



**Planning Commission Meeting
Thursday, May 30, 2019
City Hall Council Chambers
5249 S. South Pointe Dr. Washington Terrace City
801-393-8681**

1. ROLL CALL 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. WELCOME

4. RECURRING BUSINESS

4.1 MOTION: APPROVAL OF AGENDA

Any point of order or issue regarding items on the Agenda or the order of the agenda need to be addressed here prior to the approval of the agenda.

4.2 MOTION: APPROVAL OF MINUTES FOR APRIL 25, 2019

5. SPECIAL ORDER

Special orders will proceed as follows: Chair introduction of item, staff/applicant presentation, questions by commission, Chair opens public hearing, citizen input; Chair closes public hearing, then commission final discussion.

5.1 PUBLIC HEARING: TO HEAR COMMENT ON PROPOSED ORDINANCE 19-03 AMENDING SECTION 17.28.50 "CONDITIONAL USES" TO ALLOW FOR ONLINE SALES, ONLINE CAR SALES AND FOOD TRUCK OPERATIONS

5.2 PUBLIC HEARING: TO HEAR COMMENT ON PORPOSED ORDINANCE 19-04 AMENDING CHAPTER 5 "BUSINESS LICENSING AND REGULATION" TO ALLOW FOR FOOD TRUCKS

5.3 PUBLIC HEARING: TO HEAR COMMENT ON PROPOSED ORDINANCE 19-05 AMENDING CHAPTER 12.06 "PUBLIC PARKS AND GROUNDS", SECTION 12.06.04 "PROHIBITIONS" TO ADD A PROHIBITION AGAINST SLIDING OF ANY KIND WHICH MAY CAUSE DAMAGE TO HILLSIDES OR PARK GRASS AREAS

6. NEW BUSINESS

In compliance with the Americans with Disabilities Act, persons who have need of special accommodation should contact the City Recorder at 395-8283

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in three public places within the City of Washington Terrace City limits and faxed to the *Standard Examiner* at least 24 hours prior to the meeting.
Amy Rodriguez, Washington Terrace City Recorder

6.1 MOTION/ORDINANCE 19-03: MOTION TO RECOMMEND APPROVAL OF ORDINANCE 19-03 AMENDING SECTION “17.28.50 “CONDITIONAL USES” TO ALLOW FOR ONLINE SALES (AUTO), FOOD TRUCKS, AND ONLINE SALES (OFFICE)

6.2 MOTION/ORDINANCE 19-04: MOTION TO RECOMMEND APPROVAL OF ORDINANCE 19-04 AMENDING CHAPTER 5 “BUSINESS LICENSING AND REGULATIONS” TO ALLOW FOR FOOD TRUCKS IN THE CITY

6.3 MOTION/ORDINANCE 19-05: MOTION TO RECOMMEND APPROVAL OF ORDINANCE 19-05 AMENDING CHAPTER 12.06 “PUBLIC PARKS AND GROUNDS”, SECTION 12.06.040 “PROHIBITIONS” TO ADD A PROHIBITION AGAINST SLIDING OF ANY KIND WHICH MAY CAUSE DAMAGE TO HILLSIDES OR PARK GRASS AREAS

7. BUILDING AND PLANNING UPDATES

8. MOTION: ADJOURN THE MEETING

In compliance with the Americans with Disabilities Act, persons who have need of special accommodation should contact the City Recorder at 395-8283

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City of Washington Terrace

Minutes of a Regular Planning Commission Meeting held on
Thursday, April 25, 2019
City Hall, 5249 South 400 East, Washington Terrace City,
County of Weber, State of Utah

12 **PLANNING COMMISSION AND STAFF MEMBERS PRESENT**

13 Chairman Scott Larsen
14 Commissioner Dwight Henderson
15 Commissioner Darren Williams
16 Commissioner Dan Johnson
17 Commissioner T.R. Morgan – Excused
18 Commissioner Wallace Reynolds
19 Commissioner Charles Allen
20 Chief Building Inspector Jeff Monroe
21 City Recorder Amy Rodriguez

22
23 **Others Present**

24 Williamd Davis, Colby Sherman, Skyler Moss, Jay and Susan Savitt, Aaron McKary, Andy
25 Mccrary

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28 **1. ROLL CALL**

6:00 p.m.

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30 **2. PLEDGE OF ALLEGIANCE**

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32 **3. WELCOME**

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34 **4. RECURRING BUSINESS**

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36 **4.1 MOTION: APPROVAL OF AGENDA**

Motion by Commissioner Reynolds
Seconded by Commissioner Williams
To approve the agenda
Approved unanimously (6-0)

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42 **4.2 MOTION: APPROVAL OF MINUTES FOR MARCH 28, 2019**

Motion by Commissioner Allen
Seconded by Commissioner Henderson
To approve the Minutes of March 28, 2019
Approved unanimously (6-0)

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5. SPECIAL ORDER

5.1 PUBLIC HEARING: TO HEAR COMMENT IN SUPPORT OR OPPOSITION TO A PROPOSED SUBDIVISION “STANDARD TOWNHOMES PHASE 2” LOCATED AT 180 EAST 5000 SOUTH

Chairman Larsen opened the public hearing at 6:04 p.m.

There were no citizen comments.

Chairman Larsen closed the public hearing at 6:05 pm.

5.2 PUBLIC HEARING: TO HEAR COMMENT ON A PORPOSED ORDINANCE “VACATION SHORT TERM RENTALS” FOR BUSINESS LICENSING AND REGULATIONS

Chairman Larsen opened the public hearing at 6:06 p.m.

Resident William Davis -195 W 4775 S- stated that he has rented out his Washington Terrace Rental property in that past and has had great experience. He stated that he is following the codes in the proposed ordinance. He stated that he is pleased with the proposed ordinance and having the regulations specified and written out.

He stated that Air B&B is typically used for more than one family at a time and would like to see that each room can be rented out.

Chairman Larsen closed the public hearing at 6:07 p.m.

6. NEW BUSINESS

6.1 MOTION: PRELIMINARYAND FINAL SUBDIVISION AND SITE PLAN APPROVAL FOR “STANDER TOWNHOMES PHASE 2” LOCATED AT 180 EAST 5000 SOUUTH

Monroe stated that staff gives a favorable recommendation for moving forward, stating that all the requirements have been met.

Commissioner Reynolds asked if the building plans have been turned in. Monroe stated that the building plans match the existing buildings across the street as in Phase 1.

Commissioner Allen commented that the writing is too small to be read.

Staff will provide 11 x 17 in the future.

Monroe stated that the stub road will be dedicated to the city and it will not be a private road. Monroe stated that there will not be parking along the stub road.

Commissioner Allen stated that the configuration has changed from the initial viewing.

Monroe stated that he spoke to Interim Chief Peterson to discuss the new concept.

Interim Chief Peterson stated to Monroe that they are happy with the new configuration

94 and approved it at the development review meeting earlier in the month. Monroe stated
95 that two fire hydrants will be added to the subdivision.

96
97 **Motion by Commissioner Henderson**
98 **Seconded by Commissioner Reynolds**
99 **To approve the preliminary and final subdivision**
100 **And the site plan for Stander Townhomes Phase 2 located at**
101 **180 E 5000 S**
102 **Approved unanimously (6-0)**
103

104 **6.2 MOTION: CONDITIONAL USE PERMIT FOR DRIVE-LINE AUTO SALES**
105 **TO BE LOCATED AT 310 EAST 5000 SOUTH**

106 Monroe stated that the business complies with the C-2 zone, which requires a conditional
107 use permit for auto sales. Monroe stated that the facility has been totally remodeled
108 (formerly Neptune Pool). Monroe stated that the business has been reviewed with staff at
109 development review and they have given a favorable recommendation. Monroe stated
110 that the open RV storage stalls are already existing and would be an existing use. Monroe
111 stated that the storage units and existing stalls have been grandfathered in as an existing
112 use. Monroe stated that the pool has been removed and the building has been updated
113 with electrical.

114 Jay Savitt thanked the Commission for their consideration. He noted that they are leasing
115 the property and stated that the owner will be putting in retention on the property.

116 Commissioner Allen asked about the parking spaces. He wanted to know how far the
117 ADA parking is to the office. Savitt stated that the parking space has not been designated
118 but he will make sure it is close to the office with no obstructions.

119 Savitt stated that the business plan involves “by appointment only”. Commissioner Allen
120 asked about lighting around the area as well as security. Savitt stated that the owner will
121 be installing securing and fencing around the area. Savitt stated that a security system is a
122 condition of his insurance policy. Monroe stated that the landscaping business is separate
123 from the auto sales business. Commissioner Allen noted that the parking spots need to be
124 painted. Savitt stated that the exit and entrance will come off of 5000 South. Savitt stated
125 that they will use the property a year at a time.

126 Savitt stated that they looked at demographics and economic growth while choosing a
127 location for their business. He stated that they feel that it is a good location and have a
128 perfect location for their customer base. Savitt stated that his wife will be managing the
129 day to day operations. He stated that they will be marketing online, KSL, and different
130 media outlets. He stated that the cars will be onsite to be sold.

131
132 **Motion by Commissioner Allen**
133 **Seconded by Commissioner Johnson**
134 **To approve the conditional use permit for Drive Line Auto Sales**
135 **To be located at 310 East 5000 South**
136 **Approved unanimously (6-0)**
137

138 **6.3 MOTION/ORDINANCE 19-02: MOTION TO RECOMMEND APPROVAL**
139 **OF ORDINANCE 19-02 “VACATION SHORT TERM RENTAL” FOR**
140 **BUSINESS LICENSING AND REGULATIONS**

141
142 Monroe stated that staff has found that vacation rental properties are popping up within
143 the city. Monroe stated that the business license at this time does not reflect short term
144 rentals. Monroe stated that staff wants to make sure that the short term rentals are
145 neighborhood friendly. He stated that some cities have short terms rentals that have late
146 night partying and parking situations. Monroe stated that the ordinance will discuss
147 traffic, nuisance issues, and snow removal, along with other issues. He stated that the
148 ordinance will specify what is expected from these types of rentals. Monroe stated that he
149 feels that the homes need to be rented out as a whole, and not room by room, to keep the
150 single family neighborhood intact. Monroe stated that staff has found a lot more of Air
151 B&B rentals in the Terrace than were previously thought.
152 Monroe stated that the reason for the separation between the properties is to deter rows of
153 rental properties. Commissioner Allen stated that by doing that we are restricting
154 someone from renting out their home. Commissioner Allen recommended taking that line
155 out. Commissioner Williams stated that if all the requirements are met, they should be
156 allowed to rent as well. The Commission decided to take that line out of the ordinance.
157 Monroe stated that smoke detectors are covered under the building code.
158 Commission Allen asked if the sign will be placed on the outside or the inside of the front
159 door. Monroe stated that it would be placed on the inside of the door so the guests know
160 who to contact.

161
162 **Motion by Commissioner Reynolds**
163 **Secoded by Commissioner Allen**
164 **To approve recommendation of ordinance 19-02**
165 **“Vacation Short Term Rentals” with the**
166 **amendments**
167 **Approved unanimously (6-0)**
168

169 **6.4 DISCUSSION: AMENDING CHAPTER 17.28.50 “USE REGULATIONS”**
170 **CONCERNING THE USE OF C-1 ZONE FOR ONLINE SALES**

171 Monroe stated that the C-1 zone does not allow online sales. Monroe stated that he
172 recommends adding online sale businesses to the conditional uses for C-1 zones. He
173 stated that the C-2 zone allows online car sales with a conditional use. The Commission
174 had no concerns by adding general online sales to the ordinance and allow them in the C-
175 1 zone. Monroe stated that he does not know if it would hurt our sales by using brick and
176 motor buildings to house online sales.

177 Resident Colby Sherman approached the Commission, stating that he has been looking at
178 Stan’s Tuxedo location for his business. He stated that he would like to revitalize the
179 building for his auto sales business. He stated that he did not want to pull the wool over
180 anyone’s eyes and wants to comply with city ordinance. Monroe stated that he will need
181 to set the conditions in the C-1 zone

182
183 **6.5 DISCUSSION: AMENDING CHAPTER 17.28.50 “USE REGULATIONS:**
184 **CONCERNING FOOD TRUCKS**

185 Monroe stated that there is leeway for food trucks. He stated that if food trucks meet the
186 fire code in their community, they can go onsite to other communities. Monroe stated that

187 cities still have the right to inspect the truck. Monroe stated that we do not allow food
188 trucks in the city.
189 Monroe stated that he spoke with staff about any negative impacts for the community. He
190 stated that staff has not seen any downsides in allowing food trucks in the area. He stated
191 that the city would not receive money from the trucks, but they may be advantageous to
192 have them at Terrace Days, or School events. Monroe stated that he may create a special
193 event license (possibly with no charge) so that the City will know if they are in the City
194 and where they will be located.
195 Chairman Larsen stated that he feels that they would be ok as long as the trucks are not
196 obstructing anything.
197 Monroe stated that one of the issues would be setting a time limit for the trucks so that
198 they do not compete with other sales.
199 Commissioner Allen gave Monroe some suggestion for the ordinance.
200 Commissioner Allen stated that we should only allow trucks at school sporting events,
201 Terrace Days, and City approved special events. He stated that the number of food trucks
202 can be determined by the city manager, council, and school officials. He stated that the
203 City manager and recreation director can determine how many trucks should be allowed
204 at Terrace Days.
205 He stated that he feels that parking hours and locations should be determined by the
206 persons authorizing the number of trucks at each event.
207 Commissioner Allen stated that each food truck must obtain a permit, and inspection on
208 each food truck prior to obtaining a city permit.
209 Commissioner Allen stated that he would like to know if the truck is properly registered
210 and the driver is who they say they are. Monroe stated that state law mandates that the
211 trucks are inspected at their home site and given approval in their city of record. Monroe
212 stated that we can inspect if they do not have their sticker or authorization. Monroe stated
213 that state law does not let us pursue food truck inspections anymore, unless there is an
214 issue.
215 Commissioner Allen stated that he wants to make sure that the truck is not a “bomb on
216 wheels”.
217 Chairman Reynolds stated that he feels that it is critical that the people working on the
218 trucks have a license from the Health Department for food handler’s licenses.
219 Commissioner Henderson stated that the state has strict restrictions for food trucks
220 already.
221

222 **7. BUILDING AND PLANNING UPDATES**

223 Monroe stated that there are a few infill subdivisions coming in.
224 Monroe stated that the medical Professional building came in to get a permit, however, it
225 has not been returned at this time.
226

227 **8. MOTION: ADJOURN THE MEETING**

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230 **Motion by Commissioner Johnson**
231 **Seconded by Commissioner Williams**
232 **To adjourn the meeting at**
233 **Approved unanimously**

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Time 7:07 p.m.

Date Approved

City Recorder



Planning Commission Staff Report

Building & Planning

Author: Planning Dept.
Subject: AMENDING SECTION; 17.28.050, "Use Regulation"
COMMERCIAL ZONE ORDINANCE CHAPTER 17
Date: April 28, 2016
Type of Item: Discussion/Action

Summary Recommendations: Motion to recommend approval to amend Chapter 17.28.050, "Use Regulations", Commercial zone Chapter 17. To allow on-line sales and to amend auto sales to be a 'Conditional Use' in the C-1 zone. Also to insert food Truck Sales as a permitted use.

Description:

A. Background: After review of section 17.28.050, "Uses Regulation", it has been determined that we need to address or allow on-line sales, food truck sales, and for a Conditional Use for auto sales in the C-1 zone.

B. Analysis: When businesses and developers inquire or ask about what they can build in the commercial zone, the "Uses Regulation" section identifies what is permitted or not permitted and/or falls into the conditional use category in the commercial zone. The section "Uses" helps a Developer and/or Businesses to know what he can or cannot operate in the two (2) commercial zones.. If the 'Use' is not listed it is not allowed in the "Uses for that section of code. The 'Conditional Use' section identifies what is allowed and required to meet certain municipal guidelines for approval.

The purpose and intent is to establish an ordinance which will provide suitable areas for locations for various types of commercial businesses that will best fit the community and the economic desired returns and allow developers and business owners to understand the different type of land uses within the commercial zones and the necessary requirements they will need to follow to establish a businesses within the Washington Terrace City.

"See the changes in the Recital as part of the Ordinance in section 17.28.050"

C. Staff recommendation: Staff recommends approval of the amendment.

Alternatives:

A. Approve the Request:

The Planning Commission should recommend and approve amending chapter 17.28.050, "Uses Regulation" to the City Council,

B. Deny the Request:

The Planning Commission can deny the recommendation.

C. Continue the Item:

The Planning Commission may table the request to a later meeting, subject to suggesting additional information, or requiring changes to the ordinance prior to making a recommendation to the City Council.

**WASHINGTON TERRACE CITY
ORDINANCE 19-03**

COMMERCIAL ZONES AMENDED

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH,
AMENDING CHAPTER 17.28 RELATING TO THE COMMERCIAL ZONES;
MAKING TECHNICAL CHANGES; SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, Washington Terrace City (hereafter referred to as “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 authorizes the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the City to regulate land use and development;

WHEREAS, after publication of the required notice, the Planning Commission held its public hearing on May 30, 2019, to take public comment on this Ordinance, and subsequently gave its recommendation to _____ this Ordinance on _____;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on _____, and desires to act on this Ordinance;

NOW, THEREFORE, be it ordained by the City Council of Washington Terrace City as follows:

Section 1: Repealer. Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. Chapter 17.28, section 17.28.050 of the *Washington Terrace Municipal Code* is hereby amended to read as follows. (highlighted and underlined)

NOW, THEREFORE, that the City of Washington Terrace Section 17.28.050 to amend and add following “Uses” as Automobile, new or used, sales and service(on-line sales), Food truck sales and Online office sales.

**Chapter 17.28
Commercial Zones**

Sections:
17.28.050. Use Regulation.

17.28.050. Use Regulation.

- In the following list of possible uses, those designated in any zone as “Permitted” will be a permitted use. Uses designated a “Conditional” will be allowed only when authorized by a conditional use permit obtained as provided in Chapter 17.68 of this Zoning Ordinance. Uses designated as “None” is not allowed in that zone. Additionally, any use or proposed used that is not identified or designated by this chapter as either Permitted or Conditional is not permitted in any commercial zone.

| Use | C-1 | C-2 |
|---|--------------------|-------------|
| Accessory buildings and uses customarily incidental to a permitted use. | Permitted | Permitted |
| Altering, pressing, and repairing of wearing apparel | Permitted | Permitted |
| Ambulance base stations | Permitted | Permitted |
| Amusement enterprises, including seasonal or transient amusement | Conditional | Conditional |
| Animal / Vet care hospital | Permitted | Permitted |
| Antique, import or souvenir shop | Permitted | Permitted |
| Arcade | Conditional | Permitted |
| Art and artists supply store | Permitted | Permitted |
| Athletic and sporting goods store, excluding sale or repair of motor vehicles, motor boats, or motors | Permitted | Permitted |
| Athletic club or gym | Permitted | Permitted |
| Automobile repair including paint, body and fender, brake, muffler, upholstery or transmission work, provided conducted within a completely enclosed building | None | Conditional |
| Automobile, new or used, sales and service <u>and on-line sales</u> | <u>Conditional</u> | Conditional |
| Bakery with retail shop | Permitted | Permitted |
| Bank or financial Institution | Permitted | Permitted |
| Barber shop | Permitted | Permitted |
| Beauty and cosmetic business or school | Permitted | Permitted |
| Bed and breakfast inn | Conditional | Conditional |
| Bicycle sales and service | Permitted | Permitted |
| Boat sales and service | None | Conditional |
| Book store, retail | Permitted | Permitted |
| Bowling alley | None | Conditional |
| Cafe or cafeteria | Permitted | Permitted |
| Camera store | Permitted | Permitted |
| Candy store | Permitted | Permitted |
| Car wash, automatic or manual | Conditional | Conditional |
| Carbonated beverage or non-alcoholic beverage_sales | Permitted | Permitted |
| Carpet, rug, floor covering, and linoleum sales and service | Permitted | Permitted |
| Cash advance establishments | None | Conditional |

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|---|------------------|------------------|
| Cash register sales and service | Permitted | Permitted |
| Catering establishment | Permitted | Permitted |
| China, crystal and silver shop | Permitted | Permitted |
| Christmas tree sales | Permitted | Permitted |
| Church | Permitted | Permitted |
| Clothing and accessory store | Permitted | Permitted |
| Coin shop | Permitted | Permitted |
| Communication equipment building | Permitted | Permitted |
| Computer service, printing, and supplies | Permitted | Permitted |
| Convenience store | Permitted | Permitted |
| Costume and clothing rental | Permitted | Permitted |
| Dairy products store | Permitted | Permitted |
| Data processing or office machine services, sales, and supplies | Permitted | Permitted |
| Daycare, nursery, or preschool, Montessori schools | Conditional | Conditional |
| Delicatessen | Permitted | Permitted |
| Department store | Permitted | Permitted |
| Detective/security agency | Permitted | Permitted |
| Drapery and curtain store | Permitted | Permitted |
| Drug store/Pharmacy | Permitted | Permitted |
| Dry cleaning establishment | Permitted | Permitted |
| Educational institution | Permitted | Permitted |
| Electrical and heating appliances, fixtures, sales, and service | Conditional | Permitted |
| Electronic equipment sales and service | Permitted | Permitted |
| Employment agency | Permitted | Permitted |
| Fabric and textile store | Permitted | Permitted |
| Florist shop | Permitted | Permitted |
| Food truck sales | Permitted | Permitted |
| Fraternal organization | Permitted | Permitted |
| Fruit or vegetable stand | Permitted | Permitted |
| Furniture sales and repair | Permitted | Permitted |
| Garden supplies and plant material sales | Permitted | Permitted |
| Gift store | Permitted | Permitted |
| Glass sales and service | Permitted | Permitted |
| Golf course/ driving range | Permitted | Permitted |
| Government buildings or uses, non-industrial | Permitted | Permitted |
| Greenhouse and nursery, soil and lawn service | Conditional | Conditional |
| Grocery store | Conditional | Permitted |
| Grooming for cats and dogs | Permitted | Permitted |
| Gymnasium | Permitted | Permitted |
| Hardware store | Permitted | Permitted |
| Health club | Permitted | Permitted |
| Health food store | Permitted | Permitted |
| Hobby and crafts store | Permitted | Permitted |
| Hospital supplies | None | Permitted |

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|--|------------------|------------------|
| Hotel | Conditional | Conditional |
| House cleaning | Permitted | Permitted |
| Ice cream parlor or ice sales | Permitted | Permitted |
| Insurance agency, stock broker, or investments | Permitted | Permitted |
| Interior decorating and design establishment | Permitted | Permitted |
| Janitor service and supply | Permitted | Permitted |
| Jewelry store sales and services | Permitted | Permitted |
| Laboratory, dental or medical | Permitted | Permitted |
| Laundromat | Permitted | Permitted |
| Lawn mower and small engine equipment sales and service | Conditional | Permitted |
| Leather goods sales and service | Permitted | Permitted |
| Legal office | Permitted | Permitted |
| Library | Permitted | Permitted |
| Linen store | Permitted | Permitted |
| Liquor store, | Permitted | Permitted |
| Locksmith | Permitted | Permitted |
| Luggage store | Permitted | Permitted |
| Lumber yard and building material sales, retail only | None | Conditional |
| Manufacture of goods retailed on premises | Conditional | Conditional |
| Meat, fish, and seafood retail store | Permitted | Permitted |
| Miniature golf | Conditional | Conditional |
| Mortuary | None | Conditional |
| Motel | None | Conditional |
| Movie theater, indoor only | Conditional | Permitted |
| Museum | Permitted | Permitted |
| Music store | Permitted | Permitted |
| Needlework, embroidery, quilting, or knitting store | Permitted | Permitted |
| Newsstand | Permitted | Permitted |
| Novelty store, except adult novelties as per definition per sexual oriented businesses | Conditional | Permitted |
| Office where no goods are created, exchanged, or sold | Permitted | Permitted |
| Office supply store | Permitted | Permitted |
| <u>Online office sales</u> | <u>Permitted</u> | <u>Permitted</u> |
| Optometrist or optician office | Permitted | Permitted |
| Ornamental iron sales or repair | Conditional | Permitted |
| Paint or wallpaper store | Permitted | Permitted |
| Park and playground | Permitted | Permitted |
| Pet supply store, Grooming and Boarding | Conditional | Permitted |
| Photo studio and photo supplies | Permitted | Permitted |
| Physician or surgeon | Permitted | Permitted |

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| Plumbing shop | Conditional | Permitted |
| Popcorn or nut shop | Permitted | Permitted |
| Post office | Permitted | Permitted |
| Printing, publishing, or reproductions sales and services | Permitted | Permitted |
| Public Building | Permitted | Permitted |
| Public utilities substation | Conditional | Conditional |
| Radio and television sales and service | Permitted | Permitted |
| Radio <u>or</u> television broadcasting station | Conditional | Conditional |
| Real estate agency | Permitted | Permitted |
| Reception center or wedding chapel | Conditional | Conditional |
| Recreation center | Conditional | Conditional |
| Rental equipment | Permitted | Conditional |
| Restaurant, no alcohol | Permitted | Permitted |
| Restaurant with alcohol | Conditional | Conditional |
| Restaurant, drive-in or drive-thru | Conditional | Permitted |
| Service station automobile, excluding painting, body, fender, and upholstery work. | Conditional | Permitted |
| Service station, automobile with car wash as accessory use | Conditional | Conditional |
| Sewing machine sales and repair | Permitted | Permitted |
| Shoe repair or shoe shine shop | Permitted | Permitted |
| Shoe Store | Permitted | Permitted |
| Spa and massage establishment | Permitted | Permitted |
| Supermarket | Permitted | Permitted |
| Tailor shop | Permitted | Permitted |
| Taxidermist | Permitted | Permitted |
| Telecommunication office | Permitted | Permitted |
| Television or satellite array store | Permitted | Permitted |
| Temporary building for uses incidental to construction work, such buildings shall be removed upon the completion of the construction work. | Permitted | Permitted |
| Thrift store | Conditional | Conditional |
| Tire sales and service | None | Conditional |
| Tobacco sales, smoke shop, or vapor shop | Conditional | Conditional |
| Toy store, retail | Permitted | Permitted |
| Trailer sales and service | None | Conditional |
| Travel agency | Permitted | Permitted |
| Upholstery shop | Permitted | Permitted |
| Vehicle rental | Conditional | Permitted |
| Vending booth | Permitted | Permitted |
| Window washing establishment | Permitted | Permitted |

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Section 4: Effective date. This Ordinance shall be effective immediately upon posting or publication after final passage.

ADOPTED AND APPROVED on this ____ day of _____, 2019.

MARK C. ALLEN, Mayor,
Washington Terrace City

ATTEST:

AMY RODRIGUEZ, City Recorder

RECORDED this ____ day of _____, 2019.

PUBLISHED OR POSTED this ____ day of _____, 2019.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the City Recorder of the City of Washington Terrace, Utah, hereby certify that foregoing Ordinance was duly passed and published or posted at 1) _____, 2) _____, and 3) _____ on the above referenced dates.

_____ DATE: _____

AMY RODRIGUEZ, City Recorder



Planning Commission Staff Report

Building & Planning

Author: Planning Dept.
Subject: ADOPTING SECTION; 5.07 FOOD TRUCK ORDINANCE,
Date: MAY 30, 2019
Type of Item: Discussion/Action/Motion

Summary Recommendations: Motion for recommendation for approval to adopt Chapter 5.07, Food Truck Ordinance, allowing for Food Trucks to operate within the City of Washington Terrace and provision regulating operation and licensing.

Description:

A. Analysis: The staff felt that there were some benefits to allowing Food Truck vendors to operate at special functions within the City (ie. Terrace Days, special events that are taken place at the Schools and the Hospital). Staff also felt that it may even have an economic benefit and did not see any down side to approving the ordinance for allowing Food Truck vendors within the city. The Planning Commission discussed the topic at a previous meeting and a Public Hearing has been planned to coincide with the ordinance discussion and possible recommendation.

B. Staff recommendation: Staff recommends approval of the Ordinance.
Please see attached recital for ordinance.

Alternatives:

A. Approve the Request:

The Planning Commission by motion recommend approval to the City Council for the Ordinance Section 5.07 Food Truck Ordinance,

B. Deny the Request:

The Planning Commission can deny the recommendation.

C. Continue the Item:

The Planning Commission may table the request to a later meeting, subject to suggesting additional information, or requiring changes to the ordinance.

WASHINGTON TERRACE CITY
ORDINANCE 19-04

FOOD TRUCK BUSINESS

AN ORDINANCE ADOPTING CHAPTER 5.07 OF THE MUNICIPAL CODE RELATING TO FOOD TRUCK BUSINESSES; ADOPTING REGULATIONS PROVIDED UNDER STATE LAW; MAKING TECHNICAL CHANGES; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Washington Terrace City (hereafter referred to as “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §10-8-84 authorizes the City to provide for safety, preserve health, promote prosperity, peace, and good order;

WHEREAS, *Utah Code Annotated* §10-1-203 states “the legislative body of a municipality may license for the purpose of regulation and revenue any business within the limits of the municipality and may regulate that business by ordinance.”

WHEREAS, The City desires to regulate retail tobacco specialty businesses;

NOW, THEREFORE, be it ordained by the City Council of Washington Terrace City as follows:

Section 1: **Repealer.** Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: **Amendment.** Chapters 5.07 entitled “Food Truck Businesses” is hereby adopted to read as follows:

Chapter 5.07

FOOD TRUCK BUSINESSES

Section:

5.07.010. Mobile Food Truck business.

5.07.010: Purpose and intent:

5.07.020: Definitions:

5.07.030: Mobile food business allowed:

5.07.040: Application for a business license:

5.07.050: Separate applications:

5.07.060: Fees; annual operations:

5.07.070: Business activity to be temporary:

5.07.080: Mobile food truck:

5.07.090: Design and operations guidelines:

5.07.100: Signs:

5.07.110: Professional and personal services prohibited:

5.07.120: Compliance responsibility:

5.07.130: Special events:

5.07.010 Purpose and intent:

Council finds it necessary to regulate the operation of food trucks in Washington Terrace in order to promote the character, maintain traffic flow in commercial and Residential parking areas, reduce pedestrian / vehicle conflicts, ensure required parking spaces are not obstructed at local businesses, schools and reduce the potential for litter and garbage accumulation, and minimize visual clutter; and with clear and concise regulations to prevent safety, traffic and health hazards, as well as to preserve the peace, safety and welfare of the community.

5.07.020 Definitions:

1. "Mobile Food Business": A business that serves food or beverages from a self-contained unit either motorized or in a trailer on wheels, and conducts all or part of its operations on premises other than its own and is readily movable, without disassembling, for transport to another location. The term "mobile food business" shall not include vending carts or mobile ice cream vendors.
2. "Mobile Food Trailer": A mobile food business that serves food or beverages from a nonmotorized vehicle that is normally pulled behind a motorized vehicle. The term "mobile food trailer" shall not include vending carts, mobile food trucks or mobile ice cream vendors.
3. "Mobile Food Truck": A mobile food business that serves food or beverages from an enclosed self-contained motorized vehicle. The term "mobile food truck" shall not include vending carts, mobile food trailers or mobile ice cream vendors.
4. "Event permit" means a permit that a political subdivision issues to the organizer of a public food truck event located on public property.
5. "Food cart" means a cart:
 - (a) that is not motorized; and
 - (b) that a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumption.

6. "Food truck" means a fully encased food service establishment:
 - (a) on a motor vehicle or on a trailer that a motor vehicle pulls to transport; and from which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption.
 - (b) "Food truck" does not include a food cart or an ice cream truck.
7. "Food truck business" means a person who operates a food truck or, under the same business, multiple food trucks.
8. "Food truck event" means an event where an individual has ordered or commissioned the operation of a food truck at a private or public gathering.
9. "Food truck operator" means a person who owns, manages, or controls, or who has the duty to manage or control, the food truck business.
10. "Food truck vendor" means a person who sells, cooks, or serves food or beverages from a food truck.
11. "Health department food truck permit" means a document that a local health department issues to authorize a person to operate a food truck within the jurisdiction of the local health department.
12. "Ice cream truck" means a fully encased food service establishment:
 - (a) on a motor vehicle or on a trailer that a motor vehicle pulls to transport;
 - (b) from which a vendor, from within the frame of the vehicle, serves ice cream;
 - (c) that attracts patrons by traveling through a residential area and signaling the truck's presence in the area, including by playing music; and
 - (d) that may stop to serve ice cream at the signal of a patron.
13. "Local health department" means the same as that term is defined in Section 26A-1-102.
14. "Political subdivision" means:
 - (a) city, town, or metro township; or
 - (b) county, as it relates to the licensing and regulation of businesses in the unincorporated area of the county.
15. "Temporary mass gathering" means:
 - (a) an actual or reasonably anticipated assembly of 500 or more people that continues, or reasonably can be expected to continue, for two or more hours per day; or
 - (b) an event that requires a more extensive review to protect public health and safety because the event's nature or conditions have the potential of generating environmental or health risks.
16. "Temporary mass gathering" does not include an assembly of people at a location with permanent facilities designed for that specific assembly, unless the assembly is a temporary mass gathering described above.

5.07.30: Mobile Food Business Allowed:

1. No person shall operate a mobile food truck business, without first having obtained a business license from the city in accordance with chapter 5.02.010 of this title, or its successor.
2. Mobile food truck vehicles are allowed to operate but must comply with Utah State law 11-56-102

5.07.040: Application for a Business License:

1. Application for all mobile food businesses shall be made with the city business licensing division, prior to the commencement of operation. The applicant shall submit the following information:

a. Name and address of applicant.

b.. Name and address of the approved commercial supply source and primary licensed food establishment, if applicable.

c. Pass a background check on owner/driver(s).

d. License plate number.

e. A description of the vehicle to be used in conducting business including, but not limited to, a description of any method to display food or products to be offered for sale.

f. A valid copy of all necessary licenses or permits required by State or local health and transportation authorities.

g.. Each applicant for a license or renewal under this chapter shall submit, with its application:

- a certificate of insurance executed by an insurance company or association authorized to transact business in this State, approved as to form by the City Attorney,
- that there is in full force and effect general liability insurance in an amount not less than amounts as set forth in section 63-30-34 of the Utah Code, as amended, or its successor.
- Such policy or policies shall include coverage of all motor vehicles used in connection with applicant's business.
- A current certificate of insurance shall be kept on file with the City Recorder at all times that applicant is licensed by the City verifying such continuing coverage and naming the City as an additional insured.
- The certificate shall contain a statement that the City will be given written notification at least thirty (30) days prior to cancellation or material change in the coverage without reservation of nonliability for failure to so notify the City.
- Cancellation shall constitute grounds for revocation of the license issued hereunder unless another insurance policy complying herewith is provided and is in effect at the time of cancellation/termination.

h. A signed statement that the permittee shall hold the City and its officers and employees harmless from any and all liability and shall indemnify the City and its officers and employees for any claims for damage to property or injury to persons arising from any activity carried on under the terms of the permit.

i. Where applicable, the written consent of the property or business owner.

2. Licensing -- Reciprocity -- Fees.

(a) A political subdivision may not:

(i.) require a separate license, permit, or fee beyond the initial or reciprocal business license described in Subsection (2) and the fee described in Subsection (3) for a

food truck business, regardless of whether a food truck operates in more than one location or on more than one day within the political subdivision in the same calendar year;

(ii.) require a fee for each employee the food truck business employs; or

(iii.) as a business license qualification, require a food truck business to, regarding a food truck operator or food truck vendor:

(a) Submit to or offer proof of a criminal background check; or

(b) Demonstrate how the operation of the food truck business will comply with a land use or zoning ordinance at the time the business applies for the business license.

(b)

(i.) A political subdivision shall grant a business license to operate a food truck within the political subdivision to a food truck business that has obtained a business license to operate a food truck in another political subdivision within the state if the food truck business presents to the political subdivision:

(ii.i) a current business license from the other political subdivision within the state; and

(iii) for each food truck that the food truck business operates:

(A) a current health department food truck permit from a local health department within the state; and

a current approval of a political subdivision within the state that shows that the food truck passed a fire safety inspection that the other political subdivision conducted in accordance with Subsection 11-56-104(4)(a).

If a food truck business presents the documents described in Subsection (2)(a), the political subdivision may not:

(i) impose additional license qualification requirements on the food truck business before issuing a license to operate within the political subdivision, except for charging a fee in accordance with Subsection (3); or

(ii) issue a license that expires on a date earlier or later than the day on which the license described in Subsection (2)(a)(i) expires. (c) Nothing in this Subsection (2) prevents a political subdivision from enforcing the political subdivision's land use regulations, zoning, and other ordinances in relation to the operation of a food truck to the extent that the regulations and ordinances do not conflict with this chapter

5.07.050: Separate Application:

Separate business license applications may be required for each mobile food business. Separate business license fees shall be required for each mobile food business vehicle operating under one (1) business license.

5.07.060: Fees; Annual Operation:

No license shall be issued or continued in operation unless the holder thereof has paid the pertinent business regulatory fees set forth in the City consolidated fee schedule for each mobile food truck business.

5.07.070: Business activity to be temporary:

All business activity related to mobile food truck businesses shall be of a temporary nature, the duration of which shall not extend for more than twelve (12) hours within a twenty four (24) hour period at any one (1) premises or location.

5.07.080: Mobile Food Truck:

1. A Food Truck Operator may use a Food Truck to conduct business in the any zone only as part of an organized event that is sanctioned by a temporary use permit. A Food Truck Operator may not use a Food Truck to conduct business unless the use is consistent with the standards below.
2. A Food Truck Operator may not use a Food Truck to conduct business in the public right-of-way, on a private street, or on public property. A Food Truck Operator may not use a Food Truck to conduct business on private property unless the Food Truck Operator has the express authorization from the property owner(s) of the location where the Food Truck Operator intends to conduct business. And the property has applied for a special event permit.
- 3.. The Food Truck Operator must have an agreement with the owner or operator of restroom facilities located within 100 feet of the Food Truck location for employees and customers of the Food Truck to use the restroom and handwashing facilities.
- 4.. A Food Truck Operator may not allow a Food Truck to occupy or block access to any parking spaces
5. A Food Truck Operator must provide two on-site parking spaces for customers of the Food Truck.
6. A Food Truck may not block or impede access to public or private streets, driveways, fire access lanes, parking access lanes, pedestrian pathways and sidewalks, or any other similar transportation infrastructure.
7. A Food Truck may not be parked or conduct business within any required setback for the property on which it is located.
- 8.. If a Food Truck Operator uses a Food Truck to conduct business in the same location for more than 10 hours per week, the Food Truck Operator shall, before conducting business for more than 10 hours per week, submit a site plan to the Director of Community Development demonstrating compliance with all of the standards (C) through (F).
9. The Food Truck Operator must provide and maintain trash and recycling receptacles located within 30 feet of the Food Truck, and the Food Truck Operator must properly dispose of all trash and recycling deposited therein
10. . If the Food Truck Operator provides temporary seating, all tables, chairs, awnings, and other personal property of the Food Truck Operator must meet the same standards in this section that regulate the Food Truck itself
11. . No more than one Food Truck may be parked or conduct business on the same property at the same time, unless the owner of the property has a special event permit in conjunction with an organized outdoor event on the property.

12.. A Food Truck may not be powered by idling truck engines or by any gas- or diesel-powered generator.

13.. All signage associated with the Food Truck must be affixed to or located within the Food Truck itself and must comply with color standards for signage. No portable or temporary signs are allowed.

14.. The sale of secondary merchandise (goods other than food products including but not limited to clothing, promotional trinkets, and souvenirs) from any Food Truck is prohibited.

15.. Music and other noise from the Food Truck is regulated by City Code.

16.. This section does not permit the operation of ice cream trucks, food carts, or any other type of mobile or temporary sales vendor other than food trucks.

5.07.100: Signs:

1. No signs shall be used to advertise the conduct of the mobile business at the premises other than that which is physically attached to the vehicle, except temporary signs authorized by Code.

2.. All signage associated with the Food Truck must be affixed to or located within the Food Truck itself and must comply with color standards for signage. No portable or temporary signs.

5.07.110: Professional and prohibited services prohibited:

The performance of professional or personal services for sale shall not be provided from a mobile food truck. Sales should be strictly for food service.

5.07.120: Compliance responsibility::

The holder shall not be relieved of any responsibility for compliance with the provisions of this chapter, whether the holder pays salary, wages or any other form of compensation to drivers

5.07..130: Special events:

1. The restrictions of this chapter notwithstanding, nothing herein shall prohibit the city from authorizing mobile food truck businesses, other than those licensed under this chapter:
 - a. to conduct concurrent vending operations within the public right of way, or such other areas as the city may deem appropriate, during special events (special event vendors).
 - b. The special event vendors shall not be governed by this chapter, but shall be governed by such other ordinance, city policy, or executive order as may be applicable.
 - c. However, as long as the public right of way remains open to the general public, such authorization of special event vendors shall not require removal of a permittee under this chapter from operating within his/her designated permit operating location or a mutually acceptable adjacent alternative location during such special event, unless otherwise provided under the city's ordinances.
 - d. If the city is closing a public right of way to general access, either partially or fully, in order to accommodate a special event, the mobile food truck business may not access that right of way unless specifically authorized by the city.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific

application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Section 4: Effective date. This Ordinance shall be effective immediately upon posting or publication after final passage.

ADOPTED AND APPROVED on this ____ day of _____, 2019.

MARK C. ALLEN, Mayor,
Washington Terrace City

ATTEST:

AMY RODRIGUEZ,
City Recorder

RECORDED this ___ day of _____, 2019

PUBLISHED OR POSTED this ___ day of _____, 2019.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Washington Terrace City, hereby certify that foregoing Ordinance was duly passed and published, or posted at 1) _____ 2) _____ and 3) _____ on the above referenced dates.

DATE: _____

City Recorder



PLANNING COMMISSION Staff Report

Author: PLANNING & BUILDING DEPT.

Subject: AMENDING ORDINANCE CHAPTER 12.06 OF THE WASHINGTON TERRACE MUNICIPAL CODE RELATING TO SLIDDING AND ICE BLOCKING WITHIN THE PARKS.

Date: MAY 30, 2019

Type of Item: Public Hearing/Discussion/Action

Summary Recommendations: By motion, amend the municipal code Chapter 12.06 Public Grounds and Parks, subsection 12.06.040, Prohibitions to add Line 13. Restrictions to sliding and sledding in the parks at any time.

Description:

- A. Topic: Prohibiting sledding, tubing, sliding, ice blocking and any other similar type of activity within the parks hill side areas.**
- B. Background:** The difficulty has been in enforcing Sliding and ice blocking on the hillsides and restricting this type activities to prevent damage to the grass hillside areas.
- C. Analysis:** In order to effectively and efficiently remove those who damage the hill side, and ordinance must be adopted so the City can be able to use their contracted Sheriff Weber County to regulate this prohibited type of use.
- D. Department Review: City staff gives a favorable recommendation.**

Alternatives:

- A. Approve the Request:** The Planning Commission give recommendation to pass this amended ordinance on the City Council for adoption and approve by motion.
- B. Deny the Request:** The Planning Commission can deny this request.
- C. Continue the Item:** The Planning Commission could table the item to a later Council meeting, for action at that time.

**WASHINGTON TERRACE CITY
ORDINANCE NO. 19-05**

PUBLIC GROUNDS AND PARKS

**AN ORDINANCE OF WASHINGTON TERRACE CITY, UTAH, AMENDING
CHAPTER 12.06 OF THE *WASHINGTON TERRACE MUNICIPAL CODE*
RELATING TO PREVENTING SLIDING ON CITY PARK HILLSIDES AND
GRASS AREAS AT PARKS; SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, Washington Terrace City (hereafter referred to as the “City”) is an incorporated municipality duly existing under the laws of the state of Utah;

WHEREAS, *Utah Code Annotated* §10-8-84, 1953, as amended, grants municipalities broad authority to provide for safety and preserve health, and promote prosperity, improve morals, peace and good order, comfort, convenience, and for the protection of property;

WHEREAS, *Utah Code Annotated* §10-8-60, 1953 as amended, grants municipalities broad authority to declare what shall be a nuisance, abate the same, and to impose fines for the such nuisances;

WHEREAS, *Utah Code Annotated* §10-8-8, 1953, as amended, authorizes the municipal legislative body to “lay out, establish, open, alter, widen, narrow, extend, grade, pave, or otherwise improve. . . parks, [and] public grounds. . .”

WHEREAS, *Utah Code Annotated* §10-8-11, 1953, as amended, authorizes City to “regulate the use of . . . parks and public grounds, prevent and remove obstructions and encroachments thereon, and provide for the lighting, sprinkling and cleaning of the same.”

WHEREAS, *Utah Code Annotated* §§10-8-1, and 10-8-9, 1953 as amended, authorizes the City Council to establish and regulate playgrounds, recreation places, and public property;

WHEREAS, the City desires to regulate grass and hillside areas within the City parks to prevent sliding or any other similar activity;

NOW, THEREFORE, be it ordained by the City Council of Washington Terrace City, Utah, as follows:

Section 1: Repealer. Any word, sentence, paragraph, or phrase in the municipal code that inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2. Amendment. Chapter 12.06 of the *Washington Terrace Municipal Code* to be entitled “Public Grounds and Parks” is hereby enacted to read as follows:

**Chapter 12.06
PUBLIC GROUNDS AND PARKS**

12.06.040. Prohibitions.

The following activities are prohibited in or upon any park, or other public grounds, except where expressly authorized by the city council:

1. Riding or driving off-roadways. It is unlawful for any person to ride or operate any vehicle, bicycle, or similar device; or any horse or animal, in or about any park within the corporate limits of the city, except upon pathways lawfully established for that purpose. It is unlawful for any person to skateboard, roller blade, roller skate, or use similar device on any table, bench, landscaping, or similar improvement.
2. Prohibited activities. It is unlawful for any person to use “air-soft” type equipment, paint ball, archery, shooting or hunting, or play similar game or activity; or to hitch or fasten any animal in any park or upon public grounds.
3. Trailers. It is unlawful to park or stop any private trailer, or load or unload the same.
4. Sleeping and camping. It is unlawful for any person to sleep or camp.
5. Damage landscaping. It is unlawful for any person to remove or to wilfully damage or deface any irrigation system, landscaping, flower, plant, tree, shrub, or other vegetation.
6. Alcohol, vandalism, animals at-large. It is unlawful for any person to have in his possession or to consume any alcohol or alcoholic beverage; or to scratch, cut, injure or deface, or write upon any building, fences or structure; or to damage any improvement; or for the owner or person in care or charge of any dog, or other animal, to permit such at-large.
7. Firearms, fireworks, or explosives. It is unlawful for any person to fire or discharge any firearm, firecracker, fireworks, or explosives, except for city-sponsored events.
8. Littering. It is unlawful for any person to litter, leave, or deposit any garbage, junk, or refuse of any kind, in any other than in receptacles provided for that purpose.
9. Prohibited behavior. It is unlawful for any person to annoy or injure any animal or wildlife; or to engage in any activity that creates load noise or constitutes a nuisance, or engage in lewdness or other harmful, nuisance, or disorderly conduct.
10. Trespassing. It is unlawful for any person to trespass on any public grounds after hours, where the public grounds or parks are closed, or where otherwise posted.
11. Smoke-free environment. Smoking is hereby prohibited on all public grounds and parks in the city, within twenty-five (25) feet of bus stops, and within fifty (50) feet of mass gatherings. A violation of this ordinance is an infraction punishable by a fine not to exceed twenty-five dollars (\$25.00) but not by imprisonment. Any law enforcement officers shall have the discretion to issue a “warning” if they deem it is in the best interests of the city for the first offense. A person is exempt from this part if the person is smoking or using smoking materials to exercise protected First Amendment activity, such as smoking or use of materials for bona fide religious purposes. “No smoking” signs or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted as appropriate to provide notice of this prohibition.
12. Parking restrictions. Overnight parking of personal vehicles or trailers of any kind is prohibited unless a permit is issued by the city for such parking. Vehicles or trailers in violation of this section may be towed by the city at the owner’s expense.
13. Hillside and grass areas. There shall be no sliding, skiing, snowboarding, tubing, sledding or ice blocking and/or similar activities that cause damage to the park grass hillside areas. May be allowed during winter snow pack.

Section 3: Severability. If any section, paragraph, sentence, clause or phrase of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 4: Effective Date. This Ordinance shall be effective immediately after posting or publication.

PASSED AND ADOPTED by the City Council on this ____ day of _____, 2019.

MARK C. ALLEN, Mayor,
Washington Terrace City

ATTEST:

City Recorder

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Washington terrace City, Utah, hereby certify that foregoing ordinance was duly passed and published, or posted at 1) _____ 2) _____ and 3) _____ on the above referenced dates.

City Recorder

DATE: _____