



**CITY COUNCIL MEETING
OF THE CITY OF CEDAR HILLS
Tuesday, September 17, 2013 7:00 p.m.**

Notice is hereby given that the City Council of the City of Cedar Hills, Utah, will hold a **City Council Meeting on Tuesday, September 17, 2013, beginning at 7:00 p.m.** at the Community Recreation Center, 10640 N Clubhouse Drive, Cedar Hills, Utah. This is a public meeting and anyone is invited to attend.

COUNCIL MEETING

1. Call to Order, Invocation given by C. Rees and Pledge led by David Bunker
2. Approval of Meeting's Agenda
3. Public Comment: Time has been set aside for the public to express their ideas, concerns and comments (comments limited to 3 minutes per person with a total of 30 minutes for this item)

REPORTS/PRESENTATIONS/RECOGNITIONS

4. Presentation by Siemens regarding Utility Cost Savings
5. Youth City Council Presentation - Committee Update, Introduction of New Members Appointment of YCC Mayor, and Administration of the Oath of Office

CONSENT AGENDA

6. Minutes from the July 16, 2013 City Council meeting

CITY REPORTS AND BUSINESS

7. City Manager
8. Mayor and Council

SCHEDULED ITEMS

9. Review/Action on Fire Restrictions
10. Discussion on Non-residential Rental Fees
11. Discussion on City Code Regarding Rental Units
12. Discussion on a Policy for the Public Use of Conference Rooms, During and After Regular Business Hours
13. Review/Action on Proposed Parks and Trails Code
14. Discussion on Parks Curfew
15. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-204 & 52-4-205, to discuss the Purchase, Exchange or Lease of Real Property

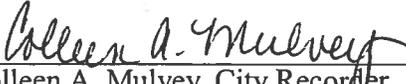
***** EXECUTIVE SESSION *****

16. Motion to Adjourn Executive Session and Reconvene City Council Meeting

ADJOURNMENT

17. Adjourn

Posted this 13th day of September, 2013



Colleen A. Mulvey, City Recorder

- Supporting documentation for this agenda is posted on the City's Web Site at www.cedarhills.org.
- In accordance with the Americans with Disabilities Act, the City of Cedar Hills will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at 801-785-9668 at least 48 hours in advance of the meeting to be held.
- The order of agenda items may change to accommodate the needs of the City Council, the staff, and the public.
- This meeting may be held electronically via telephone to permit one or more of the council members to participate.



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	David Bunker, City Manager
DATE:	9/17/2013

City Council Agenda Item

SUBJECT:	Presentation by Siemens regarding utility cost savings
APPLICANT PRESENTATION:	Mark Cram
STAFF PRESENTATION:	Chandler Goodwin
BACKGROUND AND FINDINGS: City staff has been working with Siemens group on potential savings to Cedar Hills by making changes to street lighting, pumping, and the use of secondary water. Mr. Cram will present potential savings to the City and discuss how Cedar Hills should proceed should the City wish to work with Siemens on this project.	
PREVIOUS LEGISLATIVE ACTION: None.	
FISCAL IMPACT: Potential savings from reduction of power use such as pumping costs and the potential revenue changes from secondary water metering.	
SUPPORTING DOCUMENTS: None.	
RECOMMENDATION: Consider signing an engagement letter to begin a more in depth study of Cedar Hills' power usage.	
MOTION: No motion is necessary. Discussion item only.	

SIEMENS

Performance Based Solutions

**Prepared for Cedar Hills, UT
September 17, 2013**

Your Challenges: Resources, Equipment, Mandates

Resource Constraints

- Capital Budget Constraints
- Operating Budget Reductions
- Multiple Duties per FTE
- Finite resource capacity



Aging Infrastructure

- Aging Equipment
- Equipment Failures
- Higher Energy and Repair Costs



Sustainability Goals / Mandates

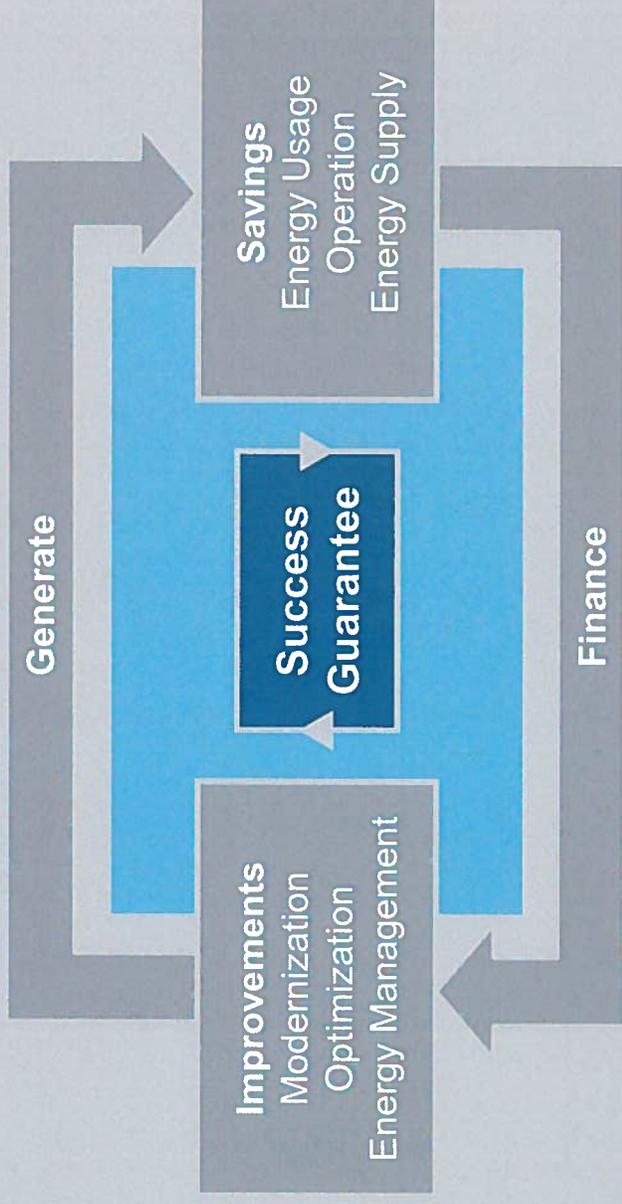
- Participation in RMP Blue Sky Program
- EPA Regulations for Environmental Issues



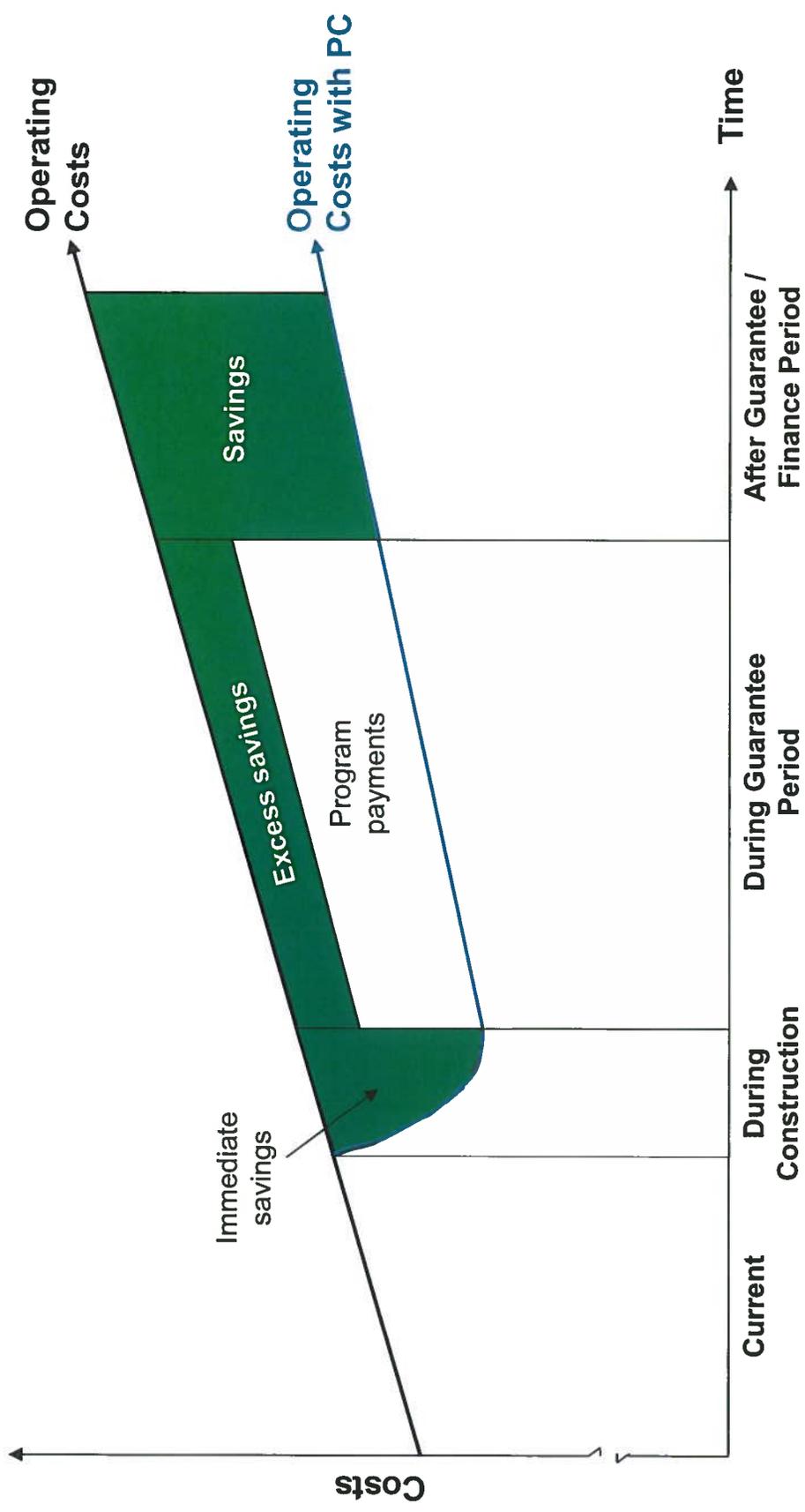
Guaranteed Performance-based Solutions – Address Your Challenges

SIEMENS

- Make facility & infrastructure improvements
- Reduce energy use and associated expenses
- Your energy savings finance your improvements
- Siemens guarantees savings



Understanding the Performance Contract Cash Flow



Performance Contracting

- **A Means of Procurement**
- Legal procurement methodology
- Savings finance improvements

A Means of Restoration

- Facility infrastructure upgrades
- Job creation

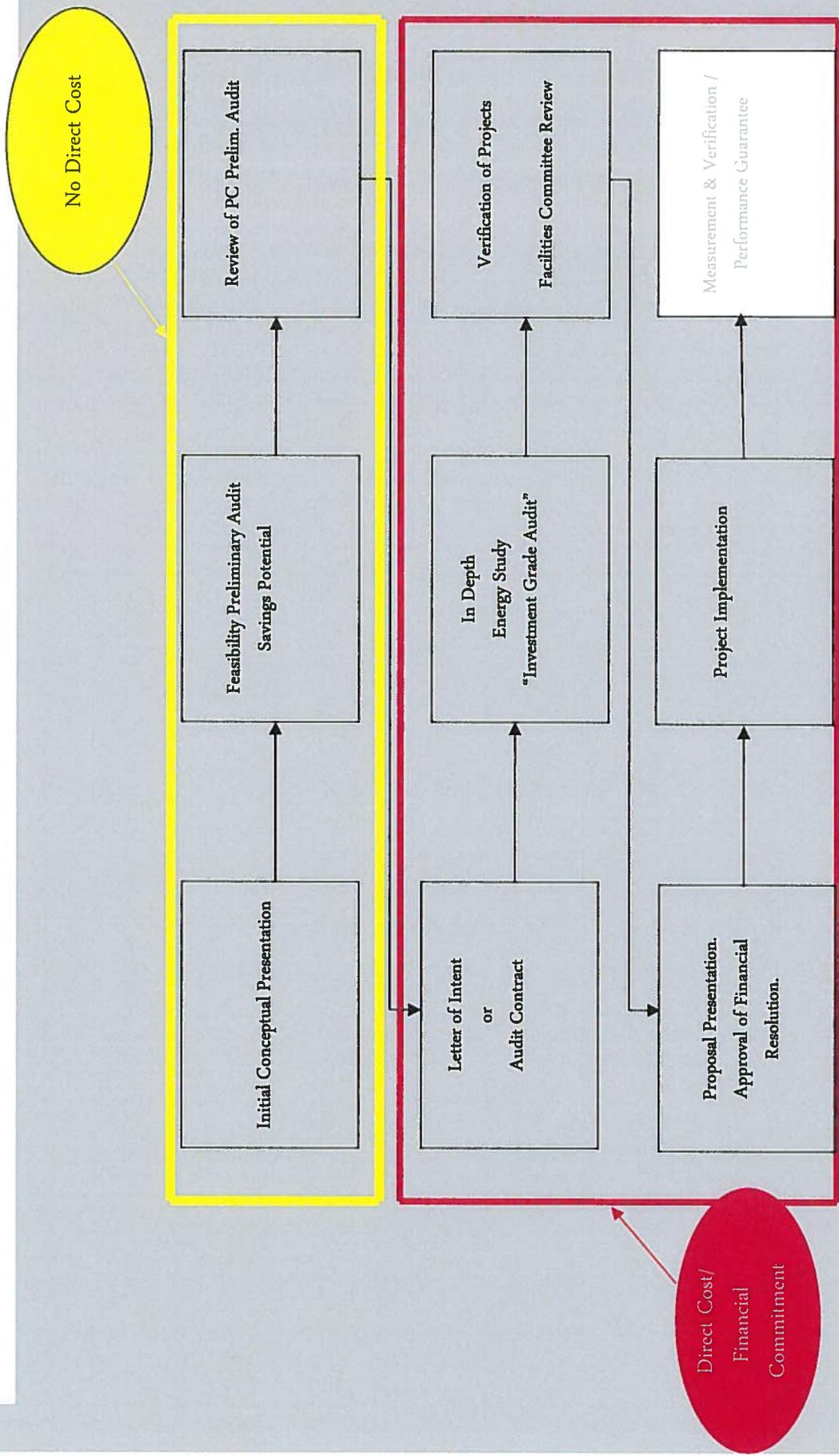
A Means of Partnering

- Mutual accountability
- Guaranteed results
- Flexible financing options
 - Tax Exempt Municipal
 - Bond Revenues

Relevant Legislation

- **HB 116 2010**
- **State Code Title 11 Chapter 44**
- **State Contract MA946**

Performance Contracting Process



Potential Opportunities

- City-wide Pressurized Irrigation Water Metering
- City-wide street lighting
- Secondary water connection to all parks
- Pumping Cost Efficiency

City-Wide Pressurized Irrigation Water Metering



Challenge

- Limited water and infrastructure resource
- Flat rates promote potentially excessive use
- Difficult to assess “fair and reasonable” use patterns

Solution

- Install secondary water meters at each connection – approximately 2500

Benefits

- Improved conservation behaviors
- Extends the life of the existing system
- Automated meter reading potential
- Equitable consumption rates



Street Lighting

Challenge

- Energy Inefficient Lights
- High labor costs to maintain lights
- Traffic disruption when maintaining lights
- Poor color rendition for crime identification

Solution

- Replace lights with high efficiency LED or induction lights that have long life

Benefits

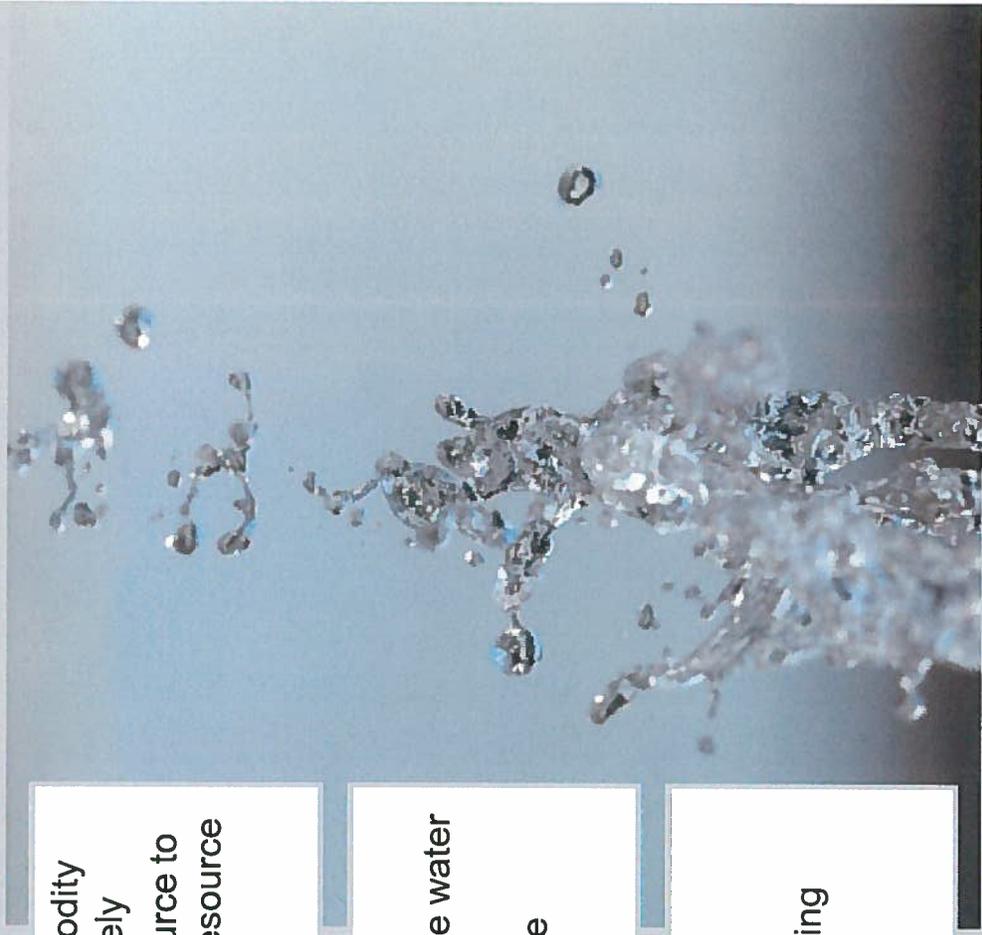
- Reduced energy costs
- Reduced repair / replacement costs
- Better color rendition to facilitate crime reduction



Street Lighting Summary

QTY	Wattage	Type	Rate	Ownership
(5)	9500W	HPS	12F	CH
(7)	9500W	HPS	12F	CH
(3)	9500W	HPS	12F	CH
(152)	100W	HPS	11	RMP
(241)	100W	HPS	12E	CH
(34)	100W	MH	12E	CH
▪ (290) City Owned Inventory				
▪ (152) RMP Owned Inventory				
▪ Potential Annual Savings 40%-50%				

Secondary Water Use at Parks



Challenge

- Water is becoming a limited commodity and could be utilized more effectively
- Potential of using secondary resource to replace more expensive culinary resource

Solution

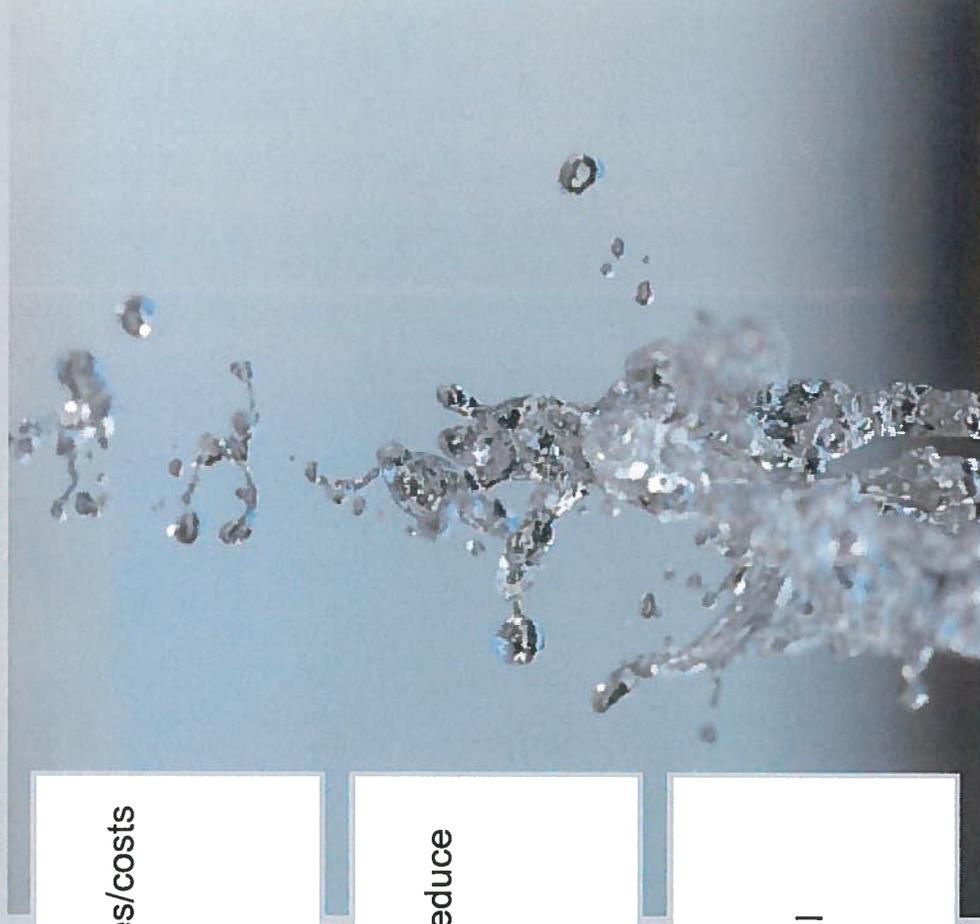
- Install ET (Evapotranspiration) type water sensing equipment
- Switch to secondary water resource

Benefits

- Reduced water utility costs
- Precious commodity is conserved
- Fewer constituent concerns regarding watering during storms, etc.



Pumping Cost Efficiency



Challenge

- Extremely high pumping costs
- On peak vs. off peak pumping times/costs
- Resource storage

Solution

- Install more efficient pumps
- Consider micro-hydro systems to reduce energy costs

Benefits

- Reduced electric utility costs
- Improved system efficiencies
- Based on empirical data - potential Savings 10%-15%



Annual Utility Bill Summary

SIEMENS

Annual Usage for Various Locations	\$ 36,180
Annual Usage for Pumps, Wells, etc.	\$496,582
Annual Usage for Street Lighting	<u>\$ 27,487</u>
Annual Usage for Reviewed Accounts	\$560,249
Potential Savings Range	10%-15%
Potential Annual Savings	\$56k-\$84k
Potential Project Size (15 YR)	\$840k-\$1.27M
Potential PI Water Meter Savings/Revenue	TBD

Our Process – Road Map to Success



Siemens Guaranteed Performance-based Solutions

Our experts structure a comprehensive plan tailored to meet your strategic and technical business goals



Our People – In Your Community 24/7

SIEMENS

- 1,500 dedicated service personnel
- 100 branch offices nationwide
- Professional project managers and energy engineers
 - In your community
 - Understand your needs
 - Know your local contractors
- Available 24-hours a day, seven days a week



Our People – Performance-based Experience

- Over 15 years of performance-based experience
- More than 1,300 successfully completed projects
- \$3 Billion in energy savings to our customers
- On-site Project Managers and Certified Energy Engineers

SIEMENS



Our Promise – Guaranteed Success

- Savings Guaranteed
- Infrastructure Improved
- Comfort Improved
- Sustainability Goals Achieved
- Jobs Created

With a focused, single-source partner

SIEMENS

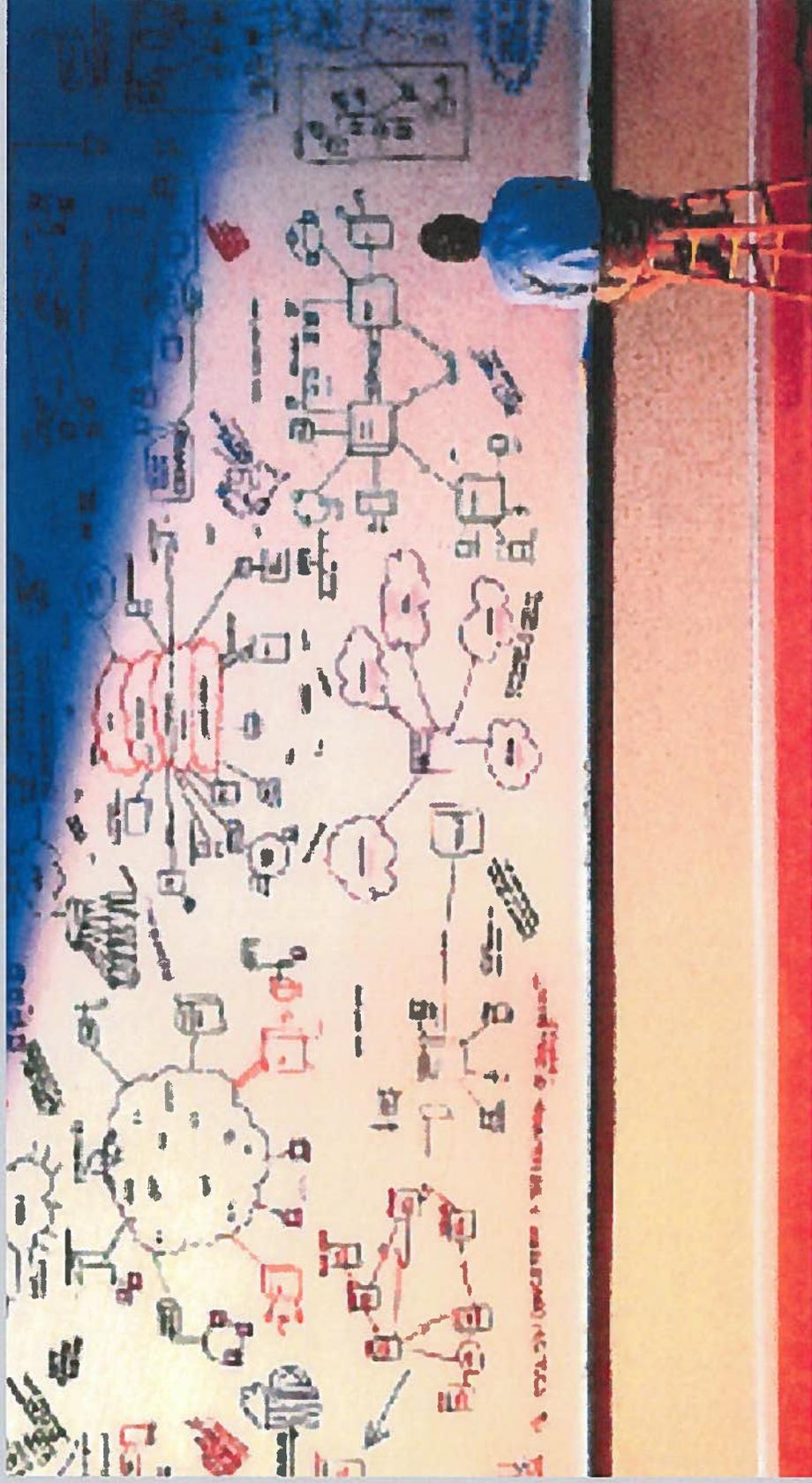


Next Steps

- Letter of Understanding
- Identify Highest Priority Opportunities
- Develop Scope
- Perform No Cost Feasibility Study

SIEMENS

Questions and Answers





CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	Councilmember Martinez
DATE:	9/17/2013

City Council Agenda Item

SUBJECT:	Youth City Council Presentation, update, appoint YCC mayor, oath of office
APPLICANT PRESENTATION:	
STAFF PRESENTATION:	Councilmember Martinez
BACKGROUND AND FINDINGS:	
<p>In accordance with the bylaws, candidates for YCC mayor apply and present themselves to their peer group for consideration. The YCC advisor, with the recommendation of the YCC and adult advisory committee, submit the names to the Mayor. The Mayor then appoints the YCC mayor.</p> <p>The YCC advisor has recommended that each year as the YCC members begin their terms, they shall take an oath of office to affirm their commitment.</p>	
PREVIOUS LEGISLATIVE ACTION:	
Ordinance No. 03-05-2013A	
FISCAL IMPACT:	
n/a	
SUPPORTING DOCUMENTS:	
none	
RECOMMENDATION:	
The YCC advisor, the YCC and adult advisory committee recommend that YCC member Jordan Anderson be appointed as the Youth City Council mayor.	
MOTION:	
To affirm Mayor Gygi's appointment of Jordan Anderson as the Youth City Council mayor.	



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	David Bunker, City Manager
DATE:	9/17/2013

City Council Agenda Item

SUBJECT:	Fall Fire Restrictions
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Chief Brad Freeman
BACKGROUND AND FINDINGS: Chief Freeman will discuss and recommend adjustments to the current fire restriction policy. With the recent rainfall there may be changes that would be appropriate with respect to policy. However, one of the largest fires in the District in the past was during the month of September. Chief Freeman will discuss the viability of adjusting the fire restrictions east of Canyon Road.	
PREVIOUS LEGISLATIVE ACTION: Current fire restriction policy adopted July 2, 2013.	
FISCAL IMPACT: None.	
SUPPORTING DOCUMENTS: None.	
RECOMMENDATION: Staff recommends the council consider adjusting the fire restriction policy based on conditions and the recommendation from Chief Freeman.	
MOTION: Approve/not approve Resolution No. _____, a resolution of the City Council of the City of Cedar Hills, Utah, making adjustments to the current fire restriction policy.	

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH, ADOPTING SPECIFIED RESTRICTIONS OF FIREWORKS AND OPEN FIRES CITYWIDE.

WHEREAS, the City of Cedar Hills wishes to protect vulnerable areas from the risk of fire.

NOW THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH COUNTY, UTAH, AS FOLLOWS:

- Section 1.** The City of Cedar Hills hereby declares support of the Lone Peak Public Safety District (LPPSD) efforts to limit fire risk by the restriction of fireworks citywide and all open fires east of Canyon Road. Open fires west of Canyon Road shall be contained in facilities as approved by the LPPSD.

- Section 2.** This Resolution shall take effect immediately upon its approval and adoption.

ADOPTED, RESOLVED, and ORDERED, by the City Council of the City of Cedar Hills this 17th day of September, 2013.

ATTEST:

Gary R. Gygi, Mayor

Colleen A. Mulvey, City Recorder



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	David Bunker, City Manager
DATE:	9/17/2013

City Council Agenda Item

SUBJECT:	Discussion on non-resident rental units
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Chandler Goodwin
BACKGROUND AND FINDINGS: City Council asked staff to explore the possibility of adopting a non-resident fee for rental business licenses. Non-resident rental units make up about 90% of the rental units in the City. Beginning next week, letters will be sent out to all property owners informing them of the code, and what they will need to do in order to obtain a business license. With regard to a non-resident business license fee, we asked Eric Johnson for input. His response indicated that the cost of a business license must be reasonably related to the cost of providing the service. As staff would not be performing any additional service for a non-resident rental unit when compared to a rental unit, staff feels that it would be best practice to have a single license fee for all applicants.	
PREVIOUS LEGISLATIVE ACTION: None.	
FISCAL IMPACT: None	
SUPPORTING DOCUMENTS: None.	
RECOMMENDATION: Staff recommends that Council keep the adopted fees regarding rental unit business licensing, and not adopt a separate fee for non-residents.	
MOTION: No motion is necessary. Discussion item only.	



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	David Bunker, City Manager
DATE:	9/17/2013

City Council Agenda Item

SUBJECT:	Discussion on City Code regarding rental units
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Chandler Goodwin

BACKGROUND AND FINDINGS:

Staff has been asked to clarify City Code regarding the definition of a family. From our current Code 10-2-1:

Family: One of the following groups of individuals, but not more than one at the same time:

a) an individual living alone; or

b) two (2) or more people all of whom are related to one designated occupant of the dwelling by blood, marriage, adoption, or legal guardianship and their foster children and up to two (2) other unrelated persons who do not pay rent or give other consideration for the privilege of staying with the family; or

c) up to four (4) unrelated individuals who live together as a single housekeeping unit; or

d) two (2) unrelated individuals and any children of either of them living as a single housekeeping unit. A "guest" under this section is defined as a person who stays with a family or a period of less than thirty (30) days within any rolling one year period and does not utilize the dwelling as a legal address for any purpose.

For purposes of the definition of family, the term "related" shall mean a spouse, parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent, and great-grandchild. The term "related" does not include other, more distant relationships such as cousins.

There are inconsistencies and certain situations could arise that could be problematic legally and as a matter of enforcement; such as our definition of what constitutes being related. Staff would like to receive input from the City Council to help update the code in order to make compliance understandable for residents/property owners, and enforcement consistent for the Zoning Department.

PREVIOUS LEGISLATIVE ACTION:

None.

FISCAL IMPACT:

N/A

SUPPORTING DOCUMENTS:

None.

RECOMMENDATION:

None.

MOTION:

No motion is necessary. Discussion item only.



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	David Bunker, City Manager
DATE:	9/17/2013

City Council Agenda Item

SUBJECT:	Discussion on Public Use of City Facilities
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	David Bunker

BACKGROUND AND FINDINGS:

With the completion of the Recreation Center basement and conference room addition, a policy for the use of these facilities in addition to the conference rooms at the city building should be discussed. It is currently the practice to allow community groups such as HOAs and civic groups access to public facilities at no charge. At times, these groups wish to meet after business hours, which require staff to return to work to lock the building, clean up, set the alarm, etc.

The current/proposed fees for commercial use of the recreation center are as follows:

Vista Room - Weekend \$1,600

Vista Room – Weekday \$1,400

Recreation Center Basement \$30/hour one side, \$50/hour both sides

Recreation Center Conference Room \$30/hour

Staff seeks clarification from City Council regarding a use policy and if an appropriate fee should be charged for the use of city facilities during work hours and/or non-business hours.

PREVIOUS LEGISLATIVE ACTION:

None.

FISCAL IMPACT:

Varies.

SUPPORTING DOCUMENTS:

None.

RECOMMENDATION:

Staff recommends the council consider a policy for use of public facilities during and after work hours. If an appropriate fee is to be charged, it will be added to the fee schedule and adopted by council.

MOTION:

No motion is necessary. Discussion item only.



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	David Bunker, City Manager
DATE:	9/17/2013

City Council Agenda Item

SUBJECT:	Review/Action on proposed Parks and Trails code
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Chandler Goodwin

BACKGROUND AND FINDINGS:

City Council asked staff to research the provision in the proposed code regarding the prohibition of the use of offensive language in municipal parks. After consulting with Eric Johnson, we feel that any prohibition on the use of any language would be in violation of the First Amendment to the Constitution. Multiple documented legal cases have shown that offensive language is a protected speech under the First Amendment.

Staff would like additional input regarding the use/consumption of alcohol in City parks. Staff would like to know if the definition of alcohol needs to be included in the Code.

(Section 6-8-6: Park Curfew has been omitted, and will be a discussion item on the agenda.)

PREVIOUS LEGISLATIVE ACTION:

None.

FISCAL IMPACT:

None

SUPPORTING DOCUMENTS:

See proposed Parks and Trails Ordinance

RECOMMENDATION:

Staff recommends the City Council approve the proposed ordinance as prepared.

MOTION:

To approve/not approve Ordinance No. _____, an ordinance amending Title 6 of the City Code of the City of Cedar Hills, Utah, relating to Parks and Public Properties.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 6 OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH, RELATING TO PARKS AND PUBLIC PROPERTIES.

WHEREAS, the City Council of the City of Cedar Hills has determined that it is in the best interest of the City of Cedar Hills and the residents thereof to enact certain amendments to Title 6 of the City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY CEDAR HILLS, UTAH, UTAH COUNTY, STATE OF UTAH:

**PART I
AMENDMENTS**

Title 6 of the City Code is hereby amended by adding Section 8 entitled Parks and Public Properties to read as follows:

6-8-1: DEFINITIONS: The following words and phrases used in this chapter shall have the following meaning unless a different meaning clearly appears from the context:

PARK: "Park" shall mean any public or city owned park.

6-8-2: VANDALISM AND NUISANCES PROHIBITED:

- A. It shall be unlawful for any person or persons to scratch, cut, injure or deface any of the buildings, fences or structures, or to foul any of the fountains or streams, or any other improvements, or to cut or injure flowers, flower beds, turf, trees or shrubs within the parks, or to commit any other act of vandalism to public or private property.
- B. It shall be unlawful for any person or persons to ride any animal or to permit a dog to be unleashed within the area of a park, or for any individual or group to do any of the following in a city park:
 - a. To play or practice golf;
 - b. To shoot any firearm or propel arrows, rocks or any projectile;
 - c. To engage in any activity that threatens the safety or well-being of other persons;
 - d. To create a disturbance or a nuisance; or
 - e. To operate, ride or otherwise use any licensed or unlicensed motorized vehicle, including, but not limited to, all-terrain vehicles (ATV), motorcycles, dirt bikes, or any wheeled or tracked commercially built or home built devices, excluding any vehicle used in compliance with the Americans with Disabilities Act (§ 35.137)
- C. It shall be unlawful for any person or persons ~~to engage in language that is offensive to the sensibilities of reasonable persons, or~~ to engage in any act or activity creating a hazard that threatens the health and welfare of inhabitants of the park, or any activity that by its perpetuation can reasonably be said to have a detrimental effect on the property of a person or persons within the park.

6-8-3: REFUSAL TO LEAVE

It shall be unlawful for any person to refuse to leave any park if, after having violated any law or written rule or regulation of the city concerning conduct in the parks, he/she has been ordered to leave by an authorized city employee or by the police department.

6-8-4: USE OF PARKS BY PERMISSION; COMMERCIAL SALES PROHIBITED:

- A. Permit Required: Any person, group or organization desiring to use a park or any portion thereof on an exclusive basis or any person, group or organization desiring to use the park equipment for public gathering to the exclusion of other persons for the purpose of holding meetings, either public or private in nature, shall do so only after obtaining a reservation permit from the city office and upon payment of an appropriate fee for the privilege of reserving the area for a given period of time. Said permit shall be granted only after the person, group or organization applying for the permit can demonstrate to the city's satisfaction that adequate public restroom facilities are available, and that such public, private or excessive gatherings, meetings or activities can be conducted in a matter that will not be the cause of noise, lighting, parking or other condition, which unreasonably disturbs the adjoining neighborhood.
- B. Commercial Activities: It shall be unlawful to sell anything in a city park or to engage in any commercial activity in a city park, whether for profit or otherwise, without the prior written consent of the city.
- C. Overnight Occupancy: Overnight occupancy of the park may be permitted if the occupants are part of an organized group and the group will have competent authorized adult supervision. Prior written consent is to be obtained from the city.

6-8-5: CONCESSIONS:

- A. Concessions in City Parks: The operation of any and all concessions to sell or rent any property (such as equipment, food, etc.) in any park or on any other property owned by the city shall be governed by the provisions of this section. All concessions shall comply also with any applicable state or local law.
- B. Concession Agreement: The privilege to operate a concession shall be granted by agreement between the city and the concessionaire. The privilege to operate a concession shall be determined on a competitive basis with service clubs being given priority consideration. The concession agreement may be for such period of time as agreed upon by the city and the concessionaire. The city shall have the right to review the services provided by the concessionaire at any time and to revoke the privilege to operate the concession if it is determined that the concessionaire is not abiding by the terms of the agreement or is not providing adequate service to the public. The city manager and recreation director are authorized to receive concession proposals and approve concession agreements in accordance with the provisions of this section.
- C. Concessions Structures:

- a. Permanent concessions structures shall not be allowed on city property unless they are owned by the city. The city may enter into a long term lease agreement of a city owned concession structure.
- b. Temporary concession stands shall be limited to trailer or mobile units approved by the city. These stands shall be provided and satisfactorily maintained by the concessionaire.
- D. Liability Insurance Required: The concessionaire shall file, with the city recorder, proof of liability insurance in a minimum amount acceptable to the city. In addition, a waive which holds the city harmless from any negligence on the part of the concessionaire will also be filed with the city recorder.
- E. Care of Concessions Area: The concessionaire is to provide regular service and cleanup of the designated areas as set forth in the concession agreement.
- F. Fees for Concessions: The city reserves the right to charge a percentage of concession revenues as a fee to help offset the costs of city sponsored recreation programs and building maintenance.
- G. Penalty: Any person who operates any unauthorized concession in city parks or facilities is guilty of an infraction and upon conviction, subject to penalties.
- H. Property Owners Rights: The operation of concessions on property jointly owned by the city together with other property owners shall be on terms and conditions that are acceptable to all persons having ownership rights in the property.

6-8-6: PARK CURFEW:

6-8-7: PARKING:

It shall be unlawful to park any vehicle upon park property in such a way as to block the roads provided and it shall be unlawful to park any vehicle other than in the public parking area, other than authorized City and emergency vehicles.

6-8-8: ALCOHOLIC BEVERAGES PROHIBITED:

It shall be unlawful to consume or possess any alcoholic beverage within a park.

6-8-9: LITTERING PROHIBITED:

It shall be unlawful to cause or allow any foreign material, papers, bottles, cans, rags, or discarded articles of any substantial kind or nature to be left in parks.

6-8-10:USE OF RADIOS AND RECORDERS:

- A. It shall be unlawful to operate, play or cause to be operated or played in a city park or in a motor vehicle located in a city park or parked on a road adjacent to a city park, any radio, television, or other similar device which produces, reproduces or amplifies sound in such

a manner as to be audible beyond the boundaries of the park or at a distance of more than twenty five feet (25') from such radio, television, sound amplifier or similar device.

- B. Subsection A of this section shall not apply if the device described in subsection A of this section and the volume of sound therefrom are specifically authorized by the city manager in conjunction with a scheduled activity.

6-8-11: PARK SIGNAGE:

- A. Required: The city shall cause to have made of durable material, use ADA (Americans with Disabilities Act) compatible language, erect conspicuously at each entrance, and thereafter maintain in good order signage as follows:
 - a. Indicating the approved name of the park;
 - b. Indicating in readily legible, concise, summary form, hours of park availability to the public and rules of park use, including pertinent restrictions.
- B. Single Sign: Signage of subsections A and B of this section may be combined on a single sign.

6-8-12: PENALTY:

Unless otherwise provided, any person violating any of the provisions of this chapter shall be guilty of up to a class B misdemeanor and upon conviction, subject to penalty. Each day a violated continues shall constitute a separate offense.

PART II

PENALTY AND ADOPTION

A. CONFLICTING PROVISIONS

Whenever the provisions of this Ordinance conflict with the provisions of any other Ordinance, resolution or part thereof, the more stringent shall prevail.

B. PROVISIONS SEVERABLE

This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

C. AMENDMENT TO BE ADDED TO CITY CODE

The City Council hereby authorizes and directs that insert pages reflecting the provisions enacted hereby shall be made and placed in the City Code, Title 3.

D. PENALTY

Hereafter these amendments shall be construed as part of the City Code of the City of Cedar Hills, Utah, to the same effect as if originally a part thereof, and all provisions of said regulations shall be applicable thereto, including, but not limited to, the enforcement, violation and penalty provisions.

E. EFFECTIVE DATE

This Ordinance shall take effect upon its passage and publication as required by law.

PASSED AND ORDERED POSTED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH, THIS 17TH DAY OF SEPTEMBER, 2013.

APPROVED:

Gary R. Gygi, Mayor

ATTEST:

Colleen A. Mulvey, City Recorder



CITY OF CEDAR HILLS

TO:	Mayor and City Council
FROM:	David Bunker, City Manager
DATE:	9/17/2013

City Council Agenda Item

SUBJECT:	Discussion on Parks and Trails code, Park Curfew
APPLICANT PRESENTATION:	N/A
STAFF PRESENTATION:	Chandler Goodwin
BACKGROUND AND FINDINGS: The following is the proposed addition to the Parks and Trails code: 6-8-6: PARK CURFEW: A. All parks shall be closed between the hours of ten o'clock (10:00) P.M. and five o'clock (5:00) A.M. It shall be unlawful for any person other than city employees performing their duties to be to loiter in the park when it is closed. Current park rules state that the park curfew is 10:30 P.M., however, City Code states: 5-3-2: It is unlawful for any person to cause noise that constitutes a public disturbance. d. Sports or other entertainment activities in or adjacent to a residential zone between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. Staff would like direction on how the Council wishes to regulate the use of parks, it has come to our attention that 9:00 has been proposed as an appropriate park curfew, while current park rules state 10:30, and the code states 10:00. Staff would like the various times to be consistent for enforcement purposes.	
PREVIOUS LEGISLATIVE ACTION: None.	
FISCAL IMPACT: N/A	
SUPPORTING DOCUMENTS: See proposed code under Background and Findings.	
RECOMMENDATION: Staff recommends that Council adopt consistent times for the use of parks.	
MOTION: No motion is necessary. Discussion item only.	