

1. September 2, 2020 City Council Meeting

Documents:

[09-02-2020 AGENDA.PDF](#)
[COUNCIL PACKET 9-2-2020.PDF](#)

MINUTES OF THE VERNAL CITY COUNCIL REGULAR MEETING HELD
AUGUST 19, 2020 at 7:00 p.m. in the Vernal City Council room, 374 East Main,
Vernal, Utah 84078.

PRESENT: Councilmembers Nicholas Porter, Dave Everett, Ted Munford, Travis Allan and Bert Clark and Mayor Doug Hammond.

WELCOME: Mayor Doug Hammond welcomed everyone to the meeting.

INVOCATION OR UPLIFTING THOUGHT: The invocation was given by Councilmember Bert Clark.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Councilmember Ted Munford.

APPROVAL OF CITY COUNCIL REGULAR MEETING MINUTES OF AUGUST 5, 2020: *Councilmember Nicholas Porter moved to approve the minutes of August 5, 2020. Councilmember Bert Clark seconded the motion. The motion passed with Councilmembers Everett, Munford, Allan, Porter and Clark voting in favor.*

DINOSAUR ROUNDUP RODEO COMMITTEE REPORT - MIKE KARREN & CARSON YOUNG: Mike Karren, president of the Dinosaur Roundup Rodeo Committee, stated that this has been a very challenging year. Thanks to all the volunteers and the community the Dinosaur Roundup Rodeo was able to be held this year. Even though this area is in green status for the virus, the Committee followed the recommendations from the State and Tri-County Health to keep everyone safe. Usually the rodeo has around 400 contestants. This year with all the other rodeos being cancelled there were over 800 participants with 44 of them being world champions. Tickets were sold to people from 30 different States and 4 Canadian provinces. The Rodeo also hosted a junior rodeo free to the public to support the youth and the future of rodeo. Carson Young stated the rodeo was live streamed to 42 million homes and the bullfighting was live stream on Facebook giving Vernal more exposure. As expected, Thursday night had a light crowd and Saturday had a great crowd. Production costs went up \$60,000 with the added night so that probably will not continue for next year. Looking down the road, the hope is to add seating over the chutes allowing for more ticket sales. Councilmember Travis Allan thanked the Rodeo Committee for this great event. He stated that he would like to see more advertising for the City to let the community know how much the City has helped over the years. Carson Young thanked the City for the continued support.

FIRE FIGHTER BENEFITS: Linda Honeycutt explained that she has been serving as a fire fighter since 2002 and is one of the volunteers who still receive health insurance benefits paid by the Fire Special Service District. She stated that initially the District wanted to cut the insurance benefit and not pay it any more so the fire fighters came up with the offer to pay 50%. However, that is a lot for the fire fighters to pay, so she proposed that the City consider paying 35% of the cost, the Special Service District pay 35% leaving the fire fighters to pay 30%. The cost to the City would be around \$70,000 a year. She stated she understands the financial

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46 situation of the City right now, however, she signed on with the agreement to have insurance and
47 has had coverage for the last 16 years. There was some discussion regarding the age of some of
48 these fire fighters that are receiving benefits. Linda Honeycutt stated part of the proposal is to
49 have the fire fighters that qualify for Medicare move to that coverage with the City / District
50 paying the entire cost for a supplement. She stated that with the County Commission is
51 considering desolving the District, and with the benefits in question that is not a favorable
52 answer. There was some discussion regarding charging a fee for fire responses.
53 Councilmember Ted Munford stated that Council will need to consider this proposal. Linda
54 responded that if the District is desolved, there will be more cost put on the cities.
55 Councilmember Dave Everett stated this has been very controversial with some fire fighters
56 getting benefits while others don't. Linda agreed that more don't get the benefit than do. She
57 asked the Council to consider this request.

58
59 **REQUEST TO CONSIDER APPROVAL OF A RESOLUTION AMENDING THE FINAL**
60 **BOND RESOLUTION DATED APRIL 3, 2019, TO REVISE SECTION 2.2 INTEREST**
61 **ACCRUING DATE AND PRINCIPAL AND INTEREST PAYMENT DATES AND**
62 **SECTION 3.4 SINKING FUND ACCRUAL DATE WITH RESPECT TO THE \$200,000**
63 **EXCISE TAX ROAD REVENUE BONDS, SERIES 2020, FOR THE PURPOSE OF THE**
64 **ACQUISITION AND CONSTRUCTION OF ROAD IMPROVEMENTS, AND RELATED**
65 **IMPROVEMENTS; AND RELATED MATTERS - RESOLUTION NO. 2020-10:** Quinn
66 Bennion explained that this item relates to the downtown drainage project that was started two
67 years ago. The City approached the Community Impact Board and secured a grant and a loan
68 for this project. Now that project has been bid, engineered by UDOT, and the construction is
69 about to begin. The low bidder is Black Sheep Oil Field services out of Roosevelt and they
70 have until June 31st of next year to complete the installation of an additional 24" storm drain
71 down the street. The bonds are for the loan that was awarded in the amount of \$200,000 and
72 will be paid off over the next seven years using the new ¼ cent sales tax. Councilmember Bert
73 Clark stated a good inspector will be needed for this project to make sure the City is satisfied
74 with the job. Quinn Bennion stated that Sunrise Engineering is doing the construction
75 inspection. Councilmember Travis Allan asked if the contractor has experience dealing with all
76 the utilities in this roadway. Quinn Bennion stated this is a UDOT project and they are
77 comfortable moving forward. A pre-construction meeting is scheduled for next week and Sunrise
78 Engineering has worked with them before and feels comfortable. After further discussion,
79 *Councilmember Dave Everett moved to approve Resolution No. 2020-10. Councilmember Travis*
80 *Allen seconded the motion. The motion passed with the following roll call vote:*

- 81
82 *Councilmember Munford.....aye;*
83 *Councilmember Allanaye;*
84 *Councilmember Everettaye;*
85 *Councilmember Porteraye;*
86 *Councilmember Clark.....aye.*

87
88 **REPORT ON THE USE OF CARES ACT FUNDING:** Quinn Bennion reminded the Council

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89 that the federal government approved funds to States and local entities and the City received the
90 first allotment in June. The City can use the funds for reimbursement of COVID leave for
91 employees as well as hours worked dealing with the virus. The payroll department has been
92 keeping track of those hours. Other uses include sanitation of the buildings, equipment for
93 employees to work from home, webcasting equipment for meetings, and the glass in front of the
94 planning window. The largest expense was the small business grants that were given to 240
95 businesses. Some of the funds can also be used to promote tourism. The next round of
96 funding should be received within the next few weeks.

97
98 **DISCUSSION ON ANIMAL AND WEED NUISANCES:** Allen Parker explained that there
99 are activities around town that are causing a nuisance in neighborhoods and the code is not
100 sufficient to address it. One property has a lot of animal feces accumulated on it and the
101 neighbors are not able to enjoy their yard due to the smell. This is not addressed in the City
102 code. There is a section that deals with barking dogs, and Mr. Parker asked the Council what
103 they thought about refining that section. Quinn Bennion stated it does not have a time limit.
104 Councilmember Bert Clark suggested it go from dusk to dawn as a nuisance. Councilmember
105 Dave Everett stated that animal control has to have some type of documentation of the nuisance
106 first before they can address the issue. There was some discussion regarding how often a pet
107 owner should pick up after their animals. After further discussion, the consensus was at least
108 once a week. Allen Parker stated he would put together an ordinance to address this issue for
109 the Council's review. He stated that another area of concern is an invasive weed that has cropped
110 up in the valley that acts like a parasite wrapping itself around the plants. He asked the Council
111 their thoughts on listing this plant as a noxious weed. Councilmember Ted Munford stated he
112 would be concerned as this is similar to graffiti. The property owner does not want this to
113 begin with, and ends up spending a lot of money to get rid of it. Allen Parker stated that the City
114 employees can purchase special weed control products to take care of this issue. The consensus
115 of the Council was to have Allen bring an ordinance for review.

116 117 **ADMINISTRATIVE REPORTS**

118 Sewer Rates.

119 Councilmember Bert Clark notified the staff that the sewer rates will increase by 33 cents per
120 connection starting January 1.

121 122 Resource officers:

123 Councilmember Bert Clark asked if the School District is charging students for the cost of the
124 resource officers. Quinn Bennion stated he would check with the School District.

125 126 Fire District:

127 Councilmember Ted Munford reported that the Fire District is in very bad shape financially and
128 the County Commission has made it clear that they will be disbanding a special service district
129 because of funding. If the fire services are put back on the City, it will be tough to cover the
130 cost. The City has already eliminated ten positions and more people may have to be laid off to
131 cover fire expenses. He stated that if going forward the City fire fighters are given benefits,

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132 there has to be a time frame on it when they will expire. Quinn Bennion stated it is very
133 uncommon to cover benefits for a volunteer. There was some discussion regarding the funds
134 going to the Transportation District that only serve the county residents. Councilmember
135 Nicholas Porter stated that the Fire District should be the #1 priority.

136

137 Chip and Seal:

138 Quinn Bennion reminded the Council that there is a chip and seal project in progress and there
139 has been an accumulation of gravel on the roads. The engineers are working with the
140 contractor to correct the situation.

141

142 Protest:

143 Quinn Bennion stated that a protest is being organized in front of the library park against the
144 School District requiring students to wear masks in school.

145

146 **ADJOURN:** There being no further business; *Councilmember Travis Allan moved to adjourn.*
147 *Councilmember Dave Everett seconded the motion. The motion passed with a unanimous vote*
148 *and the meeting was declared adjourned.*

149

150

Mayor Doug Hammond

151 ATTEST:

152

153

154 _____
Roxanne Behunin, Deputy Recorder

(S E A L)

AWAITING FORMAL APPROVAL

MEMORANDUM

TO: Mayor & City Council

FROM: Quinn Bennion, City Manager

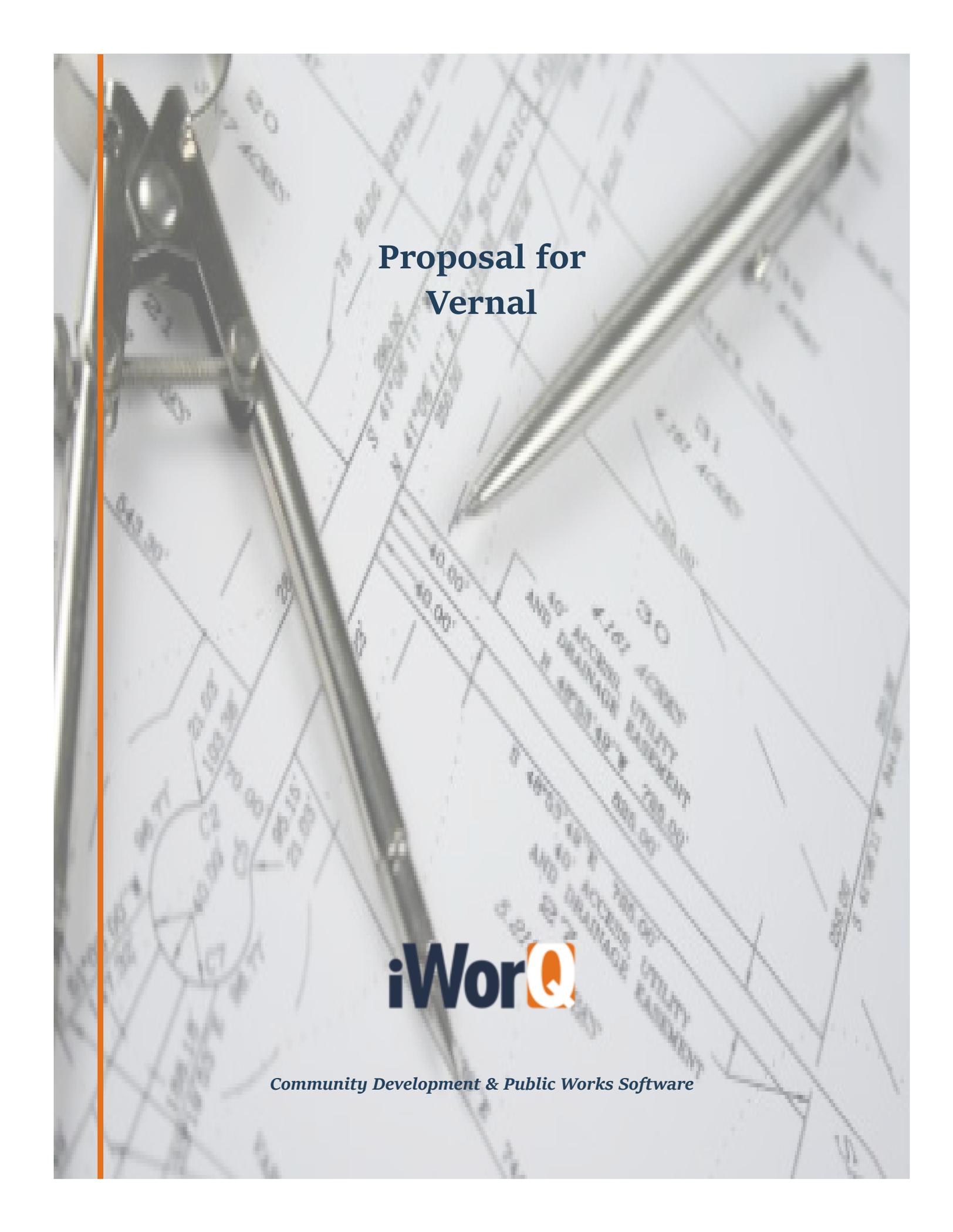
RE: *Agenda Items for September 2, 2020 Council Meeting*

PUBLIC BUSINESS

1. **Approval of funding for the Mayor's Walk at Recreation District** – Shauna Jo Eves. This event is funded within the 2021 budget for \$500. The Breakfast with Santa event was cut from this year's budget with the severe budget reductions.

POLICY AND LEGISLATION

1. **Request approval of software purchase agreement with IWorQ** – Allen Parker. The City currently uses IWorQ software for building permit management. The business license function has been moved to the planning department. IWorQ software will enable online renewals and payments. The online capabilities will reduce mailing costs and staff time and dramatically increase the quality of the customer experience. Despite the reductions in budget, staff recommends moving forward with a better and more efficient license and permit process.
2. **Request to amend the Vernal City Municipal Code – Nuisance Abatement – Ordinance No. 2020-08** - Allen Parker. This item relates to a nuisance ordinance regarding pet excrement. In the recent month, there is an example in our community where the nuisance ordinance does not clearly address the amount of pet excrement that can accumulate on a private property. The odor is impacting neighboring property and it is creating an unsafe condition. This proposed ordinance is drafted to strengthen the nuisance ordinance.
3. **Special Service District funding recommendations** - Quinn Bennion. Uintah County, the three cities and the six districts continue to discuss the declining mineral lease funds. The funds are not adequate to fund all of the budgets of the six districts and the services provided. The County Commission seeks input from the cities. Council will discuss ideas of how to reduce or shift costs. The next City/County meeting is Monday, September 14th.



**Proposal for
Vernal**

iWorQ

Community Development & Public Works Software

Executive Summary

Thank you for your interest in iWorQ Systems! We have been providing government software solutions since 2001 and serve more than 1,000 customers throughout the United States and Canada. iWorQ Systems leads the industry in delivering hosted web-based solutions.

iWorQ software is accessible through any device with a browser (ie, iPads, laptops, Androids, desktops, iPhones, Galaxies, etc.) The system's graphical user interface, including all screens and dashboards, is natively touch screen enabled, allowing your staff the flexibility to determine which device to utilize inside the office or in the field.

Here at iWorQ, we lease our solutions as a Software as a Service. This means that all our customer's data remains the property of the customer. All updates to the software occur automatically and do not have to be downloaded by the customer. This data is all locally hosted and backed up using Amazon's AWS GovCloud (US) service, which is only available to vetted government customers and organizations in government-regulated industries that meet the AWS GovCloud (US) requirements.

All of our customers benefit from our unlimited free training and tech support. Each customer is allowed to have as many users as they need without any additional cost.

Thank you again for considering iWorQ. We will follow up with you to review any questions you may have about this proposal and the next steps in our consultative sales process.

Warmest Regards,

A handwritten signature in black ink that reads "Brady Hunsaker". The signature is written in a cursive, flowing style.

Brady Hunsaker
Client Sales Manager

Application Description

iWorQ software solutions and professional services together provide a seamless fit for your software project. Having implemented over 1,500 customers and configuring a unique fit for each one provides our team the experience and background required to ensure a successful implementation.

iWorQ's browser-based software is an off-the-shelf system which requires no custom modifications to the code, only configuration of the application which requires no coding. As it is already utilized by hundreds of offices of all different sizes, we can scale and configure as much as needed for each implementation in order to meet your project goals. The system will provide access in the field and in the office, assuring your staff will be efficient and have all the data necessary to run a paperless system. iWorQ's hosted solution provides a smooth transition from your current system because much of the complexity of setting up the server hardware and networking environment is not required, which helps save time, money, and resources.

Since iWorQ's applications are configurable, we are able to provide a familiar and intuitive system that easy to use and understand. For example, when a user logs in, their screen contains only the fields on their dashboard that are pertinent to them, which makes the training process resonate with each of the end users. iWorQ implementers will consult with each department during the set-up process to configure the applications in order to meet the unique needs of each of your departments.

Project Initiation and Management

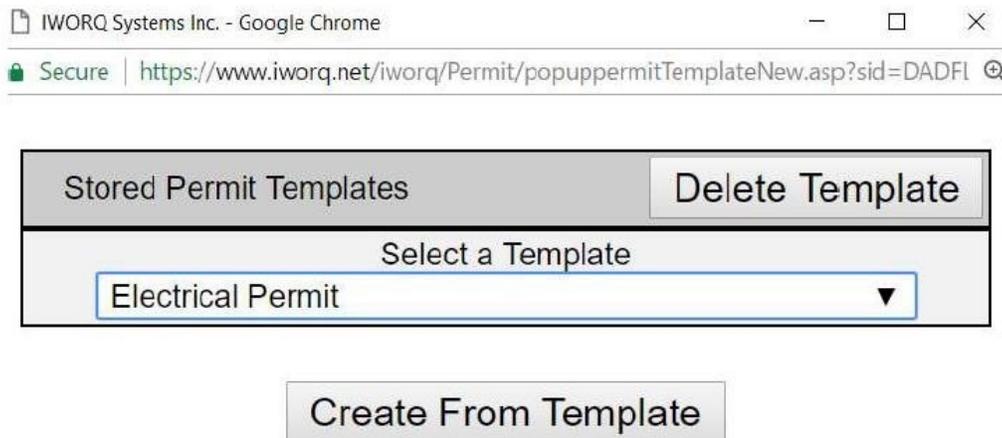
Throughout the history of our company, iWorQ's success with adding and maintaining customers can be accredited to our carefully structured methodology and approach with each implementation. Our phased project methodology allows regular checkpoints and frequent opportunities to ensure that all of our team members are in sync. During the planning phase, our project teams meet to analyze how each department operates today, and how you would like your new system to work going forward. Based on our discussions, we create a project plan, agree on major milestones, and set a project schedule. The project plan will also address communications, managing risk and change management.

Throughout the project, iWorQ will hold regular status meetings in which both teams report on progress, tasks, and timelines, as agreed upon during the planning phase and outlined in the project plan. The iWorQ project manager acts as your main point of contact during the project and works with your staff to ensure that adequate communication takes place, assuring that the project moves along smoothly. iWorQ has standard documentation to record decisions made during the project. These documents list tasks, person responsibilities, decisions made, etc.

Developing Specific Deliverables for Your Project

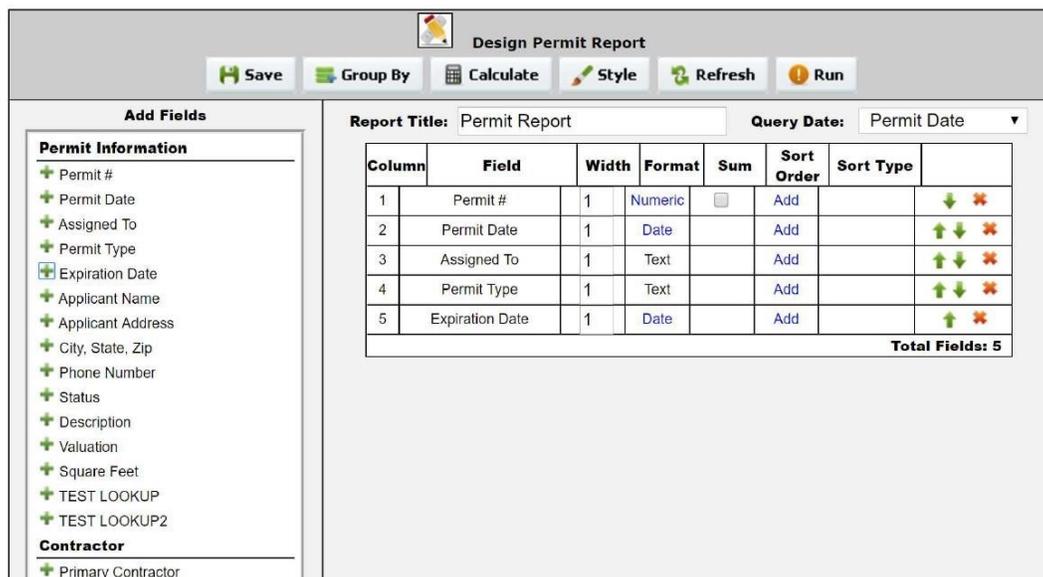
The iWorQ team works with your subject matter experts (that you assign) during the initiating and planning phases to determine what deliverables to build for your solution (e.g., reports, documents, templates, and dashboards etc.). After we create a deliverable, we test it to ensure it meets your specifications and then pass it to your team for user acceptance.

Figure 1.1



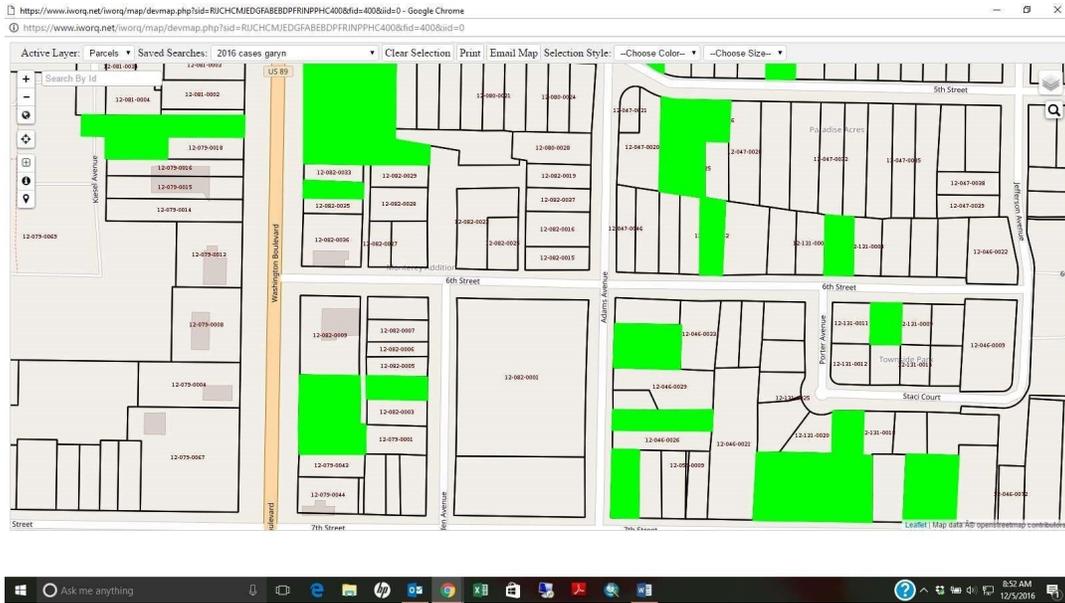
The above image shows how easy it is to create a permit template with prefilled information.

Figure 1.2



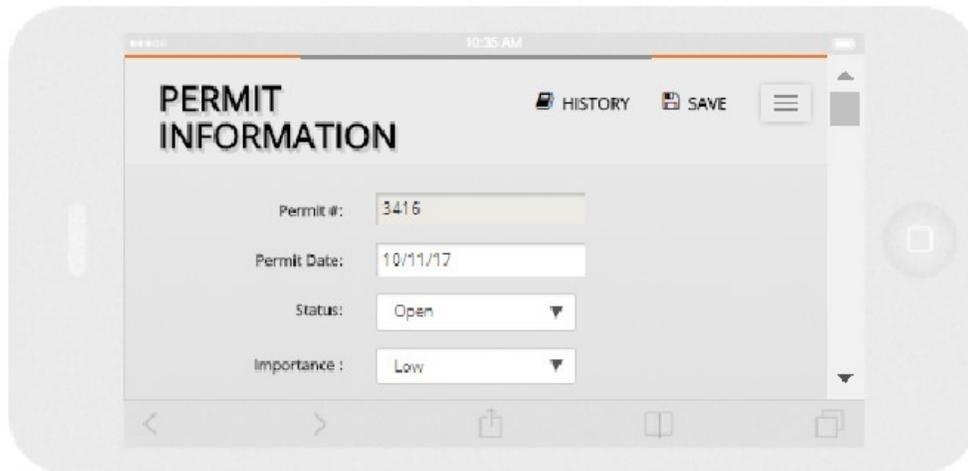
iWorQ's report builder provides a user interface that only requires a user to simply click on the "+" button below to instantly report on desired input. This enables you to add new fields when desired and create adhoc and saved reports.

Figure 1.3



Map above shows Responsive interface- Showing the parcel layer with highlighted parcels. The map is showing the permits issued last year. User can select, display, and edit data directly from the map.

Figure 1.4



The screenshot shows iWorQ's Mobile HTML 5 Interface making access in the field easy to use, which includes icons to help assure your field staff will be successful accessing the system.

Implementation Phases

Your project is configured through a four-phased approach that includes Initiation, Planning, Executing, and Closing phases. Throughout these phases, iWorQ bears the bulk of the project risk. We provide as much training and services as you need to be successful throughout the project.

This section discusses:

- Initiation Phase
- Planning Phase
- Executing Phase
- Closing Phase

Initiation Phase

During this phase, we install your software in our secure, hosted (SaaS) data center utilizing Amazon Web Services (AWS). During this phase, you should determine what staff members will assist with the project. We ask you to complete worksheets that allow us to import data into iWorQ dropdown fields. These worksheets do not require that you understand iWorQ data structures to complete this phase.

Planning Phase

During the Planning phase, the iWorQ project team works with your team to define how processes at your work today and how you would like your new system to operate going forward. As part of this, your team should analyze the reports and documents you currently have to determine which ones you need to have in iWorQ. Based on our discussions, we create a project plan that includes project timelines, goals, priorities, and responsibilities. Our project team will work with you to set a clear project plan with detailed requirements. Both teams follow this plan during the executing phase.

Executing Phase

During the Executing phase, we train your project team and together configure the solution. Concurrent with your system configuration, our data integration team will work with you to build data interfaces and migrate data if they are part of the project scope. After our teams complete these tasks, we train your staff members.

Your success is our highest priority. While each of our training phases has a specific plan, we provide additional or repeat trainings at no additional cost if necessary for a successful implementation. As a customer, we will provide additional training anytime it is desired for no additional cost. The time completion of project phases is often dependent upon your go-live goals and staff availability.

Go Live

After the configuration, iWorQ will train each of your staff members. During our training, attendees learn by doing actual data entry. They should come to the training with any materials they regularly use to enter cases (e.g., a stack of permits or code cases to be entered). Instructors will provide the training online. Instructors provide personal assistance to attendees, answer specific questions, and personalize teaching styles to meet the needs of individual attendees.

Closing Phase

During the closing phase, your iWorQ project team continues to work with you to answer any questions and resolve any configuration questions. We hold a project closure meeting to ensure a smooth transition from our project team to our iWorQ customer support team, who will support you going forward and as long as you are a customer.

Training

Your administrator and other individuals you designate receive several different types of training that cover iWorQ's key functionalities.

Our training involves guiding staff to use iWorQ to complete actual work tasks. Instructors provide personal assistance to attendees, answer specific questions, model examples and exercises, and personalize teaching styles to individual attendees. This informal style helps your staff relax and feel comfortable asking and responding to questions.

These trainings are described in further detail below

Administrator Training: Administrator training teaches your iWorQ administrator(s) how to manage iWorQ going forward. This training covers items such as setting up code tables (options in drop-down lists); security rules; and iWorQ tools.

Configuration Training: During the configuration phase, your administrators make many decisions about configuring iWorQ to make your office its most efficient. During Configuration Training, iWorQ's project team helps trainees understand approaches, methodologies, and best practices for making these decisions and recognizing the ramifications of the decisions they make.

Go-Live Training: Prior to Go-Live, every user on the system will receive training pertinent to their role type on the system. We provide unlimited training during implementation and after Go-Live via conference calls, webinars, or online screen share and we offer an annual, national users' conference to learn new and advanced skills.

Vernal	Quote Creation: 08/20/2020
374 East Main St Vernal, UT 84078	Prepared by: Brady Hunsaker

1. QUOTE

Vernal - hereafter known as "Customer", enters into the following Service Agreement with iWorQ Systems, "iWorQ" headquartered in Logan, UT. Customer will pay an annual fee for the services and a one-time setup fee detailed below:

Population: 10681

<u>Applications and Services</u>	<u>Package Price</u>	<u>Billing</u>
Community Development (Basic) *Permit Management *Code Enforcement - Quarterly upload of parcel information to iWorQ's GIS Map - Track contractors, inspections, property information - Track code violations, fees, and activities - Robust and configurable reporting - Unlimited access to iWorQ's template library including 3 custom letters	\$4,297.00 \$3,230.00	Annual
License Management - Available on any computer, tablet, or mobile device using Chrome browser - Licensing for business, alcohol, liquor, rentals, etc. - Free letters and / or permits utilizing iWorQ's template library, and up to 3 custom letters. - Reminder letter generation	\$3,223.00 \$3,200.00	Annual
Payment Processing (Xpress Bill Pay) - Online Credit/debit card processing - Payments are recorded and tracked in iWorQ - iWorQ's reporting tool can track all historical transactions	\$500.00	Annual
Portal Home - Permits and Licensing *Permit Portal *Licensing Portal - Configurable portal for ease of applying for permits and tracking current permits online - Apply for licenses online & view current list of licenses - Includes Premium Data (25 MB Uploads, 100 GB Total Storage) - 3 Customizable web forms - Messaging feature for easy interaction with citizens - Built-in automatic workflow capabilities	\$2,500.00	Annual
Additional Letters - Adds additional letters to the account equal to the amount listed under item 5 in the notes section below	\$2,200.00 \$0.00	Annual
Additional Forms - Adds additional forms to the account equal to the amount listed under item 5 in the notes section below	\$300.00	Annual
ANNUAL TOTAL	\$9,730.00	
Setup, training, and system configuration	\$0.00	Once
Grand total due	\$9,730.00	

1.1 Notes

1. Invoices for amount will be sent out 2 weeks after signature. Terms of the invoicing is Net 30 days.
2. This quote is provided at the customer's request and is good for 30 days.
3. This quote cannot be disclosed or used to compete with other companies.
4. Pricing is based on population and number of applications. Removing any items from this quote may require application prices to be updated.
5. Due to existing contract, this contract will include 22 additional letters. This contract is also added 3 additional web forms for a total of 6.
6. Existing services include the community development package for \$3,230 annually. The proposed additional services, including license management, portal home, additional forms, and Xpress Billpay integration total \$6,500 for a new combined annual total of \$9,730.

2. ADDITIONAL SERVICES

iWorQ provides additional applications and services that can be purchased as part of the solution. These can be added to the customer's annual cost, upon request. The services listed below may already be included in the quote in Section 1.

Application	Price	
Additional letters/forms/permits -		Assigned
Onsite Backup - iWorQ will send a *.BAK on a scheduled basis to an FTP server maintained by the customer.		Assigned

**Additional services are subject to setup fees which are 2/3 of the annual cost*

3. GUIDELINES

3.1 Getting Started

iWorQ will assign an account manager to your account to begin the setup and training process upon contract signature

Send the signed service agreement to iWorQ Systems:

Email: bhunsaker@iworq.com

Fax: 1 (866) 379-3243

Mailing Address

PO Box 3784

Logan, UT 84323

Mailing Address

1125 W. 400 N. Suite 102

Logan, UT 84321

3.2 Billing Information

iWorQ will invoice Customers on an annual basis. Customers reserves the right to cancel service at any time after the initial year, by providing iWorQ a 30-day written notice.

3.3 Data Conversion

As part of the project set up, iWorQ provides a data conversion service. This service consists of importing data, sent by the Customer, in an electronic (relational database) format. iWorQ provides contact information and an upload site where the electronic data can be sent. Additional costs apply for data that does not meet the criteria listed above.

4. SERVICES and SUPPORT

4.1 Data Ownership

All customer data remains the property of the customer. Customer can request data electronically or on disk, upon cancellation of Service Agreement.

4.2 FREE Training

iWorQ provides FREE training and support. iWorQ provides webinars, phone support, written manuals, web videos, documentation and help files. Training is available to any Customer with a login.

4.3 FREE Updates

All updates, bug fixes, and upgrades are FREE to the Customer. iWorQ is a web-based application. Customer only needs to login to get any updates to the applications.

4.4 FREE Support

Customer support and training are FREE and available from 6:00 A.M. to 5:00 p.m. Mountain Standard Time.

4.5 FREE Data Back-Up

iWorQ does back-ups twice weekly and offsite once weekly.

4.6 Proprietary letters/forms

Letters and forms, including permits, certificates, or other documents must be owned by the customer and have a clear copyright.

4.7 Data upload and storage limits

Standard data plan includes uploads of up to 3 MB per file and 10 GB total storage. iWorQ offers a premium data plan available for an additional annual cost.

4.8 Software Terms and Limitations

The iWorQ Software is the proprietary information and a trade secret of iWorQ, Systems Inc. and this agreement grants no title or rights of ownership with the software. The software is protected by United States copyright laws and international copyright treaties, as well as other intellectual property laws. Customer shall not permit any user or other party to, (a) copy or otherwise reproduce, reverse engineer or decompile all or any part of the iWorQ Software, (b) make alterations to or modify the Software, (c) grant sublicenses, leases or other rights, or (d) permit any party access to the Licensed Software for purposes of programming against it.

**VERNAL
ORDINANCE 2020-08**

**AN ORDINANCE OF THE VERNAL CITY COUNCIL AMENDING THE VERNAL
CITY MUNICIPAL CODE, SECTION 8.04.030 - NUISANCE DEFINED.**

WHEREAS, the City Council finds that defining nuisances within the City is necessary for the orderly and safe use of property; and

WHEREAS, the City Council deems it to be in the best interest of the health, safety and welfare of the citizens to incorporate the following changes to the provisions of the Vernal City code; and

WHEREAS, the City Council has received input from the public at large in a duly noticed open meeting, and has considered and discussed the advantages and disadvantages of such nuisance regulation.

NOW THEREFORE, be it ordained by the Council of Vernal, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “Section 8.04.030 Nuisance Defined And Designated” of the Vernal Municipal Code is hereby *amended* as follows:

A M E N D M E N T

Section 8.04.030 Nuisance Defined And Designated

- A. As used in this Ordinance, a public nuisance shall mean any act, thing, occupation, condition or use of property which shall be of such a nature and shall continue for such length of time as to do any of the following:
 - 1. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
 - 2. Greatly offend the public morals or decency;
 - 3. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.
- B. Public nuisances shall include but not be limited to the following acts, conduct, omissions, conditions or things:
 - 1. A condition that causes visual blight, is offensive to the senses, or detrimentally affects property in the surrounding neighborhood or community;
 - 2. A condition that impairs the reasonable and lawful use of property;
 - 3. A condition that unreasonably or unlawfully affects the health or safety of one or more persons;
 - 4. A fire hazard as defined in the Uniform Code;

5. All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;
6. Carcasses of household pets or other animals not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death;
7. Accumulations of garbage in a manner in which flies, mosquitoes, disease carrying insects, rodents or other vermin may breed or may reasonably be expected to breed.
8. Accumulations of refuse in which disease-carrying insects, rodents, or other vermin may breed or may reasonably be expected to breed.
9. All stagnant water in which mosquitoes, flies or other insects can multiply;
10. Containers with garbage or refuse which are not covered by solid, tight fitting lids or which have any uncovered holes or for which at least weekly remove of garbage and refuse is not provided;
11. Vegetation which:
 - a. Harbors or aids in harboring rats, mice, snakes, or other rodents or vermin;
 - b. Harbors or hosts diseases or insects which may reasonably be expected to injure other forms of life (except the harboring of insects, such as those commonly called Lady Bugs, used for pest control);
 - c. Is prohibited by law or ordinance, including but not limited to noxious weeds;
 - d. By reason of its location or condition constitutes an imminent danger to any person or property;
 - e. Hinders the removal of accumulations of junk, garbage and debris;
 - f. Is un-managed and in excess of twelve (12) inches, provided that cultivated flowers, ornamentals, or food plants shall be presumed to be managed vegetation; provided further that vegetation in excess of twelve (12) inches shall be presumed un-managed (unless predominantly composed of cultivated flowers, ornamentals, cultivated wild flowers or food plants), including vegetation which interferes with or obstructs the view or passage on any street, alley or other public way;
 - g. Is un-managed within thirty (30) feet of a structure or building or within ten (10) feet of the outer edge of any public street or weeds in any other location which constitute an unreasonable fire hazard;
12. Property which is un-managed allowing weeds and litter to accumulate on the property;
13. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the City limits or within one mile therefrom in such quantities as to endanger the health of persons or to threaten or cause substantial injury to property, but excluding smoke emanating from residential fireplaces;
14. Pollution of any public well or cistern, stream, lake, canal or body of water by sewage, or industrial wastes or other toxic or polluting substances;
15. Any use of property, substances or things within the City or within one (1) mile

- thereof, emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the City;
16. Any structure or building that is in a state of dilapidation, deterioration or decay, is of faulty construction, is open to intrusion, abandoned, damaged by fire to the extent as not to provide shelter, is extremely unsound, in danger of collapse or failure, or endangers the health and safety of the public;
 17. Junked inoperable, unlicensed or abandoned vehicles may constitute a nuisance as set forth in Chapter 9 of this Code, and enforcement and abatement shall be as set forth therein.
 18. Dumpsters, or trash containers, located on a public right of way unless the dumpster is owned, leased, or under the control of the City, provided, further that trash containers may be placed on the publicly owned area adjacent to the pavement, on the day prior to the trash on which the container is scheduled for removal by a trash hauler.
 19. Such other actions, conduct, omissions, conditions or things defined or specified in the Municipal Code of the City of Vernal; or Utah statutes or regulations, as nuisances or as public nuisances;
 20. Any vehicle allowing litter, sand, dirt, or gravel to be blown off of or deposited upon any street, alley, or public place.
 21. Any vehicle's wheels or tires tracking or carrying onto or depositing onto any street, alley or public place mud, dirt, sticky substances, litter or foreign matter of any kind.
 22. Street Sweepers without dust control mechanisms in good working order. Dust control mechanisms must be installed on vacuum assisted street sweepers, must be kept in good working order, and must used at all times when operating within Vernal City. It shall be considered a nuisance to not comply with this requirement.
 23. Allowing excrement or urine from household pets or urban livestock as defined in Title 16 of this code to:
 - a. Accumulate for a period of more than seven (7) days; or
 - b. To create another nuisance as more fully described in this Section.
 24. Allowing the presence of the following plants upon any property:
 - a. Dodder. Plants from the genus "cuscuta".

(Added during 1993 recodification)

(Ord. 2014-09, Amended, 03/05/2014; Ord. 2013-28, Amended, 10/02/2013; Ord. 2001-10, Amended, 06/20/2001)

SECTION 2: REPEALER CLAUSE All former ordinances or parts thereof, which are in conflicting or inconsistent with the provisions of this ordinance or of this code are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE The provisions of this ordinance shall be severable and if any provision thereof or the application of such provision under any circumstances is held invalid and it shall not affect the validity of any other provision of this ordinance or the application in a different circumstance.

SECTION 4: EFFECTIVE DATE This Ordinance shall take effect the day after publication the ___ day of September, 2020

PASSED AND ADOPTED BY THE VERNAL COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Nicholas Porter	_____	_____	_____	_____
Councilmember Travis Allan	_____	_____	_____	_____
Councilmember Dave Everett	_____	_____	_____	_____
Councilmember Bert Clark	_____	_____	_____	_____
Councilmember Ted Munford	_____	_____	_____	_____

Presiding Officer

Attest

Doug Hammond, Mayor, Vernal

QUINN B BENNION, City Manager
/ Recorder Vernal