

**SPECIAL CITY COUNCIL MEETING**  
**Tuesday, August 25, 2009 7:00 p.m.**  
**Public Safety Building**  
**3925 W Cedar Hills Drive, Cedar Hills, Utah**

*This meeting may be held electronically via telephone to permit one or more of the council members to participate.*

NOTICE is hereby given that the City Council of the City of Cedar Hills, Utah, will hold a Special City Council Meeting on Tuesday, August 25, 2009, beginning at 7:00 p.m.

**COUNCIL MEETING**

1. Call to Order, Invocation and Pledge

**SCHEDULED ITEMS**

2. Review/Action on a Special Events Ordinance
3. Review/Action on Resolution Adopting Fees (Special Events fees)
4. Review/Action on Appointment of Poll Workers for the 2009 Municipal Primary Election

**EXECUTIVE SESSION**

5. Motion to go into Executive Session, Pursuant to Utah State Code 52-4-205  
\* \* \* EXECUTIVE SESSION \* \* \*
6. Motion to Adjourn Executive Session and Reconvene City Council Meeting

**ADJOURNMENT**

7. Adjourn

Posted this 21st day of August, 2009.

\_\_\_\_\_  
Kim E. Holindrake, City Recorder

This special meeting was ordered by Mayor Michael C. McGee.

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Michael C. McGee, Mayor

- Supporting documentation for this agenda is posted on the City's Web Site at [www.cedarhills.org](http://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 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.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 6 OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH, ADDING CHAPTER 7 ADOPTING A CEDAR HILLS SPECIAL EVENTS.**

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 OF CEDAR HILLS, UTAH COUNTY, STATE OF UTAH:**

**PART 1  
AMENDMENTS**

**SECTION 1:** Title 6 of the City Code of the City of Cedar Hills, Utah, is hereby amended by adding Chapter 7 entitled Special Events Ordinance.

**6-7-1: PURPOSE:**

The purpose and intent of this Chapter is to establish reasonable and uniform regulations governing the time, place and manner of holding special events on City streets and on City property, in order to promote, protect and assure the safety and convenience of the people in their use of public streets and places.

**6-7-2: APPLICATION OF PROVISIONS:**

This Chapter imposes regulatory requirements on certain activities that are held on City streets and on City property and that are defined as "special events". The requirements imposed by this Chapter do not alter, supersede or nullify any requirements contained in other statutes, ordinances or regulations that may also regulate these same activities. These requirements shall be applied in a content neutral manner and without discrimination as to race, religion, sex, national origin, political affiliation or other unlawful discriminatory classification.

**6-7-3: DEFINITIONS:**

For the purpose of this Chapter, the following words shall have the following meanings:

**ATHLETIC EVENT:** An organized competitive or recreational event in which a group of people collectively engage in a sport or form of physical exercise, including, but not limited to, running, jogging, walking, bicycling or skating, on any City street or City property.

**ENTERTAINMENT EVENT:** An organized event having as its primary purpose the

entertainment or amusement of a group of people, including, but not limited to, parades, carnivals, fairs, concerts, block parties, or neighborhood gatherings on any City street or City property.

**POLITICAL EVENT:** An organized event, not including an athletic or entertainment event, having as its primary purpose the exercise of expressive activities of a political nature, including, but not limited to, speech making, picketing, protesting, marching, demonstrating, or debating public issues on any City street or City property.

**SPECIAL EVENT:** Any athletic event, entertainment event or political event, whether held for profit, nonprofit, or charitable purposes.

**6-7-4: PERMIT REQUIRED:**

It is unlawful for any person, corporation, partnership, association, or other entity, public or private, to promote, advertise, or hold a special event without first obtaining a special event permit and paying the fees as required in this chapter.

**6-7-5: EXEMPTION FROM PERMIT REQUIREMENT:**

The provisions of this Chapter shall not be applied to regulate the use of traditional public forums as alternative channels of communication by the public, provided such use is for the free exercise of constitutionally protected activities and does not disrupt or interfere with traffic on public streets or the use of public places by other members of the public.

**6-7-6: PERMIT; APPLICATION PROCEDURES:**

- A. **Form; Information:** All applications for special event permits shall be made on a special event permit application form prescribed by the City and shall include the following information:
1. Type and description of event;
  2. Name of the sponsoring entity, contact person, address, and telephone number;
  3. Name of the promoting entity, contact person, address, and telephone number;
  4. Proposed date, together with beginning and ending times;
  5. Proposed location, including barricade plan and route map;
  6. Estimated numbers of event staff, participants, and spectators;

7. Admission fee, donation, or other consideration to be charged or requested;
  8. Signature of applicant; and
  9. If the event is a block party, applicant must collect and submit with the application form a list of signatures consenting to the street closure from all neighbors whose vehicular access to their property is affected by the street closure.
- B. Obtain From the Department Over Special Events: Special event permit application forms may be obtained from the Department over Special Events.
- C. Submission; Time Limit: Completed application forms shall be submitted to the Department at least sixty (60) calendar days before the event is scheduled to take place, in order to allow sufficient time to process the application and to allow timely appeal to the City Manager in the event the application is denied. Applications submitted less than sixty (60) calendar days prior to the scheduled event shall be denied unless the applicant demonstrates to the City Manager that compliance with the sixty (60) day deadline was impractical or impossible due to the nature of the event.
- D. Advertising: No advertising of a special event shall be permitted until City approval of the special event is granted and a special event permit is issued.
- E. Multiple Jurisdictions: Special events that cross or involve multiple governmental jurisdictions shall be approved only if the applicant also obtains formal authorization from all respective governing bodies.

**6-7-7: PERMIT; APPLICATION PROCESSING:**

- A. Approval of Agencies: Upon receipt of a special event permit application, the Department shall circulate copies of the application to the following agencies for the purpose of obtaining their approval or disapproval of the proposed special event, and must bring evidence to the Department of and for approval:
1. Utah County - County Health Department;
  2. The City law enforcement service provider;
  3. The City fire service provider; and
  4. Any other City Department that is to provide a service in connection with the special event.

- B. Considerations: In reviewing an application, the departments involved shall consider the following:
1. The impact of the special event on the traffic, security, health, and safety of the public;
  2. A determination by the department of appropriate and reasonable requirements for the mitigation of traffic, security, health, and safety concerns, and an evaluation of the measures proposed by the applicant to satisfy those requirements;
  3. The demonstrated ability of the applicant to comply with requirements necessary to protect the safety, health, and welfare of the public;
  4. The location and duration of the special event and the City's ability to accommodate the event with the necessary resources; and
  5. Other previously approved special events that could cause scheduling conflicts during the same period and cause over extension of the City's resources.
- C. Additional Requirements or Conditions: The agencies or departments involved in reviewing an application may impose additional requirements or conditions necessary to protect the public interest by ensuring traffic management, security of property, or the health and safety of the public.

**6-7-8: PERMIT; FEES:**

- A. Fee: Each initial application for a special event permit shall be accompanied by a nonrefundable fee as stated in the City's Fees, Bonds, and Fines Schedule to defray the administrative costs of processing the application.
- B. Protection Fees: In order to promote, protect, and assure the safety and convenience of the people in their use of public streets and places, the City shall coordinate the use of professional peace officers if the special event requires traffic control or police protection. Additional fees shall be charged to cover costs incurred by the City or other agencies. The City shall specify the fee required upon its approval of the special event permit application, based upon the number of officers and amount of support equipment required by such factors as: the date and time of the event; the route location and length; the anticipated traffic and weather conditions; the estimated number of participants and spectators; the nature, composition, format and configuration of the event; and the estimated time for the event. The fee charged for traffic control or police protection shall be paid prior to the issuing of the special event permit.

- C. Additional Fees: Additional fees may be charged by the Utah County - County Health Department, the City, or other agencies. Such additional fees shall be specified at the time the Department approves the special event permit application and shall be paid directly to the agency prior to the issuing of the special event permit.
- D. Exempt From Fees: The following special events shall be exempt from the fees set forth in this Section:
  - 1. Political events;
  - 2. Parades of less than one mile in length;
  - 3. School events in the immediate area of the school;
  - 4. Events sponsored in whole by the City; and
  - 5. Block parties.
  - 6. Approved community events at the discretion of the City Manager or designee.

6-7-9: PERMIT; APPROVAL AND ISSUANCE:

- A. Approval; Issuance: A special event permit application shall be approved and a permit shall be issued to the applicant by the Department upon approval by all affected departments and compliance with the requirements of this Chapter. The Department shall notify the City Manager, the City Council, and all affected agencies of all special event permits issued pursuant to this Chapter.
- B. Reasons For Denial Specified: If a special event permit application is denied by the Department, the reason or reasons for denial shall be provided in writing to the applicant.
- C. Authority To Deny: The City reserves the right to deny permit applications for proposed special events that pose a significant danger or threat to the public health, welfare, or safety, or that may result in unreasonable inconvenience or cost to the public.

6-7-10: PERMIT; LIABILITY INSURANCE AND IDEMNIFICATION:

- A. Certificate Of Insurance: No special event permit shall be issued unless and until the applicant has submitted to the Department a certificate of insurance, listing the City as an additional insured, on an occurrence policy issued by an insurance company authorized to do business in the state, showing comprehensive general

liability and property damage coverage for the event according to the City's Fees, Bonds, and Fines Schedule.

- B. Exemptions: The following special events shall be exempt from the insurance requirements set forth in this section;
1. Political events;
  2. Parades of less than one mile in length;
  3. School events in the immediate area of the school;
  4. Events sponsored in whole by the City; and
  5. Block parties.
- C. Save Harmless Agreement: In consideration for the issuing of a special event permit and the use of City streets or City property, the applicant agrees to indemnify, save harmless, and defend the City, its officers, employees, and volunteers against any claim for loss, damage or expense (including, without limitation, the City attorney fees and costs, if any, sustained by any person on account of injury, death, or property damage occurring by reason of or arising out of the special event.

#### 6-7-11: APPEAL PROCEDURES:

Any permit applicant desiring to appeal an administrative decision of the Department concerning the denial of a special event permit may petition the City Manager. All appeals shall be in writing, shall state the specific grounds for the appeal, and shall be filed in the City office within seven (7) calendar days after the date the applicant received notice of the denial. An applicant aggrieved by the decision of the City Manager may seek judicial review of such decision pursuant to rule 65(b), Utah Rules of Civil Procedure, or any other applicable ordinance, statute, or rule providing for such review.

#### 6-7-12: CITY LIABILITY:

By issuing a special event permit, the City makes no guarantees and assumes no liability for the safety of participants or spectators of a special event.

#### 6-7-13: VIOLATION; PENALTY:

A violation of Section 6-7-4 of this Chapter is subject to a Class B Misdemeanor. Failure to obtain a permit as required by this Chapter may also result in enforcement action by the City or its designee which, in its discretion, may stop an event that has not been issued a permit and/or may issue citations where event staff or participants violate other state statutes or City ordinances, including, but not limited to, traffic rules and regulations, disturbing the peace, public nuisance, failure to disperse, trespass, or other health and safety regulations.

## 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 6.

**D. PENALTY**

Any public or private entity violating any of the provisions of this Ordinance shall receive a fine according to section 6-7-13 of this Ordinance.

**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 25TH DAY OF AUGUST, 2009.**

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Michael C. McGee, Mayor

ATTEST:

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Kim E. Holindrake, City Recorder



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION ADDING, AMENDING, OR DELETING CERTAIN FEES TO THE OFFICIAL FEE SCHEDULE OF THE CITY OF CEDAR HILLS, UTAH.**

**WHEREAS**, the City has enacted various ordinances and fee resolutions setting certain fees for the City; and

**WHEREAS**, the City Council desires to provide an updated schedule of all City fees; and

**WHEREAS**, the purpose of this resolution is to add, amend or delete certain fees on the fee schedule.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH**, as follows:

**Section 1  
Adoption**

Pursuant to the provisions of Section 10-3-717 UCA, 1953, as amended, the City Council hereby adopts the schedule of fees for certain municipal services provided by the City as set forth under Attachment A, which is attached hereto and by this reference made part of this Resolution.

Specific fees to be added and/or amended are as follows:

| Fee Type  | Current Fee | Amended/Added Fee |
|---|-------------|-------------------|
| Special Event Permit  | -0-         | \$100             |
| Special Event Permit - Additional Fees - American Fork Police   | -0-         | Per Direct Costs  |
| Special Event Permit - Additional Fees - Lone Peak Public Safety District                                 | -0-         | Per Direct Costs  |
| Special Event Permit - Additional Fees - City   | -0-         | Per Direct Costs  |
| Certificate of Insurance - Minimum Limits - Injury or death for one person in any one occurrence          | -0-         | \$250,000         |
| Certificate of Insurance - Minimum Limits - Injury or death for two or more persons in any one occurrence | -0-         | \$500,000         |
| Certificate of Insurance - Minimum Limits - Property damage in any one occurrence                         | -0-         | \$100,000         |

**Section 2**  
**Update/Adjustment of Fees**

1. Any subsequent fee resolutions for any or all of the fees contained within this fee schedule shall have the effect of updating and/or adjusting the fee schedule accordingly.
2. Any adjustment that is needed for those fees not created by a separate fee resolution shall be accomplished only by amending or repealing this resolution and adoption of a new fee resolution.

**Section 3**  
**Severability**

If any section, sentence, clause, or phrase of this resolution is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not effect the validity or constitutionality of any other section, sentence, clause, or phrase of this resolution.

All resolutions or policies in conflict herewith are hereby repealed.

**PASSED AND APPROVED THIS 25TH DAY OF AUGUST, 2009.**

\_\_\_\_\_  
Michael C. McGee, Mayor

ATTEST:

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Kim E. Holindrake, City Recorder



# CITY OF CEDAR HILLS

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**TO:** Mayor McGee, City Council, and Staff  
**FROM:** Kim E. Holindrake, City Recorder  
**DATE:** August 21, 2009

## City Council Memorandum

**SUBJECT:** Appointment of Poll Workers for the 2009 Municipal Primary Election  
**APPLICANT PRESENTATION:**  
**STAFF PRESENTATION:** Kim E. Holindrake

### **BACKGROUND AND FINDINGS:**

According to UCA 20A-5-602, shall appoint poll workers for the Municipal Primary Election to be held on September 15, 2009. The Council cannot appoint a parent, sibling, spouse, child, or in-law of any candidate to serve as a Poll Worker.

### **PREVIOUS LEGISLATIVE ACTION:**

### **FISCAL IMPACT:**

### **SUPPORTING DOCUMENTS:**

- See attached list.

### **RECOMMENDATION**

To appoint those listed as Poll Workers for the Municipal Primary Election.

### **MOTION**

To appoint those names presented as Poll Workers for the Municipal Primary Election to be held September 15, 2009.

