

The Regular Meeting of the
Brian Head Town Council
Brian Head Town Hall - 56 North Highway 143
Brian Head, UT 84719
MONDAY, JULY 8, 2019 @ 1:00 PM

AGENDA

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. DISCLOSURES**

- D. APPROVAL OF THE MINUTES:** June 10, 2019 Town Council Meeting

- E. REPORTS / PUBLIC INPUT (Limited to three (3) minutes) Non-Agenda Items**

- F. AGENDA ITEMS:**
 - 1. ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 4, CHAPTER 3, NUISANCES, SECTION 3.P DECLARATION OF NUISANCE FOR NOISE IN SINGLE FAMILY RESIDENTIAL ZONES.** Bret Howser, Town Manager. The Council will consider an ordinance amending the nuisance code for noise in single-family residential zones.

 - 2. PUBLIC HEARING FOR BUSINESS LICENSE CODE AMENDMENT REGULATING NIGHTLY RENTALS.** The Council will hold a public hearing to receive comment on a proposed amendment to the Business License Code regulating Nightly Rentals. Comments are limited to three minutes and written comments may be submitted to the Town Clerk no later than noon on July 8, 2019.

 - 3. ORDINANCE AMENDING BRIAN HEAD TOWN CODE, TITLE 3, CHAPTER 2A LICENSING AND CHAPTER 2B REVOCATION AND SUSPENSION ADDRESSING NIGHTLY RENTALS AND A RESOLUTION ESTABLISHING THE GOOD NEIGHBOR POLICY.** Bret Howser, Town Manager. The Council will consider an ordinance amending the Business License Code addressing nightly rentals and a resolution establishing the Good Neighbor Policy.

 - 4. DISCUSSION ON DONATIONS FOR PARK BENCHES** Cecilia Johnson, Town Treasurer. The Council will hold a discussion on donation for park benches for the Bristlecone Park and trails.

 - 5. RV PARKING ON PRIVATE PROPERTY DISCUSSION.** Wendy Dowland, Public Works Assistant. The Council will hold discussion on RV parking on private property.

 - 6. DUMPSTER SITES & KEEPING THEM CLEAN.** Aldo Biasi, Public Works Director. Aldo will give an informational report on keeping the town dumpster sites clean.



7. **A RESOLUTION AUTHORIZING NOT MORE THAN \$160,000 WATER REVENUE BONDS, TO FINANCE WATER SYSTEM IMPROVEMENTS; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT, MATURITY, INTEREST RATE AND DISCOUNT OF THE BONDS; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.** Bret Howser, Town Manager. The Council will consider a parameter resolution.
8. **POTENTIAL FUTURE AGENDA ITEMS.** The Council will discuss potential future agenda items.

G. ADJOURNMENT

Date: July 4, 2019

Available to Board Members as per Resolution No. 347 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the Council may participate by means of a telephonic or telecommunications conference. In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in three public and conspicuous places within the Town Limits of Brian Head; to wit, Town Hall, Post Office and The Mall on this 4th day of July 2019 and have posted such copy on the Utah Meeting Notice Website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.

Nancy Leigh, Town Clerk





Brian Head Town

Public Works Department Update July 8, 2019

With the melting of the snow, Public Works has launched headfirst into the busy summer workload. We have hired Jason into the newly created full time public Works position. We have also hired Kade into the year-round Part Time Public Works position and Zach into the full-time summer hire parks and trails position. All three workers have fallen into their rolls successfully and I look forward to seeing their progress.

As we moved forward into the workload, we received news of a failed drinking water sample. The next sample also came back positive, Public Works immediately went to work flushing the Towns system with Chlorine and testing to determine where the contamination came from and had chlorine throughout the system by Friday afternoon and never received a failed sample again during the process. As the Town issued the boil order, all of Towns staff came together to help Public Works handle this issue. I would like to offer a heartfelt thank you to all of those that took the time to help in this matter. Staff was able to get the word out quickly with help of Public Safety and volunteers that answered the call to hang up flyers on doors. Staff was also able to send out post on face book and emailed blasts to those who were signed up to receive the notices. Staff has also been able to sign up additional people that have requested to be on the list due to this issue. Public Works will take the

lesson we have learned from this experience and improve the areas that did not flow so well during this issue. The following are the updates for each of the departments that we have been working on.

Streets

- Public Works has been doing patching, grading and rolling roads to get them into shape for the summer usage.
- Crack Seal in the Trails at Navajo area have been completed.
- Public Works has been working with UDOT to help install new culverts across the highway to help with handling the flood waters. In addition to the ones already installed, UDOT will install 5 more and Public Works will be there to help to preserve the sewer main down the Canyon.
- The 2019 streets project looks to be starting at the end of the month. Pre-construction meetings will be held on the 8th of July to see if the schedule has advanced at all.
- Routine grader work will continue, as we work our way through the road schedule.
- Streets have been swept.
- The New Grader has arrived.

Culinary

- The boil order was issued and lifted in a weeks' time. The Mammoth and Decker springs were tested and came back positive for coliform and they are turned to waste. We will conduct additional testing as the springs slow in flow

to monitor if they are cleaning up. Salt Pile is the only spring that tested clean and at this time is still turned in feeding the Steam Engine area.

- We sent in an additional set of samples the next day after the boil order was lifted and they were all clean.
- Public Works is stepping up our testing schedule beyond what is required by the State. The State requires 1 test a month. We will be taking not only the routine sample, but also investigative samples to try and catch if anything is going on in the system. Currently, we plan on doing investigative samples every other week.
- Public Works looks forward to discussion with Council again about the benefits of chlorination and its need to help protect the Town, and what we have learned from this experience.
- Salt Pile line Water pre-construction meeting will be happening on the 8th.
- Mountain View Project with a pre-construction meeting also happening on the 8th is moving forward and looks to be starting the first part of next as Orton Excavating is looking to mobilize.
- Meter Maintenance and installations of new meters continues as needed.
- Hydrant repair and flushing of system has already begun before the failed test.
- Leak detection equipment has arrived and will begin to be used to chase down leaks.

Trail / Park

- Clean up of fallen trees and debris along the trail has been completed.
- Trail has been swept.

- Culverts are being cleaned in anticipation of the monsoon season.
- The park has been cleaned up and opened for business.
- Rough spots along the OHV trail have been leveled up and a new approach has been built towards the south end of Town where the trail crosses the Highway.
- New Dust Control Signs have been ordered for the OHV trail.
- A field trip with Council around the park was completed and staff has direction on the improvements to begin happening there.
- Trees have been transplanted to areas around the pond.

Solid Waste

- Dumpster maintenance continues current dumpsters (paint, labels, welding etc.)
- People seemed to have found the new dumpster site in Steam Engine as it is getting fuller each time, we dump it.

In-house Projects

Public works will continue to work on in-house projects and maintaining equipment as needed. If you have any questions or concerns, please do not hesitate to call.



Hydrant Repair on top of Steam Engine (Rex, Jason, Kade)



OHV Trail Repair (Chris)



New Grader



Asphalt Repair Inside Radius



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Single Family Residential Noise Restriction Ordinance
AUTHOR: Bret Howser
DEPARTMENT: Administration
DATE: July 8, 2019
TYPE OF ITEM: Legislative Action

SUMMARY:

The Council will consider an ordinance modifying Title 4 Chapter 3 of the Town Code to prohibit noise in single family residential neighborhoods after 10pm.

BACKGROUND:

There is not a specific “noise ordinance” in the Town Code. The Town Code contains several dispersed references to noise and various prohibitions and restrictions on noise. These are summarized in the attachment.

In 2014, in response to concerns about OHV noise, the Council reviewed all the references to noise in the Town Code. No change was made at that time to noise restrictions, but Council did incorporate an exemption section into the nuisance ordinance.

In 2018, the Council again took up the issue of OHV concerns and adopted an update to Title 6 governing OHV use, restricting OHV noise to 99 decibels at a distance of 20 inches and restricting hours of use to no later than 10pm.

With issue of nightly rentals in residential neighborhoods being reviewed during the first half of 2019, the Council has asked staff to revisit the noise ordinances in the Town Code for consistency with the nightly rental ordinance.

ANALYSIS:

The “Good Neighbor Policy” has become a central focus of the effort to revamp our approach to nightly rentals. The aim is to enlist nightly rental owners and operators in the effort to educate guests on how to coexist well in our community rather than institute harsh ordinances and penalties.

One of the inclusions in the Good Neighbor Policy is a 10pm quiet time. Like everything in the Good Neighbor Policy, this is a request or a suggestion, not a hard and fast rule that can be enforced.

Council may wish to consider codifying the 10pm curfew/quiet time in order to make it enforceable. The attached ordinance would establish such a requirement.

FINANCIAL IMPLICATIONS:

N/A

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends that Council consider the attached noise ordinance requiring quiet time in single family residential neighborhoods after 10pm.

PROPOSED MOTION:

I move to adopt ordinance number 19-008 amending Title 4 Chapter 3 of the Town Code, the nuisance ordinance, establishing a quiet time in single family residential neighborhoods between 10pm and 8am.

ATTACHMENTS:

- A – Single Family Residential Noise Restriction Ordinance
- B – Summary of existing noise ordinances

DRAFT



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE BRIAN HEAD TOWN CODE, TITLE 4, CHAPTER 3, HEALTH, SANTITATION AND ENVIORNMENT, SECTION 3.P, DECLARATION OF NUISANCES FOR NOISE IN SINGLE-FAMILY RESIDENTIAL ZONES.

WHEREAS, the Town Council adopted Title 4, Chapter 3, Nuisances, into the Brian Head Town Code in 2010; and

WHEREAS, the Town Council has reviewed the Nuisance Code and determined a provision for noise in single-family residential zones should be identified in an effort to mitigate noise pollution that may be caused by short term rentals in single-family zones; and

WHEREAS, it is in the best interests of Brian Head Town and the health, safety, and general welfare of its citizens to adopt this Ordinance:

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF BRIAN HEAD TOWN, UTAH AS FOLLOWS:

SECTION I. TOWN CODE 4-3-3.P (Nuisances, Declaration of Nuisances) is hereby amended to read as follows and be numbered as set forth and incorporated in the Brian Head Town Code:

4-3-3: DECLARATION OF NUISANCES: It shall be unlawful to cause, create, maintain or otherwise be the author of a nuisance within the town. Nuisances shall include, but not be limited to:

- A. Befouling water in any spring, stream, well or water source supplying water for culinary purposes;
- B. Allowing any privy vault or cesspool to become a menace to health;
- C. Permitting any garbage box or similar receptacle which has become unclean and offensive to remain on the premises; (1984 Code § 3-3-3)
- D. Burning garbage, leaves, grass or other refuse that emits any noxious odors; (1984 Code § 3-3-3; amd. 2010 Code)
- E. Allowing vegetable waste, garbage or refuse of any nature to accumulate;
- F. Permitting the accumulation of manure in any stable, stall, corral or yard;
- G. Permitting any waste, damaged merchandise, leaking barrels or boxes to become putrid or to render the atmosphere impure or unwholesome;

DRAFT

- 1 H. Discharging or placing any offensive water, liquid, waste or refuse of any kind into any
- 2 street, sidewalk, gutter, stream, natural watercourse or vacant lot, which is offensive or
- 3 likely to become so;
- 4 I. Permitting, keeping or collecting any stale or putrid grease or other offensive matter;
- 5 J. Having or permitting any fly or mosquito producing condition;
- 6 K. Bathing or washing in or near any public water supply, or to permit any animal to drink
- 7 therefrom;
- 8 L. Throwing or casting, or having thrown or cast, or allowing to remain upon or in any
- 9 street, road or ditch, gutter, public place, private premises, vacant lot, watercourse, lake,
- 10 spring or well, any house refuse, offal, garbage, dead animals, decaying vegetable
- 11 matter, or organic waste substance of any kind;
- 12 M. Permitting injurious or noxious weeds to grow on any land;
- 13 N. Permitting any lot or excavation to become the repository of stagnant water or decaying
- 14 substance;
- 15 O. Obstructing the street or sidewalk without proper permit. (1984 Code § 3-3-3)
- 16 P. Causing any person to complain that their peace has been disturbed by use of loud
- 17 music, vehicle noise, loud speech, or other loud or offensive noise occurring after 10:00
- 18 p.m. or before 7:00 a.m.

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 20 **SECTION II. EFFECTIVE DATE** This Ordinance shall take effect upon passage by a majority
 21 vote of the Brian Head Town Council unless otherwise noted by the Town Council at the time of
 22 adoption.

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 24 **SECTION III. SEVERABILITY CLAUSE.** If any section, subsection, sentence, clause, phrase,
 25 or portion of this Ordinance is for any reason, held invalid or unconstitutional by any court or
 26 competent jurisdiction, such portions shall be deemed a separate, distinct and independent
 27 provision, and such holding shall not affect the validity of the remaining portions of this
 28 Ordinance.

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 30 **SECTION IV. REPEALER.** All provisions of the Brian Head Town Code, town ordinances,
 31 resolutions and policies are in conflict herewith, either in whole or in part, are hereby repealed.

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 34 **PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL OF IRON COUNTY,**
 35 **UTAH** this _____ day of July 2019 with the following vote:

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 39 Vote:

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 42 Mayor Clayton Calloway Aye_____ Nay_____
 43 Council Member Lynn Mulder Aye_____ Nay_____
 44 Council Member Kelly Marshall Aye_____ Nay_____

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Council Member Shad Hunter
Council Member Larry Freeberg

Aye____ Nay____
Aye____ Nay____

BRIAN HEAD TOWN

ATTEST:

Mayor Clayton Calloway

Nancy Leigh, Town Clerk

(SEAL)

CERTIFICATE OF PASSAGE AND POSTING

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance passed by the Town Council on the ____ day of July 2019 and have posted a complete copy of the ordinance in three conspicuous places within the Town of Brian Head, to-wit: Town Hall, Post Office and the Mall.

Nancy Leigh, Town Clerk

Ordinance No. ____

Summary of Prohibited Noise:

- 1) Trying to attract business by shouting, sirens, etc.
- 2) Nightly rentals can't bother neighbors with noise
- 3) OHV must comply with USEPA noise standards and can't exceed stock dBA noise levels
- 4) General plan and zoning amendments, as well as some conditional uses, can't cause additional noise pollution
- 5) Noise must be mitigated to issue grading permit or temporary
- 6) Conditional uses can't cause unreasonable noise pollution

BRIAN HEAD TOWN CODE

• NOISE ORDINANCES

The following are the town code which address noise

TITLE 3 – BUSINESS LICENSING

CHAPTER 2 – LICENSING IN GENERAL

3-2A-20: CERTAIN ACTS PROHIBITED:

It shall be unlawful for any person, business, corporation, partnership or other entity to attract or attempt to attract people tolling, shouting, hawking, ringing any bells, horn, sounding any siren or other **noise** making device, or by displaying any light or lantern, or by waving, hailing or otherwise signaling to passersby or by touching or physically detaining them. (Ord. 08-017, 8-26-2008)

3-2A-21-3: NIGHTLY RENTAL FACILITIES:

E. **Noise** And Safety Control: The licensee and the owner of nightly lodging facilities under this section are responsible for regulating **noise** created by the occupants of the unit. Violation of any town **noise** ordinance, failure to use designated off street parking, illegal conduct, or any other abuse which violates any law regarding use or occupancy of the licensed premises, is grounds for revocation of the license. Failure to collect and deposit sales tax is also a violation of the license and grounds for revocation.

F. Review Criteria: In determining whether or not a business license for a nightly lodging facility shall be issued, the application shall be reviewed to see if, in addition to standards and conditions applicable to issuance of all business licenses, the following conditions and standards are met:

3. The access to the nightly lodging facility and the layout of the unit is such that **noise** and physical trespass from the proposed rental unit is not likely to be a substantial intrusion to the adjoining properties.

TITLE 6 – MOTOR VEHICLES AND TRAFFIC

CHAPTER 3 – OFF HIGHWAY VEHICLES

6-3-8: NOISE LEVEL LIMITATIONS:

OHV's must have a manufacturer-installed or equivalent muffler in good working order and connected to the off-highway vehicle's exhaust system. Muffler must have a federally approved spark arrestor, with the exception of snowmobiles. Overall noise emission may not exceed 99 decibels at a distance of 20 inches. Mufflers may not be altered to increase motor noise, or have a cutout, bypass, or similar device as per Utah Code Annotated §41-22-10-7 (2010 Code, amd. Ord. 18-014, 11-13-2018)

TITLE 9- LAND MANAGEMENT CODE

CHAPTER 5 – GENERAL PLAN

9-5-3: CHAPTER 3 - AMENDMENTS:

The general plan may be amended. Amendments can be initiated by the planning commission, town council, or by any interested party by the following procedure:

C. Standards For Review: The planning commission and town council shall consider whether the proposed amendment meets the following standards and conditions

7. Will not cause significant air, odor, water, light or noise pollution;

CHAPTER 6 – ZONING

9-6-3: AMENDMENTS TO ZONE DISTRICT MAP:

B. Standards For Review: The planning commission and town council shall consider whether the proposed amendment meets the following standards and conditions:

7. Will not cause significant air, odor, water, light or noise pollution;

CHAPTER 7 – ZONE DISTRICT REGULATIONS

9-7-6: L-1 LIGHT INDUSTRIAL:

C. Conditional Uses: The following uses are conditional and require a conditional use permit:

10. Noise: No use shall be permitted or conducted which creates noise, objectionable by reason of volume, pitch, intermittence or frequency, which is audible at the boundaries of the site.

9-7-9: P PUBLIC USES:

E. Physical Restrictions:

9. Noise: No use shall be permitted or conducted which creates noise objectionable by reason of volume, pitch, intermittence or frequency which is audible at the boundaries of the site.

CHAPTER 10 – OTHER PERMITS REQUIRED

9-10-2: GRADING PERMIT:

C. Review Process:

2. Application Packet: The applicant shall submit a permit packet, which includes:
 - e. Written explanation as to how the applicant will comply with this section regarding noise, dust, smell, safety and other nuisances;

9-10-5: TEMPORARY CONCRETE BATCHING FACILITIES:

- C. Permit Application: The applicant shall submit a permit packet, which includes:
 6. Written explanation as to how the applicant will comply with this section regarding noise, dust, smell, safety and other nuisances;

9-10-6: HOME OCCUPATIONS

- C. Conditional Use Standards for Home Occupations Using Attached or Detached Garages, Accessory Structures Or Yard Space: The following standards shall be observed in the operation of all home occupations using garages, other accessory structures or yard space, which shall be approved by conditional use, in addition to the standards specified in subsection B of this section.

2. In determining whether to grant a conditional use approval for the use of an attached or detached garage, accessory structure or yard space for a home occupation, the planning commission shall consider the effect of such use on the residential character of the property upon which the home occupation is proposed to be located. In making a determination, the planning commission may consider factors including, but not limited to:

- b. The potential for generation of noise, dust, vapors, fumes, odors and light;

CHAPTER 11 – FLEXIBLE APPROACHES

9-11-2: CONDITIONAL USE PERMIT

- D. Standards For Review:

1. No conditional use permit may be issued unless the planning commission finds that the application meets the following standards and conditions:

- c. Will protect environmental values:

- (1) Will not cause unreasonable air, water, groundwater, light or noise pollution;

CHAPTER 15 – WIRELESS TELECOMMUNICATIONS

9-15-1: PURPOSE:

The purpose of this chapter is to establish general requirements for the siting of wireless telecommunication facilities which deal with issues of visual mitigation, noise, residential impacts, health, safety and facility siting. The provisions of this chapter apply to both commercial and private wireless telecommunication facilities, except for residential communication equipment for single-family units that are not used for commercial profit.



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Nightly Rental Public Hearing; Ordinance amending Nightly Rentals & A Good Neighbor Policy Resolution
AUTHOR: Bret Howser, Town Manager
DEPARTMENT: Administration
DATE: July 8, 2019
TYPE OF ITEM: Legislative Action

SUMMARY:

The Town Council hold a public hearing to receive comment on an ordinance amending Title 3 Chapters 1, 2A, and 2B of the Town Code which deal with business licensing and nightly rental requirements and then consider adopting the ordinance. The Council will also consider a resolution adopting the Good Neighbor Policy .

BACKGROUND:

During the February 26, 2019 Council meeting, the Council was presented with a proposed amendment to the nightly rental code identified in the Business License Code. This generated many comments from the public and Council decided that a public hearing should be held to give the public an opportunity to express their opinions.

On March 11, 2019, the Council held a public hearing on the proposed amendments and received several people stating their concerns, solutions and opposition to the nightly rental code. The outcome of this meeting was to task the rental management companies to give a presentation to the Council on possible solutions to the nightly rental code as it addresses parking and occupancy limits.

On April 22, a group of nightly rental property managers, led by Lisa Halton, gave a presentation offering input from the nightly rental community on the best ways to address the concerns presented from concerned residents. In addition to the oral presentation, a group of nightly rental managers calling themselves the Brian Head Short Term Rental Collaborative (STRC) have sent a list of proposals to the Town.

On May 28, the Council again took up the issue, reviewing a revised ordinance proposed by staff which incorporated changes derived from the various hearings and discussions. The ordinance still required individually licensing of nightly rentals, which received strong objections from a couple of nightly rental operators participating in the public meeting on May 28. Also, it was brought up whether the nightly rentals should be required to have a local point of contact. Council asked staff for further research.

On June 10, the Council reviewed another draft of the nightly rental ordinance and asked for more changes, in particular removing any reference to individual licensing and set up a dual track enforcement methodology. Council asked staff to return with a final draft of the ordinance along with the Good Neighbor Policy proposed by the work group as well as changes to the noise ordinance.

Council asked staff to bring back a complete packet for Council's review. Also attached is a revised nightly rental business license application, an Affidavit for an owner's consent, General information on nightly rentals; and an updated fire inspection requirements. This is for Council's information.

ANALYSIS:

Nightly Rental Ordinance

The attached ordinance includes the following changes from the proposal on June 10.

- §3-2A-16 was modified to exempt nightly rental units from the requirement to have separate licenses for separate locations
- The following language: “If multiple properties will be used for nightly rentals, each separate location will be licensed individually in accordance with 3-2A-16 of this article,” was struck from §3-2A-21-3(B)
- The language “to Town complaints and concerns...” was added to §3-2A-21-3(D)(11) to clarify the requirement for licensees to respond in a timely manner
- “The physical address of each nightly rental unit being operated by the licensee.” was added to the list of application requirements under §3-2A-21-3(C)
- §3-2B was modified to create a distinct track for revoking or suspending the ability of a licensee to operate a certain nightly rental unit following three violations of the minimum standards, with a provision for immediate revocation in the event of an egregious violation.

Good Neighbor Policy

- Matt Tesdall, and William Hall along with a group of rental management companies drafted the first draft of the Good Neighbor Policy which was presented to Council on April 22nd.
- The Council established an ad hoc committee, the Good Neighbor Policy Group. The members consisted of two residents, two rental management companies and a Homeowners Association President in order to give the group a spectrum of viewpoints in reviewing the Good Neighbor Policy.
- The group met on June 21st and was tasked to review the Good Neighbor Policy and present a final draft of the policy to Council for approval. The participants either attended in person, phone conferenced in or sent in their comments via email. It was the consensus of the group to keep the Good Neighbor Policy a one-page informational sheet and to reflected it in a positive light for the guests.
- Shaun Kelly met with Larry Edgerton after the meeting regarding some language for trespassing. There was a minor change to the policy which the rest of the group agreed with.

The final draft of the Good Neighbor Policy is ready to be presented to Council. The following are some of the changes in the policy:

1. The group identified quiet time from 10:00 pm to 7:00 am. This change is proposed in the nuisance code amendment.
2. A fire safety section was added to the policy.
3. Maintenance of Property: the group combined the garbage provision into this section and cleaned up the language.
4. Some of the original language was removed if it didn’t apply to Brian Head, such as sidewalks.

FINANCIAL IMPLICATIONS:

It is expected that the ordinance changes may result in increased staff time spent on administration and enforcement. This will be monitored throughout the year and recommendations will be made during the next budget cycle for appropriate fee adjustments.

BOARD/COMMISSION RECOMMENDATION:

The attached Good Neighbor Policy was a collaboration by the Good Neighbor Policy working group, which consisted of Lisa Holton, Family Time Vacation Rentals; William Hall; Apex Mountain Getaways; Shaun Kelly and Larry Edgerton, residents; and Frank Adams, Giant Steps HOA President. The Group unanimously agreed with the proposed Good Neighbor Policy being presented to Council.

STAFF RECOMMENDATION:

Staff recommends that Council adopt the attached Nightly Rental Ordinance and the Good Neighbor Policy

PROPOSED MOTION:

I move to adopt ordinance number 19-009 amending Title 3, Chapters 1, 2A, and 2B of the Brian Head Town Code amending the business licensing definitions and requirements for nightly rental licensing.

I move to adopt resolution number 486 establishing a Good Neighbor Policy for the Brian Head Town nightly rental community.

ATTACHMENTS:

A – Nightly Rental Amendment Ordinance

B – Good Neighbor Policy Resolution

C – License Application, General Information, Affidavit & Fire Inspection Requirements



ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 3, BUSINESS LICENSE REGULATIONS, CHAPTER 1: DEFINITIONS, CHAPTER 2A: LICENSING IN GENERAL AND CHAPTER 2B SUSPENSION AND REVOCATION, REGULATING BUSSINESS WITHIN THE TOWN OF BRIAN HEAD.

WHEREAS, The Brian Head Town Council has identified a need to amend the Brian Head Business License Code in order to regulate nightly rentals within the Town limits of Brian Head, Utah; and,

WHEREAS, the Council held the first public hearing on March 11, 2019 to receive public comment on the proposed amendments to the Business License Code, Chapter 1 (Definitions), Chapter 2A (Licensing in General) and Chapter 2B (Suspension and Revocation). Public comments were received and submitted to the Town Clerk as part of the record for the public hearing and another public hearing on July 8, 2019 on a fourth draft of the ordinance; and,

WHEREAS, it is in the best interests of Brian Head Town and the health, safety, and general welfare of its citizens to adopt this Ordinance:

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF BRIAN HEAD, UTAH, COUNTY OF IRON, STATE OF UTAH, AS FOLLOWS:

Section 1. The Brian Head Town Code, Title 3 Business License Code, Chapter 1 (Definitions) "Attachment A", Chapter 2A (Licensing in General) "Attachment B" and Chapter 2B (Suspension and Revocation) "Attachment C" are hereby adopted and codified into Brian Head Town Code, Title 3, to regulate Nightly Rental business within the Town of Brian Head, Utah. All businesses within the Town of Brian Head shall comply with the Brian Head Business License Code; and

Section 2. Effective Date. This Ordinance shall take effect upon its passage by a majority vote of the Brian Head Town Council. Upon this Ordinance being adopted by the Brian Head Town Council, all provisions of this Ordinance shall be incorporated into Title 3 of the Brian Head Town Code.

Section 3. Conflict. To the extent of any conflict between other Town, County, State, or Federal laws, ordinances or regulations and this Ordinance, the more restrictive is deemed to be controlling.

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Section 4. Severability Clause. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. Repealer. All provisions of the Brian Head Town Code that are inconsistent with the expressed terms of this Ordinance and all prior Business License Codes previously adopted shall be repealed.

PASSED AND ADOPTED BY THE BRIAN HEAD TOWN COUNCIL this _____ day of July 2019 with the following vote.

Mayor Clayton Calloway	Aye_____	Nay_____
Council Member Lynn Mulder	Aye_____	Nay_____
Council Member Kelly Marshall	Aye_____	Nay_____
Council Member Larry Freeberg	Aye_____	Nay_____
Council Member Shad Hunter	Aye_____	Nay_____

BRIAN HEAD TOWN COUNCIL

By: _____
Clayton Calloway, Mayor

ATTEST:

Nancy Leigh, Town Clerk (SEAL)

CERTIFICATE OF PASSAGE AND POSTING

I hereby certify that the above Ordinance is a true and accurate copy, including all attachments, of the Ordinance passed by the Town Council on the ____ day of July 2019, and have posted a complete copy of the ordinance in three conspicuous places within the Town of Brian Head, to-wit: Town Hall, Post Office and the Mall.

Nancy Leigh, Town Clerk

Title 3 BUSINESS AND LICENSE REGULATIONS

Chapter 1 DEFINITIONS

3-1-1: DEFINITIONS:

3-1-1: DEFINITIONS:

All words and phrases used in this title shall have the following meanings, unless a different meaning clearly appears from the context:

AGENT: Means any legally authorized entity acting on behalf of a property owner, including but not limited to a rental management company, property manager, an executor of the owner's estate, or other legal fiduciary.

BUSINESS: A distinct and separate "person" or entity "engaging in business", as those terms are defined in this section. A "business" may be distinguished from another business by separate state sales tax numbers, federal tax identification numbers (employer identification number), and/or separate ownership.

BUSINESS AND SPECIAL EVENTS NUISANCE: Any licensed premises where persons are permitted to use profanity, indecent, immoral, loud or boisterous language, or immoral, unruly, disorderly, lewd, obscene conduct is permitted, or carried on; or persons under the age of twenty one (21) are permitted to purchase or drink beer, alcoholic beverages or liquor; or city, county, state or federal laws or ordinances are violated by the licensee or his agents or patrons with the consent or knowledge, actual or constructive, of the licensee which tend to affect the public health, safety, peace or morals; or patrons are throwing litter or other objects within the licensed premises or from the licensed premises in a manner which tends to affect the public safety or health.

CHARITABLE ORGANIZATION: Any organization recognized by the internal revenue service (IRS) as a 501(c)(3) charitable organization, such as, but not limited, to a religious organization, or any social or welfare organization recognized and dedicated to the relief of the poor, care of the sick or elderly, or aid to victims of disaster, catastrophe or personal tragedy.

COMMERCIAL VEHICLES AND TRAILERS: Motor vehicles that are utilized in the normal course of business, including, but not limited to, delivery trucking, commercial hauling, snow removal services, transportation of goods or other cargo rental vehicles, concrete trucks and dump trucks. "Commercial vehicles and trailers" do not include those that transport people to, from and within Brian Head Town for a fee.

CONDUCTING BUSINESS: Includes the sale or offering for sale of any goods or merchandise, or the offering or performing of any service for valuable consideration of any kind.

CORPORATE SPONSOR: Any business or combination of businesses which provide funding for any special event for a substantial amount of the funds necessary to promote the event or account for substantial amount of the event's operating expenditure budget.

DESIGNEE: A Brian Head Town staff member authorized by the town Licensing Officer to process liquor related and business license applications and renewals.

ENGAGING IN BUSINESS: Includes all activities engaged in within the corporate limits of Brian Head Town carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically prescribed. "Engaging in business" includes, but is not limited to, the sale or rental of tangible personal or real property at retail or wholesale, the manufacturing of goods or property and the rendering of services for others for a consideration, except the rendering of services by an employee to his employer under any contract of employment.

FIREWORKS PERMIT: A permit issued by the town fire marshal for aerial or concession fireworks, pursuant to current fire codes.

HEARING OFFICER: The Town Manager of Brian Head Town is designated as the hearing officer for Brian Head Town.

LICENSE FEE: Includes the administrative fee as defined by the consolidated fee schedule.

LICENSED PREMISES: Any room, building, structure or place, whether permanent or temporary, occupied by any person licensed to conduct business within the town boundaries.

LICENSEE: ~~Any Person to whom a license has been issues pursuant to the provisions of this Title, including individual persons, partnerships, joint ventures, associations, clubs, trusts, corporations or any other entities qualified by law to carry on any business referred to herein. The term Licensee as used herein shall include all of the above, and shall be either the applicant or licensee., holding a valid business license in connection with the operation of a place of business. The licensee is responsible for the acts and omissions of its employees.~~

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LICENSING OFFICER: The Town Clerk, or his or her designee, responsible for receiving from an applicant the completed application and either granting, suspending or denying the application.

~~**MOBILE FOOD VENDORTRUCK:** Any business in which readily consumable on site on site food service is offered from a motor vehicle.~~

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MOBILE VENDOR: Any means of conveyance of goods or merchandise from tents/canopies, push carts, mobile wagons, trailers, or motor vehicles.

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NIGHTLY LODGING RENTAL FACILITY: Also called "short-term rental" Any place providing temporary sleeping accommodations to the public for a period less than thirty (30) days, including, without limitation, a hotel, motel, lodge, condominium project, single-family residence, bed and breakfast, boarding house, inn, resort, rooming house, recreational lodging unit, private campground, or timeshare project.

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NONPROFIT CORPORATION: A corporation or company which is not conducted or maintained for the purpose of making a profit and/or no part of the income of which is

distributable to its members, trustees or officers, or a nonprofit cooperative association.

PERMIT: Permits may be issued by the Licensing Officer, or his or her designee, to any business, individual or special events that are identified in subsection [3-2A-5B](#) of this title, as a permit holder in lieu of a license. Permits are considered temporary in nature unless otherwise identified.

PERSON: Any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, business trust, corporation, association, organization, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, for profit, nonprofit, or otherwise.

PLACE OF BUSINESS: Each separate location maintained or operated by the licensee within Brian Head Town from which business activity is conducted or transacted. A location shall be identified by street address or by building name if a street address has not been assigned. "Place of business" means cafes, restaurants, public dining rooms, cafeterias, taverns, cabarets, and any other place where the general public is invited or admitted for business purposes, including any patios, balconies, decks or similar areas, and also means private clubs, corporations and associations operating under charter or otherwise wherein only the members, guest members and their visitors are invited. Occupied hotel, motel rooms, condominiums and cabins that are not open to the public shall not be "places of business" as herein defined.

RESTAURANT: A place of business where a variety of food is prepared and/or cooked and complete meals are served to the general public and is engaged primarily in serving meals to the general public.

ROUTE DELIVERY: Any delivery made to customers of a business which makes repeated door to door deliveries to the same households along designated routes with an established time interval in between delivery visits. The majority of such deliveries must be to fulfill orders previously made by the customer. Such businesses will include, but not be limited to, dairies and sellers of bulk meats or produce.

SALE/SELL OR TO SELL: Any transaction, exchange or barter whereby, for any consideration, or by any means or any pretext promised or obtained, whether done by a person as a principal, proprietor, or as an agent, servant or employee, unless otherwise defined in this title.

SEASONAL BUSINESS: A business engaging in business for more than thirty (30) days in a given year, but not exceeding more than six (6) months in the same year.

SEXUALLY ORIENTED BUSINESS: A "business" as defined in [chapter 5](#) of this title, "Sexually Oriented Businesses".

SOLICITED DELIVERY: A delivery of previously ordered goods or services or the United States mail. "Solicited delivery" includes, but is not limited to, the delivery of newspapers or publications pursuant to a subscription, the United States mail, parcel delivery services, businesses engaging in route delivery or persons delivering previously ordered goods or services on behalf of an established retailer of those goods or services.

SPECIAL EVENT: Any event, public or private, with either public or private venues, requiring town licensing beyond the scope of normal business and/or liquor regulations, as defined by this

code; or any event held on public or private property in which the general public is invited, with or without charge, and which creates significant public impacts through any of the following:

- A. The attraction of large crowds;
- B. Necessity for street closures on any arterial street necessary for the safe and efficient flow of traffic in Brian Head Town;
- C. Use of public property;
- D. Use of town transportation services;
- E. Use of off-site parking facility;
- F. Use of amplified music in or adjacent to a residential neighborhood;
- G. Use of town personnel;
- H. Impacts via disturbance to adjacent residents;
- I. Disruption of the normal routine of the community or affected neighborhood; or
- J. Necessitates special event temporary beer or liquor licensing in conjunction with the public impacts.

SPONSOR: A person, group or business which has contracted to provide financial or logistical support to any special event or festival. Such agreement may provide for advertising rights, product promotion, logo promotion, exclusivity of rights, products or logos.

STREET CLOSURE: The deliberate blockage of any public street or town owned parking facility to prohibit the flow of traffic or access of vehicles. Any non-construction street closure shall require a special event license.

UNIT: Any separately rented portion of a hotel, motel, condominium, single-family residence, duplex, triplex or other residential dwelling without limitation.

UNSOLICITED DELIVERY: Delivery that is not a solicited delivery, including the delivery of any unsolicited newspaper or publication, sample product or advertising material. Unsolicited newspapers or publications, sample products or advertising material shall include, but not be limited to, handbills describing or offering goods or services for sale, any goods or products that were not previously ordered by the homeowner or occupant, any newspaper or publication delivered without a subscription by the owner or occupant, and any coupons or rebate offers for goods and services.

VENDOR: Any person, group or business that transacts business within the town limits on a temporary basis for no more than twenty nine (29) days, such as special events.

VENUE: The location or locations upon which a special event or festival is held, as well as the ingress and egress route when included in the special event license. (Ord. 08-017, 8-26-2008)

Title 3 – Business & Licensing Regulations

Chapter 2

BUSINESS LICENSING ARTICLE A. IN GENERAL

3-2A-1: LICENSE REQUIRED:

3-2A-2: EXEMPTIONS:

3-2A-3: TRIPLE FEE FOR FAILURE TO OBTAIN REQUIRED LICENSE:

3-2A-4: APPLICATION FOR LICENSE:

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3-2A-7: INSPECTIONS FOR CODE COMPLIANCE:

3-2A-8: CONDITIONS FOR DENIAL OF LICENSE:

**3-2A-9: NOTIFICATION OF ISSUANCE OR DENIAL; BUSINESS OPERATIONS
DURING REVIEW AND INSPECTION:**

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3-2A-1: LICENSE REQUIRED:

Unless exempted by state or federal law, or by this title, it shall be unlawful for any person to

engage in business within the town, whether on a temporary or permanent basis, without first procuring the license required by this article. (Ord. 08-017, 8-26-2008)

3-2A-2: EXEMPTIONS:

The licensing provisions of this article shall not apply to the following kinds of activities that would otherwise fall within the purview of this article:

- A. **Political Actions:** No license shall be required to solicit signatures on petitions of a political nature, or to canvass or solicit funds on behalf of candidates for office or ballot issues. Campaign literature may be delivered to homes, subject to the delivery conditions set forth in subsection F of this section.
- B. **Religious Actions:** No license shall be required of persons exercising their right to express their religious views; provided however, that no person shall use this exemption to sell merchandise. Delivery of any publication or material shall be subject to the delivery conditions set forth in subsection E of this section.
- C. **Civic Groups:** No licensing shall be required of local civic organizations, such as Boy Scouts, Girl Scouts, historic preservation groups, schools, museums, and charitable organizations. Delivery of any publication or material shall be subject to the delivery conditions set forth in subsection E of this section.
- D. **Solicited Deliveries:** No special license shall be required of any person making an "unsolicited delivery", other than the license(s) required by this title to engage in business.
- E. **Unsolicited Deliveries:** No special license shall be required of any person making an "unsolicited delivery" other than licenses(s) required by this title to engage in business. However, any person making an unsolicited delivery of any kind shall not cause unsolicited material to be stacked, piled or accumulated on any driveway, porch, automobile, building, yard, doorway, stairwell or doorknob, without the prior express consent of the occupant of the premises. It shall be unlawful for any person to deliver any unsolicited material to a residence where that person's previously delivered material remains uncollected. Additionally, any person making such an unsolicited delivery to a residence who finds his or her prior uncollected material there shall properly dispose of that person's uncollected material.
- F. **State Licensees:** Solicitors who hold valid state issued licenses to act as real estate brokers or agents, stock brokers, or insurance agents or salesmen, need not obtain a separate solicitor's license from the town, but shall conduct their solicitation activities in accordance with the provisions of this code.
- G. **Delivery Prohibition:** It shall be unlawful for any person to deliver any unsolicited material to any person, residence or premises where the occupant thereof has requested that such delivery cease or where such occupant has posted his/her desire not to receive such unsolicited material. (Ord. 08-017, 8-26-2008)
- H. **Minors:** A license shall not be required for a business that is operated occasionally and by an individual who is under 18 years of age. The Licensing Officer will evaluate the size,

frequency, duration, visibility, and seasonality of the proposed business to determine whether the proposed business is considered occasional. (Ord. 17-005, 7-25, 2017)

- I. Low Impact Home Occupation: Home occupation businesses which do not have employees or customers coming to the home, but the work of the business is conducted primarily within the home. Low impact home occupations are those which do not create the following: 1) on or off street parking which generate excessive customer or client traffic that is detrimental to the residential character of surrounding properties of the neighborhood; 2) does not have retail sales at the home site or additional deliveries, 3) does not have storage or inventory or materials, 4) does not create noise vibration, glare, fumes, odors, or electrical or electronic interference detectable by neighbors; 5) does not cause an increase of common expenses or an increase in law enforcement and/or public safety services. (Ord. 17-005, 7-25, 2017).

3-2A-3: TRIPLE FEE FOR FAILURE TO OBTAIN REQUIRED LICENSE:

Unless exempted by state or federal law or by this article, any person who engages in business prior to submitting a completed application and payment of all fees shall pay triple the specified fee for said license. The payment of such triple fee shall not relieve any person from fully complying with all the requirements of this title, nor from any other prescribed penalties. (Ord. 08-017, 8-26-2008)

3-2A-4: APPLICATION FOR LICENSE:

Applications for business licenses shall be made in writing to the Town Licensing Officer or designee. Each application shall state the name of the individual applicant, the name of the business as registered with the state, the local street address of the business' physical location in the town, the business mailing address, if different from the local street address, the type of business entity (corporation, partnership, limited liability company, sole proprietorship, etc.), the license fee to be paid, the name and street address of the business' registered agent who is authorized to receive service of process, a detailed description of all anticipated business operations for which applicant seeks licensure, and any evidence of applicant's license, state sales tax reporting number, ~~town business license retail fee, state contractor's license number, if applicable, state real estate broker's license number, if applicable, state daycare licensing number, if applicable,~~ if applicant is licensed under another agency regulations, then applicant shall submit a copy of the valid permit/license issued by such agency, and federal employer identification number, and shall contain such additional information as may be needed for the purpose of guidance of the licensing officer in issuing the license. Any change in the above information furnished by the applicant shall be forwarded in writing, within ten (10) days of the change, to the Licensing Officer. License application forms shall be reviewed and kept on file by the Licensing officer, or their designee. (Ord. 08-017, 8-26-2008)

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3-2A-5: FEE PROVISIONS:

- A. Fee For License To Accompany Application: Each license application shall be accompanied by the business license fee required to be paid for the issuance of the license desired. The applicable license fees are listed in the consolidated fee schedule.
- B. Regulatory Fees Imposed: There is hereby imposed and levied an annual business license or permit fee based on the type of businesses described below. Fees are identified in the consolidated fee schedule on file with the town licensing officer.

BRIAN HEAD TOWN BUSINESS FEES

Application	Type Of License Issued
New business application	License
Renewal business application	License
Special events coordinator	License
Special event vendor	Permit (per event)
Door to door solicitation employee	Permit (temporary)
Door to door business	License
Sexually oriented business	License
Sexually oriented business employee	Permit per employee
Outdoor sales license	Permit
Street vendor	License

- C. Fees Declared Debt; Collection: Any license fee due and unpaid under this title, and all penalties thereon, shall constitute a debt to the town and may be collected by court proceedings in the same manner as any other debt, or may be turned over to a collection agency, which remedy shall be in addition to all other existing remedies.
- D. Fee Payments; Renewal And Penalty:
 - 1. The annual business license fee provided in this section shall be due and payable to the town on or before October 1 of each year for renewal of licenses for businesses which were licensed for the previous license year. Business licenses for previously unlicensed businesses shall be issued for the unexpired portion of the license year in which issued, upon payment of the annual license fee.
 - 2. If the renewal license fee is not paid on or before October 31 of the year in which the renewal license is due, in addition to the regular renewal fee required, there shall be a business license enforcement fee imposed of twenty five percent (25%) of the license fee imposed by this article, or fifteen dollars (\$15.00), whichever is greater.

3.
 - a. If the renewal license fee is not paid in full on or before November 30 of the year in which the renewal fee is due, the business license enforcement fee shall be increased to fifty percent (50%) of the license fee imposed by this chapter.
 - b. If the renewal license fee is not paid on or before December 15 of the year in which the renewal fee is due, the business license enforcement fee shall be increased to one hundred percent (100%) of the license fee imposed by this article.
4. Upon a proper showing that the business is of such a seasonal nature that business has not been conducted to date, the Licensing Officer or designee may waive the business license enforcement fee of said renewal.
5. Any previously licensed business cited for engaging in business in violation of this title shall have ten (10) days from the date of citation to come into compliance with this title. Failure of the licensee to reach compliance within ten (10) days of the date of citation will subject the business to closure and the licensee to all applicable civil and criminal penalties.
- E. **Renewal Billing Procedure:** On or before August 1 of each year, the Licensing Officer shall send a license renewal application to each current licensee within the town at the last known address of the licensee as registered with the town. (Ord. 08-017, 8-26-2008)
- F. **License Fee Adjustment To Avoid Burdening Interstate Commerce:** The business license fee imposed by this title shall not be applied so as to place an undue burden on interstate commerce. In any case, where the license fee is believed by a licensee or applicant for a license to place an undue burden upon interstate commerce, such licensee or applicant may apply to the licensing officer, or his or her designee, for an adjustment of the fee so as to relieve such burden by submitting other supporting information as the licensing officer, or his or her designee, may deem necessary in order to determine the extent, if any, of such undue burden. The Licensing Officer, or his or her designee, shall then conduct an investigation, comparing the subject business with other businesses of like nature and shall make findings of fact from which he shall determine whether the license fee is discriminatory, unreasonable or unfair as to the licensee or applicant from the standpoint of its impact on interstate commerce, and shall recommend to the Town Manager an appropriate license fee under the circumstances, and the Town Manager shall fix the license fee in such amount. If the regular license fee has already been paid, the town manager shall order a refund of any amount over and above the amount of the license fee fixed, if any. In fixing the fee to be charged, the licensing officer, or his or her designee, may use any method which will assure that the fee assessed shall be uniform with that assessed on business of like nature; provided, however, that the amount assessed shall in no event exceed the regular fee prescribed in this title. (Ord. 08-017, 8-26-2008; amd. 2010 Code)
- G. **Refund Of Fee:** Unless otherwise provided herein, no business license fee is refundable for any reason whatsoever once the license has been issued by the town, except when the license was issued in error. If a license is denied, applicant shall be entitled to a refund of the amount paid in excess of twenty-five dollars (\$25.00). The sum of twenty-five dollars (\$25.00) shall be retained to offset application processing costs. (Ord. 08-017, 8-26-2008)

3-2A-6: INVESTIGATION OF APPLICANT:

The Licensing Officer, or designee, may, at any time prior to the issuance of any business license required by this title, investigate any applicant for such license if the Licensing Officer has reasonable cause to believe that the applicant: a) has filed an application which is incomplete, erroneous or false in any respect; b) fails in any respect to qualify to do business in the town under any federal, state or town law, rule or regulation; c) has committed such act or acts as may be grounds for revocation or denial of a license application under any federal, state or town law, ordinance, rule or regulation; or d) investigation is provided for by town ordinance. The Licensing Officer, or designee, may compel the production of documents and witnesses in order to conduct such investigation as provided by this section. (Ord. 08-017, 8-26-2008)

3-2A-7: INSPECTIONS FOR CODE COMPLIANCE:

- A. Permitted; Fee: Prior to the issuance of a license to engage in a new business not previously licensed at that location or an existing business with a change of location, the applicant shall be required to permit inspections to be made of the prospective place of business of the applicant by the appropriate departments of the town or other governmental agency to ensure compliance with building, fire, health codes, and town ordinances that may apply. No license shall be granted unless any required inspection reveals that the prospective place of business is in compliance with the building, fire and health codes. In addition to the business license fees, the applicant shall pay an inspection fee as set forth in the consolidated fee schedule at the time of application.
- B. Periodic Inspections: Existing places of business licensed within the town may be inspected periodically by departments of the town for compliance with building, fire, health and other town codes. Written notice shall be given by the Licensing Officer, or their designee, to a licensee upon the finding of any code infractions, which notice shall provide for a reasonable period, not to exceed sixty (60) days, in which to correct such infractions, the failure of which shall result in the revocation of the license by the Licensing Officer or designee. (Ord. 08-017, 8-26-2008)

3-2A-8: CONDITIONS FOR DENIAL OF LICENSE:

- A. Specified: The licensing officer or designee may deny a license if the applicant:
 - 1. Has been convicted of a crime involving fraud or dishonesty, or a felony by any state or federal court within the past five (5) years, or now has criminal proceedings pending against him in any state or federal court for a crime involving fraud or dishonesty or a felony;
 - 2. Has obtained a license by fraud or deceit, or given false or misleading information in any application;
 - 3. Has failed to pay required taxes or fees imposed by the town;

4. Has violated the laws of the state, the United States government, or the ordinances of the town governing operation of the business for which the applicant is applying for license;
 5. No longer has a current, valid permit or license from any other federal, ~~or state,~~ or county agency necessary for the applicant to engage in the business that is the subject of the application;
 6. Has failed to comply with the conditions and requirements of any town ordinance;
 7. Operates an offensive business that has become a "business and special events nuisance", as defined in section [3-1-1](#) of this title, or as determined by the town nuisance ordinance; or
 8. Fails to meet the standards for the license classification set forth in section [3-2A-21](#) of this article.
- B. Issuance Inappropriate: Applications may also be denied on the grounds that the general health, welfare and public safety of the community makes the issuance of such a license inappropriate. (Ord. 08-017, 8-26-2008)

3-2A-9: NOTIFICATION OF ISSUANCE OR DENIAL; BUSINESS OPERATIONS DURING REVIEW AND INSPECTION:

- A. Notification: Within a reasonable time, the Licensing Officer or designee shall notify the applicant of:
1. The denial of a license and the reason for such denial; or
 2. The issuance of the license.
- B. Business Operations: Upon receipt by the Licensing Officer, or designee, of a completed license renewal application and full payment of all fees required hereunder for said application, an applicant for a renewal license may continue its business operations during the review and inspection process. Any applicant for a new license who conducts or engages in business during the review period proceeds at his or her own risk, and no legal or equitable rights exist prior to the issuance of the actual license certificate. (Ord. 08-017, 8-26-2008)

3-2A-10: APPEALS OF LICENSE DENIAL:

A license application denial by the Licensing Officer, or designee, may be appealed to the Hearing Officer by filing a written notice of appeal with the Town Clerk within ten (10) days of denial of the license application. The Hearing Officer shall hear the appeal within thirty (30) days of the filing of the notice of appeal. After the decision of the Hearing Officer, the applicant may request an appeal of the Hearing Officer's decision to the Town Council for a final decision on behalf of the

town following the same procedures set forth herein for appeal of the licensing officer's decision. (Ord. 08-017, 8-26-2008)

3-2A-11: ISSUANCE OF LICENSE CERTIFICATE:

All issued license certificates shall be signed by the Licensing Officer or designee, under the seal of the town, which signature may be placed mechanically, and contain the following information:

- A. The name of the person to whom such certificate has been issued;
- B. The name of the business, if applicable;
- C. The type of license;
- D. The term of the license with commencement and expiration date;
- E. The purpose for which the licensee is authorized to do business;
- F. The local street address;
- G. The license or permit number; and
- H. A statement that the license is nontransferable. (Ord. 08-017, 8-26-2008)

3-2A-12: RENEWAL OF LICENSE CERTIFICATE:

Upon receipt of the license fee, the town shall issue a license certificate valid through September 30 of the next year. (Ord. 08-017, 8-26-2008)

3-2A-13: UNRELATED BUSINESS ACTIVITIES:

- A. Defined: For purposes of this section, "unrelated business activities" shall mean two (2) or more activities in which a licensee engages or conducts business that the licensing officer or designee categorizes under separate use and/or service.
- B. Provisions To Do Business Under One Business License: If the purposes for which a licensee is authorized to do business include multiple unrelated business activities, the town shall identify each authorized unrelated business activity on the license. The business shall set forth and limit the unrelated business activity authorized by the business license to the location identified in the business license issued.
- C. Modification of Business License: All provision of this title for denial, revocation, suspension or change to the business license shall apply equally to all unrelated business activities identified on the issued license. Where an unrelated business activity is denied, revoked,

suspended or voluntarily terminated in accordance with this title, the applicant must notify the town business Licensing Officer within ten (10) days to amend the business license, or the Licensing Officer may amend the business license on his/her own initiative. All other business activities authorized by the business license shall remain in effect insofar as they are not affected by the revoked or suspended unrelated business activity. A modified business license will be issued which will identify all of the approved unrelated business activities of the business. A fee shall be retained to offset application processing costs as identified in the consolidated fee schedule. (Ord. 08-017, 8-26-2008)

3-2A-14: TERM OF LICENSE:

The business license period will be from October 1 through September 30 of the following year. Renewed license certificate shall be valid through the next following September 30, unless revoked pursuant to this title. New license certificates issued between August 1 and September 30 shall be valid through September 30 of the following year, unless revoked. (Ord. 08-017, 8-26-2008)

3-2A-15: DUTY TO DISPLAY LICENSE:

Every licensee licensed pursuant to the provisions of this article shall keep the license displayed and exhibited while the same is in Every licensee not having a fixed place of business shall carry such license with them at all times while carrying on the business for which the license is issued and shall produce the license for inspection when requested to do so by any person. (Ord. 08-017, 8-26-2008)

3-2A-16: ~~BRANCH ESTABLISHMENTS SEPARATE LICENSE REQUIRED FOR SEPARATE PHYSICAL LOCATIONS:~~

A separate license must be obtained for each ~~branch establishment~~ or separate physical location in which business is engaged within the town, as if such ~~branch establishment~~ or location were engage only in the business licensed thereby at the location or in the manner designated in such license; provided, that nightly rental units, warehouses and distributing places used in connection with or incident to a business licensed under this article shall not be deemed to be separate places of business or branch establishments. (Ord. 08-017, 8-26-2008)

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3-2A-17: SEPARATE BUSINESSES, LICENSED PREMISES:

Where two (2) or more persons conduct separate businesses at the same location, each such person shall obtain a separate license for each such business and pay the required license fee for such business. Where a person is a licensee pursuant to provisions in the beer and liquor licensing chapter of this title, that person shall obtain a separate business license for each licensed premises. (Ord. 08-017, 8-26-2008)

3-2A-18: MULTIPLE LICENSING:

Any one person may be issued any of the licenses and/or permits described and created in this title and may simultaneously hold more than one license, and/or a regular town business license. The granting of multiple licenses shall not grant privileges not specifically granted by the licenses issued, nor shall the issuance of multiple licenses extend the time limitations imposed on any of these special licenses that are of a temporary nature. Suspension or revocation of one of the multiple licenses shall not act as a suspension of any other license then in effect, unless the grounds for the suspension of one are also the grounds for suspension of other licenses held by the licensee. (Ord. 08-017, 8-26-2008)

3-2A-19: USE OF PUBLIC PROPERTY:

With the exception of those licenses/permits listed above which specifically grant the right to make use of the town streets or sidewalks, all commercial activity shall be confined to private property and to fully enclosed buildings on that property, except as provided by this title. (Ord. 08-017, 8-26-2008)

3-2A-20: CERTAIN ACTS PROHIBITED:

It shall be unlawful for any person, business, corporation, partnership or other entity to attract or attempt to attract people tolling, shouting, hawking, ringing any bells, horn, sounding any siren or other noise making device, or by displaying any light or lantern, or by waving, hailing or otherwise signaling to passersby or by touching or physically detaining them. (Ord. 08-017, 8-26-2008)

3-2A-21: CLASSIFICATION STANDARDS OF SPECIFIC BUSINESSES:

3-2A-21-1: CONTRACTORS AND BUILDERS:

- A. Fee Assessed: All general contractors and subcontractors, including, but not limited to, builders, electricians, plumbers and backflow device technicians, with their principal place of business within the town, shall be assessed a license fee each year as set forth in the consolidated fee schedule, which shall be paid and a business license issued prior to engaging in any construction within the town, unless exempted from licensure under state law.
- B. State Licensing Requirements: No contractor shall be issued a business license under this section unless and until they have provided a copy of a valid state contractor's license which validates that the contractor is currently licensed with the state department of commerce, including the state license number and date of expiration. If said state license expires prior

to September 30 of the year, each contractor must provide proof of renewal within ten (10) days of renewal or shall forfeit the town business license for the balance of the year. (Ord. 08-017, 8-26-2008)

3-2A-21-2: MOBILE VENDORS:

It shall be unlawful to sell food, flowers, agricultural products, ice cream, candy, popcorn or other goods or merchandise from tents/canopies, push carts, mobile wagons, trailers or motor vehicles (collectively "Mobile Vendors") on private or public property, except as authorized and licensed under this article. This section shall in no way govern temporary commercial structures, which are instead regulated under the Land Management Code and the International Building Code. Consistent with Utah Code § 10-1-203(5), a license is not required for a business that is only operated occasionally and operated by an individual under the age of 18 (such as a lemonade stand). 2010 Code, amd. Ord. 18-010, 9-10-2018

A. Sales At Construction Sites:

1. A business license may be obtained for a mobile vendor to conduct business on private property as a service to construction sites. Licensees must list the construction sites they intend to serve on the license application, and update the list as needed throughout the year. 2010 Code, amd. Ord. 18-010, 9-10-2018
2. Licensees shall have written permission from the owner of the private property to conduct business on that property and shall not remain at any one site for more than a two (2) hour period per day. 2010 Code, amd. Ord. 18-010, 9-10-2018

B. Sales Within Public Rights Of Way: Vending within any public right of way is strictly prohibited (except as allowed under the terms of a special event permit). amd. Ord. 18-010, 9-10-2018

C. Special Events: Mobile Vendors may operate on private land under a special event permit and with the permission of the property owner according to conditions of the special event permit. If the special event permit allows for the event to operate within a specific public right of way, mobile vendors associated with that special event may operate within the public right of way according to the conditions of the special event permit. Ord. 18-010, 9-10-2018

D. Terms And Conditions: Mobile vendors may obtain a license subject to the following terms and conditions: 2010 Code, amd. Ord. 18-010, 9-10-2018

1. License Fee: The license fee for a mobile vendor business license shall be as set forth by the consolidated fee schedule. 2010 Code, amd. Ord. 18-010, 9-10-2018
2. Health Department Approval: All mobile vendors serving food or garden produce for human consumption must have the means of preparing, keeping and serving the foods approved by the health department. This approval, in writing, must be submitted as part of the license application. Withdrawal of health department approval for sanitary or health violations is grounds for revocation of the town license. 2010 Code, amd. Ord. 18-010, 9-10-2018

3. Fire Inspection Approval. All mobile vendors which meet Utah State guidelines for a "food truck" serving food for human consumption must submit proof of inspection when applying for a business license. amd. Ord. 18-010, 9-10-2018
4. Limitation On Locations: Mobile vendors shall be restricted to construction sites or special events. Street vending on town rights of way during construction or other situations creating a public health or safety concern may be prohibited by the building department or public safety department. Ord. 17-005, 7-25-2017, amd Ord. 18-010, 9-10-2018
5. Mobile Vendors Required To Move Location: It shall be unlawful for any mobile vendor to obstruct pedestrian or vehicular traffic on streets or sidewalks. Vendors shall move a distance of at least two hundred fifty feet (250') from their prior location every two (2) hours during which they are conducting business, except as allowed under the conditions of a special event permit. It shall be unlawful for any mobile vendor to conduct business in a location that impairs reasonable pedestrian or vehicular access to any adjoining building, alley, yard or other property. 2010 Code amd. Ord. 18-010, 9-10-2018

3-2A-21-3: NIGHTLY RENTAL FACILITIES:

~~All nightly lodging facilities must be licensed before being offered for rent or used for nightly lodging. Licensed/contracted property management or rental agencies do not require a separate license for each rental location. No person shall operate or engage in any nightly rental activity within the town without first obtaining and maintaining a valid business license as required by this chapter.~~

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A. License Issuance: The business license for nightly lodging facilities will be issued by the town upon payment of necessary fees and upon a finding by the Licensing Officer or designee that the review criteria established below have been satisfied.

~~B. Licensee: The applicant and licensee for nightly lodging facilities under this section shall be the owner of the facility and/or the designated property manager, if any. The applicant and licensee for nightly lodging facilities under this section shall be the owner of the property which will be used as a nightly rental or the operator of the nightly rental (such as a property rental manager) with the written and signed consent of the property owner. The owner of the property which will be used as a nightly rental. If multiple properties will be used for nightly rentals, each separate location will be licensed individually. A property owner may designate an agent to apply for and obtain the business license and report and remit associated taxes and fees; however, the license shall be in the property owner's name and the property owner shall sign the business license agreement.~~

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C. Application Procedure: In addition to the information required by section [3-2A-4](#) of this article, all new and renewal license applications for nightly lodging rental facilities must contain the name of the ~~owner and the property owner and the property rental manager~~, if any, a sales tax collection number, the physical address ~~of each nightly rental unit being operated by the licensee~~, the address and telephone number of the owner and/or Property Manager who is available by telephone, ~~plot plans and building or floor plans one quarter inch to scale showing square footage of the home, number of bedrooms or all sleeping areas~~

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~~within the home, parking, the number of on-site parking spaces at each nightly rental unit, and all other information requested on the application forms. It is the licensee's duty to promptly supplement all forms as information changes or as units change from one owner or manager to another.~~

D. ~~Management Minimum Standards for Licensing: If the nightly lodging rental facility is or is to be managed by other than the owner of the nightly lodging rental facility, the nightly lodging rental facility must be properly managed by a Rental Property Manager as a condition to receiving and maintaining a valid business license. In the event a homeowners' association exists, the association's Property Manager may be responsible for the nightly lodging facility management. In the event an owner agrees to be responsible for property maintenance, the licensee must present a statement to that effect signed by the owner. The minimum services standards required to obtain and maintain a nightly rental business license with the Town, and management regulations include:~~

~~1. 4.—All nightly rentals must meet all applicable building, health, fire codes and town ordinances for the intended use.~~

~~2. Maximum occupancy of any nightly rental shall be two (2) person per bedroom plus four (4) additional persons. Notwithstanding the nightly rental shall not exceed the maximum occupancy as allowed by fire code shall be posted. All nightly rentals must identify a maximum occupancy sign posted in plain view near the main entry of all single family residential nightly rentals.~~

~~3. Snow Removal For Access: Snow removal during winter months to a level that allows safe access to the nightly lodging rental facility over the normal pedestrian access to the unit.~~

~~4. Off Street Parking Maintenance: Snow removal service to and of from off-street parking facilities associated with the nightly lodging rental facility must be maintained, so that off street parking is at all times available for use of the occupants.~~

~~3. Yard Maintenance: Summer yard maintenance, including landscaping, to a level that is consistent with the level of landscaping and maintenance on adjoining and nearby properties.~~

~~4.65. Parking: Parking must be in compliance with the town parking ordinance including limitation on on-street parking, and other state laws and regulations. Nightly rentals shall be limited to a maximum number of vehicles parked on-site based on the total available developed off-street parking spaces on premises. Single family residential nightly rentals shall post the maximum on-site parking in plain view near the main entry along with a declaration prohibiting on-street parking between November 1 and April 30 as well as a map of available overflow public parking. Staff will determine the maximum number of vehicles allowed before the license is issued. If a parking violation occurs, the business license holder may be cited for a violation of town ordinances. Structural Maintenance:~~

~~7.6. Structural Maintenance: Structural maintenance to ensure building, health, safety and fire code compliance.~~

~~5.87.—, Yard Maintenance: Summer yard maintenance, including landscaping, to a level that is consistent with the level of landscaping and maintenance on adjoining and nearby properties.~~

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~~Parking: Parking must be in compliance with the town parking ordinance, and other state laws and regulations.~~

~~6-98. Inspections: Each unit will be inspected for safety issues such as fire extinguisher, smoke detectors, maximum occupancy limits, appropriate egress, etc., if they are renting to the public. Units will be inspected at the time the license is granted, and will be re-inspected at least biennially. Inspections and re-inspections will be at the cost of the licensee.~~

~~7109. Signs: Signs are permitted under the town sign ordinance, title 9, chapter 14 of this code.—Good Neighbor Policy: Licensees are required to distribute a copy of a town-approved Good Neighbor Policy to all guests/renters at the licensee's expense and to keep a copy of the Good Neighbor Policy in a conspicuous place within the unit.~~

~~4110. Response to Complaints: The owner or property manager shall respond to complaints and concerns within one hour of any phone call or notification. Failure of the town or property manager-licensee to respond in a timely manner to Town complaints or concerns may result in a violation and possible fines to the owner and/or property manager or revocation of the business license.~~

~~11. Insurance: Property and casualty insurance covering nightly rental use (a short term rental insurance policy) must be maintained on the nightly rental facility at all times. Licensee must provide proof of such insurance at the time of application and upon request by the Town.~~

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~~8-12. Commercial Uses Prohibited: Nightly lodging-rental facilities may not be used for commercial uses not otherwise permitted in the zone. Nightly lodging-rental facilities may not be converted to corporate sponsor or business houses which are used primarily to distribute retail products or personal services to invitees for marketing or similar purposes, regardless of whether such products or services are charged for.~~

~~13. Collection of Applicable Taxes & Fees: Failure of the licensee to collect and deposit sales tax or the Brian Head Enhanced Service Business License Fee is also a violation of the license and grounds for revocation.~~

~~E-14. Noise And Safety Control: The licensee and the owner of nightly lodging-rental facilities under this section are responsible for regulating shall use their best efforts to reduce/limit noise created by the occupants of the unit. Violation of any town noise ordinance, failure to use designated off street parking, illegal conduct, or any other abuse which violates any law regarding use or occupancy of the licensed premises, is grounds for revocation of the license. Failure to collect and deposit sales tax or the Brian Head Enhanced Service Business License Fee is also a violation of the license and grounds for revocation.~~

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~~FE. Review Criteria: In determining whether or not a business license for a nightly lodging rental facility shall be issued, the application shall be reviewed to see if, in addition to the minimum standards for nightly rentals set forth in 3-2A-21-3(D) and the standards and conditions applicable to issuance of all business licenses, the following conditions and standards are met:~~

- ~~1. The unit is located within a zone designated as allowing rentals or nightly lodging-rental facilities for the period for which the license is applied.~~

2. The building department and public safety department has reviewed the business license application for compliance with ~~the~~ all building, health and fire codes. Inspection of the unit ~~may shall~~ be required under section [3-2A-7](#) of this article. The applicant shall bear the cost of any such inspection and any re-inspection which may be required. The cost shall be determined by the prevailing hourly rate of the building department and/or public safety department.

3. ~~The access to the nightly lodging rental facility and the layout of the unit is such that noise and physical trespass from the proposed rental unit is not likely to be a substantial intrusion to the adjoining properties.~~

4. ~~The applicant may designate a property manager which is a property management company, licensed real estate broker or the owner of the nightly lodging facility. The property manager or owner shall be responsible for management of the nightly lodging facility in accordance with all state, federal and local laws, including, at a minimum, the requirements of this article. Unless otherwise designated in writing to the town, the property manager is also designated as the agent for receiving all official communications under this title from the town.~~

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53. The application must bear a sales tax collection and accounting number for the nightly ~~lodging rental~~ facility. This number may be the sales tax accounting number used by the property management company or owner responsible for that unit, or may be specific to the unit, but no license will be effective until the sales tax number is provided. (Ord. 08-017, 8-26-2008)

3-2A-21-4: RESTAURANTS, FOOD SERVICE, TAVERNS, ETC.:

Restaurants will be required to meet the requirements of the state health department and county health department and will provide a copy of the valid food handlers permit with the submittal of the application. Restaurants and food services must meet the requirements of all local ordinances of the town and the county, and state and federal laws, regulating food services. (Ord. 08-017, 8-26-2008)

3-2A-21-5: RESIDENTIAL GARAGE SALES:

No license shall be required for sales of surplus household goods or furnishings at a private residence in the garage or yard. If a garage sale is held more frequently than three (3) days in any one calendar quarter at the same residence, it shall be deemed to be conducting business on a regular basis and a regular business license for the sale of that kind of that kind of merchandise is required. If the sale is in a zone that does not permit the sale of merchandise as a permitted or conditional use, further sales are unlawful. Sales tax on all sales is required under state law, and this title shall not be construed as attempting to waive the requirement that tax be collected and/or paid to the proper taxing entities. (Ord. 08-017, 8-26-2008)

3-2A-21-6: CHILDCARE SERVICES:

Daycare services will be required to meet the requirements of the state department of health and will provide a copy of the valid permit with the submittal of the application. Daycare services must meet the requirements of all local ordinances of the town and the county, and state and federal laws, regulating childcare services. (Ord. 08-017, 8-26-2008)

3-2A-21-7: OUTDOOR SALES:

A licensed business may hold an outdoor sale five (5) times a year for a duration of no longer than five (5) days for each outdoor sale on public sidewalks or streets adjoining the business on the following terms:

- A. Promotion By Merchants' Association: An association representing tenants in a shopping center or other merchants' association representing the businesses in a specific area may apply for an outdoor sale permit for the members of that association by providing a list of the merchants participating, and paying a fee which shall be in lieu of and not in addition to the fee assessed against individual businesses.
- B. Seasonal Plants: The business licensing officer may issue permits of longer duration to permit the outdoor sale, on a temporary basis, of Christmas trees, landscaping materials, or plants that are of a type and nature that reasonably require the sale to be conducted out of doors. The permit fee for this kind of outdoor sale shall be as set forth in the consolidated fee schedule and no permit shall have duration of more than eight (8) weeks. These permits may be issued to any person or business. Sales shall be confined to commercial zones and to property under the possession and control of the applicant. (Ord. 08-017, 8-26-2008)

Title 3 – Business & Licensing Regulations

Chapter 2

BUSINESS IN GENERAL ARTICLE B. SUSPENSION AND REVOCATION OF TOWN ISSUED LICENSES

[3-2B-1: GROUNDS FOR REVOCATION OR SUSPENSION:](#)

[3-2B-2: ACTION OF TOWN MANAGER OR DESIGNEE:](#)

[3-2B-3: HEARING ON REVOCATION OR SUSPENSION:](#)

[3-2B-4: CRIMINAL PENALTY:](#)

3-2B-1: GROUNDS FOR REVOCATION OR SUSPENSION:

Licenses issued under this title may be suspended or revoked by the Licensing Officer, Hearing Officer or Town Council for the following reasons:

- A. Licensee has filed false or fraudulent information on the license application;
- B. Licensee has been convicted of or pled guilty to, or paid fines or settlements in criminal or civil actions brought by the state tax commission for the collection of, or arising from the nonpayment of, taxes imposed by or collected by the state;
- C. Licensee has permitted its employees, agents or patrons to engage in illegal activities on the licensed premises;
- D. The business has been the subject of a sufficient number of consumer complaints that it has the effect of tarnishing the reputation of other businesses within the town; and
- E. Any of the grounds for denial of a license application as set forth in section [3-2A-8](#) of this title. (Ord. 08-017, 8-26-2008)

[F. Failure to meet the standards identified in 3-2A-21, Classification Standards of Specific Businesses.](#)

[G. For nightly rental business licenses, failure to meet any of the standards identified in 3-2A-21-3 on three or more occasions at a single nightly rental unit may result in revocation or suspension of the ability of the licensee to operate at that unit. A single egregious instance of the minimum standards identified in 3-2A-21-3 \(such as violations of fire codes or building safety issues\) will result in suspension of the ability of the licensee to operate at that unit.](#)

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3-2B-2: ACTION OF TOWN MANAGER OR DESIGNEE:

- A. Investigation: Upon receiving a written complaint from any person alleging a violation of any provision of this title by the licensee or an agent of the licensee, the town, or anyone designated by the Town Manager with the assistance of such other departments of the town as the Town Manager may direct, shall conduct an investigation of the allegations of the complaint. The town will not investigate consumer or product liability complaints. Upon completion of the investigation, the Town Manager may dismiss the matter as being without merit, settle the matter based upon the negotiations the Town Manager or designee may have undertaken with the licensee, or cause an order to show cause to be issued to the licensee requiring the licensee to come forward and answer the allegations of the order to show cause.
- B. Order To Show Cause: The order to show cause may be based upon an affidavit filed by the Town Manager, Town Attorney, or anyone else the Town Manager has designated to file such action, and said order to show cause shall specifically set forth the ordinance sections alleged to have been violated and generally describe the acts in violation.
- C. Hearing; Written Response To Allegations: In the event an order to show cause is issued to the licensee, the Town Manager shall determine whether to refer the matter to the Town Council, or to hear the matter directly himself. The order to show cause shall be issued at least fourteen (14) calendar days prior to the date set for the administrative hearing, but the hearing shall be commenced, in any event, within six (6) months of the service of the order to show cause upon the licensee, unless otherwise agreed by the parties. Within ten (10) days from the date of the service of the order to show cause, the licensee shall file with the town a written response to the allegations contained therein. For non-egregious infractions of the nightly rental minimum standards contained in 3-2A-21-3(D), the first and second offense at any single unit shall not proceed past the written response. Only after a third offense shall the matter be heard by the Town Manager, following a written response, and all three offenses will be considered simultaneously at a hearing.
- D. Hearing By Town Council: If the matter is to be heard by the Town Council, the Town Council may elect one of its members to act as presiding officer for the hearing. The presiding officer shall rule on all matters of controversy which arise during the hearing. The Town Council may designate one or more of its members to act as a hearing panel, in which event the hearing panel shall follow the same procedural requirements as the Town Manager is required by this article to follow. (Ord. 08-017, 8-26-2008)

3-2B-3: HEARING ON REVOCATION OR SUSPENSION:

In all administrative license revocation or suspension proceedings, a hearing shall be conducted as follows:

- A. Generally: The Hearing Officer or presiding officer shall regulate the course of the hearing to obtain full disclosure of relevant facts and afford all parties the reasonable opportunity to present their positions. The Hearing Officer or presiding officer may determine the length of the hearing and may prevent the calling of witnesses or admission of documentary evidence

where such witnesses or evidence are irrelevant, immaterial, unduly repetitious, or unnecessary due to the receipt of other evidence.

- B. Rules Of Evidence: Technical rules of evidence required in court proceedings shall not apply, and the presiding officer or Hearing Officer shall not exclude evidence solely because it is hearsay. The presiding officer or Hearing Officer may afford to all parties the opportunity to present evidence, argue, respond, conduct cross examination, and submit rebuttal evidence within the time frame of the hearing established by said officer.
- C. Testimony; Record Maintained: All testimony presented at the hearing shall be given under oath administered by a person duly authorized to administer oaths. The hearing shall be recorded by electronic means or by means of a certified shorthand reporter. The record thus created shall be preserved by the Town Council until such time as it is clear that no court proceedings or further administrative proceedings will be held concerning the matters which are the subject of the hearing, but a minimum of one year. The recording may be transcribed at the request of any party, at the expense of the requesting party.
- D. Witnesses; Evidence: The licensee shall have the right to appear at the hearing in person or by counsel, or both. Subpoenas and other orders to secure the attendance of witnesses or the production of evidence shall be issued by the hearing officer when requested by any party or may be issued by the presiding officer or hearing examiner on his or her own motion. The mere issuance of subpoenas shall not operate to require the admissibility of evidence or testimony subpoenaed.
- E. Discovery: Upon request, both the town and the licensee shall be entitled to discovery of the other's list of witnesses to be called at the hearing, including the names and addresses of such witnesses. The parties shall be entitled to have copies of or have access to any documents to be used by either side during the course of the hearing. No other formal discovery shall be required. The standard of proof required for any action adverse to the licensee shall be that of proof by a preponderance of the evidence.
- F. Findings: The presiding officer, if the Town Council hears the matter itself, or the Hearing Officer, shall prepare written findings of fact. In the case of the Hearing Officer, the Hearing Officer shall submit said findings to the Town Council. The Town Council shall either accept or reject the findings of fact, or enter its own findings, and shall state the basis from the record upon which the divergence from the Town Manager's recommended findings. The Town Council shall prepare written conclusions of law and an order.
- G. Formal Order: The order formally entered by the Town Council may be to:
 - 1. Dismiss the action against the licensee;
 - 2. Suspend the license for a specified period;
 - 3. Place the licensee on probation upon such conditions as the town council may order;
 - 4. Permanently revoke the license in question
 - 5. Revoke or suspend the licensee's privilege to operate a certain nightly rental unit; or
 - 6. Any combination of the above.

- H. Appeal: Any licensee aggrieved by an order of the Town Council entered pursuant to this section may maintain an action for relief therefrom in any court of competent jurisdiction, where said court deems itself the appropriate forum for the appeal from the Town Council action. The licensee shall be required to follow orders and procedures of the appropriate court with regard to time for filing.
- I. Prior Conviction Not Required: Nothing herein shall be construed to require a showing that the licensee shall have been first convicted in a court of laws of any violation of any law, rule or regulation.
- J. Notice Requirements: All notices required by this section may be made by personal service or by certified mail, mailed to the licensee's address as it appears in the business regulation records of the town, postage prepaid, certified, return receipt requested. (Ord. 08-017, 8-26-2008)

3-2B-4: CRIMINAL PENALTY:

Any person who willfully violates any provision of this title shall be guilty of a class B misdemeanor, subject to penalty as provided in section [1-4-1](#) of this code. Persons conducting business without having first obtained a business license are subject to the business being closed. (Ord. 08-017, 8-26-2008; amd. 2010 Code)



BRIAN HEAD TOWN

RESOLUTION NO. _____

A RESOLUTION ESTABLISHING THE BRIAN HEAD GOOD NEIGHBOR POLICY FOR NIGHTLY RENTAL BUSINESSES.

WHEREAS, the Town Council adopted an amendment to the Business License Code regulating nightly rentals; and,

WHEREAS, to keep the neighborhoods as intended but allow the use of nightly rentals as a permitted use, it was determined by the Town Council that a Good Neighbor Policy be established; and;

WHEREAS, the Town Council created an ad hoc committee, Good Neighbor Policy Group, to draft a Good Neighbor Policy that would go hand in hand with the nightly rental application process; and

WHEREAS, the Good Neighbor Policy Group, made up of residents, rental management companies, and homeowner associations, met and drafted the Good Neighbor Policy for adoption by the Town Council; and

WHEREAS, The Town Council has determined that it is in the Town's best interest to provide and protect the health, safety and welfare of Brian Head Town residents and visitors to adopt the Good Neighbor Policy.

NOW THEREFORE BE IT RESOLVED by the Brian Head Town Council of Brian Head, Iron County, State of Utah, the following attachment "A" Good Neighbor Policy is hereby adopted.

DATED this _____ day of July 2019

TOWN COUNCIL VOTE:

Mayor Clayton Calloway	Aye _____	Nay _____
Council Member Larry Freeberg	Aye _____	Nay _____
Council Member Lynn Mulder	Aye _____	Nay _____
Council Member Kelly Marshall	Aye _____	Nay _____
Council Member Shad Hunter	Aye _____	Nay _____

BRIAN HEAD TOWN

ATTEST

Clayton Calloway, Mayor

Nancy Leigh, Town Clerk

(SEAL)

Resolution No. _____



Attachment "A"

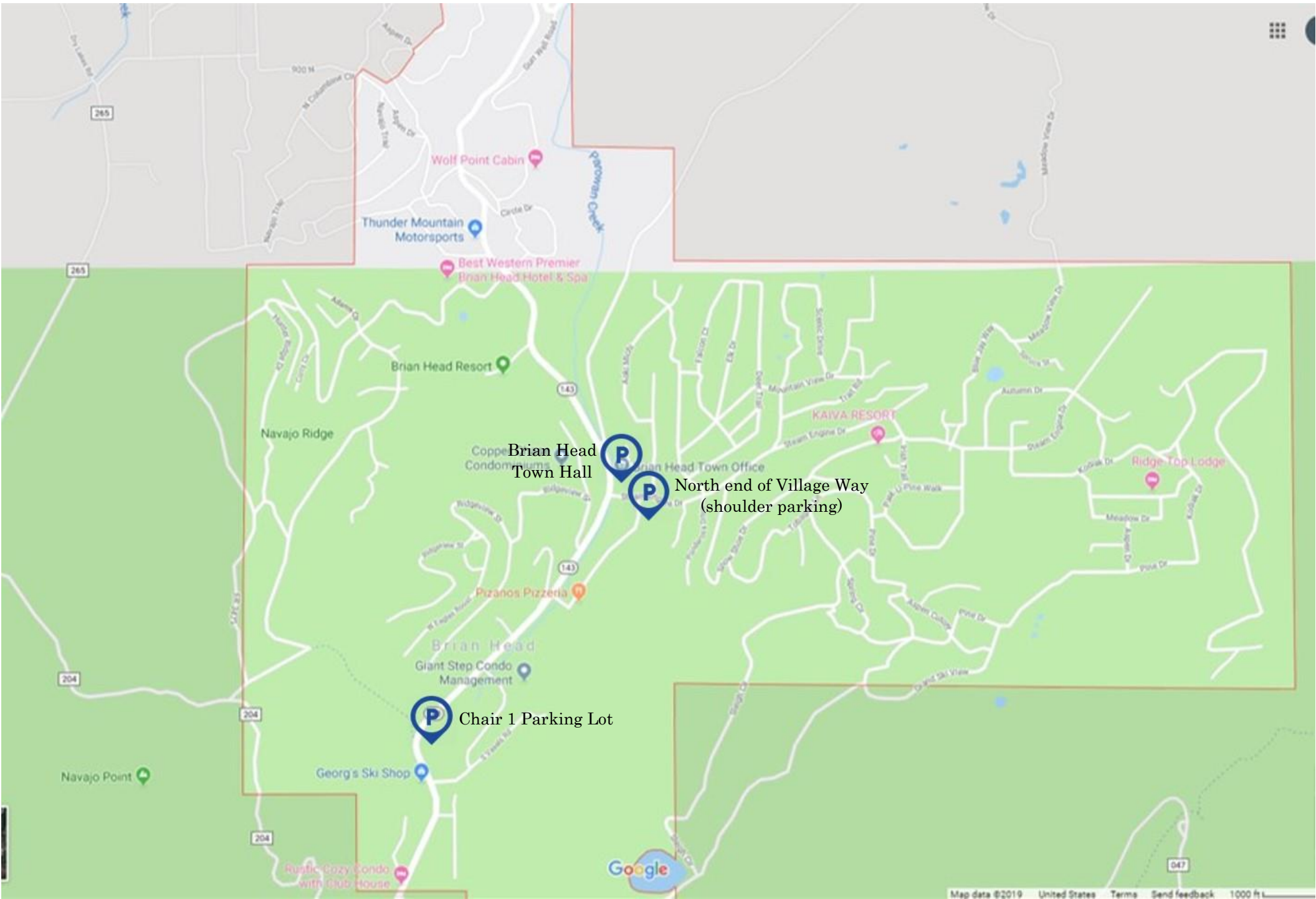
Short Term Rental Good Neighbor Guidelines

Welcome To Brian Head

1. **24-Hour Contact information is located** (e.g. refrigerator). If at any time you have concerns about your stay or in regard to your neighbors, please call the 24-hour contact number listed in the rental lease agreement or posted in the unit. In the event of an emergency, please call 911. To get non-emergencies police dispatch assistance please call (435) 677-2043.
2. **Noise.** Be considerate of the neighborhood and your neighbor's right to the quiet enjoyment of their home and property, from 10pm to 7am. Refer to your Rental Agreement which outlines this Town Code.
3. **Parking & Traffic Safety.** Refer to your Rental Agreement which outlines expectations, Town Parking Code, and potential fees. Overflow parking is provided at the locations listed on the map.
 - Parking must be on the property at all times.
 - Do not park on the public streets or in non-designated spaces.
 - Do not park or drive on lawns or in a manner which blocks driveways and alleys.
 - Drive slowly through neighborhoods and watch for pedestrians and children playing.
4. **General Respect for Neighbors.** Be friendly, courteous, and treat your neighbors like you want to be treated. Surrounding property is privately owned, and please respect by Not Trespassing (including driveways).
5. **Maintenance of Property.** Be sure to pick up after yourself and keep the property clean, presentable and free of trash. Trash can be disposed in a dumpster designated for your location.
6. **Fire Safety:** Must comply with your rental agreement and any current Town Fire Marshall restrictions.
7. **Pets (If Allowed).** Promptly clean-up after your pets. Prevent excessive and prolonged barking and keep pets from roaming the neighborhood. Control aggressive pets and be sure to abide by the local leash laws. Store pet food indoors and in a secure container to reduce the likelihood of unwanted pest problems.
8. **Tenant/Guest Responsibility.** Approved guests and visitors are expected to follow the Good Neighbor Guidelines. Be sure to read your rental agreement for additional terms and restrictions.



Overnight Public Parking Map





Nightly Rental License Application General Information

Brian Head Town, Utah

General Information

If you want to rent your cabin or condo for a period of less than 30 days, you are required to first obtain a Nightly Rental Business License from the Brian Head Town Clerk.

Application & Review Process:

1. Review the regulations which you are located after the Frequently Asked Questions. If you determine that you are eligible to apply, complete the attached nightly rental application and submit along with the applicable fee to the Brian Head Town Clerk, PO Box 190068, 56 North SR143, Brian Head, UT 84719. The current licensing fee for a nightly rental is \$160 for a new application and \$80 for renewal.
2. You will need to determine the type of business you will be, ie: corporation, LLC, sole proprietorship, etc. You will need to know this before applying for a sales tax number. If you are unsure of what type of business you can access information on business types online at <https://corporations.utah.gov/bizorg.html>
3. In addition to the nightly rental application, you must also obtain a sales tax ID# through the Utah State Tax Commission. You can apply for a sales tax ID# online at <https://tax.utah.gov/business>. Please note the business name you register with the Tax Commission must be the same business name identified on your nightly rental application.
4. You will be required to fill out a nightly rental affidavit, stating that information contained within said affidavit is true and correct to the best of your knowledge and, you agree to abide by the requirements and restrictions of applicable zoning, land use and building codes. The nightly rental affidavit is part of the application which can be found within this guide.
5. Fire inspections are required initially with the submission of a nightly rental application. The fire inspection carries a fee of \$30 which may include a re-inspect if needed. The fire inspection requirements can be found within this guide. All items must be in compliance before a license is issued. Fire inspections on nightly rentals will be conducted biennially (once every two years). Fire inspections are scheduled through the Town Clerk, please call or email when ready for a fire inspection and let the Town Clerk know how the cabin or condo unit is to be accessed for the inspection.
6. After you have successfully completed all the steps required, the Town Clerk will issue your nightly rental business license.
If you have additional questions regarding the nightly rental application process, please review the Frequently Asked Questions, or call 435-677-2029 and speak with the Town Clerk.



Brian Head Town
PO Box 190068 - 56 North SR 143
Brian Head, UT 84719
435-677-2029
Brianheadtown.utah.gov
nleigh@bhtown.utah.gov – Town Clerk

Nightly Rental License Application

Nightly Rental is any place providing temporary sleeping accommodations to the public for a period less than thirty (30) consecutive days, including, without limitation, a hotel, motel, lodge, condominium unit, single-family residence, bed and breakfast, boarding house, inn, resort, rooming house, recreational lodging unit, private campground or timeshare project.

GENERAL INFORMATION:

Owner: _____

Mailing Address: _____

City _____ State: _____ Zip: _____

Phone No: (home – office) _____ Cell: _____

Email Address: _____

RENTAL PROPERTY INFORMATION:

Note: Rental Management Companies must submit a list of current rental properties including owner name/address/telephone number and affidavit of property owner consent to rent.

Physical Address: _____

Number of Bedrooms: _____ Number of parking spaces on-site: _____

Square Footage: _____ Maximum Occupancy Limit: _____

DEDICATED RESPONSIBLE PARTY: Owner Rental Management Company

Name: _____ Rental Mgmt. Co: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone No: (home office) _____ Cell: _____

Email Address: _____

BUSINESS INFORMATION:

Sales Tax ID# _____ Federal EIN or Social Security No: _____

Business Type (mark one) Corporation Limited Liability Corporation

Limited Liability Partnership Sole Proprietorship

If Corporation or LLC, State of Principal Office, Name and address of Officers: _____

Advertising listing No: (Airbnb, VRBO, Flipkey, etc.) _____

Cleaning Service Used: _____

Additional Business Services (other than nightly rental): _____

Fees:	New Nightly Rental Application:	\$160.00
	Renewal Nightly Rental:	\$80.00
	Fire Inspection Fee	\$30.00

All licenses automatically expire September 30th. New license year begins October 1st. Renewal application must be received by October 1st in order to avoid late fees.

I certify under penalty of perjury and license revocation that I am the authorized representative of the property owner, that I have read, know and fully understand the information and provisions of this license and the accompanying ordinance section governing nightly rentals that as the legal representative for the property for which application for a business license is made and acting as the agent of the owner for said property I recognize and understand that residential buildings which may be used as nightly rentals, including all single family homes may have not been constructed in a manner to meet building code requirements for commercial buildings; I do hereby agree and represent to Brian Head Town that said residential units will not be used for any other purpose other than the intended single family use; I certify that the information provided and represented are complete and correct to the best of my knowledge and my application is in accordance with Brian Head Town ordinances. This license shall be void if information provided and representations provided by the licensee is incorrect or later changes and I fail to update such information within ten business days of the change of information. I acknowledge and understand the following:

- 1) **THIS IS NOT A LICENSE** but merely an application for a license to do business within Brian Head Town.
- 2) If my application is approved, I shall be notified and issued a licensed certificate which must be displayed at my place of business at all times.
- 3) That all business licenses expire on the 30th day of September of the year issued.
- 4) That the granting of this license to do business within Brian Head Town does not discharge or replace any other licensing or registration requirements that I may have under Town, County, State or Federal laws.

Signature of Applicant / Owner

OFFICE USE ONLY

BUILDING/ZONING/PW DEPT:

Zone: _____
Permitted Use: Yes / No
Conditional Use Permit: Yes / No
Non-Conforming Use: off Yes / No

Signature – Signed off

PUBLIC SAFETY DEPT

Fire Inspection Completed: Yes / No
Inspection Date: _____

Signature – Signed off

ADMINISTRATION DEPT

- All Fees Paid
- Application Completed
- Number of Parking Spaces Identified: _____
- Max Number of Occupancy Limit: _____
- Square Footage for occupancy calculation: _____ 1 person per/200 sq. feet.
- Owner Affidavit Signed
- All Departments Signed Off

- Application Approved Yes No
- If denied, date of letter: _____

Business License No Issued: _____

Business Licensing Officer Signature



Nightly Rental License Application
Owner Consent Affidavit
Brian Head Town, Utah

AFFIDAVIT

By signing this Affidavit I represent that all information contained in this application is true and correct to the best of my knowledge and I acknowledge and agree to abide by the requirements and restrictions of Brian Head Town Code as it pertains to nightly rentals and affirm the following:

1. I am the legal owner of the property; whose physical address is: _____

2. The nightly rental of the property herein described is permissible under all applicable local zoning and land use regulations under the Brian Head Town Code and any covenants and restrictions imposed by any owners' association with authority over the property.
3. I understand that Brian Head Town will conduct a fire inspection of my rental property biennially in which I will be subject to a fire inspection fee at such time the inspection is made.
4. I give my written consent to authorize the following rental management company to conduct nightly rental business on my property on my behalf and understand I may be subject to citations if violations occur on my property as a nightly rental unit.

Name of Rental Management Company: _____.

5. I agree to abide by the Brian Head Town Code 3-2A-21-A as a nightly rental property.
6. I agree to be responsible for maintaining the property for health and safety and to indemnify, defend and hold harmless Brian Head Town including its officers, agents, and employees from any action resulting from damage, loss, injury, including death of any occupant of the rental property herein described.

Owner(s) Signature: _____ Date: _____

Rental Mgmt. Co: _____ Date: _____

OFFICE USE ONLY:

Business License Application No: _____ Date Received: _____



CABIN/CONDO FIRE INSPECTION GUIDELINES

The following items are required to be corrected/installed prior to a business license inspection by the Fire Department.

1. A minimum class 2A:10BC fire extinguisher shall be located in a conspicuous location where it will be readily accessible and immediately available for use. All fire extinguishers are required to be serviced and tagged by a licensed contractor.
2. Smoke Detectors are required to be in working condition and are to be located in all sleeping rooms and hallways leading to the sleeping rooms.
3. Carbon Monoxide Detectors in good working order and located within the living space with one detector per floor.
4. All electrical outlets, light switches, junction boxes and other related electrical wiring must have all cover plates on and be in good working condition. All electrical circuit breakers are required to be labeled in a manner that will indicate where and what the breaker serves
5. The home's address must be placed on the building in such a position as to be plainly visible and legible from the street or road fronting the property. In case of condominiums, the unit number to be placed on or adjacent to front door. Lettering is to be a minimum of four inches (4") in height.
6. Storage of combustible or flammable items is not allowed in furnace rooms, mechanical rooms or electrical rooms.
7. Single Family Residential Zones: A sign posted near the front entry way and visible at all times identifying the maximum occupancy of total number of persons allowed; the number of on-site parking spaces; and a copy of the Good Neighbor Policy.

Business Name: _____ Owner: _____ Phone: _____
 Address to be inspected: _____ Inspection Date: _____

Required Item	Comments	In Compliance	Re-inspection
#1			
#2			
#3			
#4			
#5			
#6			
#7	Number of on-site parking spaces: _____ Maximum Occupancy Allowed p/Fire Code: _____ Good Neighbor Policy Posted	_____ _____	_____ _____

Brian Head Fire Department: _____ Date _____

Signature

Re-Inspection Date: _____ Brian Head Fire Dept. Signed Off: _____ Date: _____



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Discussion of Tree/Bench Donations for Bristlecone Pond
AUTHOR: Cecilia Johnson, Town Treasurer
DEPARTMENT: Administration Department
DATE: July 8, 2019
TYPE OF ITEM: Legislative Action

SUMMARY:

The Town Council has asked staff to look into bench donations for Bristlecone Pond. It is felt this would be a great way to honor those (living or deceased) who love Brian Head Town.

BACKGROUND:

The Brian Head Tree Commission prepared a donation form for trees at Bristlecone Pond a few years ago. Staff feels the donation form should be consolidated together to allow for either a tree donation or a bench donation. People could donate in memory of a loved one who is no longer living or they could donate in honor of someone (or a group) who is still enjoying our beautiful town today. If a tree is purchased, the donor's name, honoree's name, and date donated would be placed on a plaque in the Town Council Chambers. If a bench is purchased, a nameplate will be placed on the bench at the park with the donor's name, honoree's name, and date donated.

ANALYSIS:

Brian Head Ski Resort is currently selling its ski lift seats from Chair 4, which is being upgraded. They are making these seats into benches and swings. They are willing to set aside 10, or more, seats for the Town (and will offer a 10% discount to us). Cost is:

- Seat only = \$400
- Seat made into bench (by the Resort staff) = \$500
- Seat made into a swing (by the Resort staff) = \$700



There are other benches the Town could purchase from an outdoor furniture website if Council would like something different. The cost for these would be anywhere from \$350 - \$550 for the heavy-duty cold weather type benches.



Cost = \$380



Cost = \$400



Cost = \$350



Cost = \$460



Cost = \$550

DEPARTMENT REVIEW:

Staff has checked out the seats from the Resort and feels, once they are made into benches (or swings), this would be the perfect addition to the Bristlecone Park/Pond. These benches would hold up in the weather we get in Brian Head and ties in to the Ski Resort feel of our amazing town.

FINANCIAL IMPLICATIONS:

Purchase of benches has not been budgeted in the FY 2020 budget. If 10 benches are purchased, the cost would be between \$3,600 to \$5,000 (depending on which option the Town chooses). The Town would be required to purchase these benches up front and the costs would be reimbursed back to the Town as donations come in.

BOARD/COMMISSION RECOMMENDATION:

Not Applicable.

STAFF RECOMMENDATION:

Staff recommends the Town purchase 10 benches and/or swings from Brian Head Resort to place around Bristlecone Pond (through donated funds).

PROPOSED MOTION:

Not Applicable since this is a discussion item only and no action is required by the Town Council.

ATTACHMENT:

A - Proposed donation form attached. This form reflects bench donations from the Brian Head Resort lift seats. It can be adjusted for donations of other types of benches, if needed.

(attachment to staff report regarding Bristlecone Park Bench donations)

Brian Head Town – Bristlecone Pond Tree & Bench Donation

To Honor: _____ (name or group being honored)

Type of Tree to Plant: _____ **Bench:** _____

Cost: _____ **Date:** _____

Donated by: _____

Tree Price List

<u>TYPE OF TREE</u>	<u>SIZE</u>	<u>COST</u>
Bristlecone Pine Tree	6 foot	\$250
Quaking Aspen Tree	4 foot (15 gallon)	\$150
Blue Spruce Pine Tree	6 foot	\$200

Note: You can also purchase your own tree to plant. Quaking Aspen Trees and Blue Spruce Pine Trees are native to the area and will probably thrive better than other types of trees. Please check in with Brian Head Town Offices before planting any trees. Thanks!

If you donate a tree, the donor’s name, honoree’s name, and date of donation will be placed on a plaque in the Town Council Chambers.

Brian Head Town – Bristlecone Pond Bench Donation

Brian Head Resort is selling ski lift seats (from Chair 4 that is being upgraded). They are making these into benches or swings and have given the Town a deal on these to put around Brian Head Town’s Bristlecone Pond. If you would like to donate a bench in honor of a family, group, or loved one, you may donate the cost of a bench and Brian Head Town will place a plaque on the bench with the donor’s name, honoree’s name, and date of donation.



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Extended RV Parking Discussion
AUTHOR: Wendy Dowland, Public Works Assistant
DEPARTMENT: Administration
DATE: July 8, 2019
TYPE OF ITEM: Discussion

SUMMARY:

Staff continually receives inquiries regarding extended RV parking on private property. The Town does not currently have any restrictions other than the RV must be licensed and registered. Staff is seeking direction on whether or not regulations should be implemented.

BACKGROUND:

The Town Council had a brief discussion regarding RV Parking on May 29, 2018 and remanded to the Planning Commission. Please see attached minutes.

The Planning Commission met on June 05, 2018 to further discuss RV Parking on private property.

Staff contacted Parowan City and Iron County. Parowan City doesn't allow living in an RV permanently. Iron County only allows R.V.'s to be lived in outside a travel trailer park, for one year, while they are constructing a house. Even then, they must have a building permit, the water developed (no hauling of water), the wastewater system installed, and an approved source of electricity (they cannot run off a generator). Washington County regulates RV's through zoning.

ANALYSIS:

The following are possible additions to the Parking Code:

- I. **Overnight Parking, Camping:** It shall be unlawful to park a vehicle (such as a camper van, recreational vehicle, camping trailer, etc.) on a public street, or within a public parking facility, or within public parks, playing fields, or other areas for purposes of overnight camping, sleeping or other habitation **without written approval from the Town Manager. Vehicles may be parked on private property for purposes of overnight camping, sleeping or other habitation under the following conditions:**
 - a. The private property is undeveloped and does not have developed utilities
 - b. The vehicle is not inhabited on the property for more than 60 days within any 90-day timeframe
 - c. No more than one vehicle per property at any given time is allowed for purposes of overnight camping, sleeping or other habitation
 - d. Generators must comply with the Town's noise ordinance. Generator use will be prohibited after 10pm
 - e. Vehicles are not allowed to be parked in the setbacks
 - f. Vehicles must be properly licensed and registered

FINANCIAL IMPLICATIONS:

N/A

BOARD/COMMISSION RECOMMENDATION:

The Planning Commission had a 3/2 consensus to apply regulations to RV's on private property. The suggested regulations are listed in the analysis.

STAFF RECOMMENDATION:

Staff is seeking direction.

PROPOSED MOTION:

N/A – Discussion Only

ATTACHMENTS:

- A - Brian Head Town Council Minutes
- B - Current Parking Code
- C - Proposed Washington County Ordinance

5-29-2018

Town Council Meeting

Extended RV Parking Discussion

Wendy Dowland, Public Works Assistant, reported the staff regularly receives inquiries from property owners who want to bring the RV and stay on their property for an extended period of time. Wendy reported the town code does not prohibit RV's on properties for extended stays and staff is requesting the Council's input on whether to continue with the status quo or determine whether to keep it under control. Wendy reported the Council should also consider tiny homes which has become more popular and are mobile. There has been one request as to putting several tiny homes on a property which is currently zoned as multi-family residential. Wendy reported the Planning Commission briefly discussed this item but ran out of time.

The Council held discussion on the following:

1. Mayor Calloway commented the Planning Commission should have a deeper discussion on this topic since the Planning Commission ran out of time to have a full discussion on this topic. Mayor Calloway commented the town should allow extended RV parking and allow the CC&R's dictate the requirements of the subdivision.
2. Mayor Calloway commented the town should treat them as a temporary structure with a limit of 180 days and should adhere to the setback rules, but not necessarily need to meet the design standards. There should be a method to deal with the black water also.
3. Shaun Kelly, Planning Commission, reported he has spoken to other Commissioners on this topic and they felt they needed more time to think about it, as he also would like more time to think about it. Shaun reported he feels similar to what Mayor Calloway has expressed and believes a time limitation would work. Shaun commented that RV's typically do not hold up during the winter season due to the heavy snow loads.
4. Wendy explained staff has researched other communities and have attached the Washington County ordinance (see attached). Parowan City does not allow people to live in RV's and Iron County allows it for one year while constructing a home in which a building permit must be pulled, and water and sewer must be connected along with power to the RV. No hauling of water or generators are allowed by the county.
5. Council Member Mulder commented she is in favor of some kind of control by way of ordinance. Wendy responded the town could also consider a conditional use permit in certain zones.
6. Council Member Marshall inquired if the town has received any complaints on extended stays of RV's. Wendy responded the town hasn't received any, other than those that have been abandoned.
7. Bret reported there is nothing in the town code now and the town would treat RV's as a vehicle in which it is legal to have an RV on the property as long as it is registered. Bret commented that it would benefit the town to identify it in the town code.
8. Council Member Marshall stated she has concerns in which someone may have purchased a lot and can't develop the lot right away and would like to use the lot for a summer vacation place. Council Member Marshall stated she would not prohibit them from utilizing their property only because they are unable to build right away. Council Member Marshall suggested the town identify some types of control, but also allow for flexibility to allow people to use their property.
9. Wendy commented the town should be concerned with their waste since the town does not have a dump station and they would need to take it to Parowan to dump, which may be a problem in the future.

Consensus of the Council: This topic will be forwarded back to the Planning Commission to look at temporary structures and make a recommendation to the Council.

Title 6 – Motor Vehicles and Traffic Code

Chapter 2 Traffic Provisions Generally

ARTICLE A. PARKING CODE

6-2A-1: TITLE:

6-2A-2: APPLICABILITY:

6-2A-3: DEFINITIONS:

6-2A-4: PRESUMPTION OF IDENTITY:

6-2A-5: STANDARD PARKING REGULATIONS:

6-2A-6: TIME LIMITATION PARKING:

6-2A-7: SEASONAL PARKING REGULATIONS:

6-2A-8: DELIVERIES AND SHORT TERM USE:

6-2A-9: SIGNAGE:

6-2A-10: REGULATIONS NOT EXCLUSIVE:

**6-2A-11: COMPLIANCE REQUIRED; FINES, IMPOUNDMENT, ENFORCEMENT;
PENALTY:**

6-2A-1: TITLE:

This article shall be referred to as the *BRIAN HEAD TOWN PARKING CODE*. (Ord. 08-018, 10-28-2008)

6-2A-2: APPLICABILITY:

This article is applicable on all streets and public parking facilities within the town corporate limits as now constituted or as subsequently amended by annexation or disconnection. (Ord. 08-018, 10-28-2008)

6-2A-3: DEFINITIONS:

As used in this article, the following terms shall have the meanings stated, unless the context clearly requires some other meaning:

DELIVERY VEHICLES: Includes any motor vehicle being used for the purpose of loading or delivering goods or cargo to businesses or individuals.

DOUBLE PARKING: Parking, standing or stopping a vehicle, whether attended or unattended:

- A. At the side of another vehicle which is legally parallel parked; or
- B. Behind a parking space which is occupied by a legally parked vehicle.

IMMOBILIZATION: Prohibiting the movement of a vehicle by attaching a "boot" or other device approved by the parking manager to the vehicle. The town does not guard, assume care or accept liability for any vehicle, its occupants or its contents, nor does it assume responsibility for damage while the vehicle is immobilized.

NONMOTORIZED EQUIPMENT: Any equipment that is nonmotorized and is so designed as to require a motor vehicle for mobility, including but not limited to, uncoupled trailers, detached snowplows, dumpsters, and other items that are not self-propelled.

PARK OR PARKING: Stopping, standing or leaving a motor vehicle in a fixed spot or location on a street or public parking facility for any length of time, except when required to stop or stand because of the flow of traffic, or to yield to other traffic, or in compliance with the requirements of traffic control devices or police officers.

PUBLIC PARKING FACILITY: Any public parking lot, area, garage or structure that is owned, operated and/or maintained by Brian Head Town, but not on street parking.

STREET: Every street, alley, roadway, right of way or on street parking space under the control and/or maintenance of Brian Head Town, whether on public or private property, including all streets shown as public streets on the general plan. The term "street" shall not include private driveways, private parking lots or private roadways.

VEHICLE OR MOTOR VEHICLE: Any automobile, truck, motorcycle, trailer, backhoe, loader or other piece of construction machinery, and every other means of conveyance or persons or cargo included within the Utah motor vehicle act. (Ord. 08-018, 10-28-2008)

6-2A-4: PRESUMPTION OF IDENTITY:

For any vehicle on any street or public parking facility which is parked in violation of the regulations of this article, it shall be irrefutably presumed that the registered owner of the vehicle parked the vehicle in violation of this article, or permitted others to park his vehicle in violation of this article, and the registered owner is responsible for the violation and for the fine or civil penalty imposed. (Ord. 08-018, 10-28-2008)

6-2A-5: STANDARD PARKING REGULATIONS:

A. **Parking Prohibited In Certain Places:** It shall be unlawful and a violation of this article for any person to park a vehicle, or non-motorized equipment, or permit others to park a vehicle or non-motorized equipment in any of the following places on a street or public parking facility:

1. On or across a sidewalk;
2. In front of, or within five feet (5') of a public or private driveway or alleyway;
3. Within an intersection, or within fifteen feet (15') of an intersection;
4. In front of or within five feet (5') from a fire hydrant;
5. In or on a crosswalk;
6. Within twenty feet (20') of a marked snowmobile or all-terrain vehicle crossing;
7. Within thirty feet (30') from the approach to any flashing beacon or traffic control device, including stop signs controlling traffic on the same roadway as the approach;
8. Within twenty feet (20') of the entrance to a fire station, or, if designated a no parking area by signs, on the street opposite of the entrance to a fire station;
9. Alongside any street excavation or construction fence or barricade if parking in that location would obstruct the free flow of traffic on the street;
10. On a bridge or other elevated portion of a street or under an overpass;
11. At any place marked by signs as a no parking zone;
12. In such a location or manner that the car is parked opposite of the flow of traffic on the street, except as provided in this article;
13. In such a location or manner so as to occupy more than one marked parking space;
14. At any place marked with a red curb;
15. In any parking space designated "handicapped", or otherwise for the mobility disabled under the qualifications of the Americans with disabilities act, when not displaying proper distinguishing license plates or an official state approved placard indicating that the occupant of said vehicle is mobility disabled under the qualifications of the Americans with disabilities act.

B. **Parking May Not Obstruct Traffic:** No person shall park a vehicle or non-motorized equipment on a street or public parking facility in any manner that obstructs the street, sidewalk or driveways and impedes the free movement of vehicular or pedestrian traffic.

C. **Stopping Or Parking On Streets:**

1. No person shall park a vehicle, whether attended or not attended, on the traveled portion of a street when it is possible under the existing conditions to park the vehicle off the traveled portion of the street. When stopping or parking a vehicle, it must be parked in a

manner that leaves an unobstructed width along the vehicle for the passage of other vehicles.

2. This section shall not apply to vehicles which are parked as a result of mechanical failures or otherwise disabled to an extent that the vehicle cannot be moved out of the traffic lane. It is the duty of the owner or operator of the disabled vehicle to activate warning lights on the vehicle, and to open the hood in order to give notice to other vehicles on the street that traffic is blocked by a disabled vehicle. It is also the duty of the owner or operator of a disabled vehicle to obtain assistance as soon as possible under the circumstances to have the disabled vehicle removed from the traffic lane.
- D. **Parking For Certain Purposes Prohibited:** It shall be unlawful to park a vehicle on any street or within any public parking facility for the following purposes:
1. Greasing, servicing or repairing the vehicle, except to the extent necessary under emergency conditions to move a disabled vehicle;
 2. Selling food or other merchandise, or soliciting order for food or merchandise, except when properly licensed by the town to do so.
- E. **Condition Of Unattended Vehicles:** It shall be unlawful for any person to park a vehicle on a street or public parking facility without stopping the engine, locking the ignition, and removing the key from the ignition, and if the vehicle is parked on a readily perceptible grade, turning the wheels toward the curb or edge of the road and setting the parking break.
- F. **Double Parking:** No vehicle shall be double parked or stopped upon the traveled portion of any street, except when complying with the instructions of a police officer or flagman, allowing an emergency vehicle to pass, avoiding other traffic, or conducting commercial deliveries under the requirements of this article.
- G. **Parallel Parking:** Except where otherwise clearly designated by a sign, it shall be unlawful to park any vehicle in a manner other than parallel with the curb or shoulder of the street, with the front of the vehicle facing the direction of traffic flow, with the right hand/passenger side wheels not more than twelve inches (12"), or as close as practicable to the edge of, the curb, shoulder or snow bank, whichever is nearer to the traffic lane.
- H. **Angle Parking:** Angle parking is permitted only when designated by posted signs or in designated public parking facilities, and then only when conditions are such that angle parking does not result in obstruction of the driving lanes such that traffic has to deviate from its normal course to avoid the parked vehicle. Further, no vehicle in excess of twenty five feet (25') in length shall park in an angle parking place at any time.
- I. **Overnight Parking, Camping:** It shall be unlawful to park a vehicle on a public street, or within a public parking facility, or within public parks, playing fields, or other areas for purposes of overnight camping, sleeping or other habitation.
- J. **Parking On Narrow Streets Prohibited:** It shall be unlawful for any person to park a vehicle on any street in a manner that obstructs the flow of traffic on that street by failing to leave an unobstructed lane of at least fourteen feet (14') in width for passing traffic. It shall be unlawful to park opposite another parked vehicle so as to leave less than a fourteen foot (14') wide traffic lane, or in any other manner to obstruct the free movement of traffic through the narrow street.

- K. Lighting Requirements: The owner or operator of a vehicle is not required to provide any warning lights on any lawfully parked vehicle. Any vehicle that is parked so as to obstruct the normal flow of traffic, whether illegally parked or disabled in traffic, shall display one or more lights to the front and rear which are visible from a distance of five hundred feet (500'). The light shown to the front of the vehicle shall be white or amber, the light shown to the rear of the vehicle shall be red. If the headlights are left on, they shall be set on the dimmed setting. It shall be the duty of the owner or operator of a vehicle so parked to open the hood as an additional warning to other motorists, and to keep the lights free of snow, mud, or other obstructions so that the lights are clearly displayed.
- L. Construction Site Parking:
1. Construction site parking shall comply with all parking requirements of this article.
 2. Vehicles loading or unloading construction supplies, materials or equipment may park temporarily on the street, provided they leave an unobstructed lane of at least fourteen feet (14') in width for passing traffic.
 3. Overnight parking of construction equipment in any street is prohibited.
 4. No person shall park any vehicle or place any object that interferes with the snow plowing or snow removal efforts on any town right of way.
- M. Non-motorized Equipment Parking Prohibited: Except for construction equipment and materials allowed under subsection L of this section, no person shall park any non-motorized equipment in any on street or public parking facility. Such non-motorized equipment must be properly stored in private off street areas or commercial rental storage units. Non-motorized equipment violating this subsection shall be subject to immediate impoundment.
- N. Oversized Vehicles: No person shall park a vehicle that is over eight feet (8') in width in a public parking facility. No person shall park a vehicle that is over twenty six feet (26') in length or over eight feet (8') in height on town roadways. The following exceptions apply:
1. Vehicles allowed under the construction site subsection and complying with subsection L of this section.
 2. Commercial delivery vehicles temporarily while making deliveries.
 3. Town, fire and public utility vehicles or equipment engaged in official business.
- O. Fire Access ways: It shall be unlawful and a violation of this article for any person to park a vehicle, or to permit others to park a vehicle, in any marked fire lane, emergency access road or vehicle throughway, which is designated and approved for fire access by the town fire marshal, or his/her designee, whether on public or private property. (Ord. 08-018, 10-28-2008)

6-2A-6: TIME LIMITATION PARKING:

- A. **Parking For More Than Seventy Two Consecutive Hours:** It shall be unlawful to leave a vehicle parked in any street for more than seventy two (72) consecutive hours. After seventy-two (72) consecutive hours, the vehicle is subject to impoundment.
- B. **Parking For More Than Twenty Four Hours In Public Parking Facilities:** It shall be unlawful to leave any vehicle in any public parking facility for more than twenty four (24) consecutive hours, except where otherwise posted on official signs. Vehicle parked longer than twenty-four hours (24) consecutive hours are subject to impoundment.
- C. **Time Limited Parking In Commercial Zones:** Public streets and public parking facilities within commercial zones may be designated with time limitations. It shall be unlawful to park a vehicle in any area so designated by posted signs for longer than designated time limits. Vehicles parked longer than posted time limits are subject to fine and/or impoundment.
- D. **Parking Areas And Classifications:** The Town Manager, or designee, may establish general classifications of parking areas and the effective periods of time, and shall so designate by posting appropriate signs along the streets, within the facility and/or at the appropriate entry points to the public parking facility. (Ord. 08-018, 10-28-2008)

6-2A-7: SEASONAL PARKING REGULATIONS:

- A. **Special Winter Limitations:** Notwithstanding the foregoing general parking regulations, there shall be additional regulations which apply during the winter season to facilitate the snow removal and emergency access during the winter months. The winter seasonal regulations shall apply from November 1 to April 30. The special winter regulations are as follows:
 - 1. It shall be unlawful to park any vehicle on any street during the winter season beginning November 1st and running until April 30th. (2010 Code amd. Ord. 19-005, 6-24-2019)
 - 2. Additional parking limitations may be posted by signs stating the nature and effective period for the additional regulations.
- B. **Obstructing Snow Removal Prohibited:** No person shall park any vehicle or place any object that interferes with the snow plowing or snow removal efforts on any street. Ord. (08-018, 10-28-2008)

C. 2A-8: DELIVERIES AND SHORT-TERM USE:

- A. **Space Designated:** The Town Manager, or designee, shall designate, where necessary, short term zones.
- B. **Unlawful Parking In Short Term Zones:** In any area designated as a short term zone, it shall be unlawful for any person to par>

C. Delivery Vehicles On Town Streets: All delivery vehicles parked on a street shall observe the following restrictions:

1. Delivery vehicles shall utilize the loading zones.
2. No delivery vehicle shall be parked in such a manner to impede the flow of traffic.
3. No delivery vehicle shall be parked with its engine left idling. (Ord. 08-018, 10-28-2008)

6-2A-9: SIGNAGE:

- A. Emergency Temporary Parking Regulations: The Town Manager, or designee, shall have the authority to establish additional parking regulations as necessary to provide for efficient traffic circulation and safe parking areas. All areas that are closed to parking shall be so designated by signs posted in the area, except for those regulations set forth in section 6-2A-5 of this article, which shall not require signs.
- B. Type, Location: All signs shall be uniform as to type and location throughout the town. The location, type, and design of all parking control signs shall be as determined by the Town Manager, or designee. All traffic control devices so erected shall be official signs and official traffic control devices. Signs shall be erected in sufficient number to adequately inform the public of the parking regulation.
- C. Additional Marking Approved: The town adopts the marking and sign requirements of the manual of uniform traffic control devices (MUTCD), with the exception that the color red shall be adopted as a supplemental curb marking color to indicate general no parking zones, fire hydrant no parking zones and fire lanes. (Ord. 08-018, 10-28-2008)

6-2A-10: REGULATIONS NOT EXCLUSIVE:

The parking regulations established by this article are not all encompassing, and additional regulations may be established by posting permanent or seasonal signs stating the additional regulation imposed, or by police officers directing traffic during period of heavy traffic volume or during period of emergencies, or during special events as designed by the Town Manager. (Ord. 08-018, 10-28-2008),

6-2A-11: COMPLIANCE REQUIRED; FINES, IMPOUNDMENT, ENFORCEMENT; PENALTY:

- A. Compliance Required: Compliance with this article is required when proper signs are posted, or when the regulation is such that no sign is required under this article. It shall be unlawful to park any vehicle in violation of the regulations established by this article or in violation of regulations contained on posted signs.

- B. Authority To Tow Vehicles: Because unlawfully parked vehicles may prevent access to areas by emergency vehicles as well as local residents, the Public Safety Department is authorized to enforce this article by towing or otherwise removing vehicles parked in violation of this article without first having given notice to the owner of the vehicle that it may be towed if not removed.
- C. Obligation Of Owner To Move Vehicle: It is the obligation of the owner or operator of a vehicle to remove that vehicle when it is illegally parked. When an officer finds an illegally parked vehicle that is impeding traffic or snow removal, the officer is authorized to move the vehicle to the extent necessary to remove the obstruction, including towing the vehicle to the town impound yard or an impound facility of a private tow company designated by the town.
- D. Nature Of Violation: Violations of this article are infractions, punishable by a fine, fee or civil penalty, including immobilization and/or towing, but not imprisonment.
- E. Penalties For Illegal Parking: The owner or operator of a vehicle cited for illegal parking under this article shall be required to pay a fine of forty five dollars (\$45.00) for the violation of the infraction. In addition to the fine imposed for illegal parking, the owner of the vehicle is responsible for paying immobilization, towing and impound fees for the release of the vehicle. Immobilization and towing fees may be levied against the violator or the owner of the vehicle, or both.
- F. Enforcement, Payment: The town may employ private enforcement officers to enforce this article and issue parking citations for violations thereof, including parking illegally in handicapped spaces. All fees and penalties imposed pursuant to this article shall be paid to the court of jurisdiction in the manner and by the means specified on the parking citation. (Ord. 08-018, 10-28-2008)

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE WASHINGTON COUNTY ZONING
ORDINANCE TO ALLOW FOR RECREATIONAL VEHICLES TO BE USED AS
TEMPORARY LIVING QUARTERS**

WHEREAS, Washington County currently permits people to use a recreational vehicle as temporary living quarters only during the summer months in Kolob;

WHEREAS, Washington County does not permit people to live in a recreation vehicle, even on a temporary basis, elsewhere in the county;

WHEREAS, many Washington County residents desire to stay on their undeveloped property in a recreational vehicle for a short period of time;

WHEREAS, some Washington County residents have a need to live on their property in a recreational vehicle while their home is being constructed;

WHEREAS, other Washington County residents have complained that their neighbors' use of a recreational vehicle as permanent living quarters disrupts the quality of life in their neighborhood and the pristine nature of the area in which they live;

WHEREAS, in order to protect the water supply, streams, and rivers, the State of Utah limits the number of septic tank permits Washington County can issue in given area;

WHEREAS, the unauthorized permanent dwelling in a recreational vehicle where septic is not hooked up or the number of persons on the property exceeds the septic tank's capacity, thereby threatening the safety of the water supply;

WHEREAS, the county has experienced problems previously with people living in recreational vehicles illegally dumping their septic and wastewater, threatening the pristine nature of Washington County and its water supply;

WHEREAS, permanent lodging in a recreational vehicle could circumvent zoning ordinances currently in existence for the safety, protection, and quality of life of Washington County residents dwelling in unincorporated areas;

WHEREAS, a recreational vehicle's use as temporary living quarters would fit in well with the aims of residential and agricultural zones but would violate the intent of manufacturing, industrial, and commercial zones;

WHEREAS, the proposed ordinance makes allowance for individuals who have a special need to live in a recreational vehicle on their property;

WHEREAS, the proposed ordinance balances these competing concerns by permitting a recreational vehicle to be used as a temporary living quarters on undeveloped land or permanent living quarters where there is an active building permit;

WHEREAS, it is in the best interests of the citizens of Washington County for the proposed ordinance to be passed.

NOW, THEREFORE, the County Legislative Body of Washington County ordains as follows:

Amendment to Washington County Code Title 10, Chapter 2, Land Use Authority

(Stricken language is removed. Underlined language is added in the appropriate alphabetical listing of defined terms.)

A. The planning staff shall be the land use authority to hear and act on the following land use applications:

1. Simple home occupations.
2. Conditional use permits for the following:
 - a. Farm or ranch buildings in the OSC open space conservation zone single-family dwellings.
 - b. Second dwellings for a hired hand or seasonal laborer, or member of owner's family in the OST open space transition zone, the A agricultural zone, the RA residential agricultural zone (in the RA-5 and RA-10 districts only).
 - c. Single-family dwellings used in connection with a permitted use in the OST open space transition zone, and the A agricultural zone.
 - d. Single-family dwellings in the RA residential agricultural zone (RA-10 district only).
 - e. Recreational vehicles as temporary living quarters where an active building permit to construct a permanent residence has been issued.

3. Reviews and approves minor variances:

- a. Building setbacks and distances from lot lines or other buildings.
- b. Building heights.

- c. Fence adjustments.
 - d. Other similar request.
4. Lot line adjustments between two (2) property owners or one owner on two (2) lots where no hearings are required.
 5. Permits regarding the transportation of mobile homes.
 6. Those uses specifically delegated to the planning staff by the Washington County commission.

Amendment to Washington County Code Title 10, Chapter 4, Definitions (Stricken

language is removed. Underlined language is added in the appropriate alphabetical listing of defined terms.)

Amending the definition of the following word:

~~RECREATIONAL VEHICLE: A transportable factory built housing unit of eight feet (8') or less in body width and forty feet (40') or less in overall length, or when placed on site is three hundred ninety nine (399) or less square feet in size, and which is built on a permanent chassis and is designed to be used as a dwelling unit without a permanent foundation, or without being connected to required utilities.~~ Recreational vehicle, as used in this chapter, shall include any vehicle that (1) is self-propelled or designed be permanently towable, (2) is designed to include living quarters, (4) does not have a permanent foundation, (4) is less than 400 square feet, and (5) is built on a single chassis. This term includes but is not limited to motor homes, campers, trailers, and fifth wheels and any other vehicle or trailer that can reasonably be classified with such. A recreational vehicle may be used as temporary living quarters as outlined in Ordinance 10-13-23.

Adding the following words to the definition section:

Recreational Vehicle Park: Any property that has three (3) or more recreational vehicles on it that are used as temporary dwellings shall be considered a recreational vehicle park.

Multiple-owner Property. When a parcel of land is owned by two or more persons, the property is considered a multiple-owner property. This does not apply if the parcel is owned by two individuals who are married to each other.

Amendment to Washington County Code Title 10, Chapter 6B, Section 3, Conditional Uses in an Open Space Transitional Zone

Uses requiring a conditional use permit in this zone are as follows:

Airports.

Cemeteries.

Dog kennels on parcels of ten (10) acres or larger.

Exotic animals on parcels of twenty (20) acres or larger.

Fenced RV storage areas.

Fish farms.

Golf course.

Housing of weaner pigs.

Mining and mineral development.

Private recreation grounds and facilities.

Public utilities and transmission lines.

Recreation vehicle as a temporary dwelling

Riding stables and training arenas.

Second dwelling for hired hand or seasonal laborer, or member of owner's family.

Single-family dwellings used in connection with a permitted use, including household pets.

Trails and trail rides.

Recreational Vehicle as a temporary dwelling.

Other uses similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone.

Amendment to Washington County Code Title 10, Chapter 7, Section 3, Conditional Uses in an Agricultural Zone

Uses requiring a conditional use permit in this zone are as follows:

Agricultural businesses.

Exotic animals in the A-20 and A-40 districts.

Fish farms.

Fur farms.

Housing of weaner pigs.

Kennels.

Public riding stables.

Public utilities.

Recreation vehicle as a temporary dwelling

Second dwelling for hired hand or seasonal laborer, or member of owner's family.

Silo (vertical or horizontal).

Single-family dwellings used in connection with a permitted use.

Stands for sale of produce grown and sold on premises.

Veterinarian.

Other uses similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone.

**Amendment to Washington County Code Title 10, Chapter 8A, Section 3,
Conditional Uses in a Forest Residential Zone**

Uses requiring a conditional use permit in this zone are as follows:

Bed and breakfast inn.

Lodges and dude ranches in any FR-5 or FR-10 district.

Overnight camping facilities.

Private recreation and facilities.

Public buildings.

Public utilities.

Recreation vehicle as a temporary dwelling.

Other uses approved by the planning commission as being in harmony with the intent of the zone and similar in nature to the above listed uses.

**Amendment to Washington County Code Title 10, Chapter 8B, Section 4,
Conditional Uses in a Seasonal Forest Residential Zone**

Uses requiring a conditional use permit in this zone are as follows:

Commercial lodging.

Overnight group camping facilities in approved campgrounds.

Private lodges and/or private recreation facilities.

Public buildings.

Public utilities.

Recreation vehicle as a temporary dwelling.

Other uses approved by the planning commission as being in harmony with the intent of the zone and similar in nature to the uses listed above. (Ord. 2011-1006-O, 2-15-2011)

**Amendment to Washington County Code Title 10, Chapter 8C, Section 3,
Conditional Uses in a Residential Agricultural Zone**

Uses requiring a conditional use permit in this zone are as follows:

Church.

Dog kennels (RA-10 district only).

Park or playground.

Poultry coops.

Private recreation facilities.

Public buildings.

Public riding stables.

Public utilities.

Recreation vehicle as a temporary dwelling.

School.

Second dwelling for hired hand or seasonal laborer, or member of owner's family in the RA-5 and RA-10 districts only.

Single-family dwellings (RA-10 district).

Other uses similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone.

**Amendment to Washington County Code Title 10, Chapter 8D, Section 3,
Conditional Uses in a Residential Estate Zone**

Uses requiring a conditional use permit in this zone are as follows:

Bed and breakfast inn; located in a summer recreation area (Pine Valley and Kolob areas only, or as may be approved by the planning commission, but not intended for approval in most subdivision areas), subject to the following:

Must be an existing home. Homes may not be constructed for the purpose of creating a bed and breakfast inn. Inspection will be required to determine compliance with building code requirements, and a permit will be required for any changes in the existing building.

Church.

Housing of weaner pigs.

Park or playground.

Public utilities.

Recreation vehicle as a temporary dwelling.

School.

Any use similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone.

Amendment to Washington County Code Title 10, Chapter 8E, Section 3, Conditional Uses in a Single-Family Residential Zone

Uses requiring a conditional use permit in this zone are as follows:

"Child nursery", as defined in section 10-4-1 of this title.

Church.

Group homes.

Guesthouses on lots at least double the size regulated by the district.

"Home occupations", as defined in section 10-4-1 of this title.

Park or playground.

Public utilities.

Public buildings.

Recreation vehicle as a temporary dwelling.

School.

Other uses recommended by the planning commission as being in harmony with the intent of the zone and similar in nature to the above listed uses.

Amendment to Washington County Code Title 10, Chapter 8F, Section 3, Conditional Uses in a Multiple-Family Residential Zone

Uses requiring a conditional use permit in this zone are as follows:

Church.

Guesthouses or inns. The number of units not to exceed the density of the zone and shall not change the residential character of the area.

Park or playground.

Public utilities.

Recreation vehicle as a temporary dwelling.

School.

Other uses approved by the planning commission as being in harmony with the intent of the zone and similar in nature to the above listed uses.

Amendment to the Name of Washington County Code Title 10, Chapter 13, Section 16.

This section's name will be changed from "Moving Dwellings" to "Moving Permanent Dwellings"

Creation of Washington County Code Title 10, Chapter 13, Section 23, Use of

Recreation Vehicles as Temporary Living Quarters (Stricken language is removed.)

Underlined language is added in the appropriate alphabetical listing of defined terms.)

10-13-23 (A). PURPOSE

The purpose of this section is to provide clear guidelines as to when and where recreational vehicles may be used as temporary living quarters.

10-13-23 (B). PROHIBITED USES OF RECREATIONAL VEHICLES

Empty Lot Parking. No recreational vehicle shall be parked on an empty lot unless the requirements of an active building permit as defined in 10-13-23 (C) have been met or if the vehicle is being used as temporary living quarters.

Permanent Living Quarters. No recreational vehicle may be used as permanent living quarters, as defined in 10-13-23 (C).

10-13-23 (C). LIVING QUARTERS

Permanent Living Quarters. A recreational vehicle is used as permanently living quarters if it is occupied for more than ten (10) consecutive nights or for twenty-one (21) nights in a forty-five (45) day period. Any night that any recreational vehicle is used for occupancy on the property shall count toward this number.

Presumption of Occupancy. Any night that a recreation vehicle is parked on a property that does not have a primary structure shall count as a night of occupancy.

Multiple-owner Properties. Where the parcel or lot is owned by multiple individuals, the time one owner stays overnight on the property shall be considered separately from another owner's overnight stay on the property.

Temporary Living Quarters. A recreational vehicle is used as temporary living quarters when it is used for living quarters, but the use does not qualify as permanent living quarters.

10-13-23 (D) RECREATIONAL VEHICLE USE FOR CERTAIN ZONES

Unpermitted Zones: A recreational vehicle shall not be used as a place of dwelling within any commercial, industrial, manufacturing, planned development, or open space conservation zone, and no exception shall apply to these zones.

Conditional Use Zones: So long as the recreational vehicle meets the requirements of 10-13-23 (G), a recreational vehicle may be used as temporary living quarters in any residential, agricultural, or open space transitional zone.

Recreational Vehicle Park Zone. When a recreational vehicle is used as a dwelling within an area zoned as a manufactured housing park zone or recreational vehicle park zone, that use shall be governed by County Code 10-8G.

10-13-23 (E). ACTIVE BUILDING PERMIT

Conditional Use Permit. Where an active building permit has been issued to construct a primary residence on the property, a recreational vehicle on the property may be used as a temporary living quarters if the following conditions are met:

1. A conditional use permit is obtained from the land use authority, and the application fee is paid. The conditional use permit shall be valid for six months. The conditional use will be reviewed, without any additional fee being paid by the applicant, every six months by the land use authority until the completion of the primary residence. Appeals from a land use authority's decision is set out in Ordinance 10-2-5.
2. If the building permit becomes inactive, the recreational vehicle must immediately be removed from the property.

10-13-23 (F) EXCEPTIONS TO THE ZONING REQUIREMENTS

Medical Caregiver Exception. A recreational vehicle may be used as the dwelling of the primary caregiver for an ill, convalescent, or otherwise disabled occupant of the primary

residence. This exception shall be unavailable in any commercial, industrial, manufacturing, planned development, or open space conservation zone.

Medical Care Recipient Exception. A recreational vehicle may be used as the dwelling of a person needing care from the occupant of the primary residence. This exception shall be unavailable in any commercial, industrial, manufacturing, planned development, or open space conservation zone.

Family Reunion Complex Exception. Any family reunion complex, approved prior to March 1, 2014, shall be exempt from this ordinance provided the complex meets the requirements of 10-13-23 (E). This exception shall be unavailable in any commercial, industrial, manufacturing, planned development, or open space conservation zone.

Unoccupied Recreational Vehicle. An unoccupied recreational vehicle may at any time be lawfully parked next to a primary residence in a residential, agricultural, or open space transitional zone.

10-13-23 (G) CONDITIONS OF USE

Any recreation vehicle used as a temporary dwelling must meet the following conditions:

1. **Licensing.** The recreational vehicle must be legally registered by a state motor vehicle department.
2. **Operability.** The recreational vehicle must be capable of being transported off the premises. An inoperable vehicle shall have the rebuttable presumption of being a mobile home or manufactured home and subject to the mobile home or manufactured home provisions.
 - a. **Temporary Inoperability.** If the recreational vehicle is temporarily inoperable, it shall still be classified as operable. The standard for determining operability shall be whether it is reasonable to classify the vehicle as inoperable under all the circumstances with particular weight given to the nature of the repair needed and the duration of time since the vehicle was last operable.
3. **Septic and Wastewater Disposal.** The septic and wastewater tanks on the recreational vehicle must be disposed in a safe and legal manner. Failure to abide by this requirement shall be grounds for the county to immediately provide the owner with an order to vacate in accordance with the requirement of 10-13-23 (I).
4. **Parking.** The recreational vehicle shall not be parked in such a way that it interferes with any right-of-way or easement or another's possessory interest. The vehicle shall be parked in its entirety upon the owner's property and shall be reasonably setback on the property.

5. **Maintenance.** The premises around the recreational vehicle shall be reasonably maintained.

10-13-23 (H). GRANDFATHERED USES

Any use that started on or before May 1, 2014 and was legal under the prior ordinance shall be grandfathered in as a legal use under the current ordinance. Any use that was illegal under the prior ordinance shall not be grandfathered in as a legal use under the current ordinance.

10-13-23 (I) SERVICE OF NOTICE

If at any time, the use of the recreation vehicle qualifies as permanent living quarters, a county official may enter the property and serve the occupier with an order to vacate within fourteen (14) days.

10-13-23 (J). PUNISHMENTS FOR FAILURE TO VACATE

If the occupier fails to vacate within fourteen (14) days of service, the occupier shall be cited for an infraction and given an additional notice to vacate the property within fourteen (14) days of service. If the occupier again fails to vacate the premises, the occupier shall be charged with a Class C misdemeanor, and the County shall have the right to impound the recreational vehicle.

Effective Date

This ordinance shall take effect fifteen (15) days after its passage. Following its passage, but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County.

APPROVED AND ADOPTED this ____ day of _____, 2014.

WASHINGTON COUNTY

JAMES EARDLEY, Chair

ATTEST:



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Keeping Dumpster Sites Clean
AUTHOR: Aldo Biasi
DEPARTMENT: Public Works
DATE: July 8, 2019
TYPE OF ITEM: Informational

SUMMARY:

In the past, and currently, Council has challenged the Public Works staff to add to its Solid Waste removal plan to keep dumpster sites clean. Public Works has responded in the past and currently to that challenge by adding steps to improve our collection process and to present a clean dumpster site.

BACKGROUND:

During the summer/winter holiday season (and recently regular weekends) Brian Head Town can see a major increase in visitors to the Town. In the past, overflowing dumpsters have occurred and have been a problem. At times, there has still been an empty or partially empty dumpster at the sight and the public has chosen not to use the dumpster and continue to stack out in front of the filled dumpster. With the add shifts of collection, Public Works hopes to avoid overflowing dumpsters and to keep our sites clean and presentable. The following are the current steps that Public Works has taken to help with the problem of overflowing dumpsters and the cleanliness of dumpster sites.

ANALYSIS:

The current plan for Solid Waste Removal contains the following steps to help improve the service that Public Works provides.

- Increased overtime budget from last year to allow for added shifts for trash collection.
- Added a dumpster site up in Steam Engine to help relieve the use at the Forest Drive.
- Will add dumpsters at current locations around Town during times of heavy use.
- Testing a new design of dumpster with a counter balanced lid to keep trash from blowing out (4 sites).
- Signs on Dumpsters to continue to educate the public on what can and cannot be put into the dumpsters.
- Providing a roll off container at the Public Works yard for construction waste.
- Cameras installed at 2 locations where we tend to get a lot of construction waste dumped. Public Works is working with the Public Safety Department on this program.
- Painting and repairing dumpsters to present a “clean” site.
- Trying different things to help slides work better. (drilling holes to allow water to drain and not freeze the slides)
- Instructing operators and encouraging business to clean up any spilled trash around the site.
- Working with businesses to improve their snow removal efforts to allow for a more efficient pick up and keep our trucks running on time.
- Establishing a relationship with the landfill to improve our hours of operation to match their hours of operation.

- Keeping up on the maintenance of both trucks to insure we always have a backup and to be able to run both truck if needed.
- Design and implement trash screen enclosures at some test sites to see how they might work.

Staff would like input from Council if they have any additional ideas that they would like to see Public Works doing in order to improve our solid waste removal program

FINANCIAL IMPLICATIONS:

N/A

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends that Council provide any additional steps they would like to see included into Public Works plan for Solid Waste Removal.

PROPOSED MOTION:

N/A

ATTACHMENTS:

N/A



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: CIB Bond Parameters Resolution
AUTHOR: Bret Howser
DEPARTMENT: Administration
DATE: July 8, 2019
TYPE OF ITEM: Legislative Action

SUMMARY:

Council will consider a resolution setting the parameters for the issuance of \$160,000 of Water Revenue Bonds for the financing of the Cedar Breaks Mountain Estates Fire Flow Line.

BACKGROUND:

In 2013 the Town Council spent a series of work meetings reviewing a Capital Facilities Plan (CFP) for the water system. The Council discussed each proposed project in depth and gave direction regarding scope, timing, and cost of each project. The resultant list of prioritized projects was included in the Utility Fund Financial Model and Council has adopted a series of utility rate adjustments since FY 2015 in order to fund these projects on a pay-as-you-go basis.

Third on the list of prioritized projects was the 1MG Tank to Salt Pile Tank. Between FY 2017 and FY 2019, the Town saved up nearly \$700,000 for the Salt Pile Tank Transmission Line project. This project was intended to increase the rate at which the Salt Pile Tank could be refilled, thus increasing our service capacity to the Steam Engine subdivision and someday the Cedar Breaks Mountain Estates subdivision (aka: the annex area). The project list also included two projects which would have begun to run distribution lines into the annex area, but these were not prioritized for funding in the 10-year timeframe the Council was looking at.

Following the 2017 Brian Head Fire, the Town realized the importance of running water to the annex area for fire protection purposes. The Town decided to pursue grant funding from the Community Impact Board (CIB) and include a fire flow line down Mountain View Drive with the 1MG Tank to Salt Pile Tank Line project. The funds the Town saved up for the Salt Pile project would be our matching funds. Alpha Engineering developed total project cost estimates of about \$1.4M. The grant application was submitted to CIB in 2018 and 50/50 grant funds were awarded (up to \$732,000 in grant).

Staff proceeded with the engineering on the project during the fall of 2018, and the project was bid in the spring of 2019. The Mountain View half of the project was bid out in April, and bids came in much higher than expected. Council decided to reject all bids and rebid the entire project together, with the option to select different bidders for each half of the project. Bids were received in May and again came in much higher than expected, at a total of nearly \$2M (before engineering/project mgt costs and the cost of pumphouse upgrades). Staff negotiated with the low bidders for both the Salt Pile half of the project and the Mountain View half of the project to reduce the total cost of the project to \$1,599,618 (including engineering/project management and an estimate for the cost of pumphouse upgrades).

With total funding of \$1,465,296, the Town still needed to find additional funding. Staff approached the CIB with a supplemental funding request of \$293,326 (a figure based on a projected deficit before staff was done negotiating with the bidders). The CIB granted the supplemental request as half grant (\$146,326) and half loan (\$147,000). The balance will serve as a contingency fund.

ANALYSIS:

This parameters resolution serves as the first technical step in issuing bonds which will be sold to the CIB. This is for the \$147,000 loan portion of the CIB funding. The parameters resolution sets the maximum terms of the bonds and begins the public review process.

Parameters set for the bonds:

- Maximum Principal: \$160,000 (This is typically set higher than the amount you intend to issue, just in case something comes up and you need to increase)
- Maximum Term: 20 years (again, we anticipate setting these as 15-year bonds which we'll pay off within 2-4 years, but it's typical to set it higher intentionally just in case)
- Maximum Rate: 2.5% (This is the rate extended to us by CIB)
- Maximum Discount: 99% (Sometimes bonds are sold at less than their face value in order to make them more attractive to buyers or get a lower rate. With CIB they will be sold at 100% face value, but again it's typical in the parameters resolution to give a little leeway)

The project that the bond proceeds may be spent on is also defined in the parameter resolution. In this case it is listed as "Improvements to the Issuer's Water System", which is intentionally broad to provide flexibility should the need arise.

The Final Bond Resolution which will be considered in August is also attached for the Council's review as well as the public.

FINANCIAL IMPLICATIONS:

Issuing the bonds will commit the Town to an annual payment of about \$11,873 per year. The Town intends to pay this loan back in 2 to 3 years with water fund revenues. There is a water bond payment that is set to expire in 2020 and the Town was looking to start saving that money toward future projects, but with additional cost to the current projects that savings will be pushed back for a few years. Currently, the Town does not have another water project slated for the next few years.

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends that the Council approve the attached parameters resolution. If Council chooses to do so, staff will follow the steps to appropriately notice residents and gather public input and return with the Final Bond Resolution in August.

PROPOSED MOTION:

I move to adopt resolution number 487 authorizing not more than \$160,000 Water Revenue Bonds, to finance water system improvements; providing for the publication of a notice of public hearing and bonds to be issued; fixing the maximum aggregate principal amount, maturity, interest rate and discount of the bonds; providing for the running of a contest period; and related matters.

ATTACHMENTS:

A – Parameters Resolution

B – Final Resolution

TOWN OF BRIAN HEAD, UTAH

**WATER REVENUE BONDS
PARAMETERS RESOLUTION**

JULY 8, 2019

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING NOT MORE THAN \$160,000 WATER REVENUE BONDS, TO FINANCE WATER SYSTEM IMPROVEMENTS; PROVIDING FOR THE PUBLICATION OF A NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED; FIXING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT, MATURITY, INTEREST RATE AND DISCOUNT OF THE BONDS; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD; AND RELATED MATTERS.

WHEREAS, pursuant to the provisions of the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the “Act”), The Town of Brian Head, Utah (the “Issuer”), has authority to issue revenue bonds for the municipal purposes set forth therein; and

WHEREAS, the Act provides for the publication of a Notice of Public Hearing and Bonds to be Issued, and the Issuer desires to publish such a notice at this time in compliance with the Act with respect to bonds to be issued by the Issuer pursuant to this Resolution and the Final Bond Resolution (as defined below);

NOW, THEREFORE, it is hereby resolved by the Town Council of the Town of Brian Head, Iron County, Utah, (the “Council”) as follows:

Section 1. The Council of the Issuer hereby finds and determines that it is in the best interests of the Issuer and its residents for the Issuer to issue not more than \$160,000 aggregate principal amount of its Water Revenue Bonds which shall be designated as “Town of Brian Head, Utah, Water Revenue Bonds” (herein, the “Bonds”), the Bonds to bear interest at a rate or rates not to exceed 2.5% per annum, to mature in not more than twenty (20) years from their date or dates, and to be sold at a price not less than ninety-nine percent (99%) of the total principal amount thereof for the purpose of financing, in part, improvements to the Issuer’s water system (the “Project”), all pursuant to this Resolution and a restated resolution to be adopted by the Council authorizing and confirming the issuance and sale of the Bonds (herein referred to as the “Final Bond Resolution” and substantially in the form attached hereto as Exhibit A), and the Issuer hereby declares its intention to issue the Bonds according to the provisions of this Resolution and the Final Bond Resolution, when adopted.

Section 2. The Issuer hereby calls a public hearing on August 12, 2019, at 1:00 p.m., or as soon thereafter as feasible, at the offices of the Issuer, to invite comment on the proposed Bonds and the economic impact of the Project on the private sector.

Section 3. The Issuer hereby authorizes and approves the issuance and sale of the Bonds pursuant to the provisions of this Resolution and the Final Bond Resolution to be adopted by the Council at a later date, with such changes thereto as shall be approved by the Council upon the adoption of the Final Bond Resolution, provided that the principal amount, the interest rate, maturity and discount shall not exceed the maximums set forth in Section 1 hereof.

Section 4. In accordance with the provisions of the Act, the Town Clerk of the Issuer is hereby authorized and directed to cause a “Notice of Public Hearing and Bonds to be Issued” substantially in the form attached hereto as Exhibit B (the “Notice”) to be (1) published once each week for two consecutive weeks in The Spectrum, a newspaper of general circulation in the Issuer, and (2) posted on the Utah Public Notice Website at least 14 days before the Public Hearing, and to cause a copy of this Resolution (together with all exhibits hereto) to be kept on file in the office of the Issuer’s Town Clerk in Brian Head, Utah, for public examination during regular business hours of the Issuer, i.e., between 9:00 a.m. and 4:30 p.m. Monday through Friday, for at least thirty (30) days from and after the date of publication of the Notice.

Section 5. All parts of this Resolution are severable, and if any section, clause or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, clause or provision shall not affect the remaining sections, clauses or provisions of this Resolution.

Section 6. All parts of this Resolution are severable, and if any section, clause or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, clause or provision shall not affect the remaining sections, clauses or provisions of this Resolution.

Section 7. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall be in full force and effect immediately upon its approval and adoption.

Section 8. The Issuer hereby retains Eric Todd Johnson, partner with Blaisdell, Church & Johnson, LLC, as bond counsel for the Bonds and directs its officials and staff to assist him and his professionals.

Section 9. The Issuer hereby declares its intention and it reasonably expects to reimburse expenditures with bond proceeds in accordance Tres. Reg. § 1.150-2.

Section 10. The Town Clerk of the Issuer is directed to complete and execute the Record of Proceedings attached hereto to officially record the proceedings at which this Parameters Resolution was considered for adoption.

APPROVED AND ADOPTED: July 8, 2019.

Mayor Clayton Calloway

ATTEST:

Nancy Leigh, Town Clerk

(SEAL)

EXHIBIT A

FINAL BOND RESOLUTION

(See Transcript Document No. __)

EXHIBIT B

NOTICE OF PUBLIC HEARING AND BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN pursuant to the provisions of the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, that on July 8, 2019, the Town Council (the “Council”) of the Town of Brian Head, Utah (the “Issuer”), adopted a resolution (the “Resolution”) in which it authorized the issuance and sale of the Issuer’s Water Revenue Bonds (herein, the “Bonds”) in an aggregate principal amount not to exceed \$160,000, to bear interest at a rate or rates not to exceed 2.5% per annum, to mature in not more than twenty (20) years from their date or dates, and to be sold at a price not less than ninety-nine percent (99%) of the total principal amount thereof. If Bonds are issued in the full amount above, and carried to maximum maturity, at the maximum interest rate, then the amount to be repaid will be approximately \$203,483. However, the Issuer anticipates that the Bonds will not be issued in an amount in excess of \$147,000 at an interest rate of not more than two and one-half percent (2.50%) per annum, to be repaid over fifteen (15) years, in which event the amount to be repaid will be approximately \$178,325. The Issuer has obtained a grant commitment in the amount of \$878,974 for the Project, none of which will need to be repaid. Presently, the Issuer has no more than \$4,801,729 in outstanding bonds secured by a pledge of water revenues.

NOTICE IS FURTHER GIVEN that the Issuer called a public hearing for the purpose of inviting public comment on the proposed issuance of the Bonds and the economic impact that the improvements proposed to be financed with the Bonds will have on the private sector. No taxes will be pledged to secure the Bonds. The public hearing will be held on August 12, 2019 at 1:00 p.m., or as soon thereafter as feasible, at Brian Head Town Hall located at 56 North Highway 143, Brian Head, UT 84719.

The Bonds will be issued pursuant to the Resolution and a Final Bond Resolution to be adopted authorizing and confirming the sale of the Bonds (the “Final Bond Resolution”) for the purposes of financing, in part, (i) improvements to the Issuer’s water system, and related improvements, and (ii) paying the costs of issuing the Bonds.

A draft of the Final Bond Resolution in substantially final form was before the Council and was part of the Resolution at the time of the adoption of the Resolution by the Council (collectively, the “Bond Resolutions”). The Final Bond Resolution is to be adopted by the Council in such form and with such changes thereto as shall be approved by the Council upon the adoption thereof; provided that the principal amount, the interest rate, maturity and discount of the Bonds will not exceed the maximums set forth above.

Copies of the Bond Resolutions are on file in the office of the Town Clerk of the Issuer in Brian Head, Utah, where they may be examined during regular business hours, i.e., between 9:00 a.m. and 4:30 p.m., Monday through Friday, for at least thirty (30) days from and after the date of publication of this notice.

NOTICE IS FURTHER GIVEN that, for a period of thirty (30) days from and after the date of the publication of this notice, any person in interest shall have the right to contest the legality of the Bond Resolutions or the Bonds, or any provision made for the security and payment of the Bonds by filing a verified written complaint in the district court of their county of residence, and that after such 30-day period, no one shall have any cause of action to contest the regularity, formality or legality thereof for any reason.

DATED: July 8, 2019.

/s/ Nancy Leigh
Town Clerk

EXHIBIT C

RECORD OF PROCEEDINGS

The Town Council (the “Council”) of the Town of Brian Head, Iron County, Utah (the “Issuer”), met in public session at the regular meeting place of the Town Council in Brian Head, Utah, on July 8, 2019 (the “Meeting”), at the hour of 1:00 p.m., or as soon thereafter as feasible, with the following members of the Council being present:

Clayton Calloway	Mayor
Larry Freeberg	Councilmember
Lynn Mulder	Councilmember
Shad Hunter	Councilmember
Kelly Marshall	Councilmember

Also present:

Nancy Leigh	Town Clerk
Bret Howser	Town Manager

Absent:

which constituted all the members thereof.

After the Meeting had been duly called to order and after other matters were discussed, the foregoing resolution (the “Resolution”) was introduced in written form and fully discussed.

A motion to adopt the Resolution was then duly made by Council Member _____ and seconded by Council Member _____, and the Resolution was put to a vote and carried, the vote being as follows:

Those voting YEA:

Those voting NAY:

Those Abstaining:

Other business not pertinent to the Resolution appears in the minutes of the Meeting. Upon the conclusion of all business on the Agenda and motion duly made and carried, the Meeting was adjourned.

CERTIFICATE OF TOWN CLERK

I, Nancy Leigh, the duly appointed and qualified Town Clerk of the Town of Brian Head, Iron County, Utah (the "Issuer"), do hereby certify that the attached Resolution is a true, accurate and complete copy thereof as adopted by the Town Council of the Issuer at a public meeting duly held on July 8, 2019 (the "Meeting"). The persons present and the result of the vote taken at the Meeting are all as shown above. The Resolution, with all exhibits attached, was deposited in my office on July 8, 2019 and is officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of the Issuer, this July 8, 2019.

Nancy Leigh, Town Clerk

(SEAL)

CERTIFICATE OF COMPLIANCE WITH
OPEN MEETING LAW

I, Nancy Leigh, the undersigned Town Clerk of the Town of Brian Head, Iron County, Utah (the "Issuer"), do hereby certify, according to the records of the Issuer in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the July 8, 2019, public meeting (the "Meeting") held by the governing body of the Issuer as follows:

(a) By causing a notice, in the form attached hereto (the "Meeting Notice"), to be posted at the principal office of the Issuer at least twenty-four (24) hours prior to the convening of the Meeting, the Meeting Notice having continuously remained so posted and available for public inspection until the completion of the Meeting; and

(b) By causing a copy of the Meeting Notice to be delivered to a newspaper of general circulation in the geographic jurisdiction of the Issuer at least twenty-four (24) hours prior to the convening of the Meeting; and

(c) By causing the Meeting Notice to be posted on the Utah Public Notice Website at least twenty-four (24) hours prior to the convening of the Meeting.

(d) By causing a copy of the Meeting Notice to be delivered to each member of the Town Council of the Issuer at least twenty-four (24) hours prior to the convening of the Meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this July 8, 2019.

Nancy Leigh, Town Clerk

(SEAL)

(Attach Meeting Notice, including proof of posting thereof on the Utah Public Notice Website)

TOWN OF BRIAN HEAD, UTAH
FINAL BOND RESOLUTION
WATER REVENUE BONDS, SERIES 2019

August 12, 2019

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING \$147,000 WATER REVENUE BONDS, SERIES 2019 TO FINANCE WATER SYSTEM IMPROVEMENTS, AND RELATED IMPROVEMENTS, AND RELATED MATTERS.

WHEREAS, the Town of Brian Head, Iron County, Utah (the “Issuer”), desires to finance, in part, improvements to its water system, and related improvements (the “Project”) and desires to finance those improvements by issuing its Water Revenue Bonds, Series 2019 in the total principal amount of \$147,000 (the “Series 2019 Bonds”); and

WHEREAS, the Issuer has previously issued its Outstanding Obligations (as defined herein) for improvements to the Issuer’s water system; and

WHEREAS, the Series 2019 Bonds shall be issued on a parity with the Outstanding Obligations such that the Series 2019 Bonds and Outstanding Obligations shall be equally secured by a first lien pledge on the Net Revenues of the Issuer’s System (as those terms are defined herein); and

WHEREAS, the Issuer does not have on hand money to pay the cost of the System improvements and, with the exception of the Issuer's Outstanding Obligations, the revenues to be derived by the Issuer from the operation of the System will not be pledged or hypothecated in any manner or for any purpose at the time of the issuance of the Series 2019 Bonds; and

WHEREAS, the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the “Act”), provides that the Issuer may issue nonvoted revenue bonds as long as revenues generated from the revenue producing facilities of the Issuer are sufficient to pay for operation and maintenance of such facilities and debt service on all outstanding obligations secured by the revenues of such facilities; and

WHEREAS, the Issuer has been advised that the System will generate sufficient revenues to pay for operation and maintenance of the System as well as debt service on all proposed and Outstanding Obligations secured by the revenues of the System, including the Series 2019 Bonds authorized herein; and

WHEREAS, the State of Utah Permanent Community Impact Fund Board (the “Community Impact Board”) has offered to purchase at par the Issuer’s Series 2019

Bonds in the total principal amount of \$147,000 bearing interest at the rate of two and one-half percent (2.50%) per annum; and

WHEREAS, the Issuer desires to accept the offer of the Community Impact Board and confirm the sale of the Series 2019 Bonds to the Community Impact Board; and

WHEREAS, the Issuer has obtained a grant in the amount of the Community Impact Board for the Project in the amount of \$848,974.

NOW, THEREFORE, Be It Resolved by the Town Council of the Town of Brian Head, Iron County, Utah, as follows:

ARTICLE I

DEFINITIONS

As used in this resolution, the following terms shall have the following meanings unless the context otherwise clearly indicates:

“Annual Debt Service” means the annual payment of principal, premium or penalty, if any, and interest, if any, to be paid by the Issuer during any Sinking Fund Year on the Series 2019 Bonds and all Outstanding Obligations or other forms of indebtedness issued on a parity with the Series 2019 Bonds and which are secured by the Revenues of the System.

“Bondholder” or “Registered Owner” means the registered holder of any Series 2019 Bond, the issuance of which is authorized herein.

“Bonds” means the Outstanding Obligations, the Series 2019 Bonds and any refunding bonds or Parity Bonds issued under section 4.2.

“Code” means the Internal Revenue Code of 1986, as amended.

“Community Impact Board” means the State of Utah Permanent Community Impact Fund Board, or any successor agency.

“Depository Bank” means a “Qualified Depository” as defined in the State Money Management Act of 1974, Title 51, Chapter 7, Utah Code Annotated, 1953, as amended, selected by the Issuer to receive deposits for the Water Revenue Fund as herein described, the deposits of which Bank shall be insured by the Federal Deposit Insurance Corporation.

“Escrow Account” means an account to be held in escrow by the Escrow Agent pursuant to the Escrow Agreement, such account to be used for the purpose of depositing the proceeds of the sale of the Series 2019 Bonds and accounting for those proceeds pursuant to the terms of the Escrow Agreement.

“Escrow Agent” means Utah State Treasurer, Salt Lake City, Utah, who shall so act pursuant to the terms of the Escrow Agreement.

“Escrow Agreement” means the agreement entered into among the Issuer, the Community Impact Board, and the Escrow Agent on the date of delivery of the Series 2019 Bonds.

“Exchange Bonds” means the fully registered Series 2019 Bonds issued in substantially the form set forth in Exhibit A-2, in exchange for the State Bonds representing the Series 2019 Bonds or in exchange for other Exchange Bonds, in the denomination of \$1,000 or any integral multiple thereof.

“Fully Registered Bond” means any single Bond that is fully registered in the denomination(s) equal to the aggregate principal amount of the applicable Series 2019 Bonds authorized herein.

“Issuer” means the Town of Brian Head, Iron County, Utah or its successors.

“Net Revenues” means the Revenues after provision has been made for the payment therefrom of Operation and Maintenance Expenses.

“Operation and Maintenance Expenses” means all expenses reasonably incurred in connection with the operation and maintenance of the System, including the cost of water and wastewater treatment, whether incurred by the Issuer or paid to any other political subdivision or company pursuant to contract or otherwise, repairs and renewals (other than capital improvements) necessary to keep the System in efficient operating condition, the cost of audits hereinafter required, fees of the paying agents on the Bonds, payment of premiums for insurance on the System hereafter required and, generally, all expenses, exclusive of depreciation, which under generally accepted accounting practices are properly allocable to operation and maintenance of the System, but only such expenses as are reasonably and properly necessary to the efficient operation and maintenance of the System shall be included.

“Outstanding Obligations” means collectively the Issuer’s Water Revenue Bonds, Series 2009 with an outstanding amount of \$4,807,729. (NOTE: the Issuer has certain general obligation bonds outstanding that financed or refinanced improvements to the Issuer’s water system and the Issuer has been satisfying the debt service on such bonds from the Net Revenues and intends to continue satisfying debt service on such bonds from Net Revenues; however the Issuer has NOT pledged to satisfy debt service on such bonds from the Net Revenues of its water system.)

“Paying Agent” means the person or persons authorized by the Issuer to pay the principal of and interest on the Series 2019 Bonds on behalf of the Issuer. The initial paying agent for the Series 2019 Bonds is the Town Clerk of the Issuer.

“Project” means financing, in part, improvements to the Issuer’s water system, including all equipment and necessary appurtenances thereof.

“Registrar” means the person or persons authorized by the Issuer to maintain the registration books with respect to the Series 2019 Bonds on behalf of the Issuer. The initial Registrar for the Series 2019 Bonds is the Town Clerk of the Issuer.

“Revenues” means all gross income and revenues of any kind, from any source whatsoever, derived from the operation of the System, including, without limitation, all fees, rates, any impact fees imposed to finance the Project,

connection charges, and other charges, the gross revenues of all improvements, additions, and extensions of the System hereafter constructed or acquired, and all interest earned by and profits derived from the sale of investments made with the income and Revenues.

“Series 2019 Bond or Bonds” means the Issuer’s Water Revenue Bonds, Series 2019 in the total principal amount of \$147,000 bearing interest at the rate of two and one-half percent (2.50%) per annum and purchased by the Community Impact Board.

“Sinking Fund Year” means the twelve-month period beginning on July 1 of the calendar year and ending on the next succeeding June 30; provided, however, that the first Sinking Fund Year will begin on the delivery date of the Series 2019 Bonds and will end on the next succeeding June 30.

“State Bonds” means the fully registered Series 2019 Bonds issued in substantially the form set forth in Exhibit A-1 in the denominations equal to the aggregate principal amount of the Series 2019 Bonds.

“System” means the whole and each and every part of the water system of the Issuer, including the Project to be acquired and constructed pursuant to this Bond Resolution, and all property, real, personal and mixed, of every nature now or hereafter owned by the Issuer and used or useful in the operation of said System, together with all improvements, extensions, enlargements, additions, and repairs thereto which may be made while any of the Bonds remain outstanding.

ARTICLE II

ISSUANCE OF SERIES 2019 BONDS

Section 2.1. Principal Amount, Designation Series and Interest Rate. The Series 2019 Bonds are hereby authorized for issuance for the purpose of providing funds (i) to finance a portion the Project and (ii) to pay the costs of issuing the Series 2019 Bonds. The Series 2019 Bonds shall be limited to \$147,000 in aggregate principal amount, shall be issued (i) if issued as a State Bond(s), in the form set forth in Exhibit A-1 and (ii) if issued as Exchange Bonds, in the form set forth in Exhibit A-2, in fully registered form, shall bear interest at the rate of two and one-half percent (2.50%) per annum, and shall be payable as specified herein. If issued as Exchange Bonds, the Series 2019 Bonds shall be in the denomination of \$1,000 or any integral multiple thereof. The Series 2019 Bonds shall be numbered from one (1) consecutively upward in order of delivery by the Registrar. The Series 2019 Bonds shall be designated as and shall be distinguished from the bonds of all other series by the title, "Water Revenue Bonds, Series 2019."

The Series 2019 Bonds are issued on parity with the Issuer's Outstanding Obligations, such that the Series 2019 Bonds are secured by a pledge of the Net Revenues of the Issuer's System, which pledge is on parity with and equal to the pledge of the Net Revenues securing the Outstanding Obligations.

Section 2.2. Date and Maturities. The Series 2019 Bonds shall be dated as of their date of delivery and shall be paid as provided in this Section. The Series 2019 Bonds shall be initially issued as one Fully Registered State Bond.

Except as provided in the next succeeding paragraph, principal payments, whether at maturity or by redemption, shall be payable upon presentation of the applicable Series 2019 Bond at the offices of the Paying Agent for endorsement or surrender, or of any successor Paying Agent. Payment of interest, if any, shall be made to the Registered Owner thereof and shall be paid by check or draft mailed to the Registered Owner thereof at his address as it appears on the registration books of the Issuer maintained by the Registrar or at such other address as is furnished to the Registrar in writing by such Registered Owner. All payments shall be made in any coin or currency which on the date of payment is legal tender for the payment of debts due the United States of America.

So long as the Community Impact Board is the Registered Owner of the Series 2019 Bonds, payments of principal and interest on the Series 2019 Bonds shall be made by check or draft and mailed to the Community Impact Board as the Registered Owner at the address shown on the registration books maintained by the Registrar. So long as the Community Impact Board is the Registered Owner of the Series 2019 Bond, in lieu of presentation or the surrender of the Series 2019 Bond to the Paying Agent for notations by the Paying Agent of such payments, the Community Impact Board, by its Chairman or his designee, shall endorse such payments upon the Series 2019 Bond.

Interest shall begin to accrue on the unpaid principal balance of the Series 2019 Bonds on October 1, 2020, and shall be payable on October 1, 2021, and shall be payable annually thereafter on each October 1. The principal of the Series 2019 Bonds shall be payable in installments on October 1 of each year, in the years and the amounts as follows:

<u>October 1</u>	<u>Principal Maturing</u>
2021	\$8,000
2022	8,000
2023	9,000
2024	9,000
2025	9,000
2026	9,000
2027	9,000
2028	10,000
2029	10,000
2030	10,000
2031	10,000
2032	11,000
2033	11,000
2034	11,000
2035	13,000

In the event the bid from the lowest responsible bidder on the Project shows that the costs of the Project will exceed the amount of grant and loan commitments the Issuer has already obtained, then, as authorized in Section 11-14-302 of the Act, the Issuer hereby authorizes the Mayor and Town Manager, as a pricing committee, to approve a final principal amount and repayment schedule for the Series 2019 Bonds within the parameters set forth in the Notice of Public Hearing published once each week for two consecutive weeks with the first publication being at least 14 days before this resolution and also posted on the Utah Public Notice Website at least 14 before this resolution, which parameters are in the aggregate principal amount of not to exceed \$160,000, to bear interest at the rate or rates not to exceed two and one-half percent (2.50%) per annum, to mature in not more than 20 years from their date or dates, and to be sold at a price not less than 99% of the total principal amount thereof, and all other terms of the Series 2019 Bonds, and to approve and execute all documents related to the issuance of the Series 2019 Bonds. The Town Clerk is authorized to attest such signatures and apply the Issuer's seal as appropriate

In the event the Series 2019 Bonds are not issued during the calendar year 2019, then the denomination of the Bonds and series designation shall be modified to correspond to the year in which they are issued.

Section 2.3. Optional Redemption and Redemption Prices. Each principal payment of the Series 2019 Bond is subject to prepayment and redemption at any time, in

whole or in part (if in part, in integral multiples of \$1,000), at the election of the Issuer, in inverse order of the due dates thereof, and by lot selected by the Issuer if less than all of the Series 2019 Bonds of a particular due date are to be redeemed, upon notice as provided in 2.4 hereof with respect to Exchange Bonds, and upon at least thirty (30) days' prior written notice of the amount of prepayment and the date scheduled for prepayment to the Community Impact Board with respect to the Series 2019 Bonds, and at a redemption price equal to 100% of the principal amount to be prepaid or redeemed, plus accrued interest, if any, to the date of redemption.

Section 2.4. Notice of Redemption for Exchange Bonds.

(a) In the event any of the Exchange Bonds are to be redeemed, the Registrar shall cause notice to be given as provided in this Section 2.4. Notice of such redemption shall be mailed by first class mail, postage prepaid, to all Registered Owners of Exchange Bonds to be redeemed at their addresses as they appear on the registration books of the Registrar at least thirty (30) days but not more than forty-five (45) days prior to the date fixed for redemption. Such notice shall state the following information:

(i) the complete official name of the Exchange Bonds, including the series to be redeemed and the identification numbers of the Exchange Bonds being redeemed;

(ii) any other descriptive information needed to identify accurately the Exchange Bonds being redeemed, including, but not limited to, the original issue date of such Exchange Bonds;

(iii) in the case of partial redemption of any Exchange Bonds, the respective principal amounts thereof to be redeemed;

(iv) the date of mailing of redemption notices and the redemption date;

(v) the redemption price;

(vi) that on the redemption date the redemption price will become due and payable upon each such Exchange Bond or portion thereof called for redemption; and

(vii) the place where such Exchange Bonds are to be surrendered for payment of the redemption price, designating the name and address of the redemption agent with the name of a contact person and telephone number.

(b) Upon the payment of the redemption price of Exchange Bonds being redeemed, each check or other transfer of funds issued for such purpose shall identify the Exchange Bonds being redeemed with the proceeds of such check or other transfer.

(c) The Registrar shall not give notice of a redemption until there are on deposit with the Paying Agent sufficient funds for the payment of the redemption price.

Notice of redemption shall be given not more than forty-five (45) days nor less than thirty (30) days prior to the redemption date to Registered Owners of the Exchange Bonds, or portions thereof, to be redeemed. A second notice of redemption shall be given, not later than ninety (90) days subsequent to the redemption date, to Registered Owners of Exchange Bonds or portions thereof redeemed but who failed to deliver Series 2019 Bonds for redemption prior to the 60th day following such redemption date. Any notice mailed as provided herein shall be conclusively presumed to have been duly given, whether or not the Registered Owner of such Series 2019 Bonds actually receives the notice. Receipt of such notice shall not be a condition precedent to such redemption, and failure to so receive any such notice by any of the Registered Owners shall not affect the validity of the proceedings for the redemption of the Series 2019 Bonds.

In case any Exchange Bond is to be redeemed in part only, the notice of redemption which relates to such Exchange Bond shall state also that on or after the redemption date, upon surrender of such Series 2019 Bond, a new Series 2019 Bond in principal amount equal to the unredeemed portion of such Series 2019 Bond will be issued.

Section 2.5. Execution and Delivery of the Series 2019 Bonds. The Mayor is hereby authorized to execute by manual or facsimile signature the Series 2019 Bonds and the Town Clerk to countersign by manual or facsimile signature the Series 2019 Bonds and to have placed on the Series 2019 Bonds the official seal of the Issuer. The Town Clerk is hereby authorized to deliver to the Community Impact Board the Series 2019 Bonds upon payment to the Issuer of the proceeds of the Series 2019 Bonds.

Section 2.6. Delinquent Payment. Payments of principal and/or interest on the Series 2019 Bonds which are delinquent from the due date thereof shall draw interest at the rate of eighteen percent (18%) per annum on the delinquent payment from such due date until paid in full.

Section 2.7. Exchange of State Bonds. As long as the Community Impact Board is the sole Registered Owner of the Series 2019 Bonds, the Series 2019 Bonds shall be issued only as State Bonds in the form prescribed in Exhibit A-1. It is recognized that the Community Impact Board may sell or otherwise transfer the Series 2019 Bonds pursuant to the provisions of the State Financing Consolidation Act, Title 63B, Chapter 1b, Utah Code Annotated 1953, as amended, or otherwise. In the event the Community Impact Board determines to sell or otherwise transfer all or a portion of the Series 2019 Bonds pursuant to the State Financing Consolidation Act or otherwise, the Series 2019 Bonds shall be exchanged at the office of the Paying Agent for a like aggregate principal amount of Exchange Bonds in accordance with the provisions of this Section and Section 3.1 hereof. Exchange Bonds may thereafter be exchanged from time to time for other Exchange Bonds in accordance with Section 3.1 hereof. Any Series

2019 Bond, or any portion thereof, which is sold or otherwise transferred or liquidated by the Community Impact Board pursuant to the State Financing Consolidation Act or otherwise shall be in the form of an Exchange Bond prescribed in Exhibit A-2, and shall be executed pursuant to authorization contained in Section 2.5 hereof. Each principal payment on the Series 2019 Bonds not previously paid or canceled shall be represented by an equivalent principal amount of Exchange Bonds, in authorized denominations, and of like maturity. The Issuer and its officers shall execute and deliver such documents and perform such acts as may reasonably be required by the Issuer to accomplish the exchange of the Series 2019 Bonds for Exchange Bonds, provided that the Community Impact Board pay or cause to be paid all costs and other charges incident to such exchange and the Issuer shall have no obligation to pay any such costs or charges.

ARTICLE III

REGISTRATION, PAYMENT, AND FLOW OF FUNDS

Section 3.1. Execution of and Registration of Series 2019 Bonds; Persons Treated as Owners. The Series 2019 Bonds shall be signed by the Issuer and the Issuer shall cause books for the registration and for the transfer of the Series 2019 Bonds to be kept by the Town Clerk who is hereby appointed the Registrar of the Issuer with respect to the Series 2019 Bonds. Any Series 2019 Bond may, in accordance with its terms, be transferred only upon the registration books kept by the Registrar, by the person in whose name it is registered, in person or by his or her duly authorized attorney, upon surrender of such Series 2019 Bond for cancellation, accompanied by delivery of a written instrument of transfer in a form approved by the Registrar, duly executed. No transfer shall be effective until entered on the registration books kept by the Registrar. Upon surrender for transfer of any Series 2019 Bond as provided herein, the Issuer shall execute and deliver in the name of the transferee or transferees, a new Series 2019 Bond of the same maturity and series for a like aggregate principal amount as the Series 2019 Bond surrendered for transfer. Series 2019 Bonds may be exchanged at the office of the Registrar for a like aggregate principal amount of Series 2019 Bonds of the same series or other authorized denominations and the same maturity. The execution by the Issuer of any Series 2019 Bond of any authorized denomination shall constitute full and due authorization of such denomination, and the Registrar shall thereby be authorized to deliver such Series 2019 Bond. The Registrar shall not be required to transfer or exchange any Exchange Bond at any time following the mailing of notice calling such Series 2019 Bond for redemption.

Series 2019 Bonds surrendered for payment, redemption or exchange, shall be promptly canceled and destroyed by the Issuer.

The Issuer, the Registrar and the Paying Agent may treat and consider the person in whose name each Series 2019 Bond is registered on the registration books kept by the Registrar as the holder and absolute owner thereof for the purpose of receiving payment of, or on account of, the principal or redemption price thereof and for all other purposes whatsoever, and neither the Issuer, nor the Registrar nor the Paying Agent shall be affected by any notice to the contrary. Payment of any Series 2019 Bond shall be made only to or upon order of the Registered Owner thereof or his legal representative, but such registration may be changed as hereinabove provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Series 2019 Bond to the extent of the sum or sums so paid.

The Issuer may require the payment by the Registered Owner requesting exchange or transfer of Series 2019 Bonds of any tax or other governmental charge and any service charge which are required to be paid with respect to such exchange or transfer and such charges shall be paid before such new Series 2019 Bond shall be delivered.

Section 3.2. Deposit of Bond Proceeds. The proceeds from the sale of the Series 2019 Bonds and the grant shall be deposited upon delivery in the Escrow Account and shall be disbursed pursuant to the provisions of the Escrow Agreement. All monies deposited in the Escrow Account shall be used solely for the purpose of defraying all or a portion of the costs of the Project including the payment of costs of issuance of the Series 2019 Bonds. Any unexpended balance remaining in the Escrow Account after completion of the Project shall be transferred as soon as practicable (a) first to each party or entity, other than the Issuer, contributing grant funds to the Project in proportion to the amount of grant funds originally deposited into the Escrow Account and (b) then to the “Sinking Fund” established hereunder, and shall be used only for the prepayment of the Series 2019 Bonds in inverse order of maturity. Proceeds from the sale of the Series 2019 Bonds on deposit in the Escrow Account may, at the discretion of the Issuer, be invested by the Escrow Agent as provided in the Escrow Agreement. Following the transfer of unexpended funds from the Escrow Account to the Sinking Fund, the Escrow Account will be closed.

Section 3.3. The Series 2019 Bonds Constitute Special Limited Obligations. Notwithstanding anything in this Bond Resolution elsewhere contained, the principal and interest, if any, on the Series 2019 Bonds shall be payable out of 100% of the Net Revenues, and in no event shall the Series 2019 Bonds be deemed or construed to be a general indebtedness of the Issuer or payable from any funds of the Issuer other than those derived from the operation of the System. The Net Revenues are pledged to secure the Series 2019 Bonds.

The Issuer may, in its sole discretion, but without obligation and subject to the Constitution, laws, and budgetary requirements of the State of Utah, make available properly budgeted and legally available funds to defray any insufficiency of Revenues to pay the Series 2019 Bonds; provided however, the Issuer has not covenanted and cannot covenant to make such funds available and has not pledged any of such funds for such purpose.

Section 3.4. Flow of Funds. From and after the earlier of the delivery date of the Series 2019 Bonds, and until all the Series 2019 Bonds have been fully paid, the Revenues shall be set aside into the Town of Brian Head, Utah Water Revenue Fund referred to herein as “Revenue Fund,” hereby established, to be held by the Depository Bank. The Issuer will thereafter make accounting allocations of the funds deposited in the Revenue Fund for the following purposes and in the following priority:

- (a) From the amounts in the Revenue Fund there shall first be paid all Operation and Maintenance Expenses of the System. For this purpose the Issuer shall establish on its books an account known as the “Expense Account” to which shall be allocated monthly, on or before the tenth day of each month, such portion of the Revenue Fund as is estimated to be required for Operation and Maintenance Expenses of the System for the following month. There shall be allocated to the Expense Account from time to time during the month such additional amounts as may be required to make payments of Operation and Maintenance Expenses for which the amounts theretofore allocated to the

Expense Account are insufficient. At the end of each Sinking Fund Year all amounts in the Expense Account in excess of that required to pay Operation and Maintenance Expenses then due shall be transferred to the Sinking Fund established as hereinafter provided.

(b) All amounts in the Revenue Fund not allocated to the Expense Account shall be allocated to the “Town of Brian Head, Utah, Water Revenue Bond Sinking Fund” (the “Sinking Fund”) hereby establish:

(i) Of the amounts allocated to the Sinking Fund there shall be allocated to a subaccount established on the books of the Issuer known as the “Bond Account” such amounts as will assure, to the extent of the availability of Net Revenues from the System, the prompt payment of the principal and interest, if any, on the Series 2019 Bonds as shall become due and all bonds or obligations issued in parity therewith, including the Outstanding Obligations. (A) The amount to be set aside monthly on or before the tenth day of each month with respect to the Outstanding Obligations is set forth in the documents authorizing those obligations. (B) The amount to be set aside with respect to the Series 2019 Bonds shall, as nearly as may be practicable, be allocated to the Bond Account monthly, on or before the tenth day of each month, beginning October 1, 2020 and shall equal 1/12 of the amount of the principal on the payment next due on the Series 2019 Bonds, to the end that there will be sufficient funds allocated to the Bond Account to pay the principal and interest, if any, on the Series 2019 Bonds as and when the same become due. (In the event insufficient moneys are available to make prompt payment of the full principal and interest, if any, on the Series 2019 Bonds and all Outstanding Obligations as shall become due, such moneys shall be allocated pro rata based on the amount of principal next coming due on each Bond.) Amounts allocated to the Bond Account shall be used solely for the purpose of paying principal and interest on the Outstanding Obligations and the Series 2019 Bonds and shall not be reallocated, transferred or paid out for any other purpose; and

(ii) Of the amounts allocated to the Sinking Fund after there shall have been allocated the amounts required to be allocated under (i) above, there shall be allocated monthly on a parity basis (1) those amounts, if any, as shall be required for the Outstanding Obligations to be deposited in a reserve account; and (2) on or before the tenth day of each month, beginning October 10, 2020 to the “Reserve Account – Series 2019” established on the books of the Issuer the sum of \$185, plus such additional amount as may be required to meet any monthly installment to the Reserve Account – Series 2019 not theretofore made in whole or in part, such allocation shall continue until there shall have been accumulated an amount equal to \$13,325. (In the event insufficient moneys are available to make full allocation to each reserve account, such moneys shall be allocated pro rata based on the monthly allocation requirement of

each such reserve fund.) Amounts allocated to the reserve accounts for the Outstanding Obligations and the Reserve Account – Series 2019 (collectively, the “Reserve Accounts”) shall be used to pay the principal and interest, if any, falling due on the respective Outstanding Obligations and Series 2019 Bonds at any time when there are not sufficient funds in the Bond Account to pay the same, but pending such use may be invested as hereafter provided. When the Reserve Accounts have been accumulated as in this paragraph provided, no further allocations to the Reserve Accounts need be made unless payments from the Reserve Accounts have reduced the same below the amounts required by this paragraph, in which event allocations shall be resumed until such deficiency has been remedied; and

(iii) All remaining funds, if any, in the Sinking Fund after all of the payments required to be made into the Bond Account and Reserve Accounts have been made, may be used by the Issuer (a) to prepay or redeem the Outstanding Obligations and/or the Series 2019 Bonds in whole or in part, (b) to make extensions, improvements, additions, repairs, and replacements to the System, or (c) to be applied to any other lawful purpose as determined by the Issuer.

(c) If at any time, the Net Revenues derived by the Issuer from the operation of the System shall be insufficient to make any payment to any of the above funds or accounts on the date or dates specified, the Issuer shall make good the amount of such deficiency by making additional payments out of the first available Net Revenues thereafter derived by the Issuer from the operation of the System.

Section 3.5. Investment of Funds. Any funds allocated to the Bond Account and Reserve Accounts may, at the discretion of the Issuer, be invested in accordance with the State Money Management Act. All income derived from the investment of the funds of the Bond Account shall be maintained in that account and disbursed along with the other moneys on deposit therein as herein provided. All income derived from the investment of the Reserve Accounts shall at the end of each Sinking Fund Year be transferred by the Issuer to the Bond Account so long as after such transfer the Reserve Accounts are fully funded as provided herein. In the event the balance in the Reserve Accounts is less than the amount required herein, then the income from the investment thereof shall be maintained in each respective reserve account until total deposits in the Reserve Accounts shall equal the amount required to fully fund the Reserve Accounts. There shall not be required to be in the Bond Account and the Reserve Accounts at any time more than the total amount required to pay the total principal of and interest due on the Outstanding Obligations and the Series 2019 Bonds. Whenever the money in the Bond Account and the Reserve Accounts equal the total principal amount of the Outstanding Obligations and Series 2019 Bonds outstanding plus accrued interest thereon, the money in those accounts shall be used to prepay all of the Outstanding Obligations and Series 2019 Bonds then outstanding.

ARTICLE IV

COVENANTS

Section 4.1. Covenants of Issuer. The Issuer hereby covenants and agrees with each and every holder of the Series 2019 Bonds the following:

(a) The rates for all water service supplied by the System to the Issuer and its inhabitants and to all customers within or without the boundaries of the Issuer shall be sufficient for the retirement and/or redemption of the Series 2019 Bonds and the Outstanding Obligations, provided such rates must be reasonable rates for the type, kind, and character of the service rendered. There shall be no free service and there shall be charged against all users of the System, including the Issuer, such rates and amounts as shall be adequate to meet the debt service payments on the Series 2019 Bonds, the Outstanding Obligations and any Parity Bonds (as defined in Section 4.2) when due. The rates charged for water services provided by the System shall be sufficient to produce Net Revenues that are equal to 125% of Annual Debt Service. All Revenues, including those received from the Issuer, shall be subject to distribution for the payment of the Operation and Maintenance Expenses of the System and the payment of the Series 2019 Bonds and the Outstanding Obligations, as herein provided. Balances held in the Revenue Fund on the last day of each Fiscal Year in excess of 25% of the amount of the Operation and Maintenance Expenses for that Fiscal Year, after payment of all Operation and Maintenance Expenses and all deposits required by Section 3.4 of this Bond Resolution to that date have been made, shall be considered to be Revenues available for the next Fiscal Year.

(b) Each Bondholder shall have a right, in addition to all other rights afforded it by the laws of Utah, to apply to and obtain from any court of competent jurisdiction such decree or order as may be necessary to require the Issuer to charge and collect reasonable rates for services supplied by the System sufficient to meet all requirements of this Bond Resolution and the resolutions authorizing the Outstanding Obligations.

(c) The Issuer will maintain the System in good condition and operate the same in an efficient manner and at reasonable cost.

(d) So long as any Series 2019 Bonds remain outstanding, proper books of record and account will be kept by the Issuer separate and apart from all other records and accounts, showing complete and correct entries of all transactions relating to the System. Each Bondholder or any duly authorized agent or agents of such holder shall have the right at all reasonable times to inspect all records, accounts and data relating thereto and to inspect the System and all properties constituting the System. Except as otherwise provided herein, the Issuer further agrees that it will within one hundred eighty (180) days following the close of each Sinking Fund Year cause an audit of such books and accounts to be made by an independent firm of certified public accountants,

showing the receipts and disbursements for account of the System, and that such audit will be available for inspection by Bondholders upon request; provided, however, during such periods of time as the Community Impact Fund Board is the Registered Owner of the Series 2019 Bonds, each such audit will be supplied to the Community Impact Board as soon as completed without prior request therefor by the Community Impact Board. At a minimum, each such audit shall include the following:

- (i) A statement in detail of the income and expenditures of the System for such Sinking Fund Year;
- (ii) A balance sheet as of the end of such Sinking Fund Year;
- (iii) The accountant's comments regarding the manner in which the Issuer has carried out the requirements of this Bond Resolution, and the accountant's recommendations for any change or improvement in the operation of the System;
- (iv) A list of the insurance policies in force at the end of the Sinking Fund Year, setting out as to each policy, the amount of the policy, the risks covered, the name of the insurer, and the expiration date of the policy;
- (v) An analysis of all funds and accounts created in this Bond Resolution, setting out all deposits and disbursements made during the Sinking Fund Year and the amount in each fund or account at the end of the Sinking Fund Year;
- (vi) The number of water connections within the boundaries of the Issuer, and applications for water service on hand at the end of the Sinking Fund Year;
- (vii) The total billings for such Sinking Fund Year and all schedules of rates and charges imposed for water service during the Sinking Fund Year.

The Bondholder may, upon written request from the Issuer setting forth the reasons why a certified audit is not necessary or is impractical, waive the audit requirements for any particular Sinking Fund Year set forth in this Section 4.1(d), provided, however, that such waiver shall not apply to the reporting requirements of the Issuer set forth in Section 4.1(e) herein.

(e) In addition to the reporting requirements set forth in Section 4.1(d) above, the Issuer shall submit to the Community Impact Board within one hundred eighty (180) days following the close of each Sinking Fund Year, a summary report substantially in the form as provided by the Community Impact Board to the Issuer upon purchase of the Series 2019 Bonds.

All expenses incurred in compiling the information required by this section shall be regarded and paid as an Operation and Maintenance Expense. If a Bondholder is other than the Community Impact Board, the Issuer agrees to furnish a copy of such information to such Bondholder at its request after the close of each Sinking Fund Year. Any Bondholder shall have the right to discuss with the accountant compiling such information the contents thereof and to ask for such additional information as it may reasonably require.

(f) The Bondholder shall have the right at all reasonable times to inspect the System, and all records, accounts and data of the Issuer relating thereto, and upon request, the Issuer will furnish to it financial statements and other information relating to the Issuer and the System as it may from time to time reasonably require.

(g) The Issuer, in its operation of the System, will carry insurance, including, but not limited to, workmen's compensation insurance and public liability insurance, in such amounts and to such extent as is normally carried by others operating public utilities of the same type. The cost of such insurance shall be considered an Operation and Maintenance Expense of the System. In the event of loss or damage, insurance proceeds shall be used first for the purpose of restoring or replacing the property lost or damaged. Any remainder shall be paid into the Sinking Fund.

(h) The Issuer will not sell, lease, mortgage, encumber, or in any manner dispose of the System or any substantial part thereof, including any and all extensions and additions that may be made thereto, until all Bonds have been paid in full, except that the Issuer may sell any portion of the System which shall have been replaced by other property of at least equal value, or which shall cease to be necessary for the efficient operation of the System, provided, however, that in the event of any sale as aforesaid, the proceeds of such sale shall be paid into the Sinking Fund.

(i) The Issuer shall charge for water services and require that each be paid in full. Any bill not paid within thirty (30) days from the date it is mailed to the customer shall be deemed delinquent. The Issuer hereby agrees that if any water bill remains delinquent for more than sixty (60) days, it will take action to collect such bill.

(j) The Issuer shall commence and complete the acquisition and construction of the Project with all practical dispatch and will cause all construction to be effected in a sound and economical manner.

(k) The Issuer will from time to time duly pay and discharge or cause to be paid all taxes, assessments and other governmental charges, if any, lawfully imposed upon the System or any part thereof or upon the Revenues, as well as any lawful claims for labor, materials or supplies which if unpaid might by law become a lien or charge upon the System or the Revenues or any part thereof or

which might impair the security of the Bonds, except when the Issuer in good faith contests its liability to pay the same.

(l) The Issuer will not grant a franchise for the operation of any competing water system within its limits, as long as the Series 2019 Bonds authorized herein remain outstanding.

(m) The Issuer, in order to assure the efficient management and operation of the System and to assure the Bondholders from time to time that the System will be operated on sound business principles, will employ competent and experienced management for the System, will use its best efforts to see that the System is at all times operated and maintained in first-class repair and condition and in such manner that the operating efficiency thereof shall be of the highest character, and will use its best efforts to see that Operation and Maintenance Expenses are at no time in excess of the Revenues reasonably available for the payment thereof.

(n) All payments falling due on the Series 2019 Bonds shall be made to the Bondholder thereof at par and all charges made by the Depository Bank for its services shall be paid by the Issuer.

(o) The Issuer will maintain its identity, will make no attempt to cause its existence to be abolished and will resist all attempts by other political subdivisions to annex all or any part of the territory now or hereafter in the Issuer or served by the System.

(p) The Issuer will file or cause to be filed with the Internal Revenue Service Center, Ogden, UT 84201, on or before the fifteenth day of the second calendar month after the close of the calendar quarter in which the Series 2019 Bonds are issued, a Form 8038-G, Information Return for Tax-Exempt Governmental Bond Issues, with respect to the Series 2019 Bonds.

(q) The Issuer further covenants and agrees to and for the benefit of the registered owners of the Series 2019 Bonds that the Issuer (i) will not take any action that would cause interest on the Series 2019 Bonds to become includible in gross income for purposes of federal income taxation, (ii) will not omit to take or cause to be taken, in timely manner, any action, which omission would cause the interest on the Series 2019 Bonds to become includible in gross income for purposes of federal income taxation and (iii) will, to the extent possible, comply with any other requirements of federal tax law applicable to the Series 2019 Bonds in order to preserve the exclusion from gross income for purposes of federal income taxation of interest on such Series 2019 Bonds.

(r) The Mayor and Town Clerk of the Issuer are hereby authorized and directed to execute such certificates as shall be necessary to establish that the Series 2019 Bond is not an “arbitrage bond” within the meaning of Section 148 of the Code and the regulations promulgated or proposed in relation thereto.

The Issuer covenants and certifies to and for the benefit of the Registered Owners of the Series 2019 Bonds that no use will be made of the proceeds from the issue and sale of the Series 2019 Bonds, or any funds or accounts of the Issuer which may be deemed to be gross proceeds of the Series 2019 Bonds, pursuant to Section 148 of the Code and applicable regulations (proposed or promulgated) which use, if it had been reasonably expected on the date of issuance of the Series 2019 Bonds, would have caused the Series 2019 Bonds to be classified as “arbitrage bonds” within the meaning of Section 148 of the Code. Pursuant to this covenant, the Issuer obligates itself to comply throughout the term of the Series 2019 Bonds with the requirements of Section 148 of the Code and the regulations proposed or promulgated with respect thereto.

Section 4.2. Additional Indebtedness. No additional indebtedness, bonds or notes of the Issuer payable out of Net Revenues of the System and on a priority superior to the Series 2019 Bonds shall be created or incurred by the Issuer without the prior written consent of all holders of the Series 2019 Bonds. Furthermore, the Series 2019 Bonds shall not be entitled to any priority one over the other in application of the Net Revenues of the System, regardless of the time or times of their issuance, it being the intention of the Issuer that there shall be no priority among the Series 2019 Bonds authorized to be issued pursuant to this Bond Resolution regardless of the fact that they may be actually issued and delivered at different times. It is expressly agreed and covenanted that the Issuer will not hereafter issue any bonds or obligations payable from the Net Revenues of the System, or any part thereof, or which constitutes a lien on such Net Revenues or on the System until all Series 2019 Bonds have been paid in full unless such additional bonds are issued in such manner that they are in all respects subordinate to the Series 2019 Bonds.

The provisions of the foregoing paragraph are subject to the following two exceptions:

(a) The Series 2019 Bonds or any part thereof may be refunded. The refunding bonds so issued shall enjoy a lien on the Net Revenues on a parity with the Series 2019 Bonds except that if fewer than all of the Series 2019 Bonds outstanding at the time are so refunded, no refunding bonds shall bear interest at a rate higher or mature at a date earlier than the corresponding Bond refunded thereby without the consent of the owners and holders of all of the Series 2019 Bonds that are not refunded. In all other respects, refunding bonds may be secured in such manner and may be payable from such sources and be subject to other terms and provisions that may be provided in the resolution authorizing their issuance. With the consent of the Bondholders, refunding bonds may be exchanged for not less than a like principal amount of the Series 2019 Bonds authorized to be refunded, may be sold or may be exchanged in part or sold in part. If sold, the proceeds of the sale not required for the payment of expenses shall be used to refund that portion of the Series 2019 Bonds refunded.

(b) Additional bonds may be issued on a parity with the Series 2019 Bonds herein authorized if all of the following conditions are met at the time of the issuance of such additional bonds (herein referred to as “Parity Bonds”):

(i) The Net Revenues for the Sinking Fund Year preceding the year in which the Parity Bonds are to be issued were 125% of the average Annual Debt Service on all of the Bonds then outstanding (other than those to be refunded by the Parity Bonds proposed to be issued) and the Parity Bonds proposed to be issued. For purposes of this subsection (b)(i), Net Revenues for the preceding Sinking Fund Year may include an amount equal to ninety-five percent (95%) of the amount by which such Net Revenues would increase due to any water rate increase which became effective prior to and in anticipation of the issuance of the proposed Parity Bonds. The requirements of this subsection (b)(i) may be waived or modified by the written consent of the Registered Owners of 100% of the principal amount of the Bonds then outstanding.

(ii) All payments required by this Bond Resolution to be made into the Sinking Fund must have been made in full and there must be in each reserve account the full amount required by this Bond Resolution to be accumulated therein.

(iii) The proceedings authorizing such Parity Bonds must provide that the aggregate amount required to be accumulated in the Reserve Accounts shall be (a) no less than the highest future Annual Debt Service of all Outstanding Obligations, Bonds and Parity Bonds then outstanding and the Parity Bonds so proposed to be issued and (b) accumulated within six (6) years after delivery of such Parity Bonds.

(iv) The Parity Bonds must be payable as to principal on October 1 of each year in which principal falls due.

(v) The proceeds of the Parity Bonds must be used for the making of improvements, extensions, renewals, replacements or repairs to the System.

(c) The Issuer acknowledges that the additional bonds tests applicable to the Outstanding Obligations are as set forth in Sections 5.2, 5.3 and 5.4 in Exhibit C attached hereto and the Issuer hereby covenants and agrees to abide by such tests so long as any of the Outstanding Obligations remain outstanding.

Section 4.3. Bank Designation. For purposes of and in accordance with Section 265 of the Code, the Issuer hereby designates the Series 2019 Bonds as an issue qualifying for the exception for certain qualified tax-exempt obligations to the rule denying banks and other financial institutions 100% of the deduction for interest expenses which is allocable to tax-exempt interest. The Issuer reasonably anticipates that the total amount of tax-exempt obligations (other than obligations described in Section

265(b)(3)(C)(ii) of the Code) which will be issued by the Issuer and by any aggregated issuer during calendar year 2019 will not exceed \$10,000,000. For purposes of this Section, “aggregated issuer” means any entity which, (i) issues obligations on behalf of the Issuer, (ii) derives its issuing authority from the Issuer, or (iii) is directly or indirectly controlled by the Issuer within the meaning of Treasury Regulation Section 1.150-1(e). The Issuer hereby represents that (a) it has not created and does not intend to create and does not expect to benefit from any entity formed or availed of to avoid the purposes of Section 265(b)(3)(C) or (D) of the Code and (b) the total amount of obligations so designated by the Issuer and all aggregated issuers for the calendar year 2019, does not exceed \$10,000,000.

Section 4.4. Arbitrage Rebate Exemption for Small Issuer. The Issuer hereby certifies for the purpose of qualifying for the exception contained in Section 148(f)(4)(D) of the Code from the requirement to rebate arbitrage earnings from investment of proceeds of the Series 2019 Bonds (the “Rebate Exemption”) as follows:

(a) The Series 2019 Bonds are issued by the Issuer which has general taxing powers.

(b) Neither the Series 2019 Bonds nor any portion thereof is a private activity bond as defined in Section 141 of the Code (“Private Activity Bond”).

(c) Ninety-five percent (95%) or more of the net proceeds of the Series 2019 Bonds are to be used for local government activities of the Issuer (or of a governmental unit, the jurisdiction of which is entirely within the jurisdiction of the Issuer).

(d) Neither the Issuer nor any aggregated issuer has issued or is reasonably expected to issue any tax-exempt bonds other than Private Activity Bonds (as those terms are used in Section 148(f)(4)(D) of the Code) during calendar year 2019, which in the aggregate would exceed \$5,000,000.

For purposes of this Section 4.4, “aggregated issuer” means any entity which (a) issues obligations on behalf of the Issuer, (b) derives its issuing authority from the Issuer, or (c) is subject to substantial control by the Issuer.

The Issuer hereby represents that it has not created, does not intend to create, and does not expect to benefit from any entity formed or availed of to avoid the purposes of Section 148(f)(4)(D)(IV) of the Code.

Accordingly, the Issuer will qualify for the Rebate Exemption granted to small governmental units under Section 148(f)(4)(D) of the Code, and the Issuer shall be treated as meeting the requirements of Paragraphs (2) and (3) of Section 148(f) of the Code relating to the required rebate of arbitrage earnings to the United States with respect to the Series 2019 Bonds.

ARTICLE V

MISCELLANEOUS

Section 5.1. Default and Remedies. Failure of the Issuer to perform any covenant or requirement of the Issuer under this Bond Resolution within thirty (30) days after having been notified in writing by a Bondholder of such failure shall constitute an event of default hereunder and shall allow each Bondholder to take the following enforcement remedies:

(a) The Bondholder may require the Issuer to pay an interest penalty equal to eighteen percent (18%) per annum of the outstanding principal amount on the Series 2019 Bonds (the "Interest Penalty"), the Interest Penalty to accrue from the date of the notice of the Bondholder to the Issuer referenced hereinabove until the default is cured by the Issuer. The Interest Penalty shall be paid on each succeeding payment date until the default is cured by the Issuer.

(b) The Bondholder may appoint a trustee bank to act as a receiver of the Revenues of the System for purposes of applying the Revenues toward the Revenue allocations required in Section 3.4 herein and in general, protecting and enforcing each Bondholder's rights thereto, in which case, all administrative costs of the trustee bank in performing said function shall be paid by the Issuer.

No remedy conferred herein is intended to be exclusive of any other remedy, but each and every such remedy shall be cumulative and shall be in addition to any other remedy given to each Bondholder hereunder or now or hereafter existing at law or in equity or by statute. No delay or omission to exercise any right, power or remedy accruing upon a default shall impair any such right, power or remedy or shall be construed to be a waiver of any default or acquiescence therein; and every such right, power or remedy may be exercised from time to time as may be deemed expedient.

Section 5.2. Amendments to Bond Resolution. Provisions of this Bond Resolution shall constitute a contract between the Issuer and the Bondholder; and after the issuance of the Series 2019 Bonds, no change, variation or alteration of any kind in the provisions of this Bond Resolution shall be made in any manner until such time as all of the Series 2019 Bonds have been paid in full except as hereinafter provided.

The Bondholders shall have the right from time to time to consent to and approve the adoption by the Issuer of resolutions modifying or amending any of the terms or provisions contained in this Bond Resolution in the manner and to the extent set out below.

Whenever the Issuer shall propose to amend or modify this Bond Resolution under the provisions of this section, it shall cause notice of the proposed amendment (the "Amendment Notice") to be sent to all Bondholders of all Series 2019 Bonds then outstanding. The Amendment Notice shall briefly set forth the nature of the proposed amendment and shall state that a copy of the proposed amendatory resolution is on file in

the office of the Town Clerk for public inspection. Should a Bondholder consent to the proposed amendment to this Bond Resolution, it shall submit to the Issuer a written instrument which shall refer to the proposed amendatory resolution described in the Amendment Notice and shall specifically consent to and approve the adoption thereof. Upon receipt of Bondholder consents representing at least 75% of the principal of the respective Series 2019 Bonds outstanding, the governing body of the Issuer may adopt the amendatory resolution and it shall become effective. Nothing in this Section shall permit or be construed as permitting an amendment to this Bond Resolution which would (a) extend the stated maturity or reduce the principal amount of the Series 2019 Bonds or reduce the rate of or extend the time for paying the interest on delinquent payments of principal of on the Series 2019 Bonds, without the consent of the holders of all the Series 2019 Bonds, (b) reduce the amount of or extend the time for making any payment required by any fund or account established hereunder without the consent of the holders of all the Series 2019 Bonds which would be affected by such reduction or extension, and (c) change the rights of the holders of less than all Series 2019 Bonds then outstanding, without the consent of the holders of all the Series 2019 Bonds at the time outstanding which would be affected by such changes.

If a Bondholder at the time of the adoption of such amendatory resolution shall have consented to and approved the adoption thereof as herein provided, such Bondholder shall not have any right or interest to object to the adoption of such amendatory resolution or to object to any of the terms or provision therein contained or to the operation thereof or to enjoin or restrain the Issuer from taking any action pursuant to the provisions thereof. Any consent given by a Bondholder pursuant to the provisions of this section shall be conclusive and binding upon all successive Bondholders.

The fact and date of the execution of any instrument under the provisions of this section may be proved by the certificate of any officer in any jurisdiction who by the laws thereof is authorized to take acknowledgments of deeds within such jurisdiction that the person signing such instrument acknowledged before him or her the execution thereof, or may be proved by an affidavit of a witness to such execution sworn to before such officer.

Section 5.3. Maintenance of Proceedings. A certified copy of this Bond Resolution and every amendatory or supplemental ordinance or resolution shall be kept on file in the office of the Town Clerk where it shall be made available for inspection by any Bondholder or his or her agent. Upon payment of the reasonable cost of preparing the same, a certified copy of this Bond Resolution, any amendatory or supplemental ordinance or resolution will be furnished to any Bondholder. The Bondholders may, by suit, action, mandamus, injunction or other proceedings, either at law or in equity, enforce or compel performance of all duties and obligations required by this Bond Resolution to be done or performed by the Issuer. Nothing contained herein, however, shall be construed as imposing on the Issuer any duty or obligation to levy any tax either to pay the principal of or interest, if any, on the Series 2019 Bonds authorized herein or to meet any obligation contained herein concerning the Series 2019 Bonds.

Section 5.4. Defeasance of Series 2019 Bonds. If the Issuer shall pay or cause to be paid, or there shall be otherwise paid or provision for payment made to the Registered Owner of the Series 2019 Bonds for the payments due or to become due thereon at the times and in the manner stipulated therein, then the first lien pledge of the Net Revenues under this Bond Resolution and any and all estate, right, title and interest in and to any of the funds and accounts created hereunder (except moneys or securities held by a Depository Bank for the payment of the Series 2019 Bonds) shall be cancelled and discharged.

Any Series 2019 Bond shall be deemed to be paid within the meaning of this section when payment of the Series 2019 Bonds (whether such due date be by reason of maturity or upon prepayment or redemption as provided herein) shall have been made in accordance with the terms thereof. At such time as the Series 2019 Bonds shall be deemed to be paid hereunder, they shall no longer be secured by or entitled to the benefits hereof (except with respect to the moneys and securities held by a Depository Bank for the payment of the Series 2019 Bonds).

Section 5.5. Sale of Series 2019 Bonds Approved. The sale of the Series 2019 Bonds to the Community Impact Board, at par, is hereby ratified, confirmed and approved.

Section 5.6. Bondholders Not Responsible. The Bondholders shall not be responsible for any liabilities incurred by the Issuer in the acquisition or construction of the Project or for the failure of the System to function successfully after completion of the Project.

Section 5.7. Notice of Public Hearing and Bonds to be Issued. In accordance with the provisions of the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, the Issuer has (a) designated the Sun Advocate, a newspaper having general circulation in the Issuer, as the official newspaper of the Issuer authorized to publish legal notices for the Issuer, (b) the Town Clerk has caused a “Notice of Public Hearing and Bonds to be Issued” calling a public hearing to receive input from the public with respect to the issuance of the Series 2019 Bonds (the “Notice”) to be published once each week for two consecutive weeks in said newspaper with the first publication being not less than (14) days before the date set for the public hearing, and (c) has also caused the Notice to be posted on the Utah Public Notice Website not less than (14) days before the date set for the public hearing. The Town Clerk shall cause a copy of this Bond Resolution to be kept on file in the office of the Issuer for public examination during regular business hours for at least thirty (30) days from and after the publication thereof. Such Notice is hereby reaffirmed and approved.

Section 5.8. Additional Certificates, Documents, and Other Papers. The appropriate officials of the Issuer, and each of them, are hereby authorized and directed to execute and deliver for and on behalf of the Issuer any or all additional certificates, documents, and other papers and to perform all other acts they may deem necessary or appropriate in order to implement and carry out the matters authorized in this Bond Resolution and the documents authorized and approved herein.

Section 5.9. Severability. If any section, paragraph, clause or provision of this Bond Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Bond Resolution.

Section 5.10. Statutory Authority for the Series 2019 Bonds. The Series 2019 Bonds are issued under the authority of the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended (the “Bonding Act”), and each Series 2019 Bond certificate shall so recite. By the adoption of this Bond Resolution, it is the intention of the Issuer to comply in all respects with the applicable provisions of the Bonding Act and the Series 2019 Bonds issued hereby shall be incontestable for any reason whatsoever after their delivery for value.

Section 5.11. Record of Proceedings. The Town Clerk of the Issuer is hereby authorized and directed to complete and execute the Record of Proceedings attached hereto to officially record the proceedings at which this Bond Resolution was considered for adoption.

Section 5.12. Resolutions in Conflict. All resolutions or parts thereof in conflict with the provisions of this Bond Resolution are, to the extent of such conflict, hereby repealed.

APPROVED AND ADOPTED this August 12, 2019.

Mayor Clayton Calloway

ATTEST:

Nancy Leigh, Town Clerk

(S E A L)

EXHIBIT A-1

(FORM OF STATE BONDS)

UNITED STATES OF AMERICA
STATE OF UTAH
COUNTY OF IRON
TOWN OF BRIAN HEAD
WATER REVENUE BONDS
SERIES 2019

\$147,000

THIS BOND HAS BEEN DESIGNATED BY THE ISSUER AS A QUALIFIED TAX-EXEMPT OBLIGATION FOR PURPOSES OF SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, RELATING TO THE DEDUCTIBILITY OF A FINANCIAL INSTITUTION'S INTEREST EXPENSE ALLOCABLE TO TAX-EXEMPT INTEREST.

The Town of Brian Head, Iron County, Utah (the "Issuer"), a political subdivision and body politic of the State of Utah, acknowledges itself indebted and for value received hereby promises to pay, but solely in the manner and from the revenues and sources hereinafter provided, to the State of Utah acting through the Permanent Community Impact Fund Board or the registered assigns last noted in the Registration Certificate attached to the end of this Bond (the "Registered Owner"), the principal amount of \$147,000 together with interest accruing on the unpaid principal balance at the rate of two and one-half percent (2.50%) per annum (calculated on the basis of a year of 360 days consisting of twelve 30-day months). Interest shall begin to accrue on October 1, 2020, and principal together with accrued but unpaid interest shall be payable in registered installments on October 1 of each of the years as set forth in the following Repayment Schedule:

REPAYMENT SCHEDULE

<u>October 1</u>	<u>Principal Maturing</u>
2021	\$8,000
2022	8,000
2023	9,000
2024	9,000
2025	9,000
2026	9,000
2027	9,000
2028	10,000
2029	10,000

<u>October 1</u>	<u>Principal Maturing</u>
2030	10,000
2031	\$10,000
2032	11,000
2033	11,000
2034	11,000
2035	13,000

Except as provided in the next succeeding paragraph, principal payments, whether at maturity or by redemption, shall be payable upon surrender of this Bond at the offices of the Town Clerk of the Issuer (the "Paying Agent"). Payments of interest, if any, shall be made to the Registered Owner thereof and shall be paid by check or draft mailed to the Registered Owner thereof at his or her address as it appears on the registration books of the Issuer maintained by the Registrar, or at such other address as is furnished to the Registrar in writing by such Registered Owner.

As long as the State of Utah Permanent Community Impact Fund Board (the "Community Impact Board") is the registered holder of this Bond, installment payments of principal and interest for delinquent installments shall be made by check or draft mailed to the Community Impact Board as the registered holder at the address shown on the registration books maintained by the Registrar.

If any installment payment of Bond principal and/or interest is not paid when due and payable, the Issuer shall pay interest on the unpaid amount at the rate of eighteen percent (18%) per annum from such due date until paid. All payments shall be made in any coin or currency which on the date of payment is legal tender for the payment of debts due the United States of America. All payments shall be applied first to interest, if any, and then to principal.

This Bond is issued on a parity with the Issuer's Water Revenue Bonds, Series 2009 with an outstanding amount of \$4,807,729 (the "Outstanding Obligations"), such that this Bond and the Outstanding Obligations are equally and ratably secured by a pledge of Issuer's Net Revenues (as defined in the resolution adopted by the governing body of the Issuer on August 12, 2019 (the "Bond Resolution")).

This Bond is payable solely from a special fund designated "Town of Brian Head, Utah, Water Revenue Bond Sinking Fund," into which fund and into a reserve therefor, to the extent necessary to assure prompt payment of this Bond, shall be pledged 100% of the Net Revenues derived and to be derived from the operation of the Issuer's water system (the "System"), all as more fully described and provided in the Bond Resolution.

This Bond is issued pursuant to (i) the parameters resolution adopted July 8, 2019, and Final Bond Resolution dated August 12, 2019 (collectively, the "Bond Resolution"), and (ii) the Utah Local Government Bonding Act as amended and renamed as the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, for the purposes of financing, in part, (i) improvements to the Issuer's water

system, and related improvements; and (ii) paying the costs of issuing the Bonds. This Bond is a special limited obligation of the Issuer payable solely from the Issuer's Revenues (as defined in the Bond Resolution) and does not constitute an indebtedness of the Issuer within the meaning of any state constitutional or statutory limitation. In no event shall this Bond be deemed or construed to be a general obligation indebtedness of the Issuer or payable from any funds of the Issuer other than the Issuer's Revenues.

As provided in the Bond Resolution, bonds, notes and other obligations may be issued from time to time in one or more series in various principal amounts, may mature at different times, may bear interest at different rates and may otherwise vary as provided in the Bond Resolution, and the aggregate principal amount of such bonds, notes and other obligations which may be issued is not limited. This Bond and all other bonds, notes and other obligations issued and to be issued under the Bond Resolution on a parity with this Bond are and will be equally and ratably secured by the pledge and covenants made therein, except as otherwise expressly provided or permitted in or pursuant to the Bond Resolution.

The issuance of this Bond shall not, directly, indirectly or contingently, obligate the Issuer or any agency, instrumentality or political subdivision thereof to levy any form of taxation therefore or to make any appropriation for its payment.

This Bond is subject to prepayment and redemption at any time, in whole or in part (and if in part, in integral multiples of \$1,000), at the election of the Issuer in inverse order of the due date of the principal installments hereof and by lot selected by the Issuer if less than all Bonds of a particular due date are to be redeemed, upon notice given as hereinafter set forth, at a redemption price equal to the principal amount to be so prepaid.

Notice of redemption shall be mailed by the Issuer, postage prepaid, not less than thirty (30) days prior to the date fixed for prepayment, to the registered owner of this Bond addressed to such owner at its address appearing on the registration books maintained by the Issuer.

Subject to the provisions of the Bond Resolution, the Bonds are issuable in fully registered form, without coupons, in denomination equal to the principal amount of the bonds or, upon exchange, in the denomination of \$1,000 and any integral multiple thereof.

The Issuer covenants and agrees that it will fix rates for water service sufficient to pay when due this Bond, and the principal and interest on all bonds and obligations issued on a priority to or parity with this Bond, if any, as the same fall due, provided such rates must be reasonable rates for the type, kind and character of the service rendered, and will collect and account for the Revenues (as defined in the Bond Resolution) to be received for such service, and will set aside one hundred percent (100%) of the Net Revenues of the System to pay this Bond according to the payment terms hereinabove set forth and the principal and interest on all bonds and obligations issued on a parity with this Bond, if any.

To the extent and in the respects permitted by the Bond Resolution, the Bond Resolution may be modified or amended by action on behalf of the Issuer taken in the manner and subject to the conditions and exceptions prescribed in the Bond Resolution. The holder or owner of this Bond shall have no right to enforce the provisions of the Bond Resolution or to institute action to enforce the pledge or covenants made therein or to take any action with respect to an event of default under the Bond Resolution or to institute, appear in, or defend any suit or other proceeding with respect thereto, except as provided in the Bond Resolution.

This Bond shall be registered in the name of the initial purchaser and any subsequent purchasers in the appropriate book in the office of the Town Clerk of the Issuer, who shall be the Registrar. This Bond is transferable only by notation upon such book by the registered owner hereof in person or by his or her attorney duly authorized in writing, by the surrender of this Bond, together with a written instrument of transfer satisfactory to the Issuer, duly executed by the registered owner or his or her attorney duly authorized in writing; thereupon, this Bond shall be delivered to and registered in the name of the transferee.

It is hereby declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Bond have existed, have happened and have been performed in regular and due time, form and manner as required by law, that the amount of this Bond does not exceed any limitation prescribed by the Constitution or statutes of the State of Utah, that the Net Revenues to be derived from the operation of the System have been pledged and that an amount therefrom will be set aside into a special fund by the Issuer sufficient for the prompt payment of this Bond and all bonds and obligations issued on a parity with this Bond, if any, and that with the exception of the pledge of the Revenues of the System for the payment of the Outstanding Obligations and the Series 2019 Bonds the Net Revenues are not pledged, hypothecated or anticipated in any way other than by the issue of this Bond and all bonds and obligations issued on a parity with this Bond, if any. This Bond shall be incontestable for any reason whatsoever after the delivery hereof for value.

IN TESTIMONY WHEREOF, the Issuer has caused this Bond to be signed by its Mayor and countersigned by its Town Clerk under the seal of the Issuer this _____, 2019.

/s/ _____ (Do Not Sign)
Mayor Clayton Calloway

Countersigned:

/s/ _____ (Do Not Sign)
Nancy Leigh, Town Clerk

(S E A L)

REGISTRATION CERTIFICATE

(No writing to be placed herein except by
the Bond Registrar)

<u>Date of Registration</u>	<u>Name of Registered Owner</u>	<u>Signature of Bond Registrar</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

EXHIBIT A-2

(FORM OF EXCHANGE BOND)

UNITED STATES OF AMERICA
STATE OF UTAH
COUNTY OF IRON
TOWN OF BRIAN HEAD
WATER REVENUE BONDS, SERIES 2019

THIS BOND HAS BEEN DESIGNATED BY THE ISSUER AS A QUALIFIED TAX-EXEMPT OBLIGATION FOR PURPOSES OF SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, RELATING TO THE DEDUCTIBILITY OF A FINANCIAL INSTITUTION'S INTEREST EXPENSE ALLOCABLE TO TAX-EXEMPT INTEREST.

INTEREST RATE	MATURITY DATE	ISSUE DATE
2.50%	October 1, 20____	_____, 2019

Registered Owner: _____

Principal Amount: _____ Dollars

The Town of Brian Head, Iron County, Utah (the "Issuer"), a political subdivision and body politic of the State of Utah, acknowledges itself indebted and for value received hereby promises to pay, but solely in the manner and from the revenues and sources hereinafter provided, to the Registered Owner identified above, or registered assigns, on the Maturity Date specified above, upon presentation and surrender thereof, the Principal Amount identified above. Interest at the Interest Rate specified above on the Principal Amount hereof (calculated on the basis of a year of 360 days consisting of twelve 30-day months) shall be payable by check or draft mailed by the Town Clerk of the Issuer (the "Paying Agent") to the Registered Owner hereof beginning October 1, 20__ and on each October 1 thereafter until this Bond is paid in full. Payments shall be payable by the Town Clerk, in Brian Head, Utah (the "Paying Agent") to the Registered Owner. Principal and redemption price of this Bond shall be payable upon presentation of this Bond to the Paying Agent, or its successor as such paying agent, for payment at maturity.

If this Bond or any installment of interest hereon is not paid when due and payable, the Issuer shall pay interest on the unpaid amount at the rate of eighteen percent (18%) per annum from the due date thereof until paid in full.

This Bond is issued on a parity with the Issuer's Water Revenue Bonds, Series 2009 in the outstanding amount of \$4,807,729 (the "Outstanding Obligations"), such that this Bond and the Outstanding Obligations are equally and ratably secured by a pledge of Issuer's Net Revenues (as defined in the resolution adopted by the governing body of the Issuer on August 12, 2019 (the "Bond Resolution")).

This Bond is one of an authorized issue of bonds of like date, term and effect except as to maturity, in the aggregate principal amount of _____ Dollars (\$ _____), issued in exchange for the conversion of the Issuer's Water Revenue Bond, Series 2019, in the total principal sum of \$147,000, authorized by a Parameters Resolution of the Issuer duly adopted on July 8, 2019 (the "Parameters Resolution") and a Bond Resolution of the Issuer duly adopted on August 12, 2019 (the "Bond Resolution"). This Bond and the issue of Bonds of which it is a part is issued pursuant to (i) the Parameters Resolution and the Bond Resolution and (ii) the Utah Local Government Bonding Act, Title 11, Chapter 14, Utah Code Annotated 1953, as amended, for the purpose of financing, in part, (i) improvements to the Issuer's water system, and related improvements (the "Project") and is secured by the Net Revenues of the Issuer's water system (collectively, the "System"), including all equipment and necessary appurtenances thereof. This Bond is a special limited obligation of the Issuer payable solely from the Net Revenues (as defined in the Bond Resolution) of the System and does not constitute an indebtedness of the Issuer within the meaning of any state constitutional or statutory limitation. In no event shall this Bond be deemed or construed to be a general obligation indebtedness of the Issuer or payable from any funds of the Issuer other than the Net Revenues of the System.

As provided in the Bond Resolution, bonds, notes and other obligations may be issued from time to time in one or more series in various principal amounts, may mature at different times, may bear interest at different rates and may otherwise vary as provided in the Bond Resolution, and the aggregate principal amount of such bonds, notes and other obligations which may be issued is not limited. This Bond and all other bonds, notes and other obligations issued and to be issued under the Bond Resolution on a parity with this Bond are and will be equally and ratably secured by the pledge and covenants made therein, except as otherwise expressly provided or permitted in or pursuant to the Bond Resolution.

The issuance of this Bond shall not, directly, indirectly or contingently, obligate the Issuer or any agency, instrumentality or political subdivision thereof to levy any form of taxation therefore or to make any appropriation for its payment.

The Bonds are subject to redemption prior to maturity at any time, in whole or in part (and if in part, in integral multiples of \$1,000), at the election of the Issuer in inverse order of maturity and by lot within each maturity if less than the full amount is redeemed, upon not less than thirty (30) days' nor more than forty-five (45) days' prior notice, at a

redemption price equal to 100% of the principal amount of each Bond to be redeemed. Notice of redemption shall be mailed by the Issuer, postage prepaid, to the registered owners of the Bonds addressed to such owners at their address appearing on the registration books maintained by the Issuer.

Subject to the provisions of the Bond Resolution, the Series 2019 Bonds (as defined in the Bond Resolution) are issuable in fully registered form, without coupons, in denomination equal to the principal amount of the bonds or, upon exchange, in the denomination of \$1,000 or any integral multiple thereof.

The Issuer covenants and agrees that it will fix rates for water service sufficient to pay this Bond when due, and principal and interest on all bonds and obligations issued on a priority to or parity with this Bond, if any, as the same fall due, provided such rates must be reasonable rates for the type, kind and character of the service rendered, and will collect and account for the Revenues (as defined in the Bond Resolution) to be received for such service, and will set aside one hundred percent (100%) of the Net Revenues of the System (as defined in the Bond Resolution) to pay this Bond according to the payment terms hereinabove set forth and the principal and interest on all bonds and obligations issued on a parity with this Bond, if any.

To the extent and in the respects permitted by the Bond Resolution, the Bond Resolution may be modified or amended by action on behalf of the Issuer taken in the manner and subject to the conditions and exceptions prescribed in the Bond Resolution. The Registered Owner of this Bond shall have no right to enforce the provisions of the Bond Resolution or to institute action to enforce the pledge or covenants made therein or to take any action with respect to an event of default under the Bond Resolution or to institute, appear in, or defend any suit or other proceeding with respect thereto, except as provided in the Bond Resolution.

This Bond is transferable by the registered holder hereof in person or by his attorney duly authorized in writing at the office of the Town Clerk (the "Registrar") in Brian Head, Utah, but only in the manner, subject to the limitations and upon payment of the charges provided in the Bond Resolution and upon surrender and cancellation of this Bond. Upon such transfer a new registered Bond or Bonds of the same series and the same maturity and of authorized denomination or denominations for the same aggregate principal amount will be issued to the transferee in exchange therefor.

It is hereby certified, recited and declared that all conditions, acts and things essential to the validity of this Bond and the issue of which it forms a part do exist, have happened and have been done, and that every requirement of law affecting the issue hereof has been duly complied with; that this Bond and the issue of which it forms a part does not exceed any limitation prescribed by the Constitution and laws of the State of Utah; that one hundred percent (100%) of the Net Revenues to be derived from the operation of the System, including any future improvements, additions and extensions thereto, have been pledged and will be set aside into a special fund by the Issuer to be used for the payment of this Bond and the issue of which it forms a part and all bonds and obligations issued on a parity with this Bond, if any, and that with the exception of the

Outstanding Obligations and Series 2019 Bonds the Net Revenues of the System are not pledged, hypothecated or anticipated in any way other than by the issue of Series 2019 Bonds of which this Bond is one and all bonds and obligations issued on a parity with this Bond, if any. This Bond shall be incontestable for any reason whatsoever after the delivery hereof for value.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be signed by its Mayor and countersigned by its Town Clerk with the seal of said Issuer affixed, all as of _____, 20__.

By /s/ _____ (Do Not Sign)
Mayor Clayton Calloway

COUNTERSIGNED:

/s/ _____ (Do Not Sign)
Nancy Leigh, Town Clerk

(S E A L)

ASSIGNMENT

FOR VALUE RECEIVED, _____, the undersigned, hereby sells, assigns and transfers unto

_____ (Tax Identification or Social Security No. _____) the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

DATED: _____

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of this Bond in every particular, without alteration or enlargement or any change whatever.

Signature Guaranteed:

THE SIGNATURE(S) SHOULD BE GUARANTEED BY AN ELIGIBLE GUARANTOR INSTITUTION (BANKS, STOCKBROKERS, SAVINGS AND LOAN ASSOCIATIONS AND CREDIT UNIONS WITH MEMBERSHIP IN AN APPROVED SIGNATURE GUARANTEE MEDALLION PROGRAM), PURSUANT TO SEC RULE 17Ad-15.

EXHIBIT B

RECORD OF PROCEEDINGS

The Town Council (the “Town Council”) of the Town of Brian Head, Utah (the “Issuer”), met in public session at the Town Council’s regular public meeting place on August 12, 2019 (the “Meeting”), at the hour of 1:00 p.m., or as soon thereafter as feasible, with the following members of the Town Council being present:

Clayton Calloway	Mayor
Larry Freeberg	Council Member
Lynn Mulder	Council Member
Shad Hunter	Council Member
Kelly Marshall	Council Member

Also present:

Nancy Leigh	Town Clerk
Bret Howser	Town Manager

Absent:

which constituted all the members thereof.

After the Meeting had been duly called to order and after other matters not pertinent to this resolution were discussed, the foregoing resolution (the “Resolution”) was introduced in written form and fully discussed.

A motion to adopt the Resolution was then duly made by Council Member _____ and seconded by Council Member _____, and the Resolution was put to a vote and carried, the vote being as follows:

Those voting YEA:

Those voting NAY:

Those Abstaining:

The Town Clerk presented to the Council a Certificate of Compliance with Open Meeting Law with respect to this August 12, 2019 meeting, a copy of which is attached hereto. Upon the conclusion of all business on the Agenda and motion duly made and carried, the Meeting was adjourned.

CERTIFICATE OF TOWN CLERK

I, Nancy Leigh, the duly appointed and qualified Town Clerk of the Town of Brian Head, Iron County, Utah (the "Issuer"), do hereby certify that the attached Resolution is a true, accurate and complete copy thereof as adopted by the Town Council of the Issuer at a public meeting duly held and conducted by the Town Council in the Town of Brian Head, Iron County, Utah, on August 12, 2019 commencing at the hour of 1:00 p.m., or as soon thereafter as feasible (the "Meeting"). The persons present and the result of the vote taken at the Meeting are all as shown above. The Resolution, with all exhibits attached, was deposited in my office on August 12, 2019, and is officially of record in my possession.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and impressed hereon the official seal of the Issuer, this August 12, 2019.

(S E A L)

Nancy Leigh, Town Clerk

CERTIFICATE OF COMPLIANCE WITH
OPEN MEETING LAW

I, Nancy Leigh, the undersigned Town Clerk of the Town of Brian Head, Iron County, Utah (the "Issuer"), do hereby certify, according to the records of the Issuer in my official possession, and upon my own knowledge and belief, that in accordance with the requirements of Section 52-4-202, Utah Code Annotated 1953, as amended, I gave not less than twenty-four (24) hours public notice of the agenda, date, time and place of the August 12, 2019, public meeting (the "Meeting") held by the governing body of the Issuer as follows:

(a) By causing a notice, in the form attached hereto (the "Meeting Notice"), to be posted at the principal office of the Issuer at least twenty-four (24) hours prior to the convening of the Meeting, the Meeting Notice having continuously remained so posted and available for public inspection until the completion of the Meeting; and

(b) By causing a copy of the Meeting Notice to be delivered to a newspaper of general circulation in the geographic jurisdiction of the Issuer at least twenty-four (24) hours prior to the convening of the Meeting; and

(c) By causing the Meeting Notice to be posted on the Utah Public Notice Website at least twenty-four (24) hours prior to the convening of the Meeting.

(d) By causing a copy of the Meeting Notice to be delivered to each member of the Town Council of the Issuer at least twenty-four (24) hours prior to the convening of the Meeting.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature this August 12, 2019.

Nancy Leigh, Town Clerk

(SEAL)

(Attach Meeting Notice, including proof of posting thereof on the Utah Public Notice Website)

EXHIBIT C

CERTIFICATE OF COMPLIANCE WITH ADDITIONAL BONDS TEST

(See Transcript Document No. __)

4851-7585-8773, v. 1