTIES FOR PUBLIC NUISANCES.

WHEREAS, Utah Constitution, Article XI, Section 5 directly confers upon Utah’s charter cities, including Tooele City, “the authority to exercise all powers relating to municipal affairs, and to adopt and enforce within its limits, local police, sanitary and similar regulations not in conflict with the general law”; and,

WHEREAS, Utah Code Section 10-8-84 enables Tooele City to “pass all ordinances and rules, and make all regulations . . . as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city”; and,

WHEREAS, Utah Code Section 10-8-60 provides that municipalities “...may declare what shall be a nuisance, and abate the same, and impose fines upon persons who may create, continue or suffer nuisances to exist”; and,

WHEREAS, Tooele City defines, regulates, abates, and punishes the existence of nuisances through TCC Chapter 8-4, which currently provides for criminal penalties and an administrative nuisance abatement process; and,

WHEREAS, the City Administration recommends that civil penalties for nuisances be reinstated to provide the Tooele City Police Department with the full range of criminal, civil, and administrative tools for eliminating nuisances; and,

WHEREAS, nuisances are a blight upon and a danger to Tooele City and its residences and businesses, and the elimination of nuisances is in the best interest of the City and the public:

NOW, THEREFORE, BE IT ORDAINED BY TOOELE CITY that Tooele City Code Section 8-4-7 regarding civil penalties for nuisances, as shown on Exhibit A, is hereby enacted.

This Ordinance is necessary for the immediate preservation of the peace, health, safety, and welfare of Tooele City and its residents and businesses and shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Ordinance is passed by the Tooele City Council this ____ day of _____, 2023.

TOOELE CITY COUNCIL

(For)

(Against)

ABSTAINING: _____

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

(If the mayor approves this ordinance, the City Council passes this ordinance with the Mayor's approval. If the Mayor disapproves this ordinance, the City Council passes the ordinance over the Mayor's disapproval by a super-majority vote (at least 4). If the Mayor neither approves nor disapproves of this ordinance by signature, this ordinance becomes effective without the Mayor's approval or disapproval. UCA 10-3-704(11).)

ATTEST:

Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form: _____
Roger Evans Baker, City Attorney

Exhibit A

Proposed TCC Section 8-4-7

8-4-5. General enforcement authority.

(1) Officer. An officer as defined in this Chapter has the authority to abate and to gain compliance with the provisions of this Chapter upon finding that a violation of this Chapter exists. An Officer may commence administrative investigation procedures, assist with ~~or~~ criminal investigation procedures at the request of the police department, commence administrative enforcement procedures, issue notices of violation and notices of compliance, issue civil citations for violations of this Chapter, inspect public and private property, and abate nuisances upon public and private property

(2) Police Department. A Tooele City peace officer has the same authority as an officer, and is further authorized to commence criminal investigation and enforcement procedures, including criminal citation and arrest.

(3) Discretion. The City has the sole discretion in commencing or pursuing abatement and enforcement, and to otherwise gain compliance with this Chapter. Nothing shall require an Officer or a peace officer to commence or pursue an abatement or enforcement, or other action to gain compliance with this Chapter. The City recognizes the principle of prosecutorial discretion in the context of this Chapter.

(4) Inspection. Any officer or peace officer has authority to enter upon property and premises to perform inspections, examinations, and surveys as may be necessary to gain compliance with this Chapter, including the taking of photographs, samples, or other physical evidence. All inspections, examinations, and surveys requiring entry onto private property or premises shall be accompanied by a warrant, be done in a reasonable manner, and be based upon probable cause. However, no warrant shall be required where a responsible person's or property owner's consent, as applicable, is voluntarily given, or where the inspection, examination, or survey is conducted from a public right-of-way or from another property whose owner or occupant has given voluntary consent to enter. (Ord. 2023-25, 06-07-2023) (Ord. 2017-32, 11-15-2017) (Ord. 2014-13, 10-15-2014) (Ord. 2004-22, 12-15-2004) (Ord. 1994-52, 10-25-1994)

8-4-6. Criminal penalties.

(1) In addition to other penalties provided in this Chapter, the following shall be a class B misdemeanor criminal offense:

- (a) any violation of this Chapter;
- (b) any violation of a code enforcement order;

and,

(c) any failure to remedy a violation described in a notice of violation.

(2) An individual person convicted of a criminal

offense shall be sentenced to pay a fine up to \$1000. An association convicted of a criminal offense shall be sentenced to pay a fine up to \$5,000.

(3) Restitution. In addition to any fines imposed, any individual or association convicted of a criminal offense shall pay to the City restitution for all expenses incurred by the City to abate the nuisance or to correct the violation for which the individual or association was charged.

(4) Each and every day that a violation of this Chapter continues after being charged, by criminal citation or Information, shall constitute a separate criminal offense. Penalties for separate criminal offenses may be imposed consecutively.

(5) A criminal prosecution brought under this Chapter is not an exclusive remedy and shall not preclude the City from commencing and pursuing an administrative or civil proceeding to abate a nuisance or to correct a violation of this Chapter.

(Ord. 2023-25, 06-07-2023) (Ord. 2014-13, 10-15-2014) (Ord. 2004-22, 12-15-2004) (Ord. 1994-52, 10-25-1994)

8-4-7. Civil Penalties.

(1) In addition to other penalties and procedures provided in this Chapter, a violation of this Chapter is a civil infraction.

(2) A violation of this Chapter committed by an individual shall be punishable as follows:

- (a) first violation: written warning;
- (b) second violation: \$50 fine;
- (c) third violation: \$200 fine;
- (d) fourth and subsequent violations: \$500 fine.

(3) A violation of this Chapter committed by a business entity shall be punishable as follows:

- (a) first violation: written warning;
- (b) second violation: \$100 fine;
- (c) third violation: \$500 fine;
- (d) fourth and subsequent violations: \$1,000 fine.

(4) Compliance period. An individual or a business entity served with a civil citation shall have the following time periods within which to eliminate the violation:

- (a) 30 days for junked, wrecked, inoperable, and abandoned motor vehicles;
- (b) 7 days for weeds and grass in excess of 6 inches in height;
- (c) 7 days for graffiti;
- (d) 7 days for accumulated garbage and refuse;
- (e) 7 days for other nuisances or deleterious conditions that may give rise to a threat to human health or safety.

(5) Form. Civil citations for violations of this Chapter shall be on a form approved by the Chief of Police or other department head responsible for nuisance abatement, and the City Attorney.

(6) Service.

(a) Civil citations for violations of this Chapter shall be served by one or more of the following methods:

(i) regular mail, first-class postage prepaid, to both:

(A) the last known address of an owner of the property upon which the violation exists, as found in the records of the Tooele County Recorder; and,

(B) the address of the property upon which the violation exists; or,

(ii) certified U.S. mail, return receipt requested, to the last known address of an owner of the property upon which the violation exists, as found in the records of the Tooele County Recorder; or,

(iii) personal delivery to an owner of the property upon which the violation exists; or,

(iv) affixing the citation in a conspicuous place upon the property upon which the violation exists.

(b) Service by regular mail shall be deemed made on the third day after the date of mailing.

(6) Appeals. Appeals of civil citations issued pursuant to this Section shall be to the Administrative Hearing Officer under Chapter 1-28, and filed within 10 calendar days of service of a civil citation.

(7) Collection. The City may use all available legal remedies for collection of unpaid fines imposed under this Section.

(8) Nuisance abatement. A violation of this Chapter continuing after issuance of a civil citation and after expiration of the compliance period may be abated under other provisions of this Chapter.

(Ord. 2023-25, 06-07-2023) (Ord. 2014-13, 10-15-2014) (Ord. 2013-07, 04-18-2013) (Ord. 2006-08, 03-01-2006) (Ord. 2006-02, 01-04-2006) (Ord. 2004-22, 12-15-2004)

To: Tooele City Council

From: Matt Hendrickson, Properties Elevated

Date: May 18th, 2023

Subject: Benefits of Small Light Industrial Spaces (Flex Spaces) to The Community of Tooele & Request for Water Rights

Dear Tooele City Council and Community Members,

First and foremost, I want to express our sincerest gratitude and excitement for the Flex Spaces Tooele project to be located at 1121 Utah Ave. We feel this project will serve the community well. We appreciate your collaboration on this project to date. I commend the planning department of Tooele for their responsiveness in this process.

I am writing to highlight the numerous benefits that small light industrial spaces - we call Flex Spaces - can bring to the community. Additionally, we are seeking approval for payment to the city for water shares in lieu of water right conveyance procured by us as part of this project.

These versatile spaces offer significant advantages that can positively impact the local economy, promote entrepreneurship, and foster community development. Here are the key benefits to consider:

- **Economic Growth:** Flex Spaces attract businesses, startups, and artisans looking for affordable and adaptable workspaces. By providing these affordable spaces, we encourage entrepreneurship, job creation, and local economic growth. The presence of diverse industries within the community contributes to a vibrant and resilient economy.
- **Job Opportunities:** Flex Spaces cater to a wide range of end users. By providing these spaces, we create opportunities for residents to start or expand their businesses, leading to job creation and skill development. This helps retain talent within our community and reduce unemployment rates.
- **Innovation and Collaboration:** Flex Spaces act as incubators for innovation and collaboration. Entrepreneurs, artists, and small businesses can share ideas, resources, and expertise in a collaborative environment, fostering creativity and cross-pollination of ideas.
- **Revitalizing Underutilized Areas:** The subject parcel has geography that limits its potential use. Additionally, the parcel has been a spot for gathering concrete waste and other debris. This project will revitalize this area along Utah Ave.
- **Flexibility and Adaptability:** Small light industrial spaces are designed to be flexible and adaptable to different needs. This versatility enables businesses to adjust their workspace according to changing demands, expanding or contracting their operations as required. It allows for a dynamic business environment and encourages agility and resilience among entrepreneurs.

In conclusion Flex Spaces offers numerous benefits to the community. In our current economic market, these projects are financially tight. Any savings are much appreciated and create a higher quality project. We formally request that the City of Tooele consider payment in lieu of water right conveyance as part of this project. We look forward to creating a successful project in Tooele.

Attached is an engineered report outlining water shares needed for this project.

Thank you for your consideration.

Sincerely,

Matt Hendrickson

matt@propertiselevated.com



1121 Utah Ave Flexspace - Tooele City

Water Demand Calculations

5/8/2023 KHH

Water Demand Indoor¹

Use	Total Employees (3 shifts per day assumed)	GPD Per Employee	Daily Flow (gpd)	Yearly Demand (gallons)	Yearly Demand (acre-feet)
Flex-space (25 buildings)	75	15	1125	293625	0.90

1) Water flow demands as per Utah R309-510 Table 2 "Source Demand for Indoor Use - Individual Establishments"

Water Demand Outdoor²

Outdoor Irrigation (Zone 4)	Total Area (acre)	Ac-ft per year/ac	Peak Day Demand (gpm)	Yearly Demand (acre-feet)
Outdoor Irrigation	0.75	1.87	7.41	1.40

2) Outdoor irrigation demands as per Utah R309-510 Table 3 "Source Demand for Irrigation"

Total Yearly Demand (ac-ft)	2.30
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