

**PUBLIC NOTICE**

Notice is hereby given that the Tooele City Council, and the Tooele City Redevelopment Agency will meet in a Work Session, on Wednesday, June 7, 2017 at the hour of 5:00 p.m. The meeting will be held at the Tooele City Hall Large Conference Room located at 90 North Main Street, Tooele, Utah.

**1. Open City Council Meeting**

**2. Roll Call**

**3. Discussion:**

- **Hialeah Run @ Tooele**  
**Presentation by Alan Cohen**
- **Ordinance 2017-17 An Ordinance of Tooele City Amending Tooele City Code Chapter 8-4 Regarding Nuisance Vegetation and Allowing the Emergency Abatement of Imminent Fire Hazards Due to Vegetation**  
**Presented by Roger Baker**
- **Ordinance 2017-19 An Ordinance of Tooele City Amending Tooele City Code Chapter 5-6 Regarding Home Occupations**  
**Presented by Roger Baker**
- **Ordinance 2017-21 An Ordinance of Tooele City Amending Tooele City Code Chapter 5-1-8 Regarding Business Premises Inspections**  
**Presented by Roger Baker**
- **Ordinance 2017-22 An Ordinance of Tooele City Amending Tooele City Code Chapter 5-7A-7 Regarding Solicitor ID Badges**  
**Presented by Roger Baker**
- **Resolution 2017 - 23 A Resolution of the Tooele City Council Establishing Fees for Various Administrative Appeals**  
**Presented by Roger Baker**
- **Listing Agreement for Tooele Commercial Park**  
**Presented by Randy Sant**

**4. Close Meeting**

- **Litigation**
- **Property Acquisition**

**5. Adjourn**

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**Michelle Y. Pitt**  
**Tooele City Recorder/RDA Secretary**

Pursuant to the Americans with Disabilities Act, Individuals Needing Special Accommodations Should Notify Michelle Y. Pitt, Tooele City Recorder, at 843-2110 or [michellep@tooelecitecity.org](mailto:michellep@tooelecitecity.org), prior to the meeting.



May 13, 2017

## **hialeah run @ Tooele**

**Alan  
Cohen**

**2133 Lakeline Drive  
Salt Lake City, Utah  
84109**

**Phone: 801 201 2927**

**Email:  
orandals4@gmail.com**

Rachelle Custer  
Tooele City Planner

Dear Rachelle:

In response to your suggestions, we wish to submit the following:

At the Tooele City Council working session of April 5, 2017, some Council members had questions regarding this project;

The main topics were:

1. Traffic and safety issues.
2. Economic Feasibility

In response to those concerns we have prepared a full and comprehensive report dealing with the following:

### **Traffic and safety issues.**

We commissioned Hales Engineering, a firm well known to Tooele City, to make a traffic study of the area in question. That study has been completed and submitted to us.

### **Economic Feasibility.**

Another item discussed at the Council work session April 5, was the Tooele City housing demand study. At the meeting it was mentioned the Tooele study should take about three to four weeks. Has it been completed and if not, do you know the time frame?

If the Tooele study is delayed there may be another option to consider;

As I am sure the Council is aware, with the rising tide of interest rates, and construction costs, any delay is very expensive and may even determine whether we are able to proceed with the project at all. Additionally, I am sure you can imagine, the perplexity, frustrations and costs of coordinating all our forces; design, finance, builder interviews, ect., only to put it on hold for a unknown time period.

In that vane, although the Tooele City study would be very helpful to us, in addition to providing more information to the Council, it may not be absolutely necessary to the Council's decision process **at this time**.

Why?: In the event the study time line is still being pushed out and the council could approve our zoning request now, we would be able to proceed with the next stage of the project and finalize our funding application which, of course, we cannot do until zoning is approved.

**In the funding procedure, the lender requires a thorough economic study very early in the process.** This will be prepared by Jeff Neece as previously mentioned, and be **specific to the Tooele City Multifamily market, and our project.** Before funding is approved, our study would have to be completed. Also I would think it would be highly likely; Tooele City's study would also be completed. As I am sure the council is aware; if the Neese study is unfavorable, the lenders **will not** participate. At the completion of said study, we would be happy to present the council with the Lender opinion on the economics of the project. no matter the findings.

To support the above idea, in our report, we have gathered numerous exhibits, which we will present to the Council including a letter from our lender which clearly states the "Necessity of a favorable economic feasibility study."

As mentioned we have prepared a verbal and written report to address all the concerns voiced by the Tooele City Council. You and I have spoken in the past about our submitting the written portions in advance. We feel our report is detailed and complex enough that a verbal presentation is

necessary and required in order to be fair to our point of view. In that vane and in light of the risks, problems and jeopardy of further delay, we respectfully request a audience with the City Council in work session and followed by public hearing at the regular Council meeting of June 7, 2017.

Best regards,  
Alan Cohen  
Cc: Robb Heywood

[Orandal84@gmail.com](mailto:Orandal84@gmail.com)  
801 201 2927

**TOOELE CITY CORPORATION**

**ORDINANCE 2017-17**

**AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE CHAPTER 8-4 REGARDING NUISANCE VEGETATION AND ALLOWING THE EMERGENCY ABATEMENT OF IMMINENT FIRE HAZARDS DUE TO VEGETATION.**

WHEREAS, Tooele City desires to lessen the risk of field fires, and the ensuing damage to life, health, and property, by increasing the required mow-strip around the exterior of unimproved land from 15 to 30 feet; and,

WHEREAS, Tooele City desires to lessen the risk of field fires, and the ensuing damage to life, health, and property, by allowing for an emergency abatement procedure for imminent fire hazards created by vegetation; and,

WHEREAS, the City Administration recommends that the proposed amendments shown in the attached Exhibit A be made to TCC Chapter 8-4 (Nuisance Abatement) to lessen the risk of field fires and the ensuing damage to life, health, and property; and,

WHEREAS, this ordinance is in the best interest of Tooele City and the public by enacting constitutional regulations that increase the public health and safety and protect property:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that Tooele City Code Chapter 8-4 is hereby amended as shown in Exhibit A.

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 \_\_\_\_\_, 2017.

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:



\_\_\_\_\_  
Roger Evans Baker, City Attorney

## Exhibit A

Proposed Amendments to TCC Chapter 8-4

“Notice of violation” means a document prepared and issued by an Officer that informs a responsible person of a nuisance or other violation of this Chapter, and that contains an order to abate the nuisance or correct the violation.

“Nuisance” means anything offensive or obnoxious to the health, safety, or welfare of the inhabitants of the City; or any act or thing repugnant to, creating a hazard to, or having a detrimental effect on the property of another person or to the community, and includes, but is not limited to the following:

(a) A nuisance or public nuisance as defined by Utah law;

(b) junked, wrecked, unlicensed, abandoned, or inoperable motor vehicles not kept as provided in this Chapter.

(c) Any attractive nuisance which may prove detrimental to children, whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shacks, basements, or excavations; abandoned refrigerators; or any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.

(d) Whatever is dangerous or detrimental to human life or health as determined according to the ordinances of Tooele City or Tooele County.

(e) Overcrowding a room with occupants so as to exceed the weight-carrying capabilities of the structure as determined by the Building Official, based upon the International Building Code or International Fire Code specifications for a similar structure.

(f) Insufficient ventilation or illumination as determined by the requirements of the International Mechanical Code.

(g) Inadequate or unsanitary sewage or plumbing facilities as determined by the International Plumbing Code.

(h) Uncleanliness as determined according to the ordinances of Tooele City or Tooele County.

(i) Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings as determined according to the ordinances of Tooele City or Tooele County.

(j) To conduct any business of bone crushing or the making of glue or the manufacturing process involving the carcasses of dead animals or parts thereof in a manner that the odor or activities are obvious to 3 or more persons within 50 feet of the premises upon which the activity is conducted.

(k) To allow snow, ice, hail, or sleet to accumulate on any paved sidewalk abutting the property of any owner, occupant, or lessor, or to place or propel, or cause to be placed or propelled, snow, ice, or hail in the public way or in any manner which poses a hazard to vehicular or pedestrian traffic.

(l) To allow any lot or excavation to become the repository of stagnant water or decaying or offensive substances.

(m) To allow the growth of weeds or other

offensive, noxious, or undesirable vegetation upon property.

(n) To allow the existence of refuse or unsightly or deleterious objects, structures, or mechanical devices upon property.

(o) Graffiti upon any real property or appurtenant or accessory structures or fixtures.

“Officer” means Administrative Code Enforcement Officer and Ordinance Compliance Officer.

“Responsible person” means any property owner, occupant, or other person or association with control over property who allows, permits, causes, or maintains a nuisance or a violation of this Chapter to exist upon the property owned, occupied, or controlled. Use of the singular “person” in this Chapter includes the plural “persons.”

“Undeveloped land” means real property that is subdivided into one or more building lots or parcels of record to the extent that they are not built upon.

“Unimproved land” means real property that is not ~~subdivided or~~ built upon with a primary structure.

“Unlicensed motor vehicle” means any motor vehicle which is not currently registered or licensed by the State of Utah, but does not include vehicles exempt from registration under Utah law, provided that such exempt vehicle is operable.

“Violation” means any violation of this Chapter.

“Wrecked motor vehicle” means a motor vehicle which has been destroyed, disabled, or seriously damaged. (Ord. 2014-13, 10-15-2014) (Ord. 2006-08, 03-01-2006) (Ord. 2004-22, 12-15-2004) (Ord. 1994-52, 10-25-1994)

#### 8-4-4. Nuisances and other unlawful conditions.

(1) It shall be unlawful for any person or association owning, occupying, or otherwise exercising control over real property in Tooele City to allow, permit, cause, or maintain a nuisance, including any of the following:

(a) weeds ~~and/or grass~~ in excess of 6 inches in height ~~located:~~

(i) ~~upon real property or~~ in the public right-of-way between the ~~sidewalk and the curb line of any street, or, if the street is unimproved, within 6 feet of property line and~~ the edge of street pavement, ~~except that weeds~~

(ii) ~~on unimproved land, of 5 or more acres, that are located at least 15 feet from within 30 feet of the property line of any unimproved land of 5 or more acres in size~~ ~~real property ownership line shall not be deemed a nuisance;~~

(b) the accumulation of garbage, refuse, or unsightly or deleterious objects or structures upon real property, unless contained in connection with an association lawfully situated and licensed for the same;

(c) junked, wrecked, unlicensed, or inoperable motor vehicles upon real property, for longer than 72 hours, except that up to 2 such vehicles or parts thereof may be stored within an enclosed building or completely screened by a sight-obscuring fence.

(d) abandoned motor vehicles;

(e) any other unsightly or deleterious condition



associated with the property upon which the nuisance or violation of this Chapter continues. The withholding shall continue until the issuance of a notice of compliance of code enforcement order finding compliance.

(2) The withholding of a permit, license, or land use approval pursuant to authority of this Section may be appealed to the administrative hearing officer. (Ord. 2014-13, 10-15-2014)

#### **8-4-21. Abatement: emergency.**

(1) The City is authorized to summarily abate an imminent hazard.

(2) Whenever an Officer and the Director determine that an imminent hazard exists, the Officer may issue an emergency order directing one or more of the following actions:

(a) order the immediate vacation of any owners, tenants, and occupants, and prohibit occupancy until all imminent hazards have been abated;

(b) post the property or premises as unsafe, substandard, or dangerous;

(c) board, fence, and otherwise secure any property or premises;

(d) raze, grade, and otherwise remove structures and objects on the property to the extent necessary to remove any imminent hazard;

(e) make emergency repairs;

(f) cut and remove weeds, grass, and other vegetation as necessary to mitigate an imminent fire hazard due to vegetation height, concentration, dryness, or other combustibility factors; and,

(g) take any other reasonable action to eliminate an imminent hazard or to protect the public from an imminent hazard.

(3) A notice of violation shall be served upon a responsible person associated with an imminent hazard. The notice shall describe the nature of the imminent hazard. Service is not required prior to taking steps to abate an imminent hazard.

(4) City personnel and agents may enter property or premises without a warrant to the extent necessary to abate an imminent hazard.

(5) The City shall pursue only the minimum level of abatement necessary to abate an imminent hazard under this Section. Once an imminent hazard is abated sufficiently to constitute a nuisance or violation that is not an imminent hazard, the City shall follow the procedures of this Chapter for non-emergency abatement.

(6) A responsible person shall be liable for all costs associated with the abatement of an imminent hazard.

(7) Promptly after an emergency abatement, an Officer shall notify a responsible person of the abatement actions taken, the itemized costs for those actions, and the location of any seized and removed personal property.

(8) A responsible person may appeal the costs of an emergency abatement to the administrative hearing officer. (Ord. 2014-13, 10-15-2014)

#### **8-4-22. Abatement: non-emergency.**

(1) If a responsible person fails to abate a nuisance or violation within the abatement period or within the deadline established in a code enforcement order, the City is authorized to abate the nuisance or violation.

(2) The City and its agents have authority to enter upon any property or premises as may be necessary to abate a nuisance or violation. Such entry onto a 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 consent is voluntarily given.

(3) A responsible person shall be liable for all costs associated with the abatement. If the City undertakes preparatory or other steps to perform an abatement, but the responsible person completes the abatement before the City begins or completes the abatement, the responsible person shall remain responsible for the City's preparatory and other costs.

(4) Promptly after an abatement, an Officer shall notify a responsible person of the abatement actions taken, the itemized costs for those actions, and the location of any seized and removed personal property.

(5) A responsible person may appeal the costs of an abatement to the administrative hearing officer. (Ord. 2014-13, 10-15-2014)

#### **8-4-23. Recovery of Fees and Costs.**

(1) As provided in U.C.A. Sections 10-11-3 and -4, as amended, and after an established deadlines for the payment of monetary penalties and abatement-related fees and costs has passed, the Officer may file and record with the Tooele County Recorder and Treasurer a code enforcement tax lien and an itemized statement of all such penalties, fees, and costs.

(2) Upon full payment of all amounts owing under a code enforcement tax lien, or upon the entry of a code enforcement order or judicial order declaring the lien amount satisfied, the City shall file and record an appropriate notice of satisfaction.

(3) The City may pursue all lawful means to recover all penalties, fees, and costs imposed or incurred pursuant to this Chapter. (Ord. 2014-13, 10-15-2014)

#### **8-4-24. Abatement superfund.**

There is hereby established a revolving fund, to be known as the abatement superfund, to defray costs of the abatement. The abatement superfund shall be funded by monetary penalties, filing fees, reinspection fees, and other fees and costs collected pursuant to this Chapter. (Ord. 2014-13, 10-15-2014)

# TOOELE CITY CORPORATION

## ORDINANCE 2017-19

### AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE CHAPTER 5-6 REGARDING HOME OCCUPATIONS.

WHEREAS, Senate Bill 81 of the 2017 Utah general legislative session provides, in pertinent part, that “A municipality may not . . . charge a license fee for 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” [emphasis supplied] (see pertinent portions of SB81 attached as Exhibit A); and,

WHEREAS, Tooele City Code (TCC) Chapter 5-6 governs the business licensing of home based businesses, also known as home occupations (see current TCC Chapter 5-6 attached as Exhibit B); and,

WHEREAS, as approved in Tooele City Ordinance 2017-14, TCC Section 7-1-5 defines a home occupation as “An accessory use consisting of a vocational activity conducted inside a dwelling unit or a structure accessory to a dwelling unit”; and,

WHEREAS, the land use aspects of home occupations are governed by TCC Title 7, including TCC Section 7-2-19 (Home Occupations) (see TCC Section 7-2-19 as amended by Ordinance 2017-14 attached as Exhibit C); and,

WHEREAS, TCC Section 7-2-19 (Home Occupations), TCC Chapter 8-4 (Abatement of Nuisances), and TCC Section 11-2-4 (Noises prohibited) already prohibit and restrict many higher-impact uses from being carried on in a dwelling unit as home occupations, both (1) directly by prohibition of specific uses (e.g., vehicle repair work, body and fender work, firewood sales, commercial stables, kennels, livestock, auctions, restaurants, nursing homes, funeral houses, welding, musical instruments instruction and practice consisting of more than two persons at a time) and (2) indirectly by the prohibition of nuisances and noises (see TCC Sections 8-4-3 (Definitions) and 11-2-4 attached as Exhibit D); and,

WHEREAS, the City Attorney and City Recorder are of the opinion that SB 81 creates impossible definitional burdens for municipalities, in that (1) it is not practicable to measure the impacts created by residential uses, individually or in the aggregate, as to any number of impacts (e.g., vehicle traffic, vehicle parking, pedestrian traffic, visitors to the dwelling, noise, vibration, light, etc.), and that (2) it is not practicable to measure the commercial impacts of home occupations, individually or in the aggregate, relative to the immeasurable residential impacts alone (see City Attorney email exchange attached as Exhibit E); and,

WHEREAS, by way of example, it is not practicable to measure whether the impact of a home occupation business of making and selling woodcrafts exceeds (let alone

“materially exceeds”) the impacts of a resident who is a woodcraft hobbyist and enthusiast; and,

WHEREAS, by way of another example, it is not practicable to measure whether the impact of a home occupation business of providing legal services preparing wills and estates exceeds (let alone “materially exceed”) the impact of a resident who receives sales people, service people, delivery people, personal visitors, ecclesiastical visitors, babysitters, etc.; and,

WHEREAS, nothing in SB81 prohibits municipalities from requiring building, fire, and safety inspections of home occupations, or from requiring home occupation business license applicants to paying the costs of those inspections as a prerequisite to the issuance of a license; and,

WHEREAS, the City Administration recommends that TCC Chapter 5-6 be amended to require home occupation business license applicants to pay the cost of building, fire, and safety inspections as a prerequisite to the issuance of a license (see Tooele City Fee Schedule excerpt attached as Exhibit F); and,

WHEREAS, the City Administration recommends that technical amendments and corrections be made to TCC Chapter 5-6; and,

WHEREAS, the City Administrations recommended amendments to TCC Chapter 5-6 are shown in the attached Exhibit G; and,

WHEREAS, this ordinance is necessary for the safe and efficient licensing and operation of home occupations, and for compliance with SB81:

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 \_\_\_\_\_, 2017.

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

\_\_\_\_\_  
Roger Evans Baker, City Attorney

## Exhibit A

Pertinent Provisions of Senate Bill 81,  
2017 Utah General Legislative Session

1 LOCAL GOVERNMENT LICENSING AMENDMENTS

SB 81

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Jacob L. Anderegg

5 House Sponsor: Marc K. Roberts

6  
7 LONG TITLE

8 General Description:

9 This bill modifies provisions related to a municipality's or a county's authority to license  
10 a business.

11 Highlighted Provisions:

12 This bill:

- 13 ▶ amends provisions authorizing a municipality or a county to license a business;
- 14 ▶ prohibits a municipality or a county from requiring a license or charging a fee for  
15 certain home based businesses; and
- 16 ▶ makes technical and conforming changes.

17 Money Appropriated in this Bill:

18 None

19 Other Special Clauses:

20 None

21 Utah Code Sections Affected:

22 AMENDS:

23 10-1-203, as last amended by Laws of Utah 2016, Chapter 350

24 17-53-216, as last amended by Laws of Utah 2008, Chapter 250

26 *Be it enacted by the Legislature of the state of Utah:*

27 Section 1. Section **10-1-203** is amended to read:

28 **10-1-203. License fees and taxes – Application information to be transmitted to**  
29 **the county assessor.**

30 (1) As used in this section:

31 (a) "Business" means any enterprise carried on for the purpose of gain or economic  
32 profit, except that the acts of employees rendering services to employers are not included in  
33 this definition.

34 (b) "Telecommunications provider" means the same as that term is defined in Section  
35 10-1-402.

36 (c) "Telecommunications tax or fee" means the same as that term is defined in Section  
37 10-1-402.

38 (2) Except as provided in Subsections (3) through (5) and (7)(a), and subject to  
39 Subsection (7)(b), the legislative body of a municipality may license for the purpose of  
40 regulation ~~[and revenue]~~ any business within the limits of the municipality, ~~[and]~~ may regulate  
41 that business by ordinance, and may impose fees on businesses to recover the municipality's  
42 costs of regulation.

43 (3) (a) The legislative body of a municipality may raise revenue by levying and  
44 collecting a municipal energy sales or use tax as provided in Part 3, Municipal Energy Sales  
45 and Use Tax Act, except a municipality may not levy or collect a franchise tax or fee on an  
46 energy supplier other than the municipal energy sales and use tax provided in Part 3, Municipal  
47 Energy Sales and Use Tax Act.

48 (b) (i) Subsection (3)(a) does not affect the validity of a franchise agreement as defined  
49 in Subsection 10-1-303(6), that is in effect on July 1, 1997, or a future franchise.

50 (ii) A franchise agreement as defined in Subsection 10-1-303(6) in effect on January 1,  
51 1997, or a future franchise shall remain in full force and effect.

52 (c) A municipality that collects a contractual franchise fee pursuant to a franchise  
53 agreement as defined in Subsection 10-1-303(6) with an energy supplier that is in effect on July  
54 1, 1997, may continue to collect that fee as provided in Subsection 10-1-310(2).

55 (d) (i) Subject to the requirements of Subsection (3)(d)(ii), a franchise agreement as  
56 defined in Subsection 10-1-303(6) between a municipality and an energy supplier may contain  
57 a provision that:

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58 (A) requires the energy supplier by agreement to pay a contractual franchise fee that is  
59 otherwise prohibited under Part 3, Municipal Energy Sales and Use Tax Act; and

60 (B) imposes the contractual franchise fee on or after the day on which Part 3,  
61 Municipal Energy Sales and Use Tax Act is:

62 (I) repealed, invalidated, or the maximum allowable rate provided in Section 10-1-305  
63 is reduced; and

64 (II) [~~is~~] not superseded by a law imposing a substantially equivalent tax.

65 (ii) A municipality may not charge a contractual franchise fee under the provisions  
66 permitted by Subsection (3)(b)(i) unless the municipality charges an equal contractual franchise  
67 fee or a tax on all energy suppliers.

68 (4) (a) Subject to Subsection (4)(b), beginning July 1, 2004, the legislative body of a  
69 municipality may raise revenue by levying and providing for the collection of a municipal  
70 telecommunications license tax as provided in Part 4, Municipal Telecommunications License  
71 Tax Act.

72 (b) A municipality may not levy or collect a telecommunications tax or fee on a  
73 telecommunications provider except as provided in Part 4, Municipal Telecommunications  
74 License Tax Act.

75 (5) (a) (i) The legislative body of a municipality may by ordinance raise revenue by  
76 levying and collecting a license fee or tax on:

77 (A) a parking service business in an amount that is less than or equal to:

78 (I) \$1 per vehicle that parks at the parking service business; or

79 (II) 2% of the gross receipts of the parking service business;

80 (B) a public assembly or other related facility in an amount that is less than or equal to  
81 \$5 per ticket purchased from the public assembly or other related facility; and

82 (C) subject to the limitations of Subsections (5)(c) and (d):

83 (I) a business that causes disproportionate costs of municipal services; or

84 (II) a purchaser from a business for which the municipality provides an enhanced level  
85 of municipal services.

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86 (ii) Nothing in this Subsection (5)(a) may be construed to authorize a municipality to  
87 levy or collect a license fee or tax on a public assembly or other related facility owned and  
88 operated by another political subdivision other than a community reinvestment agency without  
89 the written consent of the other political subdivision.

90 (b) As used in this Subsection (5):

91 (i) "Municipal services" includes:

92 (A) public utilities; and

93 (B) services for:

94 (I) police;

95 (II) fire;

96 (III) storm water runoff;

97 (IV) traffic control;

98 (V) parking;

99 (VI) transportation;

100 (VII) beautification; or

101 (VIII) snow removal.

102 (ii) "Parking service business" means a business:

103 (A) that primarily provides off-street parking services for a public facility that is  
104 wholly or partially funded by public money;

105 (B) that provides parking for one or more vehicles; and

106 (C) that charges a fee for parking.

107 (iii) "Public assembly or other related facility" means an assembly facility that:

108 (A) is wholly or partially funded by public money;

109 (B) is operated by a business; and

110 (C) requires a person attending an event at the assembly facility to purchase a ticket.

111 (c) (i) Before the legislative body of a municipality imposes a license fee on a business  
112 that causes disproportionate costs of municipal services under Subsection (5)(a)(i)(C)(I), the  
113 legislative body of the municipality shall adopt an ordinance defining for purposes of the tax

114 under Subsection (5)(a)(i)(C)(I):

115 (A) the costs that constitute disproportionate costs; and

116 (B) the amounts that are reasonably related to the costs of the municipal services  
117 provided by the municipality.

118 (ii) The amount of a fee under Subsection (5)(a)(i)(C)(I) shall be reasonably related to  
119 the costs of the municipal services provided by the municipality.

120 (d) (i) Before the legislative body of a municipality imposes a license fee on a  
121 purchaser from a business for which it provides an enhanced level of municipal services under  
122 Subsection (5)(a)(i)(C)(II), the legislative body of the municipality shall adopt an ordinance  
123 defining for purposes of the fee under Subsection (5)(a)(i)(C)(II):

124 (A) the level of municipal services that constitutes the basic level of municipal services  
125 in the municipality; and

126 (B) the amounts that are reasonably related to the costs of providing an enhanced level  
127 of municipal services in the municipality.

128 (ii) The amount of a fee under Subsection (5)(a)(i)(C)(II) shall be reasonably related to  
129 the costs of providing an enhanced level of the municipal services.

130 (6) All license fees and taxes shall be uniform in respect to the class upon which they  
131 are imposed.

132 (7) A municipality may not:

133 (a) require a license or permit for a business that is operated:

134 (i) only occasionally; and

135 (ii) by an individual who is under 18 years of age; or

136 (b) charge a license fee for a home based business, unless the combined offsite impact  
137 of the home based business and the primary residential use materially exceeds the offsite  
138 impact of the primary residential use alone.

139 ~~(7)~~ (8) The municipality shall transmit the information from each approved business  
140 license application to the county assessor within 60 days following the approval of the  
141 application.

142 ~~(8)~~ (9) If challenged in court, an ordinance enacted by a municipality before January  
143 1, 1994, imposing a business license fee on rental dwellings under this section shall be upheld  
144 unless the business license fee is found to impose an unreasonable burden on the fee payer.

145 Section 2. Section 17-53-216 is amended to read:

146 **17-53-216. Business license fees and taxes -- Application information to be**  
147 **transmitted to the county assessor.**

148 (1) ~~For the purpose of this section, "business"~~ As used in this section, "business"  
149 means any enterprise carried on for the purpose of gain or economic profit, except that the acts  
150 of employees rendering services to employers are not included in this definition.

151 (2) ~~The~~ Except as provided in Subsection (4)(a), and subject to Subsection (4)(b), the  
152 legislative body of a county may by ordinance provide for the licensing of businesses within  
153 the unincorporated areas of the county for the purpose of regulation ~~and revenue~~, and may  
154 impose fees on businesses to recover the county's costs of regulation.

155 (3) All license fees and taxes shall be uniform in respect to the class upon which they  
156 are imposed.

157 (4) A county may not:

158 (a) require a license or permit for a business that is operated:

159 (i) only occasionally; and

160 (ii) by an individual who is under 18 years of age; or

161 (b) charge a license fee for a home based business unless the combined offsite impact  
162 of the home based business and the primary residential use materially exceeds the offsite  
163 impact of the primary residential use alone.

164 ~~(4)~~ (5) The county business licensing agency shall transmit the information from each  
165 approved business license application to the county assessor within 60 days following the  
166 approval of the application.

167 ~~(5)~~ (6) This section may not be construed to enhance, diminish, or otherwise alter the  
168 taxing power of counties existing prior to the effective date of Laws of Utah 1988, Chapter  
169 144.



## Exhibit B

Current TCC Chapter 5-6

## CHAPTER 6. HOME OCCUPATIONS

### 5-6-1. Definitions.

### 5-6-2. License required - Display.

### 5-6-3. Procedure.

### 5-6-4. License fees.

### 5-6-5. Inspections.

### 5-6-6. Zoning requirement.

### 5-6-7. Violation a misdemeanor.

### 5-6-1. Definitions.

The term "home occupation" shall have the meaning contained in Section 7-1-5 (Definitions) of this Code.

(Ord. 2012-36, 12-05-12); (Ord. 1983-22, 12-07-83)

### 5-6-2. License required - Display.

It shall be unlawful for any person to engage in a home occupation without first securing a business license therefor. The licensee shall conspicuously display such license in the licensed place of business so that the same is plainly visible to the public.

(Ord. 2012-36, 12-05-12); (Ord. 1983-22, 12-07-83)

### 5-6-3. Procedure.

Applicants for a license required by this Section shall comply with the provisions of Chapter 5-1 (General Provisions).

(Ord. 2012-36, 12-05-12); (Ord. 1987-24, 01-02-88); (Ord. 1983-22, 12-07-83)

### 5-6-4. License fees.

License fees for licenses issued pursuant to this Chapter shall be the same as set forth in Section 5-1-10 (License fees).

(Ord. 2012-36, 12-05-12); (Ord. 1983-22, 12-07-83)

### 5-6-5. Inspections.

The City reserves the right to inspect any premises licensed or applied to be licensed for home occupation for the purpose of protecting the public health, safety, morals, and welfare, but does not require all such premises to be inspected.

(Ord. 2012-36, 12-05-12); (Ord. 1983-22, 12-07-83)

### 5-6-6. Zoning requirement.

Home occupations shall comply with all land use regulations set forth in Title 7 of the Tooele City Code.

(Ord. 2012-36, 12-05-12); (Ord. 1987-24, 01-02-88); (Ord. 1983-22, 12-07-83)

### 5-6-7. Violation a misdemeanor.

Violation of the provisions of this Chapter is a misdemeanor punishable as provided in Section 5-1-33 (Violations and penalties).

(Ord. 2012-36, 12-05-12); (Ord. 1983-22, 12-07-83)

## Exhibit C

TCC Section 7-2-19 as Amended by  
Ordinance 2017-14

**7-2-15. Lots in two districts.**

Where a district boundary line is established by this Title, or shown on the zoning map, divides a lot which is in single ownership and of record, the use in the other district requirements applying to the least restrictive portion of said lot shall be considered to extend to the entire lot, provided the more restricted portion of such lot is entirely within thirty (30) feet of said dividing district boundary line. The use so extending shall be deemed to be conforming. (Ord. 1983-05, 04-20-1983)

**7-2-16. Lots in business, commercial or industrial districts adjacent to residential zones.**

Where a lot in any business, commercial or industrial district abuts a lot in any residential district, there shall be provided along such abutting line a landscaped side yard. The size to be determined by the Planning Commission. Also, a privacy fence may be required on any lot which abuts a residential district. (Ord. 1983-05, 04-20-1983)

**7-2-17. Transition zones.**

(1) Where the frontage on one side of a street between two intersecting streets is owned partially as residential and partially as business, commercial or industrial, or where any part of the street is so zoned as to require a front yard, a front yard shall be required for the entire block frontage equal to that required for the most restricted portion of the block.

(2) On any corner lot in a residential district, there shall be provided on the side street a side yard equal in depth to the required front yard depth on said street, except that upon any corner lot under separate ownership which is less than sixty (60) feet wide, this provision may be waived allowing a residence to be erected to within twelve (12) feet of the side yard. The side street shall be held to be on that side of the corner lot having the greater length. When a dwelling is erected to within twelve (12) feet of the side yard in this manner, it must maintain a twenty-five (25) foot rear yard, regardless of the location of the garage, or accessory building. (Ord. 1983-05, 04-20-1983)

**7-2-18. Public utilities in residential districts.**

Where not otherwise authorized by this Title, the Planning Commission, if it determines that the best interests of the community will be served thereby, may permit as a conditional use the use of land in a residentially zoned district for a public utility building, electrical substation, radio or television relay station, including necessary tower, and other similar public utilities, provided that in all such cases:

(1) From the evidence presented, the Planning Commission finds that it is essential in order to

provide the area with adequate electrical, gas, telephone, television or radio service.

(2) It shall determine that due to certain peculiar conditions, the facility could not be located outside the residentially zoned district and properly serve the City.

(3) All structures on the premises are designed to conform to the residential character of the districts.

(4) All yard spaces as required for the permitted use in the district are provided.

(5) Adequate screening is provided for proper landscaping and fencing where the facility is not within a building.

(6) Such other conditions are met as may be deemed necessary by the Planning Commission to protect the character of the residential district.

Nothing in this section shall be interpreted as giving the Planning Commission the authority to permit a privately owned or operated commercial radio or television tower or station in any residential district. (Ord. 1983-05, 04-20-1983)

**7-2-19. Home occupations.**

Home occupations ~~are shall be~~ permitted upon compliance with the following:

(1) ~~shall must~~ be carried on entirely within the dwelling unit or accessory building on the premises;

(2) ~~shall not include the outside storage of goods, materials, or equipment;~~

(3) ~~shall must~~ not involve any use of any outside yard area about the premises whereupon the dwelling unit or accessory building is located, except for customer parking ~~and except for fenced outdoor areas associated with a home occupation day care;~~

(4) ~~shall must~~ be customarily incidental to the use of the dwelling for dwelling purposes;

(5) ~~shall must~~ not change the ~~primary~~ character and use of the dwelling unit as a dwelling;

(6) ~~shall must~~ be carried on ~~only~~ by persons residing in the dwelling unit;

(7) ~~shall must~~ have no employees or assistants other than members of the immediate family, and only if such family members reside in the dwelling unit;

(8) ~~reasonable~~ inventory related to the Home Occupation shall be allowed so long as such inventory is stored entirely within the dwelling unit or accessory building on the premises;

(9) ~~shall must~~ not create a nuisance;

(10) ~~shall~~ specifically exclude: ~~vehicle repair work, body and fender work, firewood sales, commercial stables, kennels, livestock, auctions, restaurants, nursing homes, funeral houses, welding, musical ~~and~~ instrument instruction and practice consisting of more than two persons ~~members~~ at a time;~~

(11) ~~shall not display signs without advertising of said occupation by way of window displays or signs;~~

(12) ~~shall not produce traffic volumes exceeding those produced by the dwelling unit by more than 10~~

average daily trips or a maximum of 20 trips during any 24-hour period:

(13) shall comply with all Federal, State, and local license and permit requirements;

(14+) nothing contained in this section shall be construed to supersede or otherwise render inoperative the provisions of the Tooele City Code concerning business licenses.

(Ord. 1987-24, 01-02-1988; Ord. 1983-05, 04-20-1983)

## Exhibit D

TCC Section 8-4-3 (Definitions)  
and  
TCC Section 11-2-4 (Noises prohibited)

## CHAPTER 4. ABATEMENT OF NUISANCES

- 8-4-1. Purpose.
- 8-4-2. Declaration regarding nuisances.
- 8-4-3. Definitions.
- 8-4-4. Nuisances and other unlawful conditions.
- 8-4-5. General enforcement authority.
- 8-4-6. Criminal penalties.
- 8-4-7. Civil penalties. (Repealed)
- 8-4-8. Nuisance abatement. (Repealed)
- 8-4-9. Notice of violation: content, extension.
- 8-4-10. Notice of violation: service.
- 8-4-11. Notice of violation: penalties.
- 8-4-12. Notice of violation: appeal.
- 8-4-13. Notice of violation: default judgment.
- 8-4-14. Notice of compliance.
- 8-4-15. Code enforcement order: authority.
- 8-4-16. Code enforcement order: enforcement.
- 8-4-17. Code enforcement order: appeal.
- 8-4-18. Stipulation agreement.
- 8-4-19. Recordation.
- 8-4-20. Withholding permits; appeal.
- 8-4-21. Abatement: emergency.
- 8-4-22. Abatement: non-emergency.
- 8-4-23. Recovery of Fees and Costs.
- 8-4-24. Abatement superfund.

### 8-4-1. Purpose.

The purposes of this Chapter include the protection of the public health, safety, and general welfare, and the implementation of City policies to promote the neat and orderly appearance of Tooele City.

(Ord. 2014-13, 10-15-2014) (Ord. 2006-08, 03-01-2006)  
(Ord. 2004-22, 12-15-2004) (Ord. 1994-52, 10-25-1994)

### 8-4-2. Declaration regarding nuisances.

It is hereby declared that weeds, motor vehicles, objects, structures, graffiti, and certain conditions constitute a nuisance when they create a fire hazard, a source of contamination or pollution of water, air, or land, a threat to human health or safety, a breeding place or habitation for insects or rodents or other pests or vermin, or are unsightly, malodorous, or deleterious.

(Ord. 2014-13, 10-15-2014) (Ord. 2006-08, 03-01-2006)  
(Ord 2004-22, 12-15-2004)

### 8-4-3. Definitions.

“Abandoned motor vehicle” means any motor vehicle which displays common indicia of abandonment.

“Abate” meant to effectuate an abatement.

“Abatement” means any action or proceeding commenced or pursued by the City to remove, alleviate, or correct a nuisance or other violation of this Chapter.

“Abatement period” means the 14-day period, beginning upon service of a notice of violation, within which abatement by a responsible person is required to be completed.

“Administrative hearing officer” means an administrative hearing officer appointed under Chapter 1-

28 of this Code.

“Association” means any business entity, including, without limitation, corporation, partnership, company, business, but not an individual.

“Code enforcement order” means an order issued by an administrative hearing officer in the context of an abatement commenced pursuant to this Chapter.

“Code enforcement performance bond” means a cash bond required by an administrative hearing officer and posted by a responsible person to gain compliance with this Chapter or with a code enforcement order.

“Code enforcement tax lien” means a lien recorded with the Tooele County Recorder and County Treasurer to facilitate the collection of all abatement-related costs, including monetary penalties, administrative fees, filing fees, and other reasonable and related costs.

“Department” means the Tooele City Community Development Department.

“Developed land” means real property, whether subdivided or not, upon which is built one or more buildings.

“Director” means the director of the Tooele City Community Development Department.

“Good cause” means incapacitating illness or accident, death of a parent, sibling, or child, lack of proper notice, or unavailability due to unavoidable and non-preventable emergency or circumstance.

“Graffiti” means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any surface of public or private property by any implement or material.

“Imminent hazard” means any condition that creates a present and immediate danger to the public health, safety, or welfare.

“Inoperable motor vehicle” means any motor vehicle which is mechanically not functionable for a period of over 30 days. The 30-day period may be extended by the Community Development Director for a maximum of 6 months upon proof by the owner of ongoing restoration.

“Junked motor vehicle” means a motor vehicle which has outlived its usefulness in its original form and which is commonly gathered up and sold to be converted into another product, either of the same or of a different kind, or as scrap.

“Monetary penalty” means the civil fines accrued for failure to complete an abatement. Monetary penalty does not include appeal filing fees, reinspection fees, or abatement costs.

“Motor vehicle” means any motorized vehicle which initially was designed or constructed to be self-propelled. The term “motor vehicle” includes, without limitation, automobiles, motorcycles, and heavy equipment.

“Notice of compliance” means a document issued by the City confirming that a responsible person has abated the nuisance and corrected the violations set out in a notice of violation, paid all fees, penalties, and costs associated with the notice of violation, and otherwise had fully complied with the requirements of this Chapter, all as determined by an Officer.

“Notice of violation” means a document prepared and issued by an Officer that informs a responsible person of a nuisance or other violation of this Chapter, and that contains an order to abate the nuisance or correct the violation.

“Nuisance” means anything offensive or obnoxious to the health, safety, or welfare of the inhabitants of the City; or any act or thing repugnant to, creating a hazard to, or having a detrimental effect on the property of another person or to the community, and includes, but is not limited to the following:

(a) A nuisance or public nuisance as defined by Utah law;

(b) junked, wrecked, unlicensed, abandoned, or inoperable motor vehicles not kept as provided in this Chapter.

(c) Any attractive nuisance which may prove detrimental to children, whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shacks, basements, or excavations; abandoned refrigerators; or any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.

(d) Whatever is dangerous or detrimental to human life or health as determined according to the ordinances of Tooele City or Tooele County.

(e) Overcrowding a room with occupants so as to exceed the weight-carrying capabilities of the structure as determined by the Building Official, based upon the International Building Code or International Fire Code specifications for a similar structure.

(f) Insufficient ventilation or illumination as determined by the requirements of the International Mechanical Code.

(g) Inadequate or unsanitary sewage or plumbing facilities as determined by the International Plumbing Code.

(h) Uncleanliness as determined according to the ordinances of Tooele City or Tooele County.

(i) Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings as determined according to the ordinances of Tooele City or Tooele County.

(j) To conduct any business of bone crushing or the making of glue or the manufacturing process involving the carcasses of dead animals or parts thereof in a manner that the odor or activities are obvious to 3 or more persons within 50 feet of the premises upon which the activity is conducted.

(k) To allow snow, ice, hail, or sleet to accumulate on any paved sidewalk abutting the property of any owner, occupant, or lessor, or to place or propel, or cause to be placed or propelled, snow, ice, or hail in the public way or in any manner which poses a hazard to vehicular or pedestrian traffic.

(l) To allow any lot or excavation to become the repository of stagnant water or decaying or offensive substances.

(m) To allow the growth of weeds or other

offensive, noxious, or undesirable vegetation upon property.

(n) To allow the existence of refuse or unsightly or deleterious objects, structures, or mechanical devices upon property.

(o) Graffiti upon any real property or appurtenant or accessory structures or fixtures.

“Officer” means Administrative Code Enforcement Officer and Ordinance Compliance Officer.

“Responsible person” means any property owner, occupant, or other person or association with control over property who allows, permits, causes, or maintains a nuisance or a violation of this Chapter to exist upon the property owned, occupied, or controlled. Use of the singular “person” in this Chapter includes the plural “persons.”

“Undeveloped land” means real property that is subdivided into one or more building lots or parcels of record to the extent that they are not built upon.

“Unimproved land” means real property that is not subdivided or built upon.

“Unlicensed motor vehicle” means any motor vehicle which is not currently registered or licensed by the State of Utah, but does not include vehicles exempt from registration under Utah law, provided that such exempt vehicle is operable.

“Violation” means any violation of this Chapter.

“Wrecked motor vehicle” means a motor vehicle which has been destroyed, disabled, or seriously damaged. (Ord. 2014-13, 10-15-2014) (Ord. 2006-08, 03-01-2006) (Ord. 2004-22, 12-15-2004) (Ord. 1994-52, 10-25-1994)

#### **8-4-4. Nuisances and other unlawful conditions.**

(1) It shall be unlawful for any person or association owning, occupying, or otherwise exercising control over real property in Tooele City to allow, permit, cause, or maintain a nuisance, including any of the following:

(a) weeds in excess of 6 inches in height upon real property or in the public right-of-way between the sidewalk and the curb line of any street, or, if the street is unimproved, within 6 feet of the edge of street pavement, except that weeds on unimproved land, of 5 or more acres, that are located at least 15 feet from any real property ownership line shall not be deemed a nuisance;

(b) the accumulation of garbage, refuse, or unsightly or deleterious objects or structures upon real property, unless contained in connection with an association lawfully situated and licensed for the same;

(c) junked, wrecked, unlicensed, or inoperable motor vehicles upon real property, for longer than 72 hours, except that up to 2 such vehicles or parts thereof may be stored within an enclosed building or completely screened by a sight-obscuring fence.

(d) abandoned motor vehicles;

(e) any other unsightly or deleterious condition that gives rise to a threat to human health or safety; and,

(f) the failure, by any person owning, occupying, or exercising control over any real property within the city, to remove graffiti from the property within 15 days after the graffiti appears on the property.



office buildings, transport facilities, and shops.

(u) "Public right-of-way" means any street, avenue, boulevard, highway or alley, or similar place, which is owned or controlled by a public governmental entity.

(v) "Pure tone" means any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of measurement, a pure tone shall exist of the one-third octave band sound-pressure level in the band when the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by five dB for frequencies of five hundred hertz (Hz) and above, by eight dB for frequencies between one hundred sixty and four hundred Hz, and by fifteen dB for frequencies less than or equal to one hundred twenty-five Hz.

(w) "Repetitive impulsive noise" means any noise which is composed of impulsive noises that are repeated at sufficiently slow rates such that a sound level meter set at the "fast" meter characteristic will show changes in sound pressure level greater than ten dB(A).

(x) "Sound" means a temporal and spatial oscillation in pressure, or other physical quantity, in a medium with interval forces that causes compression and rarefaction of that medium, and which propagates at finite speed to distant points.

(y) "Sound level meter" means an instrument, including a microphone, amplifier, RMS detector and integrator, time averager, output meter and/or visual display and weighing networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure level when properly calibrated and is of Type 2 or better as specified in American National Standards Institute Publication S1. 4-1971 or its successor publication.

(z) "Sound pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space due to sound.

(aa) "Sound pressure level" means twenty times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference pressure, which shall be twenty micropascals, denoted LP or SPL.

(ab) "Stationary noise source" means any device, fixed or movable, which is located or used on property other than a public right-of-way.

(ac) "Steady noise" means a sound pressure level which remains essentially constant during the period of observation, that is, that it does not vary more than six dB(A) when measured with the "slow" meter characteristic of a sound level meter. (Ord. 91-26, 12-12-91)

### 11-2-3. Sound level - Measurement method.

Sound level measurements shall be made with a sound level meter using the "A" weighting scale, in accordance with standards promulgated by the American National Standards Institute or other reasonable standards adopted and tested by the county health department. (Ord. 91-26, 12-12-91)

### 11-2-4. Noises prohibited.

(1) In addition to the specific prohibitions outlined in subsection (2) and Sections 11-2-6 and 11-2-9, or their successors, it is unlawful for any person to make, continue, or cause to be made or continued any noise disturbance within the limits of the city.

(2) The following acts are declared to be in violation of this chapter:

(a) sounding any horn or signaling device on any truck, automobile, motorcycle, emergency vehicle or other vehicle on any street or public place within the city, except as a danger warning signal as provided in Title 41 of the Utah Code, or the sounding of any such signaling device for an unnecessary or unreasonable period of time;

(b) (i) using, operating or permitting the use or operation of any radio receiving set, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound, except as provided for in subsection (2)(c), in such a manner as to violate Section 11-2-6 or its successor, or cause a noise disturbance.

(ii) operating any device listed in subsection (2)(b)(i) between the hours of ten p.m. and six a.m. Monday through Friday, and between the hours of ten p.m. through eight a.m. Saturday and Sunday in such a manner as to be plainly audible at the property boundary of the source or plainly audible at fifty feet (fifteen meters) from such device when operated within a vehicle parked in a public place or on a public right-of-way;

(c) using or operating a loudspeaker or sound-amplifying equipment in a fixed or movable position or mounted upon any sound vehicle in or upon any street, alley, sidewalk, park, place, or public property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in such a manner as to violate Section 11-2-6, or its successor, or cause a noise disturbance unless a permit as provided by Section 11-2-7 or its successor, is first obtained;

(d) selling anything by outcry within any area of the city zoned primarily for residential uses in such a manner as to violate Section 11-2-6 or its successor, or cause a noise disturbance. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses and other similarly licensed public entertainment events;

(e) owning, keeping, possessing or harboring any animal or animals which, by frequent or habitual noisemaking, violate Section 11-2-6 or its successor, or causes a noise disturbance. The provisions of this section shall apply to all private and public facilities, including any animal pounds which hold or treat animals;

(f) loading, unloading, opening or otherwise handling boxes, crates, containers, garbage containers or other objects between the hours of nine p.m. and seven a.m. the following day in such a manner as to violate Section 11-2-6 or its successor, or cause a noise disturbance;

(g) operating or causing to be used or operated any equipment used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys, or appurtenances thereto, either:

(i) in residential or commercial zoning districts between the hours of nine p.m. and seven a.m. the following day; or

(ii) in any zoning district where such operation exceeds the second-level limits for an industrial land use as set forth in Section 11-2-6 or its successor;

(h) operating or permitting to be operated any power equipment rated five horsepower or less used for home or building repair or grounds maintenance, including, but not limited to a power saw, sander, lawnmower, garden equipment or snow removal equipment, in residential or commercial zones:

(i) outdoors between the hours of nine p.m. and seven a.m. the following day; or

(ii) any such power equipment which emits a sound pressure level in excess of seventy-four dB(A) measured at a distance of fifty feet (fifteen meters);

(i) operating or permitting to be operated, any power equipment, except construction equipment used for construction activities, rated more than five horsepower, including but not limited to chain saws, pavement breakers, log chippers, powered hand tools:

(i) in residential or commercial zoning districts between the hours of nine p.m. and seven a.m. the following day;

(ii) in any zoning district if such equipment emits a sound pressure level in excess of eighty-two dB(A) measured at a distance of fifty feet (fifteen meters);

(j) operating or permitting to be operated in any place of public entertainment any loudspeaker or other source of sound which produces, at appoint that is normally occupied by a customer, maximum sound pressure levels of one hundred dB(A), as read with the slow response on a sound level meter, unless a conspicuous and legible sign at least two hundred twenty-five square inches in area is posted near each public entrance stating: "WARNING: SOUND LEVELS MAY CAUSE HEARING IMPAIRMENT." This provision shall not be construed to allow the operation of any loudspeaker or other source of sound in such a manner as to violate Section 11-2-6 or its successor;

(k) permitting any motor vehicle racing event at any place in such a manner as to violate Section 11-2-6, or cause a noise disturbance, without first obtaining a permit as provided by Section 11-2-7 or successor sections;

(l) flying a model aircraft powered by internal combustion engines, whether tethered or not, or firing or operating model rocket vehicles or other similar noise-producing devices, between the hours of nine p.m. and seven a.m. the following day, or in such a manner as to violate Section 11-2-6 or its successor, or cause a noise disturbance;

(m) operating any motor vehicle with a dynamic braking device engaged, except for the aversion of imminent danger;

(n) operating or permitting to be operated or used any truck, automobile, motorcycle or other motor vehicle which, by virtue of disrepair or manner of operation, violates Section 11-2-6 or its successor, or causes a noise disturbance;

(o) operating or causing or permitting to be operated or used, any refuse-compacting vehicle which creates a sound pressure level in excess of seventy-four dB(A) at fifty feet (fifteen meters) from the vehicle;

(p) collecting garbage, waste or refuse between the hours of nine p.m. and seven a.m. the following day:

(i) in any area zoned residential, or within three hundred feet of an area zoned residential,

(ii) in any zoning district so as to cause a noise disturbance;

(q) operating or causing or permitting to be operated any motor vehicle or any auxiliary equipment attached thereto in such a manner as to violate Section 11-2-6 or its successor, or cause a noise disturbance for a consecutive period longer than fifteen minutes during which such vehicle is stationary in a residential zone;

(r) creating noise in excess of the residential standard, as defined in Section 11-2-6 or its successor, within the vicinity of any school, hospital, institution of learning, court, or other designated area where exceptional quiet is necessary, while the same is in use, provided conspicuous signs are displayed in the streets indicating that the same is a quiet zone;

(s) sounding, operating or permitting to sound or operate an electronically amplified signal from any burglar alarm, bell, chime or clock, including but not limited to bells, chimes or clocks in schools, houses of religious worship or governmental buildings, which fails to meet the standards set forth in Section 11-2-6 or its successor, for more than five minutes in any hour;

(t) sounding or causing the sounding of any whistle, horn or siren as a signal for commencing or suspending work, or for any other purpose except as a sound signal of imminent danger, in such a manner as to violate Section 11-2-6 or its successor, or cause a noise disturbance;

(u) (i) operating a recreational vehicle or snowmobile in a manner which violates Section 11-2-6 or its successor, or causes a noise disturbance,

(ii) selling or operating any recreational vehicle or snowmobile, manufactured after 1977, in the city unless such vehicle produces no more than a maximum sound level of eighty-two dB(A) at fifty feet (fifteen meters).

(Ord. 2011-18, 10-19-11); (Ord. 91-26, 12-12-91)

#### **11-2-5. Exempt uses and activities.**

The following uses and activities shall be exempt from noise level regulations:

(1) noise of safety signals, warning devices and emergency pressure-relief valves;

(2) noise resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency;

## Exhibit E

### City Attorney Email Exchange

## Roger Baker

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**From:** Cameron Diehl <cdiehl@ulct.org>  
**Sent:** Tuesday, May 09, 2017 10:47 PM  
**To:** Roger Baker  
**Subject:** RE: Home Occupation Business Licensing under SB 81

Roger,  
Thanks for the email. Your legal analysis about the bill is spot on. Politically, many members of the legislature insisted that cities would excessively charging business license fees of home occupation businesses and had several examples to back up their claims. The negotiated language was an attempt to preserve local authority within that political reality.

We discussed one approach at our LUAU training on Saturday that may be applicable to Tooele. The city could request that a home occupation business identify the lack of a potential impact which would thus qualify it for a fee waiver. Ultimately, your tight definition of home occupation business may eliminate the universe of home occupation businesses that would not qualify for the fee waiver.

You raise a fair question about whether it is worth the effort for a city to license home occupation businesses. I agree that the policy concerns weigh in favor of licensure even without cost recovery. For now, here we are.

See you in St. George and thanks again.

Cameron

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**From:** Roger Baker [mailto:RogerB@TooeleCity.org]  
**Sent:** Tuesday, May 09, 2017 4:14 PM  
**To:** Cameron Diehl <cdiehl@ulct.org>  
**Subject:** Home Occupation Business Licensing under SB 81

Cameron:

This week I set about to draft an amendment to the Tooele City Code regarding home occupation business licensing, which requires, of course, local definition of net impacts. The more I contemplate the question, the more I believe that such impacts neither can be defined nor measured, at least not in Tooele City.

Tooele City already prohibits home occupations that create nuisances, that generate more than X number of vehicle trips per day, that change the residential character of the house, and that utilize any portion of the property but the house. We already restrict signage and outdoor storage of inventory. We prohibit high-impact activities, such as, welding, body shops, auto repair, firewood sales, etc.

It might be possible to define impact in terms of noise, vibration, dust, smoke, light, etc. However, a homeowner who is a hobbyist, but not a business, can own a large woodshop that causes all of these effects in abundance. We could only charge a license fee for home businesses that generate more such effects that are allowed by a non-business resident. Measuring such impacts is an impossible task.

So, I have concluded that the only way for Tooele City to comply with SB 81 is to exempt all home occupation businesses from Tooele City's annual \$40 cost-recovery regulatory fee.

In 2016, Tooele City licensed 564 home occupation business and 559 other businesses. Because impacts cannot be legally defined (my initial opinion), fees cannot be charged, and SB 81 will result in the loss of \$22,560 to the general fund, a formidable sum. While business license fees are not supposed to generate revenue beyond the cost to regulate the sector, an employee still has to administer the home occupation business licenses, with no cost recovery possible. This puts a strain on all jurisdictions that license home occupations.

This strain, in turn, begs municipalities to question whether to license home occupation businesses at all. This question raises many and complex policy questions that I can discuss, but that local jurisdictions should be allowed to determine for themselves. I suspect most municipalities would decide that public policy weighs in favor of licensing home occupation businesses. Stripped of the cost-recovery revenue to license home occupations businesses, we have yet another drain on the general fund, with no revenue source to redirect except at the expense of other important municipal services.

Thus, I have concluded that both the definitional difficulty and the inability to recover costs impose substantial uncertainty and hardship to municipalities.

Roger Baker  
Tooele City Attorney

## Exhibit F

### Tooele City Fee Schedule Excerpt

## **BUILDING**

### Building Permit Plan Reviews

Single-Family Residence:	IBC rate
Multi-Family Residence:	IBC rate
Commercial:	IBC rate
Industrial:	IBC rate
Single-Family Residence Card File:	2 hrs. at IBC rate
Multi-Family Residence Card File:	2 hrs. at IBC rate + 1 hr. at IBC rate/dwelling unit
Work Without a Permit:	2 × permit fees

Power-To-Panel Agreement: \$50.00

### Inspections

<b>General Purpose:</b>	<b>\$50.00</b>
After-Hours:	\$50.00 + ≥2 hr. callout
Re-Inspections Fees (Each After 2):	\$50.00
Development Public Improvements	
Inspection Fees:	4% engineering & construction estimated cost of all public improvements
Bond Administration Fee:	\$250.00

### Temporary Certificate of Occupancy

Bond Administration Fee: \$200.00

### Inspection Fees for Non-Permanent Foundations

Single-Wide Mobile, Modular, or Manufactured:	\$200.00
Double-Wide Mobile, Modular, or Manufactured:	\$260.00

### Demolition Permit

#### Application

Residential:	\$160.00
Non-Residential:	\$250.00

#### Bond

Residential:	\$2,500.00
Non-Residential:	\$5,000.00

### Stop Work Orders

Work With Permit:	\$200.00
Work Without Permit:	\$300.00

### Street Excavations

#### Application

Paved Surfaces:	\$300.00 + age factor
Roads <5 Years Old:	\$1.50/sq.ft.
Roads 5+ Years Old:	\$0.50/sq. ft.

Unpaved Surfaces: \$100.00

Single Permit Bond:	\$1,000.00
Master Bond:	\$10,000.00

### Abatement of Dangerous Buildings

## Exhibit G

Proposed Amended TCC Chapter 5-6



## CHAPTER 6. HOME OCCUPATIONS

### 5-6-1. Definition.

### 5-6-2. License required - Display.

### 5-6-3. Procedure.

### 5-6-4. License fees - Exemption.

### 5-6-5. Inspections - Inspection fees.

### 5-6-6. Zoning requirements.

### 5-6-7. Violation a misdemeanor.

### 5-6-1. Definition.

The term "home occupation" shall have the meaning contained in Section 7-1-5 (Definitions) of this Code.

(Ord. 2012-36, 12-05-2012) (Ord. 1983-22, 12-07-1983)

### 5-6-2. License required - Display.

It shall be unlawful for any person to engage in a home occupation without first securing a business license therefor, unless expressly exempt by law. The licensee shall conspicuously display such license in the licensed place of business so that the same is plainly visible to the public.

(Ord. 2012-36, 12-05-2012) (Ord. 1983-22, 12-07-1983)

### 5-6-3. Procedure.

Applicants for a license required by this Chapter ~~Section~~ shall comply with the provisions of Chapter 5-1 (General Provisions).

(Ord. 2012-36, 12-05-2012) (Ord. 1987-24, 01-02-1988) (Ord. 1983-22, 12-07-1983)

### 5-6-4. License fees - Exemption.

(1) License fees for licenses issued pursuant to this Chapter shall be the same as set forth in Section 5-1-10 (License fees).

(2) ~~A home occupation business is exempt from the license fees required by subsection (1), above, unless the combined/offsite impact of the business, together with the primary residential use, is anticipated to, or is shown to, materially exceed the offsite impact of the primary residential use alone. The City Recorder shall determine the anticipation or existence of such impacts.~~

(Ord. 2012-36, 12-05-2012) (Ord. 1983-22, 12-07-1983)

### 5-6-5. Inspections - Inspection fees.

(1) The City reserves the right to inspect any premises licensed or applied to be licensed for home occupation for the purpose of protecting the public health, safety, ~~morals,~~ and welfare, ~~but does not require all such premises to be inspected.~~

(2) ~~The license applicant shall pay, as a~~

~~prerequisite to the issuance of a license, the general purpose building inspection fees for any inspections performed.~~

(Ord. 2012-36, 12-05-2012) (Ord. 1983-22, 12-07-1983)

### 5-6-6. Zoning requirements.

Home occupations shall comply with all land use regulations set forth in Title 7 of the Tooele City Code. (Ord. 2012-36, 12-05-2012) (Ord. 1987-24, 01-02-1988) (Ord. 1983-22, 12-07-1983)

### 5-6-7. Violation a misdemeanor.

Violation of the provisions of this Chapter is a ~~class B~~ misdemeanor punishable as provided in Section 5-1-33 (Violations and penalties).

(Ord. 2012-36, 12-05-2012) (Ord. 1983-22, 12-07-1983)

TOOELE CITY CORPORATION

ORDINANCE 2017-21

**AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE SECTION 5-1-8 REGARDING BUSINESS PREMISES INSPECTIONS.**

WHEREAS, Tooele City Code (TCC) Section 5-1-8 authorizes City inspections of business premises for compliance with building, fire, health, and other City codes; and,

WHEREAS, the City Administration recommends that standardized inspection fees be paid by business license applicants and licensees for inspections provided at the licensed premises, as a condition to issuance of a business license, and recommends that TCC Section 5-1-8 be amended as shown in Exhibit A; and,

WHEREAS, the City Administration recommends that the inspection fee to be paid is the standard building inspection fee of \$50 per inspection (see Tooele City Fee Schedule excerpt attached as Exhibit B); and,

WHEREAS, the inspection fee is reasonably calculated to recover the City's cost of providing the inspection, and is not anticipated to result in an over-recovery:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that TCC Section 5-1-8 is hereby amended as shown in Exhibit A.

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 \_\_\_\_\_, 2017.

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:



Roger Evans Baker, City Attorney

## Exhibit A

Proposed Amendments to TCC Section 5-1-8

## Exhibit B

### Tooele City Fee Schedule Excerpt

1983)

**5-1-7. Exemptions.**

(1) The provisions of this Title shall not be deemed or construed to require the payment of a license fee by any institution or organization which is conducted, managed or carried on wholly for the benefit of charitable purposes or from which profit is not derived, directly or indirectly by any individual, firm or for-profit corporation; nor shall the payment of a license fee for the conducting of any entertainment, concert, exhibition or lecture on scientific, historical, literary, musical, religious or moral subject, whenever the receipt from such is to be appropriated to any church or school or to any religious or charitable purpose within the City; nor shall the payment of a license fee be required for the conducting of any entertainment, dance, fraternal, educational, military, state, county or municipal organization or association when the receipts from such are to be appropriated for the purposes and objects for which such association or organization is formed and from which profit is not derived, either directly or indirectly, by any individual, firm or profit corporation.

(2) Where Utah statutes exempt certain businesses from local business licensing fees, such business shall not be exempt from the requirement to apply for and obtain a license.

(Ord. 2009-16, 03-17-2010) (Ord. 2002-05, 04-03-2002) (Ord. 1983-22, 12-07-1983)

**5-1-8. Inspections for City code compliance - Notice of noncompliance - License revocation - Complaints - Inspection fees.**

(1) New businesses. Prior to the issuance of a license to engage in a new business, or for an existing business to conduct business at a new location, the applicant shall permit inspections to be made of the prospective place of business by the appropriate departments of the City or other governmental agency to ensure compliance with building, fire, health and other City codes, ordinances, and regulations. No license shall be granted without inspections and code compliance.

(2) Existing businesses. Existing places of business licensed within the City may be inspected periodically by departments of the City, annually upon the City's own initiative or upon the City receiving a complaint of alleged noncompliance, for compliance with building, fire, health, and other City codes, ordinances, and regulations.

(3) Notice of noncompliance. Written notice shall be given by the City Recorder to a licensee upon the finding of any code noncompliance, which notice shall provide for a reasonable period not to exceed sixty (60) days in which to correct such noncompliance, the failure

of which may result in the revocation of the license by the City Recorder, the license non-renewal, or other civil and criminal penalties.

(4) Business license renewal. No business license shall be renewed where a civil, administrative, or criminal proceeding has made a finding of noncompliance with City codes, ordinances, or regulations and all appeal periods have expired. A license may be reinstated or renewed upon the cure of the noncompliance, verified by City inspection. The payment of a business license renewal fee by a noncompliant business shall not estop the City from revoking a business license, or refusing to renew a business license, due to such noncompliance.

~~(5) The license applicant shall pay, as a prerequisite to the issuance of a license, the general purpose building inspection fees for any inspections performed.~~

(Ord. 2014-07, 06-04-2014) (Ord. 2009-16, 03-17-2010) (Ord. 1983-22, 12-07-1983)

**5-1-9. Preparation, issuance, and listing of licenses.**

The City Recorder shall prepare and issue appropriate licenses for every person qualifying therefor under the provision of this Title and shall state in each license the name and address of the licensed business and the period of time for which it is issued. All licenses shall be signed by the City Recorder or designated business license official. The City Recorder shall maintain a list of all persons holding licenses and the status of each such license.

(Ord. 2009-16, 03-17-2010) (Ord. 1983-22, 12-07-1983)

**5-1-10. License fees.**

(1) There is hereby levied upon every person engaged in business within the City an annual license fee to be calculated as follows:

- (a) Base Fee: \$40.00
- (b) Additional Fee: \$3.00 per employee.

(2) The annual business license fee shall not exceed \$1,000.00.

(Ord. 2009-16, 03-17-2010) (Ord. 2003-31, 12-03-2003) (Ord. 1998-09, 05-06-1998) (Ord. 1983-22, 12-07-1983)

**5-1-11. License additional to all regulatory licenses.**

The license fees imposed by this Title shall be in addition to any and all other taxes or fees imposed by any other provisions of the Ordinances of the City of Tooele.

(Ord. 2009-16, 03-17-2010) (Ord. 1983-22, 12-07-1983)

**5-1-12. Revenue tax on business in competition with public utilities. Repealed.**

## **BUILDING**

### Building Permit Plan Reviews

Single-Family Residence:	IBC rate
Multi-Family Residence:	IBC rate
Commercial:	IBC rate
Industrial:	IBC rate
Single-Family Residence Card File:	2 hrs. at IBC rate
Multi-Family Residence Card File:	2 hrs. at IBC rate + 1 hr. at IBC rate/dwelling unit
Work Without a Permit:	2 × permit fees

Power-To-Panel Agreement: \$50.00

### Inspections

General Purpose:	\$50.00
After-Hours:	\$50.00 + ≥2 hr. callout
Re-Inspections Fees (Each After 2):	\$50.00
Development Public Improvements	
Inspection Fees:	4% engineering & construction estimated cost of all public improvements
Bond Administration Fee:	\$250.00

### Temporary Certificate of Occupancy

Bond Administration Fee: \$200.00

### Inspection Fees for Non-Permanent Foundations

Single-Wide Mobile, Modular, or Manufactured:	\$200.00
Double-Wide Mobile, Modular, or Manufactured:	\$260.00

### Demolition Permit

Application	
Residential:	\$160.00
Non-Residential:	\$250.00
Bond	
Residential:	\$2,500.00
Non-Residential:	\$5,000.00

### Stop Work Orders

Work With Permit:	\$200.00
Work Without Permit:	\$300.00

### Street Excavations

Application	
Paved Surfaces:	\$300.00 + age factor
Roads <5 Years Old:	\$1.50/sq.ft.
Roads 5+ Years Old:	\$0.50/sq. ft.
Unpaved Surfaces:	\$100.00
Single Permit Bond:	\$1,000.00
Master Bond:	\$10,000.00

### Abatement of Dangerous Buildings

**TOOELE CITY CORPORATION**

**ORDINANCE 2017-22**

**AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE SECTION 5-7A-7 REGARDING SOLICITOR ID BADGES.**

WHEREAS, Tooele City Code (TCC) Chapter 5-7a regulates agricultural vendors, transient merchants, itinerant merchants, and solicitors under a single comprehensive regulation; and,

WHEREAS, TCC Section 5-7a-7 requires all businesses regulated by Chapter 5-7a to obtain both a business license and employee identification (ID) badges; and,

WHEREAS, the City Attorney and City Recorder recommend that the requirement for an ID badge is intended to apply to solicitors rather than to other regulated businesses, for which a license is sufficient; for solicitors, the business employing the solicitors must have a license, and the individual employee solicitors must have ID badges; and,

WHEREAS, the recommended amendments to TCC Section 5-7a-7 are shown in the attached Exhibit A; and,

WHEREAS, the proposed amendment requires a minor wording change to the Tooele City Fee Schedule, as shown in the attached Exhibit B:

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 \_\_\_\_\_, 2017.



TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

  
\_\_\_\_\_  
Roger Evans Baker, City Attorney

## Exhibit A

Proposed Amendments to TCC Section 5-7a-7

information and belief the information provided is complete, truthful, and accurate.

(7) In addition to furnishing the information requested on the application, each applicant for a solicitor's license shall submit a copy of the applicant's current criminal history on file at the Utah Department of Public Safety Bureau of Criminal Identification.

(8) Each applicant for an agricultural vendor license shall, prior to doing business, obtain a letter from the city building inspector indicating that the inspector has reviewed the plan for point of sale and that adequate and safe parking exists there. Upon receiving such letter, agricultural vendors exempt from licensing may commence business. Upon presenting an approved parking letter from the building inspector to the City Recorder, a nonexempt applicant may then fill out and file with the recorder a business license application. (Ord. 2007-17, 6-20-2007)

#### **5-7a-4. Fee.**

Each itinerant or transient merchant, agricultural vendor, or solicitor shall pay a \$40.00 annual fee. No proration will be granted. (Ord. 2007-17, 6-20-2007)

#### **5-7a-5. Review of application and issuance of license.**

(1) Within five business days of receipt of the completed application and applicable documentation, the recorder shall review the application for completeness and shall take such other reasonable action to verify the information appearing on the application.

(2) The City Recorder shall issue a business license to the applicant if the information is complete and verified and the license fee has been paid.

(3) The license shall show the name of the licensee and the business permitted to be carried on thereunder, the place where the licensed business is to be carried on if at a fixed place, and the date of expiration of such license.

(4) Licenses issued pursuant to this Chapter shall expire on December 31 of each year. (Ord. 2007-17, 6-20-2007)

#### **5-7a-6. Denial of license and right of appeal.**

(1) The City Recorder shall refuse to issue a license to an applicant for any of the following reasons:

(a) The information submitted by the applicant is incomplete, incorrect, or misrepresented.

(b) The applicant has answered affirmatively to any of the questions set forth in Section 5-7a-3(5).

(c) The applicant fails to pay the requisite fee.

(2) Appeal of actions taken or decisions made under this Chapter shall be to the Administrative Hearing Officer.

(Ord. 2013-07, 04-17-2013); (Ord. 2007-17, 6-20-2007)

#### **5-7a-7. Solicitor photographs and identity badges.**

Before commencing work, each ~~solicitor employee, agent, or other person~~ who is, or who will be, present in

the City to conduct the applicant's business shall:

~~(1) Furnish to the City Recorder two recent photographs, one of which shall be affixed to the certificate issued to the licensee and the other of which shall be retained in the records of the City Recorder; and;~~

~~(2) Obtain an identity badge from the City Recorder at a cost of \$10.00 and wear the badge at all times while conducting business in the City. The solicitor person shall return the badge to the City Recorder at the conclusion of the persons' business in the City or the end of the calendar year, whichever is earlier. Upon return of the identity badge the City Recorder shall refund \$5.00 of the cost of the badge.~~

(Ord. 2007-17, 6-20-2007)

#### **5-7a-8. Inspections.**

The City reserves the right to inspect any premises or location utilized for carrying on businesses regulated by this Chapter to assure compliance with the provisions of this Code and with the conditions of any City approval, permit, or license.

(Ord. 2012-35, 12-05-12); (Ord. 2007-17, 6-20-2007)

#### **5-7a-9. Deceptive soliciting practices prohibited.**

(1) No solicitor shall intentionally make any materially false or fraudulent statement in the course of soliciting.

(2) A solicitor shall immediately disclose to the consumer during face-to-face solicitation:

(a) The name of the solicitor;

(b) The name and address of the entity with whom the solicitor is associated; and,

(c) The purpose of the solicitor's contact with the person.

(3) No solicitor shall use a fictitious name, an alias, or any name other than his or her true and correct name.

(4) No solicitor shall represent directly or indirectly that the City's grant of a license implies any endorsement by the City of the solicitor's goods or services or of the individual solicitor.

(Ord. 2007-17, 6-20-2007)

#### **5-7a-10. "No Solicitation" notice.**

(1) Any occupant of a residence may give notice of a desire to refuse solicitors by displaying a "No Solicitation" sign or sign of similar import which shall be posted on or near the main entrance door or on or near the property line adjacent to the sidewalk leading to the residence.

(2) The display of such sign or placard shall be deemed to constitute notice to any solicitor that the inhabitant of the residence does not desire to receive and/or does not invite solicitors.

(Ord. 2007-17, 6-20-2007)

#### **5-7a-11. Duties of Solicitors.**

(1) A solicitor shall check each residence for the presence of a "No Solicitation" notice or notice of similar

## Exhibit B

### Tooele City Fee Schedule Excerpt

# BUSINESS LICENSE

## Licensing

Annual License Base Fee:	\$40.00
Disproportionate Size Fee:	\$3.00 per employee
Duplicate License Fee:	\$5.00
License Transfer Fee:	\$10.00
ID Badge (Solicitor, Agricultural Vendor):	\$10.00

The annual business license fee shall not exceed \$1,000.00.

## Penalties

Late Fees: See §5-1-15 of the Tooele City Code

## Grease Interceptor Inspection Fees

Yearly Fee:	\$70.00
(to be paid with Business license; includes 2 inspections)	
All Additional Inspections:	\$35.00

## Beer License Fees

Class A:	\$200.00
Class B:	\$200.00
Class C:	\$200.00
Class D:	\$200.00
Class E:	\$200.00
Class F:	\$200.00 (or \$20.00 if issued in conjunction with another license)
Seasonal or Event:	\$200.00
Combination B & C:	\$300.00
Annual Renewal:	\$100.00

## TOOELE CITY CORPORATION

### RESOLUTION 2017-23

#### A RESOLUTION OF THE TOOELE CITY COUNCIL ESTABLISHING FEES FOR VARIOUS ADMINISTRATIVE APPEALS.

WHEREAS, Tooele City Code (“TCC”) Chapter 1-28 governs appeals of administrative decisions to the Administrative Hearing Officer (the “Hearing Officer”); and,

WHEREAS, TCC Section 1-28-7 anticipates the City Council requiring the payment of fees associated with administrative appeals heard by the Hearing Officer: “**Appeal fees.** The City Council may require by resolution the payment of fees associated with appeals heard by the Hearing Officer”; and,

WHEREAS, many of the appeals heard by the Hearing Officer pursuant to the TCC currently have no appeal fee associated with them, either in the TCC or in the Tooele City Fee Schedule (the “Fee Schedule”), as follows:

- Section 1-27-5: Zoning Administrator decision appeals
- Sections 2-4-3(1)(a) and 7-1-9(1)(a): administrative zoning decision appeals
- Sections 2-4-3(1)(b) and 7-1-9(1)(b): variances
- Section 2-4-3(2): nonconforming use decision appeals
- Section 5-1-29: business license decision appeals
- Section 6-5b-8: dangerous animal and potentially dangerous animal decision appeals
- Section 7-25-32: sign decision appeals
- Section 8-11-17(4): POTW pre-treatment decision appeals
- Section 8-16-10: special event permit decision appeals
- Section 9-4-16: water restriction violation citation appeals
- Section 10-3-32: parking citation appeals

and,

WHEREAS, the City Council hears appeals of administrative impact fee and water rights decisions under TCC Sections 4-15-6 and 7-26-6, respectively, but no appeal fees have been established; and,

WHEREAS, the Tooele City Water Special Service District Board hears appeals of administrative decisions regarding reclaimed water under TCC Section 9-7-27, but no appeal fee has been established; and,

WHEREAS, the Fee Schedule does contain appeal fees for the following appeals heard by the Hearing Officer:

- Chapter 8-4: Abatement of Nuisances (established by the City Council at **\$150**)
- Section 7-5-11: conditional use decision appeal fees (established by the City Council at **\$150**)

and,

WHEREAS, the Fee Schedule contains a general Appeal of Administrative Decision appeal fee of **\$150**; and,

WHEREAS, the City Administration believes that a principle of sound budget and fiscal management of the general fund is to charge fees reasonably calculated to recover the City's cost of providing certain services; and,

WHEREAS, failing to charge fees reasonably calculated to recover the City's cost of providing services gives a general fund subsidy to isolated individuals at the expense of the general taxpayer who is not receiving a service; and,

WHEREAS, the City Administration recommends that the City Council establish an appeal fee of \$150 for all administrative decision appeals heard by the Hearing Officer, which fee is reasonably calculated to recover or under-recover the City's cost of providing services related to administrative appeals; and,

WHEREAS, the City Administration recommends removing the outdated Board of Adjustment appeal and variance fees, and replacing them with the recommended \$150 fee; and,

WHEREAS, the City Administration recommends removing the general Appeal of Administrative Decision appeal fee in favor of more specific appeal fees; and,

WHEREAS, the most current Fee Schedule is attached as Exhibit A, with highlights and strikeouts:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that

1. the Tooele City Fee Schedule is hereby amended to establish an administrative appeal fee of \$150 for all appeals referenced in the recitals, above; and,
2. an appeal fee of \$150 is hereby established for Hearing Officer appeals not referenced in the recitals, above; and,
3. the outdated Board of Adjustment appeal and variance fees are hereby repealed and stricken from the Fee Schedule; and,
4. the general Appeal of Administrative Decision appeal fee is hereby repealed and stricken from the Fee Schedule, in favor of the more specific appeal fees established herein; and,

5. nothing is this Resolution shall be deemed to modify appeal or other fees established in the Tooele City Code or Fee Schedule except as expressly provided herein.

This Resolution shall become effective upon passage, without further publication, by authority of the Tooele City Charter.

IN WITNESS WHEREOF, this Resolution is passed by the Tooele City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2017.



TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:



Roger Evans Baker, City Attorney

## Exhibit A

### Tooele City Fee Schedule (highlighted)

(Current as of March 16, 2017)

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## RECORDS

Inspection of Records: No Charge

Copies of Records (black and white):

- Size 8.5x11: \$1.00 each for the first 10 copies; \$0.10 per copy thereafter
- Size 8.5x14: \$1.50 each for the first 10 copies; \$0.10 per copy thereafter
- Size 11x17: \$2.00 each for the first 10 copies; \$0.25 per copy thereafter

Copies of Records (color):

- Size 8.5x11: \$1.00 each
- Size 8.5x14: \$1.50 each
- Size 11x17: \$2.00 each

Scanned Records:

Where a person requests copies of large documents (e.g., plats), which the city can reasonably reproduce only by scanning and printing, the city shall charge \$5.00 per scan in addition to the copy fee. The City is not required to print larger than an 11x17 size.

- Copy of CD: \$5.00
- Copy of DVD: \$10.00
- Copy of Audiotape: \$15.00
- Copy of Videotape: \$20.00
- Copy of Photograph: \$2.50
- Copy of Vehicle Accident Report: \$5.00

Postage:

Where a person requests copies to be mailed, the person shall pay the metered cost of postage plus a \$1.00 material and handing fee.

Compilation:

Where a person requests records in a form other than that in which the records are maintained, the person shall pay a compilation fee of \$15.00 per hour after the first quarter hour, plus copy charges.

Redactions:

Where a requested record contains private, controlled, or protected information, but is otherwise a public record, the fee for redacted copies is twice the copy fee established above.

## CEMETERY

	<u>Resident</u>	<u>Non-Resident</u>
Right to Burial:	\$500.00	\$900.00
Right to Burial (Sections 15-20)		
Flat Stone Sites:	\$500.00	\$900.00
Upright Stone Sites:	\$800.00	\$1,200.00
Right to Burial (Baby / Cremation):	\$200.00	\$300.00
Opening and Closing		
Regular Grave:	\$200.00	\$250.00
Baby Grave or Cremation:	\$150.00	\$200.00
Disinterment of Body:	\$1,000.00	\$1,000.00
Disinterment of Cremation:	\$90.00	\$90.00
Saturday Burial Fee:	\$300.00	\$400.00
After Hours Fee	\$200.00	\$200.00
Certificate Transfer:	\$30.00	\$30.00
Headstone Setting		
Flat or Flush Stones:	\$50.00	\$50.00
Upright Stones:	\$50.00	\$50.00

**Buy Back Burial Rights:**

City will pay the owner of the burial rights the original purchase price. If there is no proof of purchase price, the City will pay \$150.00 per space.

# PARKS AND RECREATION

## Impact Fees

Single-Family Residential:       \$2,168.00 per unit  
 (For purposes of this section, Single-Family Residential includes detached single family units and attached single-family units, including townhouses, condominiums and duplexes)

Multi-Family Residential:       \$1,959.00 per unit  
 (For purposes of this section, Multi-Family Residential means apartment buildings with three or more units per building)

The service area for purposes of the park and special purpose recreation facilities impact fee shall be the entire area within the corporate boundary of Tooele City Corporation.

## Aquatic Center Fees (tax included)

### Annual Passes

3 & Under	Free
Youth (4-12 yrs.)	\$105.00
Student (13-18 yrs.)	\$145.00
Adult (19-61 yrs.)	\$180.00
Senior (over 61 yrs.)	\$145.00
2-Person	\$290.00
Family	\$290.00 (2) + \$35/child (\$430 max)
One Parent	\$180.00 + \$35/child (\$320 max)

### Daily Admissions

3 & Under	Free		
Child (4-12 yrs.)	\$2.50		
Student (13-18 yrs.)	\$3.00		
Adult (19-61 yrs.)	\$3.50		
Senior (over 61 yrs.)	\$3.00		
Group (10)	\$2.00 per person		
10 Punch Pass	Adult - \$28.00	Child - \$16.00	Student/Senior - \$22.00
20 Punch Pass	Adult - \$50.00	Child - \$28.00	Student/Senior - \$40.00

### Military

Daily Admission	\$2.50
Family	\$180.00 + \$35/child (\$320 max)
10 Punch Pass	\$14.00
20 Punch Pass	\$25.00
Annual Pass	\$150.00



20 Punch Card	\$55.00
Senior Circle	
Daily Admission	\$3.00
10 Punch Card	\$25.00
20 Punch Card	\$50.00

Replacement Card Fee \$3.00

**Golf Course** (tax included)

Green Fees

Regular Green Fees:	\$11.00 / 9 holes (weekday)*
	\$20.00 / 18 holes (weekday)*
	\$12.00 / 9 holes (weekend & holidays)*
	\$22.00 / 18 holes (weekend & holidays)*
	\$34.00 / 18 holes (weekend & holidays w/cart)*
Senior Green Fees:	\$8.00 / 9 holes (weekday)*
	\$15.00 / 18 holes (weekday)*
	\$9.00 / 9 holes (weekend & holidays)*
	\$16.00 / 18 holes (weekend & holidays)*
Junior Green Fees:	\$5.00 / 9 holes (weekday)*
	\$9.00 / 18 holes (weekday)*
	\$6.00 / 9 holes (weekend & holidays)*
	\$11.00 / 18 holes (weekend & holidays)*

Season Passes

10 Punch Passes:	Regular	\$80.00
	Senior	\$70.00
	Junior	\$40.00
20 Punch Passes:	Regular	\$140.00
	Senior	\$130.00
	Junior	\$75.00
Annual Passes	Regular	\$500.00
	Senior	\$400.00
	Junior	\$250.00
	Couples	\$750.00

Player Pass \$99.00

(up to 50% off green fees and range)

\* \$1.00 discount for online reservation

- \* Utilization and other promotions at the discretion of the golf professional
- \* Weekday - Monday thru Thursday
- \* Weekend - Friday thru Sunday

**Family Golf Pass**

Golf Course Pass Holders may add children to any pass available for \$100.00 per child (children 17 years of age and younger)

**Other**

Season Trail Fee:	\$225.00 (for existing) \$250.00 (for new)
Daily Trail Fee:	\$4.00 / 9 holes \$6.00 / 18 holes
Cart Storage Fees:	\$125.00 / gas \$150.00 / electric
Driving Range:	\$3.00 / small bucket \$5.00 / medium bucket \$7.00 / large bucket

**Rentals**

Cart:	\$6.00 per person / 9 holes \$12.00 per person / 18 holes
Clubs:	\$8.00 per person / 9 holes \$10.00 per person / 18 holes
Pull Cart:	\$3.00 per person / 9 holes \$3.00 per person / 18 holes



## PARKS

Pavilion: Level One Park:	\$20.00 (½ day)	\$30.00 (full day)
Swimming Pool-Old Pavilion:		
Swimming Pool-New Pavilion:		
Pavilion: Level Two Park:	\$15.00 (½ day)	\$20.00 (full day)
England Acres		
Skyline Nature Park		
Pavilion: Level Three Park:	\$10.00 (½ day)	\$15.00 (full day)
Elton Park: Pavilion 1		
Elton Park: Pavilion 2		
Elton Park: Pavilion 3		
Rancho Park		
Settlers Park		
Copper Canyon Park		
Dow James		
Dow James Recreation Complex		
Health & Recreation:	\$5.00/person/reservation period (3 months)	
Community Event/Non-Profit:	\$10.00/hour, maximum \$50.00/day	
General/Business:	\$25.00/hour, maximum \$150.00/day	
Key Deposit:	\$50.00	
Special Events Permit Application Filing Fee:	\$50.00	

## **GARBAGE**

Residential Garbage Pickup Fee:	\$11.00/month
includes one container rental	
Additional Container Rental:	\$5.50/month/container
Recycling Fee:	\$5.65/month/container

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## **UTILITIES BILLINGS**

Late Payment Charge:	1% per month of delinquent balance
Returned Check Charge:	\$20.00
Street Light Utility Fee:	\$2.00 per month per account

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## **FIRE DEPARTMENT**

Fireworks Permit Fee:	\$75.00
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# POLICE DEPARTMENT

## Bicycles

License	\$1.00
Photograph	\$2.00

## Reports and Consultations

Police Report, Accident Report and Supplemental Forms	\$5.00
All Other Written Documents, Except Scale Diagrams (to be sold as a package)	\$25.00
Scale Diagram	\$100.00
Video Tape (each cassette)	\$100.00
Consultation with Police	Officer Double the officer's rate of compensation plus 40% for benefits plus \$0.31 per mile, both ways

## Animals

Euthanasia	\$5.00
License:	
Dogs	
Female	\$20.00
Male	\$20.00
Neutered	\$10.00
Dogs Declared Potentially Dangerous	\$50.00 <b>in addition to regular license fee</b>
Cats	
Female	\$10.00
Male	\$10.00
Neutered	\$5.00
Late Fee	Double the regular amount
Replacement Tags	\$5.00

## Impound:

Dogs & Cats	
First Impound; Licensed	\$25.00
First Impound; Unlicensed	\$30.00
Second Impound; Licensed	\$30.00
Second Impound; Unlicensed	\$40.00
Subsequent Impound; Licensed	\$45.00
Subsequent Impound; Unlicensed	\$60.00
Livestock	
First Impound	\$45.00
Second Impound	\$50.00
Subsequent Impound	\$70.00

Boarding	
Dogs & Cats	\$6.00/Day
Livestock	\$25.00/Day
Vicious Animals	
Quarantine Fee	\$50.00
Kennel Fee	\$10.00/day

## PUBLIC SAFETY

### Impact Fee - Fire

Residential: \$200.59 per dwelling unit

Non-Residential: \$104.67 per 1,000 square-feet of building

- (ii) The service area for purposes of the public safety-fire impact fee shall be the entire area within the corporate boundary of Tooele City Corporation.
- (iii) Non-Standard Impact Fee. The City reserves the right under the Impact Fees Act to assess an adjusted impact fee that more closely matches the true impact that a building or land use will have upon the City's public safety fire facilities. This adjustment may result in a higher than normal impact fee if the City determines that a particular user may create a greater impact than what is standard for its land use. The formula for determining a non-standard public safety-fire impact fee is contained in the Public Safety Impact Fee Facilities Plan and Impact Fee Analysis (February 2012).

### Impact Fee - Police

Residential: \$137.29 per dwelling unit

Commercial: \$120.65 per 1,000 square-feet of building

Industrial: \$9.67 per 1,000 square-feet of building

- (i) The service area for purposes of the public safety-police impact fee shall be the entire area within the corporate boundary of Tooele City Corporation.
- (ii) Non-Standard Impact Fee. The City reserves the right under the Impact Fees Act to assess an adjusted impact fee that more closely matches the true impact that a building or land use will have upon the City's public safety police facilities. This adjustment may result in a higher than normal impact fee if the City determines that a particular user may create a greater impact than what is standard for its land use. The formula for determining a non-standard public safety-police impact fee is contained in the Public Safety Impact Fee Facilities Plan and Impact Fee Analysis (February 2012).

# PUBLIC LIBRARY

## Library Cards

Tooele City Residents:	No Charge
Tooele County Residents (annually):	\$30.00 / individual card
Lost Card Replacement:	\$3.00

## Fines

Late Books, Magazines:	\$0.15/day
Late Videos, Audiobooks, Kits, Other Media:	\$1.00/day

## Interlibrary Loan Items:

\$3.00/item minimum charge plus any additional charges from the lending library for special handling

## Printing & Photocopies

Letter Size (black and white):	\$0.10 per side
Letter Size (color):	\$0.75 per side

# **BUSINESS LICENSE**

## Licensing

Annual License Base Fee:	\$40.00
Disproportionate Size Fee:	\$3.00 per employee
Duplicate License Fee:	\$5.00
License Transfer Fee:	\$10.00
ID Badge (Solicitor, Agricultural Vendor):	\$10.00

The annual business license fee shall not exceed \$1,000.00.

## Penalties

Late Fees:	See §5-1-15 of the Tooele City Code
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## **Grease Interceptor Inspection Fees**

Yearly Fee:	\$70.00
(to be paid with Business license; includes 2 inspections)	
All Additional Inspections:	\$35.00

## **Beer License Fees**

Class A:	\$200.00
Class B:	\$200.00
Class C:	\$200.00
Class D:	\$200.00
Class E:	\$200.00
Class F:	\$200.00 (or \$20.00 if issued in conjunction with another license)
Seasonal or Event:	\$200.00
Combination B & C:	\$300.00
Annual Renewal:	\$100.00

# BUILDING

## Building Permit Plan Reviews

Single-Family Residence:	IBC rate
Multi-Family Residence:	IBC rate
Commercial:	IBC rate
Industrial:	IBC rate
Single-Family Residence Card File:	2 hrs. at IBC rate
Multi-Family Residence Card File:	2 hrs. at IBC rate + 1 hr. at IBC rate/dwelling unit
Work Without a Permit:	2 × permit fees

Power-To-Panel Agreement: \$50.00

## Inspections

General Purpose:	\$50.00
After-Hours:	\$50.00 + ≥2 hr. callout
Re-Inspections Fees (Each After 2):	\$50.00
Development Public Improvements	
Inspection Fees:	4% engineering & construction estimated cost of all public improvements
Bond Administration Fee:	\$250.00

## Temporary Certificate of Occupancy

Bond Administration Fee: \$200.00

## Inspection Fees for Non-Permanent Foundations

Single-Wide Mobile, Modular, or Manufactured:	\$200.00
Double-Wide Mobile, Modular, or Manufactured:	\$260.00

## Demolition Permit

### Application

Residential:	\$160.00
Non-Residential:	\$250.00

### Bond

Residential:	\$2,500.00
Non-Residential:	\$5,000.00

## Stop Work Orders

Work With Permit:	\$200.00
Work Without Permit:	\$300.00

## Street Excavations

### Application

Paved Surfaces:	\$300.00 + age factor
Roads <5 Years Old:	\$1.50/sq.ft.
Roads 5+ Years Old:	\$0.50/sq. ft.

Unpaved Surfaces: \$100.00

Single Permit Bond:	\$1,000.00
Master Bond:	\$10,000.00

## Abatement of Dangerous Buildings



120-Day Conditional Permit:		\$100.00
Additional 30-Day Period ( $\leq 4$ ):		\$50.00
Additional 30-Day Period ( $> 4$ ):		\$50.00
First Dwelling Unit Inspection:		\$50.00
Each Additional Dwelling Unit Inspection:		\$50.00
All Other Plans:	Per IBC	
All Other Building Fees:	Per IBC	

# CODE ENFORCEMENT AND NUISANCE ABATEMENT

## Signs Violations

### Residential

1 <sup>st</sup> Violation:	Warning
2 <sup>nd</sup> Violation:	\$100.00
3 <sup>rd</sup> Violation:	\$300.00
4 <sup>th</sup> Violation:	\$500.00

### Commercial

1 <sup>st</sup> Violation:	Warning
2 <sup>nd</sup> Violation:	\$300.00
3 <sup>rd</sup> Violation:	\$750.00
4 <sup>th</sup> Violation:	\$1,500.00

Other Violation Penalty: \$100.00/day

Compliance Re-Inspection Fee: \$50.00 (No fee for first compliance inspection)

**Appeal Fee: \$150.00**

## LAND USE

### Subdivision Review

Preliminary Plan:	\$1,000 + \$50.00 per lot
Final Plat:	\$1,500 + \$50.00 per lot
Minor Subdivision:	\$1,000 + \$50.00 per lot
Plat Amendment:	\$1,000 + \$50.00 per lot
Property Line Adjustment:	\$200.00/property
Property Combination:	\$200.00/property
Preliminary Plan Approval Extension:	\$150.00
Final Plat Approval Extension:	\$150.00
Water Modeling Fee:	
Lot Split on Existing Water Main Line	\$0.00
Lot Split on New Water Main Line	\$500.00
≥3 and ≤10 Lots	\$500.00
11 to 50 Lots	\$1,000.00
51 to 100 Lots	\$1,500.00
101+ Lots	\$1,500.00 + \$10.00/Lot

### Site Plan Review

#### Commercial

Sites <1 Acre:	\$1,500.00
Sites 1.0 to 3.0 Acres:	\$2,000.00
Sites >3.0 Acres:	\$2,000.00 + \$500/acre or portion >3

#### Multi-Family Residential

Sites <1 Acre:	\$1,500.00
Sites 1.0 to 3.0 Acres:	\$2,000.00
Sites >3.0 Acres:	\$2,000.00 + \$500/acre or portion >3

Site Plan Amendment: \$1,000.00

Site Plan Approval Extension: \$150.00

### Conditional Uses

Conditional Use Permit: \$750.00

Administrative Conditional Use Permit: \$150.00

Permit Extension: \$150.00

**Permit Appeal: \$150.00**

### Zoning

Zoning Map Amendment: \$1,000.00 + \$100.00/acre

Ordinance Text Amendment: \$2,000.00

### General Plan / Master Plan

Plan Map Amendment: \$1,000.00 + \$100.00/acre

Plan Text Amendment: \$2,000.00

### ~~Board of Adjustment~~

~~Appeal: \$350.00~~

<del>Variance:</del>	<del>\$500.00</del>
Reimbursements	
Latecomer's Application:	\$500.00
Administrative Fee:	10% collected agreement amount
Administrative Review	
Zoning Compliance Letter:	\$75.00
Administrative Interpretation:	\$75.00
Appeal of Administrative Decision:	<del>\$150.00</del>
Signs	
Permanent Sign Application:	Per IBC
Temporary Sign Application:	\$25.00
Violations:	see Code Enforcement and Nuisance Abatement

## **IMPACT FEES**

Park Impact Fee:	see Parks & Recreation fees
Water Impact Fee:	see Water fees
Sewer Impact Fee:	see Sewer fees
Public Safety Impact Fee:	see Public Safety fees

## STORM WATER FEES

**Table 1: Storm Water Mitigation Fees: Residential**

Dwelling Units* by Zone	Residential Use Factor	Monthly Fee	Annual Fee
R1 Zones: 5.5 units	1	\$3.00	\$36.00
MDR Zone: 8 units	1	\$3.00	\$36.00
HDR Zone: 16 units	0.7	\$2.10	\$25.20

\*Based on assumed maximums for the R1 zones, and maximums for the MDR and HDR zones.

**Table 2: Storm Water Mitigation Fees: Non-Residential**

Development Size (Acres)	Monthly Fee	Annual Fee
Less than 1	\$10.00	\$120.00
1 to 5	\$25.00	\$300.00
5.1 to 10	\$50.00	\$600.00
10.1 to 15	\$75.00	\$900.00
Greater than 15	\$100.00	\$1,200.00

# WATER

## Water Consumption

<u>Meter Size</u>	<u>Monthly Base Fee</u>	<u>Monthly Usage</u>	<u>Additional Charge Per Unit</u>
¾"	\$10.00	0 - 10 Units	\$0.75 Per Unit
		11 - 30 Units	\$1.00 Per Unit
		31 - 50 Units	\$1.25 Per Unit
		51 - 70 Units	\$1.50 Per Unit
		71 - 90 Units	\$1.75 Per Unit
		91+ Units	\$2.00 Per Unit
1"	\$15.00	0 - 10 Units	\$0.75 Per Unit
		11 - 30 Units	\$1.00 Per Unit
		31 - 50 Units	\$1.25 Per Unit
		51 - 70 Units	\$1.50 Per Unit
		71 - 90 Units	\$1.75 Per Unit
		91+ Units	\$2.00 Per Unit
1½"	\$22.50	0 - 10 Units	\$0.75 Per Unit
		11 - 30 Units	\$1.00 Per Unit
		31 - 50 Units	\$1.25 Per Unit
		51 - 70 Units	\$1.50 Per Unit
		71 - 90 Units	\$1.75 Per Unit
		91+ Units	\$2.00 Per Unit
2"	\$30.00	0 - 10 Units	\$0.75 Per Unit
		11 - 30 Units	\$1.00 Per Unit
		31 - 50 Units	\$1.25 Per Unit
		51 - 70 Units	\$1.50 Per Unit
		71 - 90 Units	\$1.75 Per Unit
		91+ Units	\$2.00 Per Unit
3"	\$37.50	0 - 10 Units	\$0.75 Per Unit
		11 - 30 Units	\$1.00 Per Unit
		31 - 50 Units	\$1.25 Per Unit
		51 - 70 Units	\$1.50 Per Unit
		71 - 90 Units	\$1.75 Per Unit
		91+ Units	\$2.00 Per Unit
4" - 6"	\$45.00	0 - 10 Units	\$0.75 Per Unit
		11 - 30 Units	\$1.00 Per Unit
		31 - 50 Units	\$1.25 Per Unit

		51 - 70 Units	\$1.50 Per Unit
		71 - 90 Units	\$1.75 Per Unit
		91+ Units	\$2.00 Per Unit
		0 - 10 Units	\$0.75 Per Unit
		11 - 30 Units	\$1.00 Per Unit
		31 - 50 Units	\$1.25 Per Unit
¾"	\$10.00	51 - 70 Units	\$1.50 Per Unit
		71 - 90 Units	\$1.75 Per Unit
		91+ Units	\$2.00 Per Unit

Set Up for Water Turn On:	\$15.00
Set Up for New Account:	\$30.00 plus deposit
Security Deposit:	\$20.00
Water Connection Inspection Fee:	\$170.00 (all meter sizes)

Bulk Secondary Water

Base Permit Fee:	\$50.00 (allows up to 25,000 gallons or 33.3 units)
Unit Fee:	\$1.50 for each additional 1 unit
Permit Term:	30 days

Culinary Water Impact Fee

- (i) The City shall collect a culinary water impact fee from any applicant seeking a building permit, in the amount of \$4,609.00 per Equivalent Residential Connection (ERC), as defined in the Culinary Water System Master Plan (January 2012) (impact fee facilities plan).
- (ii) The service area for purposes of the culinary water impact fee shall be the entire area within the corporate boundary of Tooele City Corporation.
- (iii) Non-Standard Impact Fee. The City reserves the right under the Impact Fees Act to assess an adjusted impact fee that more closely matches the true impact that a building or land use will have upon the City's culinary water system. This adjustment may result in a higher than normal impact fee if the City determines that a particular user may create a greater impact than what is standard for its land use. The formula for determining a non-standard culinary water impact fee is contained in the Culinary Water Impact Fee Analysis (February 2012).

Water Rights Conveyance Appeal Fee:	\$150.00
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Water Meter Cost

<u>Meter Size</u>	<u>Meter Cost</u>	<u>Meter Size</u>	<u>Meter Cost</u>
¾"	\$156.00	3"	\$1,582.00
1"	\$206.00	4"	\$2,743.00
1½"	\$1,088.00	6"	\$4,734.00
2"	\$1,258.00		

# SEWER

## Sewer Usage

Base fee of \$7.00 per month, and a fee charged as to the average monthly water usage during the winter months (usually November thru March which normally accounts for internal water use only). The fee is \$2.00 per unit per month. An average rate of \$27.00 will be charged to all new customers until a rate can be established based upon the next winter's water usage period.

## Sewer Impact Fees

- (i) The City shall collect a sanitary sewer impact fee from any applicant seeking a building permit, as follows:
  - (A) Residential: the base fee shall be \$2,290.00 per Equivalent Residential Unit (ERU), as defined in the documents comprising the 2010 Waste Water Capital Facilities Plan (impact fee facilities plan).
  - (B) Non-residential: as determined under Figure 4.5 (Impact Fee ERU Multipliers) of the 2010 Sewer Treatment and Collections Impact Fee Analysis.
- (ii) The service area for purposes of the sanitary sewer impact fee shall be the entire area within the corporate boundary of Tooele City Corporation.
- (iii) Non-Standard Impact Fee. The City reserves the right under the Impact Fees Act to assess an adjusted impact fee that more closely matches the true impact that a building or land use will have upon the City's waste water system. This adjustment may result in a higher than normal impact fee if the City determines that a particular user may create a greater impact than what is standard for its land use. The formula for determining a non-standard sanitary sewer impact fee is contained in Figure 4.6 (Calculation of Non-Standard Sewer Impact Fee) of the 2010 Sewer Treatment and Collections Impact Fee Analysis.

Sewer Connection Inspection Fee: \$170.00

## Sewer Main Line Camera Inspection Fee

During City Business Hours: \$300.00  
Outside City Business Hours: \$600.00  
Additional Fee for Main Line Cleaning\*: \$300.00  
Additional Fee for Main Line Cleaning Outside City Business Hours\*: \$600.00

\*When required, in the City's discretion, in order to conduct the requested inspection

## Other

Each Inspection Other Than Connection: \$30.00/hour\*  
Installation of Special "Wye": \$50.00

\*1/2-hour minimum

Where connections involve main sewer lines installed at City's expense without assessment to the property, an additional charge representing user's assessment shall be charged at the time of connection based upon property owner's frontage.

In the event POTW service to any building or premises in the POTW is shut off, a fee to be set by the POTW shall be charged for restoring sewer service.

When a user's discharge causes an obstruction or damage, or because of the nature of the discharge, toxic pollutants increase the costs for managing the effluent or the sludge of the POTW, the user shall pay for the costs.

All users discharging sewage into the POTW shall be subject to a surcharge, in addition to other sewer service charges, if these wastes have a concentration greater than BOD of 200 mg/l or TSS of 250 mg/l. The computation of the sewage surcharge is determined by the following formulae:  $SC = VS \times 8.34(RBOD(BOD-200))$  and  $SC = VS \times 8.34(RSS(TSS-250))$ , where:

- (a) SC means surcharge in dollars.
- (b) VS means volume of sewage in millions of gallons for the billing period.
- (c) 8.34 is the conversion factor to convert BOD and TSS from mg/l to lbs.
- (d) RBOD means the unit charge for BOD in dollars per pound, being \$0.052.
- (e) RSS means the unit charge for TSS in dollars per pound, being \$0.0082.

Users who discharge septic and holding tank waste into the POTW shall pay \$25.00 for any amount up to 1,000 gallons discharged, and an additional \$30.00 for each additional 1,000 gallons or fraction thereof.

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*Disclaimer: All fees are subject to change by legislative or administration decision. The absence of a fee on this Schedule, or the presence of an incorrect fee, does not relieve any person of the requirement to pay the correct fee.*



# EXCLUSIVE SALES LISTING AGREEMENT

May 1, 2017

1. In consideration of the listing for sale of the real property hereinafter described ("the Property") by Coldwell Banker Commercial Advisors and Coldwell Banker Commercial Intermountain ("Broker"), and Broker's agreement to use its best efforts to effect a sale of the same, the undersigned ("Owner") hereby grants to Broker the exclusive right to sell the Property for a period commencing upon mutual acceptance and continuing for one year, to automatically renew for one-year periods indefinitely, however, either party may cancel with 30 days prior written notice, ("the Term"), at a price acceptable to Owner upon terms acceptable to Owner. The Property is situated in the City of Tooele County of Tooele, State of Utah, and further described as approximately 268 acres of land designated by the pink shaded areas on the attached map.

2. Owner agrees to pay Broker a sales commission equal to six percent (6%) of the gross selling price. This commission shall be earned and paid for services rendered if, during the Term: (a) A Buyer is procured (by Broker, Owner, or anyone else) who is ready, willing and able to purchase the Property at the price and on the terms above stated, or on any other price and terms agreeable to Owner, (b) Any contract for the sale of the Property is entered into by Owner, (c) Owner removes the Property from the market, or (d) Owner contributes or conveys the Property, or any interest therein, to a partnership, joint venture, or other business entity, or transfers an interest in an entity which has an ownership interest in the Property in lieu of a sale of the Property.

3. As used in this Agreement the term "sale" shall include an exchange of the Property, and also the granting of an option to purchase the Property. Owner agrees that in the event such an option is granted, Owner shall pay Broker a sales commission in accordance with the Schedule on the price paid for the option and for any extensions thereof. This commission shall be paid upon receipt by Owner of any such payment(s). In the event such an option is exercised, whether during the Term or thereafter, Owner shall also pay Broker a sales commission on the gross sales price of the Property in accordance with the Schedule. Notwithstanding the foregoing, to the extent that all or part of the price paid for the option or any extension thereof is applied to the sales price of the Property, then any commission previously paid by Owner to Broker on account of such option payments shall be credited against the commission payable to Broker on account of the exercise of the option.

4. Owner further agrees that Owner shall pay broker the aforementioned commission if, within 90 days after the expiration of the Term: (a) the Property is sold, (b) Owner enters into a contract of sale for the Property, or (c) negotiations commence and thereafter continue leading to the sale of the Property to any person or entity to whom Broker has submitted the Property prior to the expiration of the Term in an effort to effect a sale of the Property. Broker agrees to submit a list of such persons or entities to Owner no later than 15 days following the expiration of the Term, provided, however, if Broker has submitted a written offer then it shall not be necessary to include the offeror's name on the list.

5. By signing this Exclusive Sales Listing Agreement, Owner designates that Owner's Agent and Broker will represent Owner and will work diligently to locate a Buyer for the Property, the Owner also authorizes the Owner's Agent or the Broker to appoint another Agent in the company to represent the Owner in the event the Owner's Agent or Broker will be temporarily unavailable to service the Owner. As the Owner's Agent, they will act consistent with their fiduciary duties to Owner of loyalty, full disclosure, confidentiality, and reasonable care. Owner understands, however, that the Owner's Agent and Broker may now, or in the future, agree to act as agent for a Buyer who may wish to negotiate purchase of the Property. Then the Owner's Agent and Broker would be acting as Limited Agent representing both Owner and the Buyer at the same time.

Limited Agency is allowed under Utah law only with the informed consent of the Buyer and Owner. For consent to be informed, Owner and Buyer must understand that conflicting duties of disclosure, loyalty and confidentiality to each party may arise. To resolve these conflicting duties, the Limited Agent will be bound by a further duty of neutrality. Being neutral, the Limited Agent will not disclose to either party information likely to weaken the bargaining position of the other, for example, the highest price the Buyer will offer or the lowest price the Owner will accept. However, the Limited Agent must disclose to both parties material information known to the Limited Agent regarding a defect in the property and the ability of the other party to fulfill all obligations under their agreement.

By initialing here, Owner understands and consents that Owner's Agent and Broker are authorized to represent both Owner and Buyer as Limited Agents when Owner's Agent presents a Buyer for the Property. When another agent from Coldwell Banker Commercial Advisors presents a Buyer, that agent will exclusively represent the Buyer as a Buyer's Agent, and Owner's Agent will exclusively represent Owner as Owner's Agent, and the Broker will act as a Limited Agent.

6. Unless otherwise provided herein, the terms of sale shall be, at the option of the Buyer, either cash or cash to any existing loan. Unless otherwise mutually agreed between Owner and the Buyer, the time limit for closing shall not exceed 90 days, and any offer may contain normal and customary contingencies such as Buyer's approval within 10 days of receipt thereof of title report, soils test and existing leases.

7. It is understood that it is illegal for either Owner or Broker to refuse to display, sell the Property to any person because of race, color, religion, national origin, sex, marital status or physical disability.

8. Owner agrees to cooperate with Broker in bringing about a sale of the Property and to immediately refer to Broker all inquiries of anyone interested in the Property. All negotiations are to be through Broker. Broker is authorized to accept a deposit from any prospective Buyer. Broker is further authorized to advertise the Property and to place a "For Sale" sign or signs on the Property if, in Broker's opinion, such would facilitate the sale of the Property.

8.(a) The Owner authorizes the Broker(s) to advertise the Property for sale through any printed and/or electronic media deemed necessary and appropriate by the Broker(s), including, but not limited to, each Multiple Listing Service (MLS) in which the Broker participates. The Owner further agrees that the Broker(s) are authorized to: (i) Disclose to the MLS the square footage of the Property as obtained from County, Appraisal, Building or Expansion Plans Records, or other source deemed reliable by Broker(s). (ii) Disclose to the MLS after the sale, the final terms of the sale for the Property consistent with the requirements of the MLS.

9. Owner agrees to indemnify and hold Broker harmless for any damage to Broker as a result of any and all claims, disputes, litigation or judgments arising from any incorrect information supplied by Owner, or from any material fact known by Owner concerning the property, which Owner fails to disclose. Broker is authorized to record a notice of interest against the Property if Owner fails to fulfill Owner's duties under this Agreement. Owner represents that it is the lawful owner of the Property and warrants that the individuals or entity listed below as the "Owner" represents all of the record owners of the Property.

10. This agreement shall be binding in all respects upon, and shall inure to the benefit of the Parties and their respective heirs, successors and assigns, employees, agents and representatives, subrogates, and to all persons or entities claiming by, through or under them.

11. This Agreement shall be governed by the law of the State of Utah.

12. Any provision of this Agreement which is prohibited or unenforceable in any jurisdiction shall, as to such jurisdiction only, be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof, and any such prohibition or unenforceability in any jurisdiction shall not invalidate or render unenforceable such provision in any other jurisdiction. Furthermore, all other provisions not so prohibited or unenforceable shall remain effective.

13. This Agreement constitutes the entire agreement between Broker and Owner and a complete merger of all prior negotiations and agreements. This Agreement represents the entire understanding between Broker and Owner, and there are no written or oral agreements between them which are not set forth herein. None of the provisions of this Agreement may be changed, discharged or terminated orally and may be modified or amended only by an instrument in writing, signed by Broker and Owner. Likewise, the rights available to each of the parties under this Agreement cannot be waived or released orally, and may be waived or released only by an instrument in writing, signed by the party whose rights will be diminished or adversely affected by the waiver.

14. Every dispute concerning the interpretation or effect of this Agreement, if not first submitted to mediation, shall be resolved in the Third Judicial District Court in and for Salt Lake County, State of Utah. To the maximum extent permitted by law, Owner and Broker consent and voluntarily submit themselves to the personal jurisdiction, subject matter jurisdiction and venue of said court.

15. In the event that a party breaches this Agreement, such breaching party shall pay, in addition to any other liability, all costs and expenses incurred by or on behalf of the non-breaching party or its successor-in-interest in enforcing, or in exercising any remedies under this Agreement, including but not limited to reasonable attorneys' fees, whether or not any action or proceeding is brought to enforce the provisions hereof.

16. The Parties agree to execute and deliver any and all additional papers, documents, instruments, and other assurances, and shall do any and all acts and things reasonably necessary, in connection with the performance of their obligations hereunder, to carry out the intent of the Parties as expressly stated in this Agreement.

17. This Agreement may be executed in counterparts, each of which shall be deemed an original, and all such counterparts shall constitute one and the same Agreement. Facsimile signatures shall have the same force and effect as original signatures.

The undersigned Owner hereby acknowledges receipt of a copy of this Agreement and the Schedule.

**Coldwell Banker Commercial Advisors**

6550 South Millrock Drive, Suite 200  
Salt Lake City, UT 84121  
(801) 947-8300 Fax (801) 947-8301

Owner:

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

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

By: \_\_\_\_\_  
Steven Bogden

Title: Principal Broker

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

**Coldwell Banker Commercial Intermountain**

6550 South Millrock Drive, Suite 200  
Salt Lake City, UT 84121  
(801) 947-8300 Fax (801) 947-8301

By: \_\_\_\_\_  
Russell Booth

Title: Principal Broker

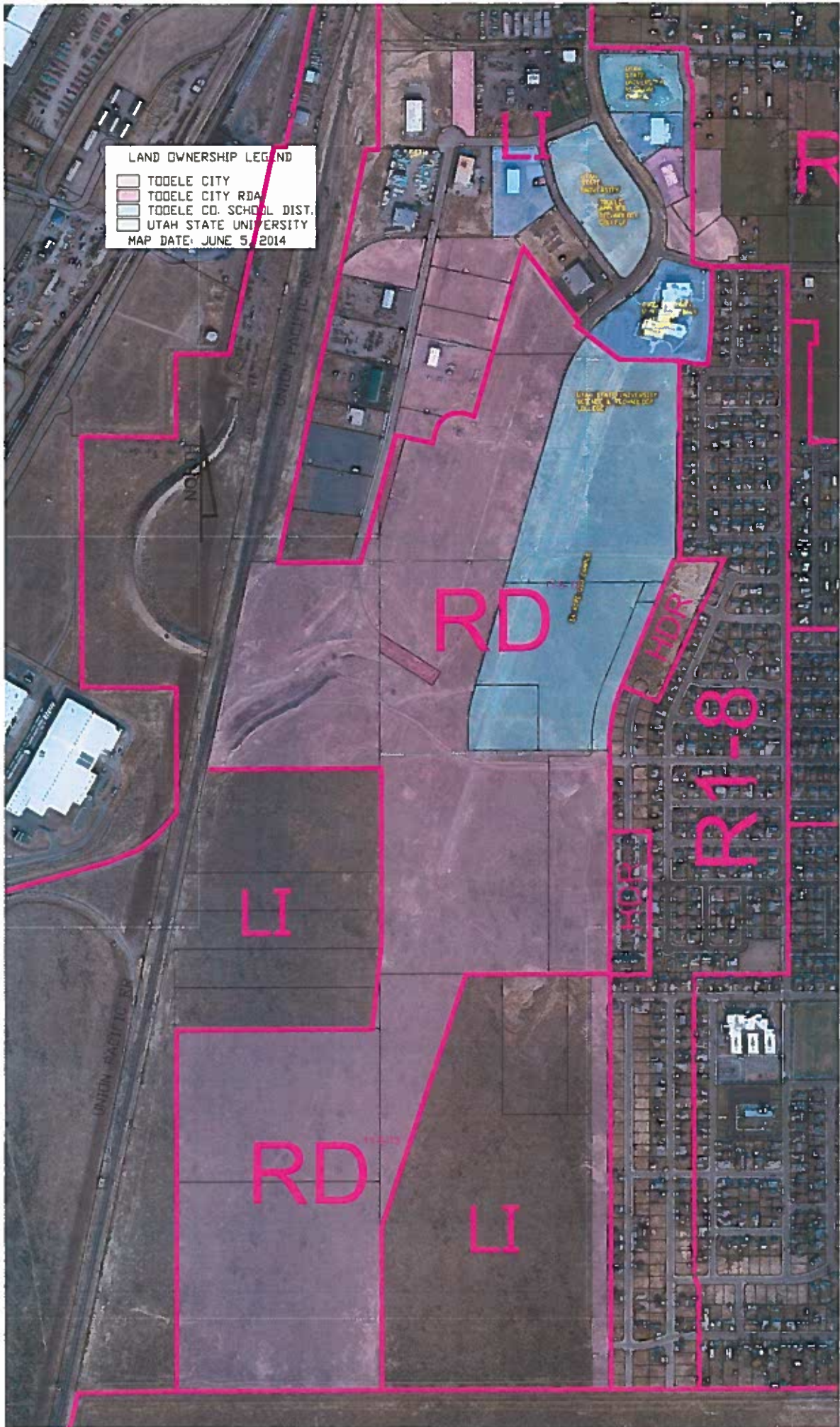
Date: \_\_\_\_\_

The above duties of real estate agent/broker in a real estate transaction do not relieve a Buyer or Seller from the responsibility to exercise good business judgement in protecting their prospective interests. You should carefully read all agreements to assure that they adequately express your understanding of the transaction. If legal or tax advice is desired, consult a competent professional attorney or accountant.

**LAND OWNERSHIP LEGEND**

- TOOELE CITY
- TOOELE CITY RDA
- TOOELE CO. SCHOOL DIST.
- UTAH STATE UNIVERSITY

MAP DATE: JUNE 5, 2014



**LAND OWNERSHIP LEGEND**

- TOOELE CITY
- TOOELE CITY RDA
- TOOELE CO. SCHOOL DIST.
- UTAH STATE UNIVERSITY

MAP DATE: JUNE 5, 2014



**PUBLIC NOTICE**

Notice is hereby given that the Tooele City Council will meet in a Business Meeting on Wednesday, June 7, 2017 at the hour of 7:00 P.M. The meeting will be held in the Tooele City Hall Council Room located at 90 North Main Street, Tooele, Utah.

1. Pledge of Allegiance
2. Roll Call
3. Public Comment Period
4. Resolution 2017-22 A Resolution of the Tooele City Council Approving Polling Locations Within Tooele City Limits  
Presented by Michelle Pitt
5. **PUBLIC HEARING & MOTION** on Ordinance 2017-13 An Ordinance of Tooele City Amending Tooele City Code Section 7-25-6 Regarding Permits for Temporary Special Event Signs  
Presented by Roger Baker
6. **PUBLIC HEARING & MOTION** on Ordinance 2017-14 An Ordinance of Tooele City Amending the Tooele City Code Regarding Home Occupations  
Presented by Roger Baker
7. Minutes
8. Invoices  
Presented by Michelle Pitt
9. Adjourn

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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 843-2110 or [michellep@tooelecity.org](mailto:michellep@tooelecity.org), prior to the meeting.



**TOOELE CITY CORPORATION**

**RESOLUTION 2017-22**

**A RESOLUTION OF THE TOOELE CITY COUNCIL APPROVING POLLING LOCATIONS WITHIN TOOELE CITY LIMITS.**

WHEREAS, Utah Code Annotated (UCA) Chapter 20a-5 mandates that an election officer shall designate polling locations for each voting precinct in a jurisdiction; and,

WHEREAS, UCA Chapter 20a-5 also mandates that the election officer shall obtain the approval of the county or municipal legislative body or local district governing board for those polling locations; and,

WHEREAS, several polling locations within Tooele City limits have been designated, and are attached as part of Exhibit 1:

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE CITY COUNCIL that the Tooele City polling places as shown on Exhibit 1, which is attached hereto and made a part hereof, are hereby approved.

This Resolution shall be effective immediately upon passage, without further publication, by authority of the Tooele City Charter.

Passed this \_\_\_\_ day of \_\_\_\_\_, 2017.

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:



\_\_\_\_\_  
Roger Evans Baker, City Attorney

# Exhibit 1

## Designated Polling Locations

**TOOELE COUNTY POLLING LOCATIONS**  
**MUNICIPAL/SPECIAL SERVICE DISTRICTS - 2017**

<i>Tooele County Bldg. Auditorium</i>	<i>47 So. Main,</i>	<i>Tooele, Utah</i>
<i>Tooele National Guard Armory</i>	<i>16 So. First St.</i>	<i>Tooele, Utah</i>
<i>Middle Canyon Elementary</i>	<i>751 E. 1000 No.</i>	<i>Tooele, Utah</i>
<i>Overlake Elementary School</i>	<i>2052 No. 170 West</i>	<i>Tooele, Utah</i>
<i>Dow James Building</i>	<i>350 W. 4<sup>th</sup> No.</i>	<i>Tooele, Utah</i>
<i>Settlement Canyon Elementary</i>	<i>935 W. Timpie Rd.</i>	<i>Tooele, Utah</i>
<i>Grantsville High School</i>	<i>155 E. Cherry St.</i>	<i>Grantsville, Utah</i>
<i>Stansbury High School</i>	<i>5300 N. Aberdeen Lane</i>	<i>Stansbury Park, Utah</i>

**VOTING BY MAIL**

*Lake Point Improvement District, Town of Rush Valley, Town of Stockton,  
Town of Vernon, Wendover City, Stansbury Park Improvement District,  
Stansbury Park Service Agency, North Tooele Fire District*

**Early Voting Dates and locations are as follows:**

**Tooele County Clerk/Auditor Office**

*Tooele County Administration Building  
47 S. Main – Room #318, Tooele, UT*

*Primary Election – Tuesday August 1<sup>st</sup> – Thursday August 10<sup>th</sup> - Weekdays 8:00 a.m. – 6:00 p.m.  
Friday, August 11<sup>th</sup> – 8:00 a.m. – 5:00 p.m.*

*General Election – Tuesday, Oct. 24<sup>th</sup> – Thursday, Nov. 2<sup>nd</sup> – Weekdays 8:00 a.m. – 6:00 p.m.*

**Grantsville Senior Center**

*120 S. Center, Grantsville, UT*

*Primary – Wed., Aug. 2<sup>nd</sup> 9:30 am-11:30 am*

*General – Wed. Oct. 25<sup>th</sup> 9:30 am-11:30 am*

**Tooele Senior Center**

*59 E. Vine St., Tooele, UT*

*Primary – Wed. Aug. 9<sup>th</sup> -9:00 am – 12 noon*

*General – Wed. Nov. 1<sup>st</sup>-9:00 am – 12 noon*

*Any Tooele County resident who was registered by October 24<sup>th</sup> may vote Early  
Valid Voter ID is required for all Early Voting or Election Day Voting*

*If you have received a By-Mail Precinct, you can still Early Vote.  
You will be required, however, to surrender the ballot you received in the mail  
to the election judge before voting.*

*Any Tooele County voter may vote at any of the Early Voting locations.  
They are not precinct specific.  
Poll are open on Election Day  
7:00 a.m. to 8:00 p.m.*

## TOOELE CITY CORPORATION

### ORDINANCE 2017-13

#### **AN ORDINANCE OF TOOELE CITY AMENDING TOOELE CITY CODE SECTION 7-25-6 REGARDING PERMITS FOR TEMPORARY SPECIAL EVENT SIGNS.**

WHEREAS, TCC Section 7-25-5 provides, in pertinent part, that “Unless otherwise provided by this chapter, all signs shall require permits and payment of fees.” (see Section 7-25-5 highlighted in yellow as part of the attached Exhibit A); and,

WHEREAS, TCC Section 7-25-6 provides, in pertinent part, that “The following types of signs are exempted from permit requirements . . . (11) temporary special event signs.” (see Section 7-25-6 highlighted in yellow as part of the attached Exhibit A); and,

WHEREAS, TCC Section 7-25-12(8), enacted by Ordinance 2015-02 on February 4, 2015, contains Tooele City’s time, place, and manner regulation regarding temporary special event signs; the Section specifies several time periods within which temporary special event signs may be displayed, including up to four display periods totaling no more than 21 days, in addition to several specified holiday periods; the Section also specifies that signs displayed during the four non-holiday display periods are “. . . subject to both a permit and a fee . . .” (see Section 7-25-12 highlighted in yellow as part of the attached Exhibit A); and,

WHEREAS, in order to resolve the apparent internal inconsistency between the above-referenced sections regarding the permit requirements for temporary special event signs displayed during the four non-holiday periods, the City Attorney recommends amending Section 7-25-6(11) to read, in pertinent part, as follows, and as shown in Exhibit A, in red: “The following types of signs are exempted from permit requirements . . . (11) temporary special event signs **under Section 7-25-12(8)(f)(ii).**”

WHEREAS, resolving the internal inconsistency in the manner proposed will provide greater clarity, predictability, and efficiency for both city personnel and applicants for temporary special event signs, serves a legitimate governmental purpose of reasonably regulating the time, place, and manner of temporary special event signs, and is in the best interest of Tooele City; and,

WHEREAS, the City Council discussed this ordinance during its work meeting held April 19, 2017 (see the City Council work meeting minutes attached as Exhibit B); and,

WHEREAS, the Planning Commission held a duly noticed public hearing on May 24, 2017, and forwarded a positive recommendation to the City Council (see the Planning Commission minutes attached as Exhibit C); and,

WHEREAS, the City Council held a duly noticed public hearing on June 7, 2017:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOEELE CITY COUNCIL that TCC Section 7-25-6(11) is hereby amended as shown in red in the attached Exhibit A.

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 \_\_\_\_\_, 2017.

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:



\_\_\_\_\_  
Roger Evans Baker, City Attorney

## Exhibit A

Proposed Amendment to Section 7-25-6(11)



the inside of a window and intended to be viewed from the outside.

(Ord. 2015-02, 02-04-2015) (Ord. 2013-03, 06-19-2013)  
(Ord. 2012-21, 11-21-2012) (Ord. 2010-06, 05-19-2010)  
(Ord. 2005-21, 09-21-2005) (Ord. 2005-08, 04-20-2005)  
(Ord. 1994-27, 12-19-1994)

#### **7-25-4. Signs prohibited.**

The following signs are prohibited in all zoning districts:

- (1) abandoned signs;
- (2) animated signs, but not changeable copy signs;
- (3) banners that are not wall signs, pennants, festoons, and search lights, except temporary special event signs;
- (4) signs imitating or resembling official traffic or government signs or signals;
- (5) signs, other than government signs and A-frame signs, placed on any public right-of-way;
- (6) signs on the premises of a home occupation advertising that home occupation;
- (7) off-premise signs and billboards;
- (8) handheld signs;
- (9) vehicle signs;
- (10) wheeled signs;
- (11) snipe signs;
- (12) roof signs;
- (13) inflatable signs; and
- (14) all other signs not permitted by this Chapter.

(Ord. 2015-02, 02-04-2015) (Ord. 2013-03, 06-19-2013)  
(Ord. 2012-21, 11-21-2012) (Ord. 2002-15, 08-07-2002)  
(Ord. 1994-27, 12-19-1994)

#### **7-25-4.1 Electronic billboards prohibited.**

The conversion, remodeling, rehabilitation, or upgrade of an existing off-premise sign or billboard to an electronic sign or digital sign is prohibited.

(Ord. 2015-02, 02-04-2015) (Ord. 2013-03, 06-19-2013)

#### **7-25-5. Permits required.**

Unless otherwise provided by this chapter, all signs shall require permits and payment of fees. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

(Ord. 2013-03, 06-19-2013) (Ord. 1994-27, 12-19-1994)

#### **7-25-6. Signs not requiring permits.**

The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this chapter:

- (1) construction signs of 16 square-feet or less;
- (2) directional/information signs of 9 square-feet or less;
- (3) holiday or special events decorations;
- (4) nameplates of 2 square-feet or less;
- (5) political signs;

(6) public signs or notices, or any sign relating to an emergency;

(7) real estate signs;

(8) window signs;

(9) A-frame signs;

(10) incidental signs, and,

(11) temporary special event signs **under Section 7-25-12(8)(f)(ii).**

(Ord. 2013-03, 06-19-2013) (Ord. 2012-21, 11-21-2012)

(Ord. 1994-27, 12-19-1994)

#### **7-25-7. Maintenance.**

All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Department shall have the right under Section 7-25-30 to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.

(Ord. 2013-03, 06-19-2013) (Ord. 2010-06, 05-19-2010)

(Ord. 1994-27, 12-19-1994)

#### **7-25-8. Electronic signs.**

Where allowed, electronic signs shall conform to the following standards.

(1) Motion. Any motion or appearance of motion is prohibited on an electronic sign face.

(2) Dwell time. Dwell time shall be at least 3 seconds.

(3) Twirl time. Twirl time shall not exceed 0.25 seconds.

(4) Brightness. Sign illumination brightness shall not exceed 80% of natural ambient light conditions during the day and shall not exceed 15% of ambient light conditions at night after dusk.

(5) Controls. All electronic signs shall contain automatic dimming controls or photocell mechanisms or technologies that automatically adjust sign brightness, dwell time, twirl time, and motion to the standards of this Section.

(6) Size. The maximum portion of a sign that is allowed to be electronic, as opposed to static image, is 75%.

(7) Verification.

(a) Prior to approval of an electronic sign permit, the applicant shall certify that the sign has been tested and complies with the brightness, dwell time, twirl time, motion, and other standards of this Section.

(b) The owners and operators of an electronic sign shall each be severally responsible to submit an annual report to the Building Official certifying that the sign complies with the brightness, dwell time, twirl time, motion, and other standards of this Section.

(c) The City shall have the right to verify compliance, or to receive additional verification of compliance, with the standards of this Section, upon request.

## Exhibit B

### City Council Work Meeting Minutes

**Tooele City Council and the  
Tooele City Redevelopment Agency of Tooele City, Utah  
Work Session Meeting Minutes**

Date: Wednesday, April 19, 2017  
Time: 5:00 p.m.  
Place: Tooele City Hall, Large Conference Room  
90 North Main St., Tooele, Utah

**City Council Members Present:**

Chairwoman Debbie Winn  
Scott Wardle  
Dave McCall  
Brad Pratt  
Steve Pruden

**City Employees Present:**

Mayor Patrick Dunlavy  
Glenn Caldwell, Finance Director  
Jim Bolser, Director of Community Development and Public Works  
Michelle Pitt, Recorder  
Roger, Baker, City Attorney  
Rachelle Custer, City Planner  
Paul Hansen, City Engineer  
Randy Sant, Economic Development and Redevelopment Agency Director

Minutes prepared by Michelle Pitt

**1. Open Meeting**

Chairwoman Winn called the meeting to order at 5:00 p.m.

**2. Roll Call**

Debbie Winn, Present  
Scott Wardle, Present  
Dave McCall, Present  
Brad Pratt, Present  
Steve Pruden, Present

**3. Discussion:**

- Zoning Map and Land Use Discussion  
Presented by Jim Bolser

Mr. Bolser explained that staff was asked to put together a presentation for the Council regarding properties currently zoned for multi-family development, and properties that have been requested

higher police calls. Once there is a flooding on the market, it causes problems. He said he appreciated the study because it helped the Council evaluate where they move in the future. He felt that the market should dictate demand rather than the developers dictate demand. Councilman Wardle requested that as requests come in, this summary gets updated and given to the Council and the Planning Commission.

Mayor Dunlavy stated that this study was for a 12 mile radius, but they can't discount the fact that other jurisdictions have projects going on. The Council and administration have been sensitive to the fact that they want to project who they are. In doing that, they do a lot of planning, and decided what does this Council, with their vote, want this city to look like. Some high density housing projects turn in to exactly what Councilman Wardle described, with high crime areas. Councilman Pratt said that it was important to emphasize that Commercial and LI need to be in particular areas. HDR could damage the commercial outlook. They need to be mindful of that in the vision and decide where they want commercial. Chairwoman Winn said that the City needs to be aware of the importance of creating jobs. If all the commercial space is taken up with housing, there won't be any more commercial that will create jobs for the residents. Councilman Wardle said that USU plans on the City's master plan to help bring in students. The City needs to have quality growth versus quantity growth.

Chairwoman Winn and Councilman Pruden thanked Mr. Bolser for the presentation and said it was very helpful.

- Sunset Estates Preliminary Plan  
Presented by Jim Bolser

Mr. Bolser said that this is Phase 7 and is the next phase of Sunset Estates. The development will extend 400 West, and include 27 single family homes.

- Ordinance 2017-13 An Ordinance of Tooele City Amending the Tooele City Code Section 7-25-6 Regarding Permits for Temporary Special Event Signs  
Presented by Roger Baker

Mr. Baker explained that this amendment regards the sign code, but does not require reopening the sign code. A couple of years ago, the Council enacted a code regarding temporary special event signs. In one area of the code it says that some special events require signs. There is a small conflict because in another area of the code it says that all special events are exempt from signs. Mr. Baker stated that the amendment reconciles a small conflict, but doesn't change the sign ordinance.

The Mayor talked about special event applications and the need for these events to have insurance certificates. Although it has been a big change, after the reason has been explained to applicants, they understand the reason insurance is required.

Councilman Pruden expressed concern about electronic signs. He thinks there are violations throughout the City. Ms. Custer said that notices regarding that very thing were sent out on Friday. Ms. Custer said that sign companies say that their signs are in compliance. Councilman

Pruden stated that the brightness part cannot be in compliance, and said that St. Marguerites is extremely bright. Signs are supposed to have a dimmer switch installed. Mr. Bolser said that this issue becomes very seasonal. The City will try to stay on businesses to remind them that signs need to reset again. Councilman Pruden suggested that the code enforcement officer work on a few Saturdays to help with this issue. Chairwoman Winn said that there should be software that is similar on all signs, with a setting to not be brighter than what is allowed by law.

- Dispatch Fees  
Presented by Scott Wardle

Councilman Wardle stated that he and Councilman Pratt will be attending the Council of Government's (COG) meeting tomorrow night to vote on dispatch fees. He explained that this topic has been discussed a couple of times in the last couple of months. The City had received numbers showing an 8% increase every year. Because of discussions between the City and County, the County has come back with 1.5 - 2% increase instead. There has been new legislation regarding equipment replacement, and fees. Councilman Wardle said that the City would like a 2-3 year agreement with 1.5% increase. There are two options: establish a special service district (SSD), with a board to regulate the costs, or a contract. In order to set up a special service district, it would need to go to the voters. Councilman Wardle asked the Council which option they would like. Councilman Pruden stated that he was not in favor of the SSD. He would like a contract instead. He said that the County would need to be held to the terms of the contract. Chairwoman Winn agreed. She liked the idea of a contract so that they would know what the cost would be. Mayor Dunlavy stated that the County tried to propose that Grantsville be raised 24.5% and Tooele 26%. Both Grantsville and Tooele said no. Grantsville and Tooele were carrying the load for everyone. Sheriff Park told the Mayor that the reason they needed to have such a large increase was to establish a contingency fund of half a million in case they needed to replace equipment. The Mayor asked why the City should give thousands of dollars that the County wasn't going to use. He was told that the phone system needed to be replaced. The Mayor said that they found out that the phone system was paid for with 911 fees, not the new fees assessed. No one knew they had paid for the phone system with the 911 fees. The Mayor did not want to give the money just on the basis that they might need it. The Mayor stated that dispatch services are needed, and with the legislative laws the fees will increase. The SSD would create an amount of money but he wondered who would decide how the money was spent. He stated that he would be opposed to the SSD unless there was a specific agreement with how and where the money would be spent. Councilman Wardle said that he was trying to see where the costs are in the dispatch center. He was serious about keeping their costs under control. Councilman Wardle said that he understood fluctuations each year, but couldn't see why there were substantial increases each year. He said that dispatch calls were actually down over the last few years.

Councilman Pratt stated that this has facilitated a closer look at how it is structured within the County. He expressed appreciation for the negotiations and talks with the Sheriff. The increases they were asking for were astronomical. Councilman Pratt felt there was no justification for the increases. COG started looking at what could be done to keep dispatch, but keep the costs down. He said that he was leaning against the SSD, and would rather go with a contract.

## Exhibit C

### Planning Commission Minutes

TOOELE CITY PLANNING COMMISSION MINUTES

-DRAFT

May 24, 2017

Date: Wednesday, May 24, 2017

Time: 7:00 p.m.

Place: Tooele City Hall Council Chambers  
90 North Main Street, Tooele Utah

**Commission Members Present:**

Matt Robinson, Chairman  
Shauna Bevan, Vice-Chairwoman  
Chris Sloan  
Ray Smart  
Melanie Hammer  
Russell Spendlove  
Phil Montano  
Brad Clark

**Commission Members Absent:**

Russell Spendlove

**City Employees Present:**

Roger Baker, City Attorney  
Rachelle Custer, City Planning & Zoning Administrator  
Jim Bolser, Director of Community Development/Public Works

**Council Members Present:**

Councilman McCall

**Council Members Excused:**

Chairwoman Winn

Minutes prepared by Amanda Graf

Chairman Robinson called the meeting to order at 7:00 p.m.

1. **Pledge of Allegiance**

The Pledge of Allegiance was led by Chairman Robinson

## 2. Roll Call

Matt Robinson, Present

Shauna Bevan, Present

Chris Sloan, Present

Ray Smart, Present

Melanie Hammer, Present

Phil Montano, Present

Brad Clark, Present

## 2. Public Hearing and Motion on Conditional use permit for outdoor RV storage to be located at Beehive Storage 1498 North Main Street

Presented by Rachelle Custer

The applicant, the owners of Beehive Storage, was unable to attend the meeting and requested the motion on this permit be tabled until the Planning Commission meeting on June 14. A public hearing still needs to take place on this item as it was publicly advertised and notices were sent out regarding the public hearing on this item.

Beehive Storage is located at 1498 North Main Street. The company is adding additional storage units as well as outdoor RV storage. Beehive Storage currently has outdoor RV storage but does not have a conditional use for it. The conditional use permit to construct the additional storage units would bring the company into conformance with city code.

Chairman Robinson opened the public hearing; there were no public comments. Chairman Robinson closed the public hearing.

**Commissioner Sloan motioned to table the item until the June 14, 2017 meeting.** Commissioner Bevan seconded the motion. The vote was as follows: Commissioner Hammer, "Aye," Commissioner Smart, "Aye," Commissioner Clark, "Aye," Commissioner Bevan, "Aye," Commissioner Sloan, "Aye," Commissioner Montano, "Aye," and Chairman Robinson, "Aye." The motion passed.

## 3. Public Hearing and Recommendation Ordinance 2017-14 an Ordinance of Tooele City amending Tooele City Code regarding home occupations

Presented by Roger Baker

The purpose of this ordinance is to clarify the definition of a home occupation. The current home occupation definition is combined as a regulation and definition. It is best to separate the definition of an item and its accompanying regulation. This ordinance simplifies the definition of home occupation to be, "an accessory use consisting of a vocational activity conducted inside a dwelling unit or a structure



4. **Public Hearing and Recommendation Ordinance 2017-13 an Ordinance of Tooele City amending Tooele City Code section 7-25-6 regarding permits for temporary special event signs**

Presented by Roger Baker

A few years ago the city council enacted a provision regarding temporary off-premise signs that advertise special events. The new provision specified that some of those signs require permits. An older provision of the code exempted the same certain signs from permits, creating a conflict in the city code. There are a number of days and periods of time called floating periods where businesses can put up temporary special event signs. There are also holiday periods wherein businesses can put up temporary signs. The holiday periods do not require a permit but the floating periods do require a permit.

Chairman Robinson opened the public hearing; there were no public comments. Chairman Robinson closed the public hearing.

**Commissioner Hammer moved to forward a positive recommendation to the City Council for Ordinance 2017-13 an Ordinance of Tooele City amending Tooele City Code section 7-25-6 regarding permits for temporary special event signs.** Commissioner Smart seconded the motion. The vote was as follows: Commissioner Hammer, "Aye," Commissioner Smart, "Aye," Commissioner Clark, "Aye," Commissioner Bevan, "Aye," Commissioner Sloan, "Aye," Commissioner Montano, "Aye," and Chairman Robinson, "Aye."

The motion passed.

5. **Review and Approval of Planning Commission Meeting minutes for meeting held May 10, 2017.**

**Commissioner Robinson moved to approve the minutes for the meeting held May 10, 2017.** Commissioner Bevan seconded the motion. The vote was as follows: Commissioner Hammer, "Aye," Commissioner Smart, "Aye," Commissioner Clark, "Aye," Commissioner Bevan, "Aye," Commissioner Sloan, "Aye," Commissioner Montano, "Aye," and Chairman Robinson, "Aye."

6. **Adjourn**

Commissioner ? moved to adjourn the meeting. Chairman Robinson seconded the motion. Chairman Robinson adjourned the meeting at 7:20 p.m.

*The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.*

Approved this 14<sup>th</sup> day of June, 2017

**TOOELE CITY CORPORATION**

**ORDINANCE 2017-14**

**AN ORDINANCE OF TOOELE CITY AMENDING THE TOOELE CITY CODE REGARDING HOME OCCUPATIONS.**

WHEREAS, the definition of Home Occupation, contained in TCC Section 7-1-5, includes numerous regulatory provisions in addition to the definition; and,

WHEREAS, home occupations are regulated by TCC Section 7-2-19; and,

WHEREAS, the provision in Section 7-1-5 regarding home occupation signage conflicts with the home occupation signage provision in Section 7-2-19; and,

WHEREAS, a general principle of ordinance drafting is to separate definitional and regulatory provisions; the definition of the thing should be simple, clear, and concise; the regulation of the thing should be separate from its definition; and,

WHEREAS, the City Administration recommends merging the regulatory provisions contained in Section 7-1-5 into those contained in Section 7-2-19, eliminating conflicting provisions, adding welding to the list of prohibited home occupations, allowing home occupation day cares to utilize a fenced yard area, and making other technical corrections and updates (see proposed amendments in Exhibit A attached); and,

WHEREAS, the Planning Commission held a public hearing on this ordinance during its regular open and public meeting on May 24, 2017, and made a positive recommendation to the City Council (see Planning Commission minutes in Exhibit B); and,

WHEREAS, the City Council first discussed this ordinance during its open and public work meeting on May 1, 2017 (see City Council minutes in Exhibit C); and,

WHEREAS, the City Council held a duly noticed public hearing during its regular open and public meeting on June 7, 2017; and,

WHEREAS, this ordinance is in the best interest of Tooele City by simplifying, clarifying, correcting, and updating definitions and regulatory provisions related to home occupations, including signage and prohibited home occupations:

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE CITY COUNCIL that TCC Sections 7-1-5 and 7-2-19 are hereby amended as shown in Exhibit A.

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 \_\_\_\_\_, 2017.

TOOELE CITY COUNCIL

(For)

(Against)

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ABSTAINING: \_\_\_\_\_

MAYOR OF TOOELE CITY

(Approved)

(Disapproved)

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ATTEST:

\_\_\_\_\_  
Michelle Y. Pitt, City Recorder

S E A L

Approved as to Form:

  
\_\_\_\_\_  
Roger Evans Baker, City Attorney

## Exhibit A

Proposed Amendments to  
Section 7-1-5  
Section 7-2-19

engaged in undertaking services such as preparing the human dead for burial or cremation and arranging and managing funerals.

Garage, Private - A detached accessory building, or a portion of a principal building, used for the storage of motor vehicles for the tenants or occupants of a dwelling or specific building and not by the general public.

Garden Center - An establishment where plants are offered for sale and including the sale of related plant and garden items.

Gardening - The care and raising of crops, pasture, trees, orchards vegetables and fruit.

General Industrial Activity - A manufacturing operation or processing and assembly of goods which are not likely to be obnoxious or offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product, or waste. Not to include outside storage or warehousing.

General Plan - A plan for the city, allowed by state law, prepared and adopted by the Planning Commission and City Council, and including maps, texts, charts, and graphs.

Golf Course/Country Club - A facility providing land area and buildings containing golf courses, recreational facilities, a clubhouse, and customary accessory uses, open only to members and their guests.

Grade - The average of the existing ground level at the center of all walls of a building. In case walls are parallel to, and within five feet of, a sidewalk, the ground level shall be measured at the sidewalk.

Gravel Pit - See Quarry.

Greenhouse - A building, structure or place where plants are raised for experimental purposes, for transplanting, or for sale.

Guarantee - Escrow bond in an amount and form satisfactory to the City. All guarantees shall be approved by the City wherever required by these regulations.

Hardware Store and Garden Supply Store - A facility for the retail sale of a number of basic hardware items, such as tools, builders' hardware, paint and glass, home, lawn, and garden supplies; landscaping materials; brick; lumber; and other similar materials, but excluding commercial greenhouses.

Hazardous Materials Storage - Means the importation of hazardous wastes, materials, or substances for treatment, storage for more than ten days, or disposal, either for profit or non-profit purposes.

Hazardous Waste In-Transit Facility - a facility that transports, stores, handles, or maintains hazardous wastes for periods of ten days or less.

Health Care Facility - General acute hospitals, specialty hospitals, home health agencies, hospices, birthing centers, ambulatory surgical facilities, and any other health care facility as defined by the Utah Health

Care Facility Licensure and Inspection Act, Utah Code §26-21-2., excluding offices of Health Care Providers, Nursing Homes or Emergency Care Facilities.

Health Care Provider - An office, clinic, laboratory or any other facility engaged in furnishing medical, surgical or other services including a physician, dentist, dental technician, chiropractor, accupressurist, acupuncturist, therapist, counselor or other similar occupation.

Health Club - A club (athletic, health or recreational), with full service facilities including but not limited to exercise facilities, work-out equipment, showers, lockers, pools and saunas.

Heavy Equipment Sales and Rental - An establishment primarily engaged in the sale or rental of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, or similar equipment. Typical uses include truck dealerships, construction equipment dealerships.

Heavy Equipment Service and Repair - An establishment primarily engaged in the service and repair of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, or similar equipment.

Heavy Industrial Manufacturing and Assembly - The assembly, fabrication, or processing of goods and materials using processes that ordinarily, and are expected to have, greater than average impacts on the environment, or that have significant impacts on the use of adjoining properties by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts. This activity generally includes processing of large items, products extracted from raw materials, or products involving flammable or explosive materials or processes which require expansive buildings or land areas.

Heliport - Any designated area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

Home Occupation - An accessory use consisting of a vocational activity conducted inside a dwelling unit ~~or a structure accessory to a dwelling unit, and conducted only by the individuals who reside therein and provided that the home occupation:~~

~~(1) does not result in noise or vibration, light, odor, dust, smoke, or other air pollution noticeable at or beyond the property line;~~

~~(2) is clearly subordinate to the use of the lot for dwelling purpose and does not change the character of the lot;~~

~~(3) does not include the outside storage of goods, materials, or equipment;~~

~~(4) has signage limited to a nonilluminated identification sign two square feet or less in size;~~

~~(5) does not produce traffic volumes exceeding that produced by the dwelling unit by more than 10~~

~~average daily trips or a maximum of 20 trips during any 24 hour period.~~

~~(6) does not include nursing homes, restaurants, vehicle repair businesses, or boarding houses, and~~

~~(7) complies with all required Federal and State licensing requirements.~~

Hospital - A building or building(s) for the diagnosis, treatment and care of human illness or infirmity, but not including clinics.

Hotel - A building or group of buildings, other than a motel, boarding house or lodging house, containing individual guest rooms or suites of guest rooms and which furnishes services customarily provided by hotels which may include reception and convention facilities.

In-fill Development – Subject to applicable development standards, the permitting of a primary dwelling upon:

(1) a conforming lot, created by subdivision final plat approved by the Tooele City Council, located within Geographic Area A illustrated in Figure 7-1-5.2; or,

(2) a conforming lot, created by subdivision final plat approved by the Tooele City council, located with Geographic Area B illustrated in Figure 7-1-5.2, exclusive of Geographic Area A; or,

(3) a legal nonconforming lot or parcel of record, existing on the date of building permit application for that lot or parcel, whether or not containing a dwelling.

Junk Yard/Salvage Yard - The use of any lot, portion of a lot, or land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles, or machinery.

Kennel - Any lot or premises or portion thereof on which four (4) or more dogs, cats, and other household domestic animals, more than six (6) months old, are maintained, boarded, bred, or cared for in return for compensation or kept for sale.

Laundromat - An establishment within which clothes washing and drying machines, and clothes dry cleaning machines, either coin operated or attendant operated, are provided on a rental basis for use by individuals doing their own laundry and dry cleaning. Laundromat does not include outdoor drying facilities.

Light Manufacturing and Assembly - An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales and distribution. Allowed Light manufacturing activities will not be offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product, or waste, and where all equipment, compressors, generators and other ancillary equipment

is located within a building or structure and any outside storage areas are screened from view from all adjoining properties and streets.

Liquor Store - A facility, authorized by the Utah Liquor Control Commission to sell original packaged liquor or wine for consumption off the premises.

Lot or Subdivision Lot - Any parcel of land which:

(1) has been legally established in the office of the Tooele County Recorder; and,

(2) has been established by way of or included within a subdivision final plat approved by Tooele City. (Ord. 2013-16, 11-06-2013)

Medical and Dental Clinic - A building or other facility engaged in furnishing medical, surgical or other services including a physician, dentist, dental technician, chiropractor, acupressureist, acupuncturist, therapist, counselor or other similar occupation.

Membership Club - A facility owned or operated by a group of people organized for a common educational, service, or recreational purpose. These clubs may be characterized by certain membership qualifications, payment of fees or dues and regular meetings and activities. This use may include hunting and gun clubs but does not include Private Clubs.

Mine - An establishment engaged in activities on or below the surface of the land for the exploration, development of, and extraction of mineral deposits including rock, sand and gravel, including transportation, concentration, milling, evaporation and other primary processing operations.

Mobile Home Park - A parcel of land under single ownership, approved by the City, and which is designed to accommodate the placement of mobile, manufactured, or modular homes on leased or rented pads or lots.

Mobile Home Subdivision - A parcel of land subdivided into separate and individual lots which is designed and planned to accommodate the placement of mobile, manufactured, or modular homes on each lot.

Motel - An establishment containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients with associated restaurants, dining facilities and meeting rooms.

Nonconforming structure - A structure that does not conform to the yard coverage, height, setback or other physical dimensional requirement of the district.

Nonconforming use - An activity which is not an allowed use within the Zoning District and which may not conform to the use standards, including parking, regulations in the district in which it is situated.

Nursery/Plant Nursery - An activity where plants, shrubs, trees, and other horticultural materials and supplies are sold, including both wholesale and retail sales.

**7-2-15. Lots in two districts.**

Where a district boundary line is established by this Title, or shown on the zoning map, divides a lot which is in single ownership and of record, the use in the other district requirements applying to the least restrictive portion of said lot shall be considered to extend to the entire lot, provided the more restricted portion of such lot is entirely within thirty (30) feet of said dividing district boundary line. The use so extending shall be deemed to be conforming. (Ord. 1983-05, 04-20-1983)

**7-2-16. Lots in business, commercial or industrial districts adjacent to residential zones.**

Where a lot in any business, commercial or industrial district abuts a lot in any residential district, there shall be provided along such abutting line a landscaped side yard. The size to be determined by the Planning Commission. Also, a privacy fence may be required on any lot which abuts a residential district. (Ord. 1983-05, 04-20-1983)

**7-2-17. Transition zones.**

(1) Where the frontage on one side of a street between two intersecting streets is owned partially as residential and partially as business, commercial or industrial, or where any part of the street is so zoned as to require a front yard, a front yard shall be required for the entire block frontage equal to that required for the most restricted portion of the block.

(2) On any corner lot in a residential district, there shall be provided on the side street a side yard equal in depth to the required front yard depth on said street, except that upon any corner lot under separate ownership which is less than sixty (60) feet wide, this provision may be waived allowing a residence to be erected to within twelve (12) feet of the side yard. The side street shall be held to be on that side of the corner lot having the greater length. When a dwelling is erected to within twelve (12) feet of the side yard in this manner, it must maintain a twenty-five (25) foot rear yard, regardless of the location of the garage, or accessory building. (Ord. 1983-05, 04-20-1983)

**7-2-18. Public utilities in residential districts.**

Where not otherwise authorized by this Title, the Planning Commission, if it determines that the best interests of the community will be served thereby, may permit as a conditional use the use of land in a residentially zoned district for a public utility building, electrical substation, radio or television relay station, including necessary tower, and other similar public utilities, provided that in all such cases:

(1) From the evidence presented, the Planning Commission finds that it is essential in order to

provide the area with adequate electrical, gas, telephone, television or radio service.

(2) It shall determine that due to certain peculiar conditions, the facility could not be located outside the residentially zoned district and properly serve the City.

(3) All structures on the premises are designed to conform to the residential character of the districts.

(4) All yard spaces as required for the permitted use in the district are provided.

(5) Adequate screening is provided for proper landscaping and fencing where the facility is not within a building.

(6) Such other conditions are met as may be deemed necessary by the Planning Commission to protect the character of the residential district.

Nothing in this section shall be interpreted as giving the Planning Commission the authority to permit a privately owned or operated commercial radio or television tower or station in any residential district. (Ord. 1983-05, 04-20-1983)

**7-2-19. Home occupations.**

Home occupations are ~~shall be~~ permitted upon compliance with the following:

(1) shall ~~must~~ be carried on entirely within the dwelling unit or accessory building on the premises;

(2) shall not include the outside storage of goods, materials, or equipment;

(3) shall ~~must~~ not involve any use of any outside yard area about the premises whereupon the dwelling unit or accessory building is located, except for customer parking and except for fenced outdoor areas associated with a home occupation day care;

(4) shall ~~must~~ be customarily incidental to the use of the dwelling for dwelling purposes;

(5) shall ~~must~~ not change the primary character and use of the dwelling unit as a dwelling;

(6) shall ~~must~~ be carried on only by persons residing in the dwelling unit;

(7) shall ~~must~~ have no employees or assistants other than members of the immediate family, and only if such family members reside in the dwelling unit;

(8) reasonable inventory related to the Home Occupation shall be allowed so long as such inventory is stored entirely within the dwelling unit or accessory building on the premises;

(9) shall ~~must~~ not create a nuisance;

(10) shall specifically exclude: ~~vehicle repair work, body and fender work, firewood sales, commercial stables, kennels, livestock, auctions, restaurants, nursing homes, funeral houses, welding, musical band~~ instrument instruction and practice consisting of more than two persons ~~members~~ at a time;

(11) ~~shall not display signs without advertising of said occupation by way of window displays or signs;~~

(12) shall not produce traffic volumes exceeding those produced by the dwelling unit by more than 10



average daily trips or a maximum of 20 trips during any 24-hour period;

(13) shall comply with all Federal, State, and local license and permit requirements;

(14+) nothing contained in this section shall be construed to supersede or otherwise render inoperative the provisions of the Tooele City Code concerning business licenses.

(Ord. 1987-24, 01-02-1988; Ord. 1983-05, 04-20-1983)

## Exhibit B

### Planning Commission Minutes

TOOELE CITY PLANNING COMMISSION MINUTES

-DRAFT

May 24, 2017

Date: Wednesday, May 24, 2017

Time: 7:00 p.m.

Place: Tooele City Hall Council Chambers

90 North Main Street, Tooele Utah

**Commission Members Present:**

Matt Robinson, Chairman

Shauna Bevan, Vice-Chairwoman

Chris Sloan

Ray Smart

Melanie Hammer

Russell Spendlove

Phil Montano

Brad Clark

**Commission Members Absent:**

Russell Spendlove

**City Employees Present:**

Roger Baker, City Attorney

Rachelle Custer, City Planning & Zoning Administrator

Jim Bolser, Director of Community Development/Public Works

**Council Members Present:**

Councilman McCall

**Council Members Excused:**

Chairwoman Winn

Minutes prepared by Amanda Graf

Chairman Robinson called the meeting to order at 7:00 p.m.

1. Pledge of Allegiance

The Pledge of Allegiance was led by Chairman Robinson

## 2. Roll Call

Matt Robinson, Present

Shauna Bevan, Present

Chris Sloan, Present

Ray Smart, Present

Melanie Hammer, Present

Phil Montano, Present

Brad Clark, Present

## 2. Public Hearing and Motion on Conditional use permit for outdoor RV storage to be located at Beehive Storage 1498 North Main Street

Presented by Rachelle Custer

The applicant, the owners of Beehive Storage, was unable to attend the meeting and requested the motion on this permit be tabled until the Planning Commission meeting on June 14. A public hearing still needs to take place on this item as it was publicly advertised and notices were sent out regarding the public hearing on this item.

Beehive Storage is located at 1498 North Main Street. The company is adding additional storage units as well as outdoor RV storage. Beehive Storage currently has outdoor RV storage but does not have a conditional use for it. The conditional use permit to construct the additional storage units would bring the company into conformance with city code.

Chairman Robinson opened the public hearing; there were no public comments. Chairman Robinson closed the public hearing.

**Commissioner Sloan motioned to table the item until the June 14, 2017 meeting.** Commissioner Bevan seconded the motion. The vote was as follows: Commissioner Hammer, "Aye," Commissioner Smart, "Aye," Commissioner Clark, "Aye," Commissioner Bevan, "Aye," Commissioner Sloan, "Aye," Commissioner Montano, "Aye," and Chairman Robinson, "Aye." The motion passed.

## 3. Public Hearing and Recommendation Ordinance 2017-14 an Ordinance of Tooele City amending Tooele City Code regarding home occupations

Presented by Roger Baker

The purpose of this ordinance is to clarify the definition of a home occupation. The current home occupation definition is combined as a regulation and definition. It is best to separate the definition of an item and its accompanying regulation. This ordinance simplifies the definition of home occupation to be, "an accessory use consisting of a vocational activity conducted inside a dwelling unit or a structure

accessory to a dwelling unit.” All of the regulatory provisions included in the definition are being moved into the regulation of home occupations. Conflicting regulations are being eliminated. One of the conflicting regulations is regarding home occupation signage; the definition stipulates that home occupations can have a small sign but the regulation indicates they could not have a sign for a home occupation. The city is keeping the regulation in place disallowing signs and eliminating the definition that allowed for signs.

This ordinance also adds to the list of prohibited activities for businesses run out of a home. There are some activities that can't be conducted in a home without changing the nature of the home from a residential nature to a commercial or industrial nature. The added prohibitions include: vehicle repair work, firewood sales, nursing homes, and welding. This ordinance also adds a provision that home occupations must comply with state regulations that pertain to their business. The traffic regulation was also moved from the definition to regulation section.

Existing code states that home occupations are not allowed to operate outside of a home, for example firewood being stored ~~sold~~ in the yard, small engine mechanic operations like lawnmower repair, etc. Strict interpretation of the existing code would not allow children of a home daycare to play in the backyard of the house. The city feels home daycares should be allowed an exception to this part of the code so the children have a place to play outdoors.

Commissioner Bevan asked about people who are currently running a nursing home in their home. Mr. Baker stated that an elderly person living in their own home can hire someone to take care of them in their house; however, an individual cannot invite elderly individuals to come live in their home for a fee; that would become an illegal home occupation. Mr. Baker stated that current city code does not allow for a nursing home; this ordinance moves it from a definition to another place in the city regulations.

Jim Bolser stated that the definition for a nursing home under city code is, “a facility which provides 24 hour residential care to persons who are not related by blood, marriage, or adoption to the owner, operator, or manager of the facility and who do not meet the definition of family under this code. A nursing home provides some level of skilled nursing or medical service to the residents, and includes convalescent care facility.”

Chairman Robinson opened the public hearing; there were no public comments. Chairman Robinson closed the public hearing.

**Commissioner Robinson motioned to forward a positive recommendation to the City Council for Ordinance 2017-14 amending Tooele City Code regarding home occupations.** Commissioner Sloan seconded the motion. The vote was as follows: Commissioner Hammer, “Aye,” Commissioner Smart, “No,” Commissioner Clark, “Aye,” Commissioner Bevan, “Aye,” Commissioner Sloan, “Aye,” Commissioner Montano, “Aye,” and Chairman Robinson, “Aye.”

The motion passed.

## Exhibit C

### City Council Work Meeting Minutes

**Tooele City Council and the  
Tooele City Redevelopment Agency of Tooele City, Utah  
Work Session Meeting Minutes**

Date: Wednesday, May 3, 2017  
Time: 5:00 p.m.  
Place: Tooele City Hall, Large Conference Room  
90 North Main St., Tooele, Utah

**City Council Members Present:**

Chairwoman Debbie Winn  
Scott Wardle  
Dave McCall  
Brad Pratt  
Steve Pruden

**City Employees Present:**

Mayor Patrick Dunlavy  
Glenn Caldwell, Finance Director  
Michelle Pitt, Recorder  
Roger, Baker, City Attorney  
Rachelle Custer, City Planner  
Paul Hansen, City Engineer  
Randy Sant, Economic Development and Redevelopment Agency Director

**Excused:** Jim Bolser, Director of Community Development and Public Works

Minutes prepared by Michelle Pitt

**1. Open Meeting**

Chairwoman Winn called the meeting to order at 5:00 p.m.

**2. Roll Call**

Debbie Winn, Present  
Scott Wardle, Present  
Dave McCall, Present  
Brad Pratt, Present  
Steve Pruden, Present

**3. Discussion:**

The applicant said that even though they were constructing town homes, the units would be in an apartment complex. He said that they were not opposed to emergency vehicle access, but that it would be hard to have a normal width road going through an apartment complex. When asked again whether the project was for townhomes or apartments, the applicant replied that the units would be for rent, not to buy. Mr. Baker asked if the property would be subdivided into individual townhome lots. The applicant said it would not. Councilman Wardle asked how many phases the project would take. The applicant answered 8-10 phases. Councilman McCall indicated that the road would have to be wide enough for fire trucks. Mr. Hansen said that emergency vehicles needed 26 feet minimum pavement, and that staff would work with the applicants during the site plan process regarding roads.

Councilman Wardle asked the applicants if they would build the project in stages. The applicants indicated that they would do it in stages and that they will have Covenants, Codes, and Restrictions. Councilman Wardle asked how many years of phasing it would take to complete the project. The application replied two years. The applicant said that the units would be a townhome style, with a 2 car garage.

Councilman Pratt expressed a concern about the access to the property to the east. He felt that the access issue could be worked through. The applicant said that they could put in more units as far as density per acre, but that they were not trying to push the limit. He said that they, as developers, are concerned about the product in the future, and don't want to create the next slum. Mr. Baker asked if medium density residential would work for this project, or if they actually needed the HDR. Ms. Custer answered that they needed the HDR designation.

Mayor Dunlavy expressed a serious concern about the traffic potential in this area. He said he was concerned about an emergency, such as a fire, because the fire truck wouldn't be the only vehicle responding, it would also be all the personal vehicles from the volunteers. If the fire happened at the same time that the school was beginning or ending, it could create a "perfect storm."

Chairwoman Winn stated that although these items were on the agenda for the 7:00 meeting, they would need to be tabled because they were not noticed as a public hearing. This type of ordinance requires a public hearing.

These items will be presented before the Council for vote consideration in two weeks, with a public hearing.

- Home Occupation Code Amendment  
Presented by Roger Baker

Mr. Baker stated that this amendment does not amend the sign code, or reopen the policy discussion on sign ordinances. He found two differing provisions for signage for home occupations in the City code. Mr. Baker said that there was language under the definition section that he would like deleted. He has consolidated everything regarding home occupation signs and other regulations, currently contained in the definition, in the other regulatory section for home



occupations. Mr. Baker explained that the City prohibited the use of outdoor areas for the support of home occupations, but after discussion with Mr. Bolser and Ms. Custer, they suggested that day cares be allowed to use yard area for their business, so that change has been included. They are also suggesting that welding be expressly prohibited as a home occupation.

Mr. Sant asked if this amendment included the new business licensing bill just passed. Mr. Baker replied that it did not. Mr. Baker explained that the new bill says that the City cannot impose a licensing fee on home occupations unless they cause a significant impact on the neighborhood. City staff needs to define what creates a significant impact. Councilman Wardle said that under the definition section, the City code allowed a small sign, but the amendment would not allow a sign. Mr. Baker answered that home occupation signs aren't allowed in any other sections of the code – either the home occupation or sign code sections.

Mr. Baker explained that this item will go to the Planning Commission and then back to the Council on June 7<sup>th</sup>.

- Road and Waterline Projects  
Presented by Paul Hansen

Mr. Hansen indicated that he had been working with Mr. Bolser and administration to put together road and waterline project plans for this summer. The road projects would be funded with Road B and C funds, with road tax funds. Mr. Hansen said that the first phase would start with \$1.3 million. After the projects had been bid, there may be more money to do a second phase. Mr. Hansen went on to say that road projects are dictated by roadway study, and use.

Mr. Hansen listed the following roads to receive overlay:

- 900 South (Coleman to SR-36)
- 400 South (Coleman to 425 West)
- Skyline (SR-36 to Upland)
- Sixth Street (Utah to Birch)
- 100 East (400 North to 1000 North)
- Pine Canyon Road (1280 North to Broadway)
- 200 West (Wallace Way to 1000 North)

The following roads to receive slurry seal:

- 200 South (Main to 100 West)
- Vine Street (Main to Seventh)
- 400 North (Marvista to Seventh)
- Eastcrest
- Valley View (Broadway to Seventh)
- 200 West (650 North to Wallace Way)
- Coleman (SR-36 to Utah)
- Utah Ave (SR-112 to RR)

**Tooele City Council and the  
Tooele City Redevelopment Agency of Tooele City, Utah  
Work Session Meeting Minutes**

Date: Wednesday, May 17, 2017  
Time: 5:00 p.m.  
Place: Tooele City Hall, Large Conference Room  
90 North Main St., Tooele, Utah

**City Council Members Present:**

Chairwoman Debbie Winn  
Scott Wardle  
Dave McCall  
Brad Pratt  
Steve Pruden

**City Employees Present:**

Mayor Patrick Dunlavy  
Glenn Caldwell, Finance Director  
Michelle Pitt, Recorder  
Roger Baker, City Attorney  
Jim Bolser, Community Development and Public Works Director  
Rachelle Custer, City Planner  
Paul Hansen, City Engineer  
Randy Sant, Economic Development and Redevelopment Agency Director

Minutes prepared by Michelle Pitt

**1. Open Meeting**

Chairwoman Winn called the meeting to order at 5:00 p.m.

**2. Roll Call**

Debbie Winn, Present  
Scott Wardle, Present  
Dave McCall, Present  
Brad Pratt, Present  
Steve Pruden, Present

**3. Discussion:**

- Ordinance 2017-15 An Ordinance of Tooele City Correcting TCC Section 4-11a-2 Regarding Park Strip Trees  
Presented by Roger Baker

Mr. Baker stated that this amendment would correct a cross reference in the City Code, and add a clarification. There is one section that talks about the variety of trees allowed and refers you to another section, and that section refers you to an administrative policy. The amendment refers you to the tree guide, rather than referring you to other sections.

- Ordinance 2017-16 An Ordinance of Tooele City Amending Tooele City Code Chapter 5-20 Regarding the Proximity of Specified Community Locations to New Restaurants Serving Alcohol  
Presented by Roger Baker

Mr. Baker said that this amendment regarded the proximity regulations and minimum distances between those restaurants that serve alcohol to community locations. State statute defines community locations as churches, schools, libraries and parks. A new law created new proximity regulations, of 300 feet instead of 600 feet, and 200 feet as the crow flies. Mr. Baker explained that City Code needed to conform the two, so that they match. Mr. Baker explained that the proximity numbers are removed, and instead reference the State code since it governs the proximity.

- Ordinance 2017-18 An Ordinance of Tooele City Code Section 5-1-7 Regarding Occasional Businesses Operated by Minors  
Presented by Roger Baker

Mr. Baker stated that he liked to call this new State law the “lemonade stand exemption.” This law prohibits the City from issuing a business license or charging a fee for businesses that are run by minors and are operated only occasionally. If someone under the age of 18 wants to mow lawns, sell lemonade, or wash windows, and only does it occasionally, the City can’t require a business license. This time, the Code will parrot the State law, rather than refer to the law as the previous ordinance does. Mr. Baker added that this is the only permit exemption that the City currently has; the other exemptions are fee exemptions.

Randy Sant joined the meeting at 5:06 p.m.

- Settlement Agreement for Gleneagles P.U.D.  
Presented by Jim Bolser

Mr. Bolser stated that this was a request from a developer that had purchased the remaining portion of the Gleneagles development. Mr. Bolser said that the developers are requesting feedback from the Council, regarding a proposed amendment to the Settlement Agreement, to do a townhome development. Nothing had been submitted formally at this point by the developer, rather they just wanted to see how the Council felt about this request. Councilman Pruden asked if the original plan was supposed to be a combination use of single family and multi-family housing. Councilman Pruden asked if the land to the east was zoned commercial. Mr. Bolser answered that it wasn’t entirely zoned commercial, that there was additional land outside of the area in question that would remain as its original use. Mr. Bolser believed the original use was residential and commercial, zoned high density residential (HDR), but not part of the PUD. Councilman Pruden asked if the PUD incorporated the two existing buildings that are there.

Councilman Pruden said that logic would say that it would fill in there anyway. Mr. Bolser said that it did include the two existing buildings. Mr. Bolser stated that the original plan was a combination, and the developers now want it to be all multi-family units. Councilman Wardle asked if the units would be sold or rented. Councilman Wardle expressed concern about a development like this without a home owners association, or without someone to take care of the land. He felt it could become a blighted area because traditionally the yards of townhomes aren't taken care of and can create a bigger problem in the future. Councilman Pruden said that the plan showed a pool and asked if there was a clubhouse. Ms. Custer answered that she assumed so, but that the City hadn't heard yet. Councilman Pruden said that when there's a pool, the City might be able to assume that there would be some type of association to take care of it. Councilman Wardle again said that there had to be considerations for some type of association. Chairwoman Winn stated that she would like to know if the developers would be selling the units or renting them. Councilman Pruden said that the Council needed to know whether the units would be sold or rentals, if there was an association that governs the pool and landscaping, and if there would be multi-use on the outlining areas.

Chairwoman Winn asked if the City had received the study back. Mr. Sant indicated that the City had received the study, but they needed a few days to review it. Mr. Sant said that the study did not show a great absorption rate. Councilman Wardle again expressed concern of allowing single family housing and HDR, because it could become an issue unless there was an HOA. Mr. Bolser indicated that City staff would reply to the property owner, to ask for additional information before it moved forward. Councilman Wardle wondered what Bach's intention was for their property. Mr. Bolser said that City staff would ask for additional information and bring it back to the Council. Mr. Sant suggested that the City require the property owners to do an economic feasibility absorption study. If the City approves this development, they may have units that will sit there, zoned HDR, but empty. Councilman Wardle asked how many units they were now looking at versus the single family mix. Mr. Baker said that he looked at that. The original PUD in this area, under the settlement agreement, showed between 12-15 units, and they now want 82 units.

Mr. Baker discussed the legal aspects of this request. He said that the term "consideration" has a legal meaning. In order for a contract to be binding, all parties have to give consideration to the other parties; to give up something for the things that you are getting. A PUD involves that consideration already. A PUD is giving the developer development benefits that they would not otherwise have, in exchange for amenities to the city. Mr. Baker went on to explain that in this case there was an added layer to that, where the parties have had disputes and agreed to settle them in a contract. In that contract the developer asked for 100 single family units. The City wanted a reduction of 500 units to 100 units. Now the developers are asking the City to take that back. The developers are not offering any benefits to the City for this consideration. Mr. Baker felt that it was not a lawful agreement as proposed. Mr. Baker said that the Council may decide this is what they wanted to do, but asked the Council to articulate the benefits the City would receive. The benefits could be open space areas, or improvements the City would receive, but it needed to counterweigh what the City is giving. Councilman Wardle asked about the square footage of the units. Mr. Baker divided the number of acres by the density per acre, and came up with about 3,700 square feet per townhouse lot, gross acreage (without considering street rights-

of-way). Mr. Hansen indicated that the numbers would have to include roads, landscaping, parking, etc.

- Ordinance 2017-09 An Ordinance of Tooele City Amending the Tooele City General Plan, Land Use Element from General Commercial (GC) to High Density Residential (HDR) for Approximately 9.15 Acres of Property Located at Approximately 850 North 100 East  
Presented by Jim Bolser

AND

- Ordinance 2017-10 An Ordinance of Tooele City Amending the Tooele City Zoning Map for Approximately 9.15 Acres of Property Located Near 850 North 100 East from General Commercial (GC) to High Density Residential (HDR)  
Presented by Jim Bolser

Mr. Bolser presented both items together.

Andrea Cahoon asked if these items could be discussed later in the meeting, so that the applicants could be there. She stated that they were running late. Chairwoman Winn replied that the Council didn't have any questions for the applicant, and because there was a full agenda, they would keep the agenda order.

Mr. Bolser explained that these two items were on the business meeting later tonight and had been discussed at prior meetings. Mr. Bolser reminded the Council that City staff had raised the point of asking the developer to provide public access to the east, so that this area would not be land locked. He asked the Council if they had any questions.

Chairwoman Winn indicated that at a prior meeting the Mayor had brought up the importance of safety and of getting fire trucks in and out of this area. She suggested that the Council make a condition of the amendment that developers make a right-of-way through the development to allow access to the public. Chairwoman Winn said that the access needed to be 60 feet to go through the east side of the property. Councilman Pruden said that it could be stubbed at the east property line. Councilman Pratt stated that with that consideration, he liked the fact that development does away with the vacant piece of property. He went on to say that in review, and in consulting with others, there may be a future design for the school which potentially may add grades, traffic and parking to the school. Councilman Wardle indicated that he spoke with the principal, and the principal said that if they are allowed to add the Jr. High, they would shift the parking lot and allow access to the east which may alleviate a little more traffic on 100 East. Councilman Pratt said that would address the Mayor's concern in moving traffic into that area, or allow emergency vehicles to respond if a "perfect storm" situation were to occur. Councilman Pratt expressed concern of having a possible fire from the big vacant lot that may affect the school.

Chairwoman Winn said that because it is such a large area, having more than two outlets was not enough. They need to have a consideration for future development and have it more accessible

to everyone. Councilman Wardle stated that he liked the fact that it was for-market rents. Chairwoman Winn added that she liked that it would have an HOA, so that the area would be taken care of.

The developer asked where the City would like the 60 foot right-of-way through the project. Chairwoman Winn said that he could work that out with staff. Mr. Hansen said that the land was already land locked property but it was the City's duty to not perpetuate that situation.

Chairwoman Winn turned the time over to RDA Chair Pratt for the RDA items.

RDA Chairman Pratt explained that the remainder of the agenda items were RDA items. He asked Randy Sant to present the items.

- Review and Discuss RDA FY 2018 Budget  
Presented by Randy Sant

Mr. Sant explained that the budget was the same as previous years, with a couple of changes: for the past two years, the RDA has paid \$150,000 for the USU Science building, this year it should be \$125,000. The RDA has a contractual obligation to Cabela's for \$325,000, but Mr. Sant explained he is still trying to get property tax number from the accessor. The budget will show a \$5 million decrease because the RDA bought the 1000 North property of 31 acres.

Mr. Sant said that there will be a public hearing held for the RDA budget on the same night as the city budget. The RDA budget will be adopted at that time.

- RDA Resolution 2017-01 A Resolution of the Redevelopment Agency of Tooele City Designating the Tooele Business Park Community Reinvestment Project Area be Created and Authorizing and Directing all Necessary Action by the Agency, Staff, and Consultants  
Presented by Randy Sant

AND

- RDA Resolution 2017-02 A Resolution of the Redevelopment Agency of Tooele City Designating the Tooele 1000 North West Industrial Community Reinvestment Project Area be Created and Authorizing and Directing all Necessary Action by the Agency, Staff, and Consultants  
Presented by Randy Sant

AND

- RDA Resolution 2017-03 A Resolution of the Redevelopment Agency of Tooele City Designating the Tooele 1000 North Retail Community Reinvestment Project Area be Created and Authorizing and Directing all Necessary Action by the Agency, Staff, and Consultants  
Presented by Randy Sant

Mr. Sant presented all three RDA Resolutions together

Mr. Sant stated that the first project area is a new area that the RDA is proposing to create consisting of the commercial park. Mr. Sant said that there were some discussions about adding two pieces of property, one that Barbara Boss owns, and the other is owned by four property owners. Mr. Sant suggested that the RDA adopt the project area and then consider adding the two pieces of property into the project. The area, plus the two pieces of property, total 350 acres. Mr. Sant explained that the Resolution is the first of 17 steps to create a reinvestment area.

Mr. Sant stated that the second Resolution was for the 1000 North West Industrial area. He explained that it included portions of Bolinder, Tooele Associates, King Property, 1000 North, and the corner of Utah Ave and 1000 North, but leaves out the Bolinder plant.

The third Resolution was the 1000 North retail project area. It takes in the RDA property on 1000 North, and Greg Haer's property around the bowling alley. It is approximately 31 acres. Mr. Sant explained that it didn't bind the RDA to create anything, but approving the RDA Resolution got things started. The RDA can stop the process if they decide they don't want to do it.

Mr. Hansen said that the third one looked like it didn't include all the property up to the 7-Eleven. Mr. Sant said that this area should be included. Mr. Sant will correct it to make sure it's added to the Resolution.

- Approval of a Listing Agreement for the Sale of Property Within the Tooele Commercial Park with CBC Advisors  
Presented by Randy Sant

Mr. Sant suggested this item be tabled because he needed to discuss setting a price with the RDA board. The appraisal for the property came in at \$56,748 per acre. Before the boulevard was put in, it was valued at \$10,000 per acre. Mr. Sant indicated that the RDA will list the property at \$60,000 per acre. Mr. Sant suggested that this item be tabled until all the information was obtained.

- Project Update  
Randy Sant

Mr. Sant requested that this item be tabled, due to the lengthy agenda.

RDA Chairman Pratt turned the time back over to Chairwoman Winn.

#### **4. Council Reports**

Councilman Wardle: He had been appointed to the Council of Aging, but can't attend the meetings because they are held at 1:00 p.m. on Wednesdays. He asked if anyone else wanted to sit on that committee. Chairwoman Winn indicated that the Council of Aging board might change the times or days they hold the meetings. Councilman Wardle said that he could trade an

appointment on another committee if that worked out for another Council member. Chairwoman Winn suggested they wait until the board decided if they were going to move the time of the meeting.

Councilman Pruden: Encouraged everyone to attend Fridays on Vine this year, which begins June 2<sup>nd</sup>. Councilman Pruden said that the parks employees did a lot of work on the stage and there is new electrical in the park. The list of performers is great again this year. Councilman Pruden indicated that the arts festival had changed the days of their festival. They will hold the event on Friday and Saturday, but not Sunday this year. The arts council will sponsor the Plein Air Contest, which will begin on the Monday before the arts festival. All art will be done on the following Thursday. The arts festival and Plein Air Contest is during the third week of June.

Councilman Pratt had nothing to report.

Councilman McCall had nothing to report.

Chairwoman Winn: The North Tooele City Special Service District's last meeting was a very lengthy meeting. She indicated she would send a copy of the draft minutes to the Council. Chairwoman Winn met with the Mayor to discuss some of the things that were discussed at this meeting. Chairwoman Winn expressed appreciation to City staff, especially Shilo Baker, for the work on street lights.

#### **5. Close Meeting to Discuss Litigation and Property Acquisition**

**Councilman Pruden moved to close the meeting.** Councilman Pratt seconded the motion. The vote was as follows: Councilman McCall "Aye," Councilman Wardle "Aye," Councilman Pratt "Aye," Councilman Pruden "Aye," and Chairwoman Winn "Aye."

Those in attendance during the closed session were: Glenn Caldwell, Jim Bolser, Mayor Patrick Dunlavy, Roger Baker, Michelle Pitt, Paul Hansen, Randy Sant, Councilman McCall, Councilman Wardle, Councilman Pratt, Councilman Pruden, and Chairwoman Winn.

The meeting closed at 5:44 p.m.

No minutes were taken on these items.

#### **6. Adjourn**

**Councilman McCall moved to adjourn the meeting.** Councilman Pruden seconded the motion. The vote was as follows: Councilman McCall "Aye," Councilman Wardle "Aye," Councilman Pratt "Aye," Councilman Pruden "Aye," and Chairwoman Winn "Aye."

The meeting adjourned at 6:49 p.m.



*The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.*

Approved this 17th day of May, 2017

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Debra E. Winn, Tooele City Council Chair

DRAFT

**Tooele City Council and  
Tooele City Redevelopment Agency of Tooele City, Utah  
Business Meeting Minutes**

Date: Wednesday, May 17, 2017

Time: 7:00 p.m.

Place: Tooele City Hall, Council Chambers  
90 North Main Street, Tooele, Utah

**City Council Members Present:**

Debbie Winn, Chairwoman

Steve Pruden

Brad Pratt

Dave McCall

Scott Wardle

**City Employees Present:**

Mayor Patrick Dunlavy

Roger Baker, City Attorney

Ron Kirby, Police Department

Heidi Peterson, Communities That Care Director

Michelle Pitt, City Recorder

Lisa Carpenter, Deputy Recorder

Glenn Caldwell, Finance

Jim Bolser, Public Works and Community Development Director

Paul Hansen, City Engineer

Randy Sant, Economic Development Consultant

Minutes prepared by Amanda Graf

Chairwoman Winn called the meeting to order at 7:00 p.m.

**1. Pledge of Allegiance**

The Pledge of Allegiance was led by Zane Jefferies, a Boy Scout from Troop 1400

Chairwoman Winn recognized and welcomed Boy Scout Troop 1400 who was in attendance.

**2. Roll Call**

Scott Wardle, Present

Brad Pratt, Present

Steve Pruden, Present

Dave McCall, Present  
Debbie Winn, Present

### **3. Mayor's Youth Recognition Awards**

Presented by Mayor Dunlavy, Heidi Peterson, and Chief Ron Kirby

Mayor Dunlavy welcomed everyone and expressed appreciation for their attendance and support of these young individuals. The Tooele City elected officials are proud of these honorees.

Ms. Peterson highlighted some of the programs offered by the Communities that Care department:

Guiding Good Choices is a parenting program that is available to any parents or grandparents in the community. The next session starts June 1, 2017. Anyone interested can register online at [tooelecity.org](http://tooelecity.org)

QPR is a 90 minute program that helps individuals recognize the warning signs and risk factors for suicidal ideation. Attendees learn a three step process to help those who are at risk for suicide. The next class will be held in August.

Second Step is an evidence-based program that is offered in the schools for students in Kindergarten-8<sup>th</sup> grade. Kids learn the importance of making good friends, how to deal with depression and anxiety, and how to avoid drugs and alcohol.

Each of the students that were nominated for the Mayor's Youth Award received a bag that includes prizes and donations from local agencies and businesses.

Ms. Peterson then presented the Mayor's Youth Recognition Awards to the following students:

- Ireland Tinnes
- Noah Cederlof
- Kate McCubbins
- Paige Rogers
- Brequelle Smith
- Blake Hervat

Ms. Peterson recognized the grand prize winners for the Second Step program. All 6<sup>th</sup> grade students in the city are given the assignment to prepare a project that demonstrates why they should be drug free and maintain a healthy lifestyle. The grand prize winners from all of the entries are:

- Jaxon Day
- Garret Pearson

The students received a certificate and a \$25 gift card to Wal-Mart. Ms. Peterson recognized them for their passion and commitment towards living a drug-free lifestyle. The video produced by Jason and Garret was then viewed by those in attendance.

Mayor Dunlavy congratulated all of the award winners for their efforts. He stated that the youth are what makes Tooele the greatest city in Utah. He commended the parents of the honorees as well.

A brief recess was taken for a picture of the recipients with the City Council members and Mayor. The photo will be included in the Tooele Transcript Bulletin.

#### 4. **Public Comment Period**

Chairwoman Winn reconvened the meeting and invited public comment from the audience.

Ed Dalton, a citizen from Erda, came forward to speak on behalf of the Tooele Education Foundation. He mentioned that the First T program is now in 12 schools. He recognized several programs that have had a positive impact on the community including the First T program, which is now in 12 elementary schools, the Hope Squads, Communities that Care, USU, the TATC, etc. On Monday evening at Tooele High School evening a brand new scholarship was presented: the Mayor Patrick Dunlavy Leadership Scholarship. This \$1500 scholarship was awarded to Tiffany Bird. Mr. Dalton expressed his appreciation to the Mayor for everything that the scholarship represents. He thanked the City Council for all they do on behalf of the students in the community.

Mayor Dunlavy thanked Mr. Dalton for the recognition. He stated how rewarding it is to serve as the mayor and expressed his appreciation to the city council for their service.

Chairwoman Winn closed the public comment period.

Councilman Wardle motioned to amend the agenda by moving item numbers 13, 14, and 15 to be discussed after item number 9, which is approval of the minutes and invoices. He motioned to table item number 13 and to then adjourn to an RDA meeting afterwards. Councilman Pratt seconded the motion. The vote was as follows: Councilman Wardle, "Aye," Councilman Pratt, "Aye," Councilman Pruden, "Aye," Councilman McCall, "Aye," and Chairwoman Winn, "Aye." The motion passed.

#### 5. **Ordinance 2017-15 An Ordinance of Tooele City Correcting TCC Section 4-11a-2 Regarding Park Strip Trees**

Presented by Roger Baker

TCC refers to the Tooele City Code. The city code has a provision that authorizes specific trees that are authorized to be planted in the park strips. Certain types of trees can break the sidewalk if planted in the parking strips. This ordinance is to correct a mistaken-cross reference in the city code. One provision references another provision and that reference is incorrect. This is a technical correction of a cross reference.

Councilman McCall motioned to adopt Ordinance 2017-15. Councilman Pratt seconded the motion. The vote was as follows: Councilman Wardle, "Aye," Councilman Pratt, "Aye," Councilman McCall, "Aye," Councilman Pruden, "Aye," and Chairwoman Winn, "Aye." The ordinance passed.

6. **Ordinance 2017-16 An Ordinance of Tooele City Amending Tooele City Code Chapter 5-20 Regarding the Proximity of Specified Community Locations to New Restaurants Serving Alcohol**

Presented by Roger Baker

A new state law, House Bill 442, requires a minimum of 300 feet distance between restaurants that serve alcohol and certain community locations such as parks, libraries, schools, and churches. (Prior to this new law the required distance was 600 feet.) This ordinance brings the city code into alignment with the new state law.

Councilman Pratt motioned to adopt Ordinance 2017-16. Councilman Wardle seconded the motion. The vote was as follows: Councilman Wardle, "Aye," Councilman Pratt, "Aye," Councilman Pruden, "Aye," Councilman McCall, "Aye," and Chairwoman Winn, "Aye." The ordinance passed.

7. **Ordinance 2017-18 An Ordinance of Tooele City Code Section 5-1-7 Regarding Occasional Businesses Operated by Minors**

Presented by Roger Baker

This ordinance is required by a new state law, Senate Bill 81. It prohibits all municipalities from requiring a business license or fee for businesses that are operated occasionally by minors under the age of 18. The state did not define the term "occasional," which leaves it up to interpretation by the city.

Councilman Pratt asked if the ordinance would apply to lemonade stands, minors mowing lawns, etc.

Mr. Baker stated that it's difficult to know where to draw line as to what would be deemed "occasional." For example, if a minor mowed lawns daily for four months that would not be considered an occasional business, however, if a minor painted someone's house one time, or had a lemonade stand on an occasional basis, that would qualify under this new state law.

Councilman Pruden motioned to adopt Ordinance 2017-18. Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, "Aye," Councilman Pruden, "Aye," Councilman Pratt, "Aye," Councilman Wardle, "Aye," and Chairwoman Winn, "Aye." The ordinance passed.

8. **PUBLIC HEARING & MOTION on Ordinance 2017-09 An Ordinance of Tooele City Amending the Tooele City General Plan, Land Use Element from General Commercial (GC) to High-Density Residential (HDR) for Approximately 9.15 Acres of Property Located at Approximately 850 North 100 East**

Presented by Jim Bolser

This ordinance is regarding an application for property located directly behind Albertsons. The property is located between Scholar Academy and an apartment complex. The applicants have submitted a request to amend the Land Use Map and Zoning Map. Amending the Land Use Map to change from general commercial to high-density residential for this property is a required first step to allow for the development of multi-family housing on this land. The applicant has submitted conceptual plans for consideration. The Planning Commission has reviewed the application, held public hearings, and forwarded a positive recommendation for the Council to consider.

City staff recommends an approval be made contingent upon development of a public right-of-way, or street, to run from 100 East through this property to the properties east of it to enable emergency vehicle access and assist with traffic flow as well as to avoid land-locking any properties.

Chairwoman Winn invited anyone from the public to comment on this proposal; no one came forward. Chairwoman closed the public hearing.

Councilman McCall motioned to adopt Ordinance 2017-09 with conditions presented by staff. Councilman Wardle seconded the motion. The vote was as follows: Councilman McCall, "Aye," Councilman Pruden, "Aye," Councilman Pratt, "Aye," Councilman Wardle, "Aye," and Chairwoman Winn, "Aye." The ordinance passed.

9. **PUBLIC HEARING & MOTION on Ordinance 2017-10 An Ordinance of Tooele City Amending the Tooele City Zoning Map for Approximately 9.15 Acres of Property Located Near 850 North 100 East from General Commercial (GC) to High-Density Residential (HDR)**

Presented by Jim Bolser

Chairwoman Winn explained that this ordinance changes the zoning of the property discussed in agenda item number eight from general commercial to high-density residential. Mr. Bolser verified Chairwoman Winn's explanation and requested the council reiterate that the approval for the Zoning Map Amendment is conditional upon the development of a right-of-way from 100 East through the property to the properties located east of the land.

Councilman Wardle motioned to amend the ordinance to include the following language as part of the zoning change: "That as a condition of approval, that it requires a dedicated public road through the subject property in question, to connect 100 East to the property east of the subject property as a means not to land-lock the property, ensure and improve public safety, and emergency services access, and improve traffic flow, connectivity, and management of the overall area."

Chairwoman Winn invited anyone from the public to comment on this proposal; no one came forward. Chairwoman closed the public hearing.

Councilman Wardle moved to adopt Ordinance 2017-10 with the included language he presented specifying the conditions for approval. Councilman Pruden seconded the motion. The vote was as follows: Councilman Wardle, "Aye," Councilman Pratt, "Aye," Councilman Pruden, "Aye," Councilman McCall, "Aye," and Chairwoman Winn, "Aye." The ordinance passed.

## 10. Minutes

Councilman Pratt motioned to approve the minutes from the City Council Meeting dated May 3, 2017. Councilman McCall seconded the motion. The vote was as follows: Councilman Wardle, "Aye," Councilman Pratt, "Aye," Councilman Pruden, "Aye," Councilman McCall, "Aye," and Chairwoman Winn, "Aye." The motion passed.

## 11. Invoices

Presented by Michelle Pitt

An invoice for Turf Equipment and Irrigation Inc. for \$27,128.42 for one aerator for the golf course was presented.

Councilman Pratt motioned to approve the invoice. Councilman Pruden seconded the motion. The vote was as follows: Councilman Wardle, "Aye," Councilman Pratt, "Aye," Councilman Pruden, "Aye," Councilman McCall, "Aye," and Chairwoman Winn, "Aye." The motion passed.

Chairwoman Winn turned the time over to the Redevelopment Agency (RDA) Chair, Councilman Pratt, to conduct business relating to the RDA.

## 12. RDA Resolution 2017-01 A Resolution of the Redevelopment Agency of Tooele City Designating the Tooele Business Park Community Reinvestment Project Area be Created and Authorizing and Directing all Necessary Action by the Agency, Staff, and Consultants

Presented by Randy Sant

Mr. Sant explained that this resolution is the first of many steps that need to take place to move forward with this project. The boundaries are the commercial park which is approximately 360 acres, 267 of which are owned by the Redevelopment Agency (RDA), while the rest is privately owned. This resolution is regarding all of the property to the south of the USU/TATC campuses; the RDA is proposing putting that land into a redevelopment area. This resolution authorizes the city to begin the process.

Councilman Pruden motioned to adopt RDA Resolution 2017-01. Councilwoman Winn seconded the motion. The vote was as follows: Councilman Wardle, "Aye," Councilwoman Winn, "Aye," Councilman Pruden, "Aye," Councilman McCall, "Aye," and Councilman Pratt, "Aye." The motion passed.

## 13. RDA Resolution 2017-02 A Resolution of the Redevelopment Agency of Tooele City Designating the Tooele 1000 North West Industrial Community Reinvestment Project Area be Created and Authorizing and Directing all Necessary Action by the Agency, Staff, and Consultants

Presented by Randy Sant

The Ninigret Peterson Depot is running out of space for new businesses. The city is looking at areas within the community where further economic development can take place. The city is looking at land

at the west end of 1000 North. This resolution takes 360-400 acres of property and allows the city to put it back into a community reinvestment area. This is the beginning of many necessary steps to develop the area.

Councilman Wardle moved to adopt RDA Resolution 2017-02. Councilman McCall seconded the motion. The vote was as follows: Councilman Wardle, "Aye," Councilwoman Winn, "Aye," Councilman Pruden, "Aye," Councilman McCall, "Aye," and Councilman Pratt, "Aye." The motion passed.

**14. RDA Resolution 2017-03 A Resolution of the Redevelopment Agency of Tooele City Designating the Tooele 1000 North Retail Community Reinvestment Project Area be Created and Authorizing and Directing all Necessary Action by the Agency, Staff, and Consultants**

Presented by Randy Sant

The city has been working for eight years to move forward with a retail development on 1000 North and Main Street. The city needs to consider including the property in a potential community reinvestment area which includes 31 acres on the corner of 1000 North and Main Street that the RDA owns. There is also an opportunity to develop 25 acres of land on the north side of 1000 North near the bowling alley and to the west of the Performance Auto car dealership. The combined area for this project would be 55-60 acres. This resolution begins the process to develop the land.

Councilwoman Winn moved to adopt RDA Resolution 2017-03. Councilman McCall seconded the motion. The vote was as follows: Councilman McCall, "Aye," Councilman Pruden, "Aye," Councilwoman Winn, "Aye," Councilman Wardle, "Aye," and Councilman Pratt, "Aye." The resolution passed.

**15. Approval of a Listing Agreement for the Sale of Property within the Tooele Commercial Park with CBC Advisors--tabled**

This item was tabled.

**16. Adjourn**

Councilman Pratt moved to adjourn the meeting. Councilwoman Winn seconded the motion. The vote was as follows: Councilman Wardle, "Aye," Councilwoman Winn, "Aye," Councilman Pruden, "Aye," Councilman McCall, "Aye," and Councilman Pratt, "Aye." The motion to adjourn passed.

The meeting adjourned at 8:00 p.m.

*The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.*

Approved this 7<sup>th</sup> day of June, 2017.

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Debra E. Winn, Tooele City Council Chair