

FUTURE CONSIDERATION AT SEPTEMBER 24 COUNCIL MEETING

ORDINANCE #2019-25

AN ORDINANCE TO REMOVE OR AMEND REFERENCES TO FEES IN THE MOAB MUNICIPAL CODE UPON THE ADOPTION OF A MASTER FEE SCHEDULE, CHAPTER 3.50, AND TO REMOVE THE MUTUAL COMMITMENT REGISTRY, CHAPTER 9.44

The following entries describe the intent and purpose of the City of Moab in the adoption of these amendments:

- a. Currently, fees, rates, and charges (collectively “fees”) for various City services are listed in several sections of the Moab Municipal Code, resolutions adopted by the City Council, on forms, and through other administrative means.
- b. Confusion has resulted from a lack of consistent process for determining fees and for changing fees over time.
- c. The public, elected officials, and staff all benefit from having easy access to all fees assessed by the City in one location in the City Code.
- d. The Mutual Commitment Registry is obsolete.
- e. The City Council is considering or has considered an ordinance creating a new chapter in the Moab Municipal Code, Chapter 3.50, a Master Fee Schedule, which itemizes all the fees charged by the City of Moab.
- f. The City Council held a duly advertised public hearing during a regularly scheduled meeting on September 9, 2019, to hear evidence and public comment, and to review Chapter 3.50, the Master Fee Schedule, as well as the Sections and Chapter of the Code to be removed or amended below.
- g. The City Council finds that it is advantageous and appropriate to adopt Chapter 3.50, the Master Fee Schedule, and to remove Chapter 9.44, the Mutual Commitment Registry, and therefore authorizes the removal or amendment of the following Sections of the Code which refer to City fees.

NOW, THEREFORE, the Council hereby ordains that the following amendments to the Moab Municipal Code are adopted, and the Code is amended as noted below:

The following Sections and Chapters shall be removed in their entirety from the Moab Municipal Code:

3.04.055 Finance charges on accounts receivable. [Revenue & Finance]

The finance charges to be charged on all accounts receivable over thirty days old shall be one and one-half percent monthly or eighteen percent annually. These rates shall become effective with the September 1990 utility billing.

3.14.030 Curtailment. [Municipal Transient Rooms Tax]

A. The tax imposed by this chapter shall be reduced by the amount of one-half of one percent upon the first occurrence of the following events:

1. Twenty-five years from the day Moab City enacts the ordinance codified in this chapter; or
2. The day on which debt service on bonds or other indebtedness issued prior to January 1, 1997, have been paid in full, including lease payments under a lease/purchase option and refunding obligations incurred in connection with said bonded indebtedness or lease/purchase obligations. (Ord. 97-22 (part), 1997)

5.60.010 Application--Fee. [Franchises]

Whenever applications shall be made to the city council for a franchise or grant of special privileges, or for an extension or renewal of any existing franchise or grant of special privileges, the applicant shall furnish to the city recorder, for the use of the city council, twelve copies of the proposed resolution or ordinance, and pay into the city treasury a fee of twenty-five dollars.

Chapter 9.44 MUTUAL COMMITMENT REGISTRY

9.44.010 Purpose.

The City is committed to promoting justice, equality and inclusiveness in the provision of health care and many other benefits that may be offered by the City or other employers within city limits. It is the purpose of this chapter to allow any two adults in a committed relationship who meet the mutual commitment registry criteria to register with the City and to obtain a certificate attesting to their status. (Ord. 13-18 (part), 2013)

9.44.020 Eligibility requirements for the mutual commitment registry.

To be eligible to register a relationship of mutual commitment with the City of Moab, two individuals (the “declarants”) must meet the following criteria:

- A. Be persons eighteen years of age or older and be unmarried according to the laws of the state of Utah;
- B. Freely declare that they are solely and mutually committed to each other;
- C. Be competent to contract;
- D. Be directly dependent upon, or interdependent with, each other, sharing a common financial obligation that is evidenced by acceptable documentation. Acceptable documentation shall include any three of the following five documents:
 1. A joint loan obligation, mortgage, or a lease of joint ownership of a vehicle;
 2. A life insurance policy, retirement benefits account, a will of trust of one declarant designating the other declarant as beneficiary thereto, or a will of trust of one declarant which designates the other declarant as executor or successor trustee;
 3. A mutually granted power of attorney for purposes of health care or financial management;
 4. Proof showing that one declarant is authorized to sign for purposes of the other declarant’s bank or credit account;
 5. Proof of a joint bank or credit account;
- E. Currently share a primary residence within Moab city limits. For these purposes, “primary residence” means the place where both declarants reside. The legal right to occupy the residence need not be joint; and
- F. Execute a declaration of mutual commitment, attesting to the foregoing requirements and attesting that the parties are in a relationship of mutual commitment, support and caring, that they are responsible for each other’s physical and financial welfare, and that they have the intention to remain in that relationship. (Ord. 13-18 (part), 2013)

9.44.030 Declaration of mutual commitment.

- A. Mutual commitment declarants shall make an official record of their relationships by executing a declaration of mutual commitment on the form prescribed by the City.
- B. The declaration must include a statement that the persons are in a relationship of mutual commitment, support and caring and are responsible for each other's welfare.
- C. The declaration must include a statement that both persons agree to file a notice of the termination of the relationship if there is a change in the status of their relationship such that they cease to meet the criteria of the mutual commitment registry.
- D. The sworn declaration shall include the date on which the mutual commitment was registered, the mailing address(es) of both declarants, and the notarized signatures of both declarants. The declaration shall further state that the declarants meet all the criteria for the mutual commitment registry set forth in Section 9.44.020.
- E. The City shall have no duty to verify the information provided by the individuals filing the declaration of mutual commitment. (Ord. 13-18 (part), 2013)

9.44.040 Termination of mutual commitment.

A mutual commitment ends when:

- A. Either of the declarants dies; or
- B. One or both declarants execute a notice of termination, stating that one or more of the criteria listed in Section 9.44.020 no longer applies. If only one of the declarants executes the notice of termination, then that declarant shall attest to the fact that he or she has sent a copy of the notice of termination to the other declarant at the other declarant's last known address. This notice requirement does not apply if the termination of the mutual commitment is due to the death of one of the declarants.
- C. A person cannot register a mutual commitment until at least six months after any other mutual commitment of which he or she was a declarant ended and a notice that the mutual commitment ended was given. This does not apply if the earlier mutual commitment ended because one of the individuals died. (Ord. 13-18 (part), 2013)

9.44.050 Registration, fee and amendment.

- A. The City Recorder's office will keep a record of all declarations of mutual commitment and of all notices terminating a mutual commitment.
- B. The fee for filing a declaration of mutual commitment shall be twenty-five dollars. The payment of this fee entitles the persons filing the declaration of mutual commitment to two certified copies of the official declaration.
- C. No fee will be charged for filing a notice terminating a mutual commitment.
- D. An amendment to a declaration may be filed by a declarant with the City Recorder's office at any time to show a change in his or her mailing address. The record will be maintained so that amendments and notices terminating a mutual commitment are filed with the declaration of mutual commitment to which they apply. (Ord. 13-18 (part), 2013)

9.44.060 Privileges and benefits.

- A. Use and Access to City Facilities and Programs. All facilities owned and operated by the City, including but not limited to recreational facilities and programs, shall allow those listed on the mutual commitment registry, and his or her children, to be included in the privileges and benefits accorded a spouse and children for the purpose of access to city facilities and programs. For employee health insurance, benefits shall be provided within the parameters of the City's in-effect health insurance contract.
- B. Other Benefits. The City may, from time to time, be requested by the City Council or administration or private employers within the City to have the registry act as verification of

mutual commitment status for other benefits which meet the purpose of this chapter to promote the public health, safety and welfare of its citizens. Such requests may be granted by the City Council. (Ord. 13-18 (part), 2013)

13.24.080 Backflow inspection fees. [Public Services - Rates & Charges]

The fee to be charged on all backflow inspections shall be a minimum of twenty-five dollars. This rate is effective as of January, 1991.

The following Sections regarding fees shall have the portions that are stricken removed from the Moab Municipal Code, and replaced with the language underlined:

3.04.045 Checks returned to eCity--Fee. [Revenue & Finance]

The Treasurer of the City is authorized and ordered to add ~~the~~ an additional sum of ~~twelve dollars~~ as found in the Master Fee Schedule, Chapter 3.50, to any account owed to the City by any person or corporation who delivers a check to the City for goods or services rendered when such check is returned to the City for insufficient funds.

8.12.030 License-Fee. [Fireworks]

The fee for any license to sell or display fireworks at retail or for any renewal thereof, shall be ~~fifty dollars~~ determined by the City Council, and specified in Chapter 3.50, the Master Fee Schedule.

12.08.060 Sidewalks, curbs and gutters required at time of construction.

[Streets, Sidewalks and Public Places - Sidewalk and Driveway Construction]

D. In the event that the lot frontage meets all of the following criteria, the eCity eCouncil may grant an exception where the property owner shall pay a fee in lieu of construction. Those criteria are:

1. The frontage of the lot exceeds two hundred lineal feet;
2. The lot is intended only for a single-family residence;
3. The construction of the street, curb and gutter, and sidewalks is inconsistent with the street character; and
4. The exception will not create, extend or perpetuate a half-paved street.

E. The fee in lieu of construction shall be an amount equal to ~~one hundred ten percent~~ a percentage, as specified in the Master Fee Schedule, Chapter 3.50, of the estimated cost of constructing two hundred lineal feet of the required improvements. Those funds shall be submitted by the property owner to the eCity for deposit into a street fund for future use to develop and repair sidewalks, curbs and gutters, pedestrian trails, and streets within the eCity. The eCity eEngineer shall calculate the lineal foot costs for construction of the improvements by consulting licensed contractors in the area.

12.28.040 Noncompliance--Notification--Penalty. [Streets, Sidewalk, and Public Places - Street Numbers]

A. Following the expiration of sixty days from the passage of the ordinance codified in this eChapter the building inspector shall compile a list of all the home or business owners who have failed to comply with this chapter. He shall notify each noncomplying home or business owner advising them that they must install a street number within twenty days, and further advising them that if they fail or refuse to do so that the eCity will install such number and bill the owner for the cost thereof as provided in this chapter. A copy of the ordinance shall accompany the notice.

B. Should any home or business owner fail to comply with this eChapter following the expiration of final notice, the building inspector shall cause the street address number to be installed by the eCity work crew. Following such installation, the building inspector shall send the home or business owner a bill for ~~the sum of twenty dollars~~ a fee as specified in the Master Fee Schedule, Chapter 3.50. Such ~~twenty dollar~~ fee for installing the street number is hereby declared to be a legitimate municipal charge and if not timely paid, the eCity tTreasurer shall be required to collect said sum in the same manner as other eCity bills.

13.08.030 Permit--Issuance--Prerequisites. [Public Services - Connections]

The plumbing inspector and the waterworks superintendent shall approve a permit under this chapter only when the plumbing in the house or building to be connected is in accordance with the regulations and provisions of the eCity regulating plumbing, and only after the proper grade for drainpipe from house to sewer has been given by the eCity eEngineer. ~~For any such grade furnished by the city engineer a fee of five dollars shall be paid into the city treasury.~~

13.08.040 Permit--Issuance--Terms. [Public Services - Connections]

Upon the payment of all connection fees as set forth ~~in this chapter in~~ Chapter 3.50, the Master Fee Schedule, and upon the approval of the plumbing inspector and the waterworks superintendent, the eCity tTreasurer shall issue a permit to connect with the eCity water or sewer system. The permit shall be for each connection and shall give the type of occupancy and address and show thereon the rules and regulations for sewer and water connections.

13.08.050 Fees. [Public Services - Connections]

A. The rates for water and sewer connection fees shall be as follows are itemized in the City's Master Fee Schedule, Chapter 3.50.

~~A. Rates within the City.~~

~~Water Connection Fees~~

3/4" meter	\$700.00
Each unit in trailer court, motel, or dwelling	35.00
1" meter	1,000.00
Each unit in trailer court, motel, or dwelling	50.00
1 1/2" meter	1,250.00
Each unit in trailer court, motel, or dwelling	75.00
2" meter	1,500.00
Each unit in trailer court, motel, or dwelling	75.00

~~Sewer Connection Fees~~

4" sewer	850.00
Each unit in trailer court, motel, or dwelling	50.00
6" sewer	950.00
Each unit in trailer court, motel, or dwelling	75.00

~~B. Rates Outside City Limits.~~

~~Water Connection Fees~~

3/4" meter	\$1,200.00
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Each unit in trailer court, motel, or dwelling	100.00
1" meter	1,500.00
Each unit in trailer court, motel, or dwelling	150.00
1 1/2" meter	2,250.00
Each unit in trailer court, motel, or dwelling	200.00
2" meter	2,500.00
Each unit in trailer court, motel, or dwelling	250.00
Sewer Connection Fees	
4" sewer	1,700.00
Each unit in trailer court, motel, or dwelling	100.00
6" sewer	1,900.00
Each unit in trailer court, motel, or dwelling	150.00
Cutting a street or road per foot (\$75.00 minimum)	10.00

~~C. B. Fire Hydrant and Sprinkler System Connection Fees. See Chapter 3.50, Master Fee Schedule. There will be a fee equal to the cost of making a fire sprinkler system connection according to the specifications outlined in Section 13.08.044, including, but not limited to, the cost of labor, materials and equipment necessary to perform the connection.~~

~~D. Fire Hydrant Connection Fees. There will be a twenty five dollar fee to connect a fire hydrant into the city water system.~~

~~Should the actual cost of installation to the city exceed a minimum fee, the additional cost shall be paid by applicant.~~

13.24.005 Deposit required--Delinquent accounts policy. [Public Services - Rates & Charges]

~~A deposit is required for all The City Council city treasurer will determine the need and amount of deposit required for eCity water, sewage and trash service accounts. for all applicants requesting these services. The following guidelines will be used in the determination of the need for and the amount of deposit: The amount of the deposit is itemized in Chapter 3.50, the Master Fee Schedule.~~

~~A. Owners of single family residential dwelling: twenty five dollars.~~

~~B. Tenant of single family residential dwelling: seventy five dollars.~~

~~C. Small business and retail establishments having an average monthly service charge: fifty dollars.~~

~~D. Large commercial and industrial users will pay a deposit in the amount equal to two times the highest water bill for service location.~~

~~E. A deposit may be required from any customer at any time if payment record requires one.~~

~~F.A. All deposits made with the eCity are non-interest bearing. After one year the account may be reviewed and the deposit refunded if payment history shows twelve current consecutive payments.~~

~~G.B. The eCity will disconnect service to any accounts sixty days or more delinquent.~~

13.24.050 Failure to pay charges. [Public Services - Rates & Charges]

If any person neglects, refuses or fails to pay his water or sewer service charges within thirty days from the date of billing thereof, the eCity recorder Treasurer shall notify the person in writing that the water will be turned off from his premises after ten days from the date of such notification. The eCity recorder Treasurer shall issue an order to the waterworks superintendent to turn the water off from the premises of such person where such unpaid charges are assessed. Before the water shall be turned on again, all delinquent water and sewer service charges shall be paid in full, plus a turn-on fee of twenty five dollars if during normal working hours, or a turn-on fee of fifty dollars after working hours to be established by the City Council, and specified in the Master Fee Schedule, Chapter 3.50. The eCity recorder Treasurer is authorized to enforce the payment of all delinquent water and sewer rates by an action in law in the corporate name of the eCity.

13.24.070 Water meter re-read charges. [Public Services - Rates & Charges]

The schedule rates for water meter re-reads at the customer’s request, and changing of the meters, is as follows: are itemized in Chapter 3.50, the Master Fee Schedule.

	Charge
1. The customer can re-read his own meter and report the reading to city hall.	\$ N/C
2. The city crew will re-read the customer’s meter.	10.00
3. The city crew will test a customer’s meter.	20.00
4. The city crew will change a tested customer’s meter, at the customer’s request. an additional	35.00
5. The costs incurred for these requests will be paid within thirty days. If that bill is not paid, the water will be turned off until the debt is satisfied, and or a reconnect charge of twenty five dollars during regular hours, or fifty dollars after hours, will be applicable.	
6. If the problem proves to be the city’s responsibility, there will be no charge to the customer.	

13.25.060 Calculation of impact fees. [Public Services - Impact Fees]

A. Water impact fees for residential and commercial uses shall be calculated based upon meter size and an equivalent residential unit (ERU) basis. Water impact fees are itemized in Chapter 3.50, the Master Fee Schedule.

1. ~~The following schedule applies to residential and commercial water impact fees:~~

Meter Size in Inches	Meter Capacity (GPM)	ERU Capacity	Impact Fee
5/8 x 3/4 (std)	10	1.0	\$ 478.00
3/4	15	1.7	813.00
1	25	3.7	1,769.00
1 1/2	50	11.0	5,528.00
2	80	22.9	10,946.00

2. ~~Nonresidential water impact fees for transient lodging including motels, inns, bed and breakfast establishments, and hotels shall be calculated pursuant to the following schedule:~~

~~Impact fee per room for lodging without a restaurant:~~

~~Number of Rooms × \$229.00 = Impact Fee~~

Impact fee per room for lodging with a restaurant:

$$\text{Number of Rooms} \times \$330.00 = \text{Impact fee}$$

B. Sewer impact fees within the City of Moab shall be calculated per equivalent residential unit (ERU). All sewer impact fees are itemized in Chapter 3.50, the Master Fee Schedule.

1. ~~Residential sewer impact fees shall be calculated at one thousand five hundred sixty-six dollars per single family residence, and other permanent and overnight accommodations calculated per ERU pursuant to the following “Sewer Impact Fee Schedule–City of Moab” table.~~

2. ~~Sewer impact fees for business and commercial uses shall be calculated at one thousand five hundred sixty-six dollars per ERU pursuant to the following “Sewer Impact Fee Schedule–City of Moab” table:~~

Sewer Impact Fee Schedule–City of Moab				
Customer Type	Units	Minimum Fee	Allowable Units Under Minimum Fee	Fee per Additional Unit Above Minimum
Permanent Residential				
Single Family	Residence	\$1,566	1 Residence	\$1,566/Residence
Multifamily, 2 Bedrooms or Larger	Unit	\$3,132	2 Units	\$1,566/Unit
Multifamily, 1 Bedroom or Smaller	Unit	\$1,754	2 Units	\$877/Unit
Overnight Accommodations				
Per Unit with Kitchen, 2 Bedrooms or Larger	Unit	\$1,879	1 Unit	\$1,879/Unit
Per Unit with Kitchen, 1 Bedroom or Smaller	Unit	\$1,566	1 Unit	\$1,566/Unit
Hotel/Motel (No Kitchen)	Unit	\$2,452	2 Units	\$1,226/Unit
Other				
Auto Repair	1,000 ft²	\$1,768	7,000 ft²	\$253/1,000 ft²
Bakery	1,000 ft²	\$1,793	500 ft²	\$3,585/1,000 ft²
Bank	1,000 ft²	\$1,566	2,000 ft²	\$783/1,000 ft²
Beauty/Barber Shop	Chair	\$1,566	4 Chairs	\$392/Chair
Campground	Campsite	\$2,463	2 Campsites	\$1,231/Campsite
Car Wash–Auto	Each	\$12,575	1 Each	\$12,575/Each
Car Wash–Wand	Wand	\$6,288	1 Wand	\$6,288/Wand
Commercial	1,000 ft²	\$1,687	7,000 ft²	\$241/1,000 ft²
Dry Cleaner	1,000 ft²	\$1,574	2,000 ft²	\$787/1,000 ft²
Fast Food	1,000 ft²	\$2,825	500 ft²	\$5,650/1,000 ft²
Gas Station/Convenience Store	1,000 ft²	\$1,740	4,000 ft²	\$435/1,000 ft²
Grocery Store	1,000 ft²	\$2,021	4,000 ft²	\$505/1,000 ft²

Sewer Impact Fee Schedule—City of Moab				
Customer Type	Units	Minimum Fee	Allowable Units Under Minimum Fee	Fee per Additional Unit Above Minimum
Laundromat	Washer	\$1,767	2 Washers	\$884/Washer
Office	1,000 ft ²	\$1,566	4,000 ft ²	\$392/1,000 ft ²
Restaurant	Seat	\$2,650	12 Seats	\$221/Seat
Retail	1,000 ft ²	\$1,687	7,000 ft ²	\$241/1,000 ft ²
Schools	Students	\$1,566	15 Students	\$104/Student
Theater	Seat	\$1,620	150 Seats	\$11/Seat
Warehouse	1,000 ft ²	\$1,649	10,000 ft ²	\$165/1,000 ft ²

C. Sewer impact fees for development with the Spanish Valley Water and Sewer Improvement District, the Grand Water and Sewer Service Agency, or any other service agency outside of the eCity of Moab service area shall be as provided by interlocal agreement by the service agency and the eCity, and shall be calculated per equivalent residential unit (ERU).

1. Residential sewer impact fees for connections in other service agencies outside the city of Moab service area shall be calculated at one thousand three hundred sixty one dollars per single-family residence, and other permanent and overnight accommodations calculated per ERU pursuant to the following “Sewer Impact Fee Schedule—Other Agencies” table.
2. Sewer impact fees for business and commercial uses in other service agencies outside the city of Moab service area shall be calculated at one thousand three hundred sixty one dollars per ERU pursuant to the following “Sewer Impact Fee Schedule—Other Agencies” table:

Sewer Impact Fee Schedule—Other Agencies				
Customer Type	Units	Minimum Fee	Allowable Units Under Minimum Fee	Fee per Additional Unit Above Minimum
Permanent Residential				
Single Family	Residence	\$1,361	1 Residence	\$1,361/Residence
Multifamily, 2 Bedrooms or Larger	Unit	\$2,721	2 Units	\$1,361/Unit
Multifamily, 1 Bedroom or Smaller	Unit	\$1,524	2 Units	\$762/Unit
Overnight Accommodations				
Per Unit with Kitchen, 2 Bedrooms or Larger	Unit	\$1,633	1 Unit	\$1,633/Unit
Per Unit with Kitchen, 1 Bedroom or Smaller	Unit	\$1,361	1 Unit	\$1,361/Unit
Hotel/Motel (No Kitchen)	Unit	\$2,130	2 Units	\$1,065/Unit

Sewer Impact Fee Schedule—Other Agencies				
Customer Type	Units	Minimum Fee	Allowable Units Under Minimum Fee	Fee per Additional Unit Above Minimum
Other				
Auto Repair	1,000 ft ²	\$1,536	7,000 ft ²	\$219/1,000 ft ²
Bakery	1,000 ft ²	\$2,190	500 ft ²	\$4,380/1,000 ft ²
Bank	1,000 ft ²	\$1,361	2,000 ft ²	\$680/1,000 ft ²
Beauty/Barber Shop	Chair	\$1,361	4 Chairs	\$340/Chair
Campground	Campsite	\$2,139	2 Campsites	\$1,070/Campsite
Car Wash—Auto	Each	\$9,510	1 Each	\$9,510/Each
Car Wash—Wand	Wand	\$4,755	1 Wand	\$4,755/Wand
Commercial	1,000 ft ²	\$1,465	7,000 ft ²	\$209/1,000 ft ²
Dry Cleaner	1,000 ft ²	\$1,866	2,000 ft ²	\$622/1,000 ft ²
Fast Food	1,000 ft ²	\$2,724	500 ft ²	\$5,447/1,000 ft ²
Gas Station/Convenience Store	1,000 ft ²	\$1,512	4,000 ft ²	\$378/1,000 ft ²
Grocery Store	1,000 ft ²	\$1,756	4,000 ft ²	\$439/1,000 ft ²
Laundromat	Washer	\$1,320	2 Washers	\$660/Washer
Office	1,000 ft ²	\$1,361	4,000 ft ²	\$340/1,000 ft ²
Restaurant	Seat	\$2,704	12 Seats	\$225/Seat
Retail	1,000 ft ²	\$1,465	7,000 ft ²	\$209/1,000 ft ²
Schools	Students	\$1,361	15 Students	\$91/Student
Theater	Seat	\$1,407	150 Seats	\$9/Seat
Warehouse	1,000 ft ²	\$1,432	10,000 ft ²	\$143/1,000 ft ²

D. Water impact fees for properties connecting to the North Area Waterline South Loop shall be as follows:



[Above chart to be removed]

This fee shall remain in effect until ten years after adoption.

~~Peak instantaneous demand shall be calculated using State of Utah Administrative Rules for Public Drinking Water Systems. (Ord. 18-08, 2018; Ord. 17-16, 2017; Ord. 16-08, 2016; Ord. 04-01 (part), 2004; Ord. 98-13 (part), 1998)~~

13.25.090 Extraordinary adjustments. [Public Services - Impact Fees]

A. Where application of the standard impact fees would result in arbitrary, unfair, or unjustified fees the eCity may, in its discretion, adjust the impact fee to respond to site specific circumstances.

B. Upon request by any person subject to an impact fee, the eCity ~~m~~Manager is empowered to receive and review data and studies submitted by that person for the purposes of considering an adjustment to the fee. The applicant shall pay a review fee ~~of one hundred fifty dollars, specified in the Master Fee Schedule, Chapter 3.50,~~ upon request of a review and shall be additionally responsible for staff review time and reasonable costs for consultant review services, if deemed necessary by the eCity. The eCity shall notify the applicant in writing of anticipated review expenses prior to incurring any costs.

15.36.020 Conditions for placement. [Buildings & Construction - Mobile Homes]

No occupied mobile home or recreational vehicle shall hereafter be placed on a lot or be located in the eCity except under the following conditions:

A. When temporarily located on a lot on which a building is being constructed, but not to exceed one year; provided that a bond ~~or mortgage on a recreational vehicle in the amount of two hundred dollars or mobile home or other property in the amount of five hundred dollars~~ in the amount specified in Chapter 3.50, the Master Fee Schedule, shall first be posted with the eCity, guaranteeing the removal of the mobile home or recreational vehicle from the lot upon the completion of construction of the building or at the end of one year from the placement on the lot, whichever is the lesser of time.

15.36.100 Performance guarantee. [Buildings & Construction - Mobile Homes]

In order to ensure that the mobile home park will be constructed in an acceptable manner, developers shall post a bond, ~~mortgage~~ or other assurance acceptable to the eCity eCouncil in an amount ~~equal to the estimated cost, plus fifty percent of constructing all required landscaping, road improvements, lighting, pedestrian ways, hard surfacing, water and sewer lines, storage enclosures and common facilities as shown on the final plan~~ itemized in the Master Fee Schedule, Chapter 3.50.

15.44.200 Temporary signs. [Buildings & Construction - Sign Code]

E. Political Campaign Signs.

1. Political campaign signs require a ~~fifteen dollar~~ permit (the fee for which is specified in the Master Fee Schedule, Chapter 3.50), shall pertain to a specific election, and shall be displayed not earlier than forty-five calendar days prior to that election.

16.20.060 Performance bonds. [Subdivisions - Required Improvements]

A. After final approval but before recordation of the final plat, the developer must complete all improvements required in the subdivision agreement with the eCity or in lieu thereof, the subdivider may guarantee the installation thereof with a bond and sureties guaranteeing the standards of improvements. The bond shall be approved by the eCity eCouncil and the eCity ~~a~~Attorney.

1. The subdivider may furnish and file with the eCity eCouncil a bond in an amount equal to ~~one and one-half times a percentage,~~ as specified in the Master Fee Schedule, Chapter 3.50, of the cost of the improvements not previously installed as determined by the eCity eEngineer to

assure the installation of such improvements within a two-year period. The bond will be guaranteed by a collateral pledge of property, tangible or intangible, satisfactory to the eCity eCouncil and the eCity aAttorney.

2. The subdivider may deposit in escrow with an escrow holder approved by the eCity eCouncil an amount of money equal to ~~one and one-half times~~ a percentage, as specified in the Master Fee Schedule, Chapter 3.50, of the cost of the improvements not previously installed as determined by the eCity eEngineer to assure the installation of such improvements within a two-year period or, if otherwise provided by the eCity eCouncil, a shorter or longer period. The escrow agreement aforesaid shall be approved by the eCity eCouncil and the eCity aAttorney.

17.52.060 Application for permit. [Fowl for Food Production]

D. The applicant shall provide a narrative and a site plan of the subject property to adequately explain the location of the coop and other improvements on the lot. A nonrefundable fee as established in the Master Fee Schedule, Chapter 3.50, ~~by resolution of council~~ shall be submitted at the time of application;

17.52.070 Enforcement [Fowl for Food Production]

In the event that violations of this section occur, the complainant shall contact the Zoning Administrator and shall file a complaint outlining the nature of the infraction(s) and the time(s) that the violations(s) occurred. The property owner of the subject property shall be notified in accordance with ~~code~~ Chapter 17.78, Zoning Violation--Penalties, and the appropriate fines shall be in effect as found in Chapter 3.50 Master Fee Schedule.

~~All violations of this chapter are classified as Class B misdemeanors, punishable by a fine not to exceed one thousand dollars or by imprisonment in the county jail for a period not to exceed six months, or by both such fine and imprisonment. Each day of violation or noncompliance shall constitute a separate offense and may be prosecuted accordingly.~~

17.66.180 Performance guarantee. [Zoning - Planned Unit Developments - Performance Guarantee]

C. In order to ensure that the planned unit development will be constructed to completion in accordance with approved plans, the petitioner shall post a bond or mortgage or other valuable assurance acceptable to the eCity eCouncil in the form of a surety bond, letter of credit, cash escrow, first deed of trust, or similar collateral in an amount equal to ~~one hundred twenty five percent~~ a percentage, as specified in the Master Fee Schedule, Chapter 3.50, of the estimated cost of all required landscaping, road improvements, pedestrian ways, curbs and gutters, hard-surfacing, water and sewer lines and domestic sewage disposal facilities and common facilities as shown on the final plat/plan. eCity staff shall verify the correct amount of the bond based upon review of the cost of the required improvements. The duration of the bond shall be equivalent to the time deadlines specified in the improvements agreement, which, in any case shall not exceed twenty-four months from the date of approval. Final determination of the amount of the bond or other assurance shall be made by the ~~legislative authority~~ City Council. No building permit for any portion of a planned unit development shall be issued until the final plan thereof has been approved by the pPlanning eCommission. Compliance with all material terms of the improvements agreement and the final plat/plan shall be a prerequisite to the developer obtaining a building permit for individual dwellings and/or a certificate of occupancy or zoning compliance.

17.67.070 Improvements agreements, dedications, and warranty. [Zoning - Site Plan Review]

A. Development Improvements Agreement. The eCity may require the applicant to deliver a development improvements agreement (DIA), which will specify in detail: the site-specific development plan for the property; the public improvements which must be constructed to serve the development; engineer's estimates for the cost of required improvements; deadlines for construction and the phasing of development; provisions for a financial assurance and a warranty deposit to secure completion of public improvements; required property dedications; and such other terms as may be specifically required for the development. The amounts of the financial assurance and warranty ~~deposit shall be equal to one hundred forty percent and ten percent, respectively, of the approved construction costs, as verified by the city engineer or other city designee~~ are itemized in the Master Fee Schedule, Chapter 3.50. At the election of the eCity, the DIA may be recorded in the Grand County land records, and constitutes an encumbrance on the subject real property for the duration of the life of the development authorized under this chapter. The form of any financial assurance shall be as authorized by the eCity aAttorney.

17.72.070 Certificate of zoning compliance required. [Zoning - Administration & Enforcement]

A. It is unlawful to use or occupy or permit the use or occupancy of any building or premises, or to change the occupancy of any building or premises until a certificate of zoning compliance is issued by the zoning administrator, stating that the proposed use of the building or land conforms to the requirements of this title. No nonconforming structure or use shall be changed or extended until a certificate of zoning compliance has been issued by the zoning administrator. The certificate of zoning compliance shall state specifically wherein the nonconforming use differs with the provisions of this title.

B. The zoning administrator may permit the occupancy of a building prior to the completion of all required work, provided a cash-only bond is posted with the eCity ~~Recorder in an amount equal to the cost of completing such required work plus fifty percent and all administrative costs as determined by the governing body in the amount itemized in the Master Fee Schedule,~~ Chapter 3.50.

17.78.030 [Zoning] Violation – Penalty

Any person violating any of the provisions of Title 17 of the Moab City Code shall be guilty of a Class B misdemeanor ~~and upon conviction thereof shall be punished by a fine not to exceed the then maximum fine for a Class B misdemeanor as prescribed by Utah State Law or imprisonment in the Grand County Jail for not more than six months or both fine and imprisonment and a minimum fine as established by resolution.~~ and/or subject to a civil penalty if listed in the Master Fee Schedule, Chapter 3.50.

17.80.070. Landscaping. [Supplementary Regulations for Large-Scale Developments over thirty thousand square feet]

B. All plants and irrigation systems shall be installed according to the landscape installation guidelines shown on the approved landscape plan. The owner shall guarantee the quality of work, health and condition of plants, and installation of materials including, but not limited to, plant types, size, spacing, and irrigation systems. Prior to final acceptance of the project and issuance of a certificate of occupancy, the City shall inspect and certify that the installation is in compliance with the approved plans and specifications. All corrections, adjustments, and/or replacement of landscape elements and execution of a landscape maintenance agreement shall be done prior to final approval by the City. In the event corrections cannot be made or installation cannot be completed prior to issuance of a certificate of occupancy, the City shall require a cash deposit equal in value to ~~the amount of one and one-half~~ a percentage, as specified in the Master

Fee Schedule, Chapter 3.50, of the cost of the landscaping project. A cash deposit is returned only when the City gives final approval of the project.

17.90.050 Procedures for designating historic structures, sites and districts for preservation. [Historic Preservation]

A nomination for designation listing in the City register may be made by the Board or by any citizen by filing an application with the zoning administrator. The applicant shall pay all public notice expenses, recording fees and any other fees established by resolution of the City Council. The initial application fee ~~is established at seventy five dollars~~ is specified in the Master Fee Schedule, Chapter 3.50.

PASSED AND APPROVED by a majority of the Moab City Council. This ordinance shall take effect no later than twenty (20) days from the date of publication.

SIGNED:

Emily S. Niehaus, Mayor

Date

ATTEST:

Sommar Johnson, Recorder

Date