

WORK SESSION – JULY 14, 2022

Minutes of the Huntsville Town Council and Planning Commission work session held at the Huntsville Town Maintenance Office at 165 South 7500 East, Huntsville, Utah at 6:00 p.m. The work session was held to discuss proposed changes to the A-3 Zone, R-1 Zone, CR-1/Highway Zone, Meeting Training and Annexation Map discussion.

Attending: Mayor Pro-Temp Kevin Anderson, TCM Bruce Ahlstrom, PCM Steve Songer, TCM Artie Powell, TCM Sandy Hunter, PCM Liz Poulter, PCM Allen Endicott, Beckki Endicott – Clerk, Shannon Smith – Clerk, Mayor Sorensen on Zoom link, John Janson – Land Planner

Mayor Pro-Temp Anderson welcomed all in attendance. He turned the time over to Huntsville Town Clerks, Beckki Endicott and Shannon Smith, for meeting training. Beckki Endicott explained the clerks felt it was a good time to remind both councils of the meeting rules that were adopted by resolution in 2019. **(See Attachment #1)** The resolution was given to everyone for review. The clerks reviewed the purpose for the meeting rules and started by reviewing the code of conduct for all committee members from the Town Council and Planning Commission. The clerks advised the committee members to review the procedural rules that were adopted for the meeting. Most of the rules were adopted by Roberts Rules of Order. Beckki suggested the members review rule 10: "The Presiding Officer and Members shall adhere to the code of conduct." She reviewed the procedures outlining point of privilege, point of order, appeal and calling for orders of the day – "let's return to the agenda." She commented that the adopted meeting rules also include rules for guests. Beckki stated they would review the material at least one other time during the next month in our committee meetings. In addition, Beckki and Shannon would like to see the rules for guests posted at the meetings.

Mayor Pro-Temp Anderson turned the time over to John Janson to address the proposed changes in the A-3 zone. The Town Council Members and Planning Commission members included their comments in the discussion. **(See Attachment #2)** The rest of the work session was spent on the following points of the A-3 zone.

- First section of Ordinance 2022-5-26 under Allowable Use Table for construction equipment storage – delete note that refers to title 15.10.3.E. There isn't a section 15.10.3.E so we need to delete the note.
- Internal ADU's need to be listed as permitted per the state law. John Janson stated the conditions are really standards and are already listed in the ordinance.

- 15.10.1 lists pursuits described as non-commercial. TCM Hunter recommended keeping the pursuits described as commercial. Residents sell their animals and wares. John Janson will think about the wording here on line #2
- John Janson described some of the changes made in 15.10.4. "Non-commercial" is also used as the word to describe activities in this zone. John Janson will think about another way to rephrase this.
- In regard to 15.10.4 TCM Sandy Hunter commented that the raising and grazing of cattle, horse's sheep or goats (should be permitted in 3 or 5 acres) with a maximum of 3 animals per acre. The supplementary or full feeding of such animals is permitted if it is not closer than 200 ft to a dwelling. She stated that feeding and grazing are different activities and feeding wouldn't be within 200 feet of the dwelling. John Janson asked the committees to think about the need for this section. There are very few areas that are more than 5 acres. TCM Hunter agreed.
- TCM Hunter commented on the number of animals and whether they should specify. She stated the code addresses animals in Chapter 1 and nuisance in Chapter 2. PCM Steve Songer stated the nuisance ordinance should govern the behavior of the owners.
- 15.10.5 starts adding conditional standards. TCM Sandy asked if 15.10.5.A be changed to "100 feet from a public street and not less than fifty from any side or rear property line." TCM Powell would like to restrict property owners as little as possible. PCM Steve Songer asked what the purpose of the setbacks on animal hospitals and such. There was discussion about why a larger setback than the regular 30 feet would be needed for animal clinics, etc. There was not any reason identified for the additional setback amount. John Janson suggested that there had not been an issue, so why not leave it the way that it was. TCM Hunter commented the reason it has not been an issue is that we have not had an active A-3 zone with dwellings. In addition, she believes the reference to "buildings and enclosures for animals" is unclear. John Janson will give this section some thought.
- On 15.10.5.C TCM Sandy Hunter stated the number of animals in these sections needed to be consistent. She is suggesting 3 horses per acre.
- The PCM members agreed that 15.10.5.F fifty feet from a public street was a good amount of distance. Having big trucks parked on the street is problematic.
- In 15.10.6.A.3 states "No single-family dwelling, or portion thereof, shall be rented while occupied by the respective owner." Internal ADU's are allowed by the state code. TCM Powell suggested the reference of 15.18.5 be referenced with the Huntsville code. PCM Songer suggested that this is very hard to enforce. John Janson asked if the committees were willing to enforce this code. He stated there was a difference between an Internal ADU which is an independent unit and renting a room to another person.
- 15.10.6.C refers to Transverse lot splitting. There was much discussion on what transverse lot splitting was. All agreed that subdivision cannot be done if the frontage and acreage could not be met. The PC and TC members do not think this condition is necessary.

- Side and Rear Yard regulations. TCM Powell does not want any exceptions to the side yard setback. He does not want to allow box or bay windows to extend beyond 18 inches. John Janson will make the adjustment.
- Height regulations were discussed. PC members feel that 35 feet needs to be the maximum height regardless of outdoor decks, observation towers and other decorative roof ornaments. 15.10.6.C.10 allows more height. It allows them to add a cap beyond 35 feet.
- John Janson talked about sections of code that apply to every zone. He will bring examples to the committees.
- 15.10.G.5 was not understood by anyone and suggested it be taken out of the ordinance.
- John Janson asked why PRUD's would not be allowed in the A-3. The committee asked John Janson what his definition of PRUDs is. TCM Sandy Hunter stated there is not a PRUD ordinance in the Huntsville Town Code. John Janson suggested leaving references to PRUD out of the Town Code.

TCM Bruce Ahlstrom motioned to table the work session agenda items 3, 4 and 5. TCM Artie Powell seconded the motion. All votes Aye. Motion Passed.

TCM Sandy Hunter wanted to come up with the standard number of livestock allowed to be consistent across the zone. Committee members discussed the number of livestock that should be allowed. There was consensus that the property owner was the best judge of use of the land for livestock and that Chapter 2 – Nuisance governs the behavior of owners and treatment of animals. It was decided to not set a specific number of animals allowed on a lot.

Mayor Pro Temp Anderson thanked John Janson for coming to the meeting.

TCM Sandy Hunter motioned to adjourn the meeting. TCM Bruce Ahlstrom seconded the motion. All votes Aye. Motion passed.

Meeting adjourned at 8:19 p.m.



Beckki Endicott, Huntsville Town Clerk



HUNTSVILLE TOWN
RESOLUTION NO: 2019-1-17-B

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Town Clerk/Recorder
Gail Ahlstrom

Treasurer
Linda Laws

Attorney
P. Morris

A RESOLUTION OF HUNTSVILLE TOWN, UTAH, ADOPTING RULES OF PROCEDURES IN ACCORDANCE WITH UTAH CODE §10-3-606; AND SPECIFYING THE EFFECTIVE DATE.

WHEREAS, Huntsville Town (hereafter "Town") is a municipal corporation duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated §10-3-606* requires the Town to adopt certain rules of procedure and order;

WHEREAS, *Utah Code Annotated §10-3-717* authorizes the Town to adopt such rules by resolution;

WHEREAS, the Town desires to comply with state law;

NOW, THEREFORE, be it resolved by the Town Council of Huntsville Town, Utah, as follows:

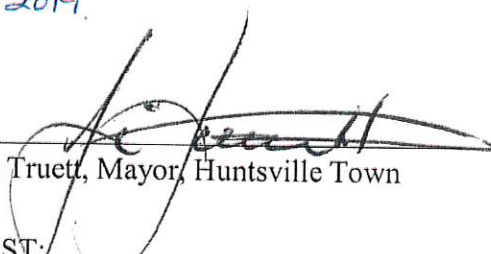
Section 1. Rules of Procedure and Order.

The Rules of Procedure and Order as attached as Exhibit "A" are hereby adopted and incorporated herein by this reference.

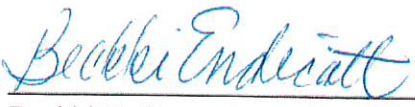
Section 2. Effective Date.

This Resolution shall be effective immediately upon adoption.

PASSED AND APPROVED by the Huntsville Town Council this 17th day of Jan, 2018: 2019.


James Truett, Mayor, Huntsville Town

ATTEST:


Beckki Endicott, Recorder, Huntsville Town



Section 504/ADA Notice

Auxiliary aids and services are available upon request to individuals with disabilities by calling HuntsvilleTown @ 801-745-3420. Individuals with speech and/or hearing impairments may call the Relay Utah dialing 711. Spanish Relay Utah: 1-888-346-3162. Equal Opportunity Employer/Program.

Exhibit "A"

RULES OF PROCEDURE AND ORDER

In accordance with *Utah Code Annotated* §10-3-606, Huntsville Town Council, as a legislative body, adopts these Rules of Procedure and Order (hereafter "Rules") to provide for the systematic and orderly conduct of the Town business by the Town Council and Planning Commission. It is the objective of these Rules to assist in providing full, open, and comprehensive debate of issues brought before the Town Council or Planning Commission for action in a forum open to the public, and which encourages citizens' awareness of Town Council and Planning Commission activities. The Town Council and Planning Commission are collectively referred to as the "Public Body."

These Rules do not increase or diminish the existing powers or authority of the Mayor or Town Council Members or Planning Commissioners, as set forth in state law or local ordinance.

RULES OF PROCEDURE

TOWN COUNCIL MEETING AGENDA

All meetings of the Town Council and Planning Commission will comply with these Rules and have a notice and agenda that complies with the Utah Open Meetings Act.

An "Item" may be placed on the agenda by the Mayor, at the request of any council member, the Town Clerk, or Town Attorney. For the Planning Commission and "Item" may be placed on the Agenda by the Presiding Officer, Town Clerk, or Town Attorney.

Agenda Items must be submitted to the Town Clerk at least one week before the date of the meeting, except in extraordinary cases where an item may be added by the Presiding Officer 24-hours prior to a meeting. Any item that is submitted to the Town Clerk that is not a week in advance will be put on the next following meeting agenda. A requestor shall also notify the Mayor of the added agenda item.

ROLE OF THE MAYOR AS COUNCIL CHAIR AND OTHER COUNCIL MEMBERS:

- The Mayor or Planning Commission Chair (or their successor provided by law) shall serve as the "Presiding Officer" at their respective meetings before either the Town Council or Planning Commission.
- Participate in discussion of all matters.
- The Presiding Officer shall vote as a member of the Public Body provided by state law, and shall have no power to veto.

In addition, the Presiding Officer has the primary responsibility for ensuring that the Public Body's Rules are followed and:

- For maintaining the dignity of the Public Body and meetings.
- Calls the meeting to order and confines the discussion to the agenda.
- Recognizes members for motions and statements and may allow audience and staff participation at appropriate times.
- Requires knowledge of the Town's adopted Rules and how to apply it.
- Ensures compliance with the Utah Open and Public Meetings Act.
- Knows how to courteously discourage members who talk too much or too often.
- Knows how to courteously ensure those who have the floor are not interrupted and to rule out of order those not following meeting Rules.
- Recognize a member offering a motion, restate the motion, presents it to the Public Body for consideration, calls for the vote, announces the vote, and then announces the next order of business.

CODE OF CONDUCT FOR CITY COUNCIL AND MAYOR INCLUDES:

- Remarks should apply to the question under debate.
- Shall avoid references to personalities, and refrain from questioning motives of other members or staff personnel.
- Demonstrate courtesy and shall not disrupt proceedings.
- Shall not use their positions to secure privileges or personal gains and shall avoid situations which could cause anyone to believe that they may have brought bias or partiality to a question before the Public Body.
- Shall be dedicated to the principles of representative democracy by recognizing that the chief function of local government is to serve the best interests of the public at-large while respecting individual rights.
- Shall be dedicated to the effective use of the Town's available resources.
- Shall refrain from any activity that would hinder their ability to be objective and impartial.
- Town business shall be discussed in open, well-publicized meetings, except in rare situations in which Executive Sessions are authorized.

"RULES OF ORDER" -- PARLIAMENTARY RULES

The following Rules of Order and shall be the parliamentary rules for conducting the business of any public body. The Town Attorney will serve as the Parliamentarian and will recommend rulings during the proceedings. Each Rule is followed by a recommended Procedure and Purpose to explain the Rule and guide the Mayor and council members in its intended application.

RULE NO. 1: The meeting is governed by the agenda and the agenda constitutes the Public Body's agreed-upon roadmap for the meeting.

PROCEDURE. Each agenda item will be handled by the Mayor in the following basic format:

First, the Presiding Officer should clearly announce the agenda item number and should clearly state what the agenda item subject is.

Second, following that agenda format, the Presiding Officer should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the Presiding Officer, a member of the Public Body, a staff person, or an invited person charged with providing input on the agenda item.

Third, the Presiding Officer should ask members of the Public Body if they have any technical questions of clarification. At this point, members of the Public Body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the Presiding Officer should invite public comment if at a formal hearing and should open the public hearing for public input. If numerous members of the public indicate a desire to speak to the subject, the Presiding Officer may limit the time of public speakers. At the conclusion of the public comments, the Presiding Officer should announce that the public hearing is closed. For a regularly scheduled agenda item, the Presiding Officer may invite public comment.

Fifth, the Presiding Officer should invite a motion. The Presiding Officer should announce the name of the member of the Public Body who makes the motion.

Sixth, the Presiding Officer should determine if any member of the Public Body wishes to second the motion. The Presiding Officer should announce the name of the member of the Presiding Officer who seconds the motion. If there is no second then the item will be deemed concluded without decision.

Seventh, if the motion is made and seconded, the Presiding Officer should make sure everyone understands the motion. This is done in one of three ways: (1) The Presiding Officer can ask the maker of the motion to repeat it. (2) The Presiding Officer can repeat the motion. (3) The Presiding Officer can ask the Town Clerk, or designee, to repeat the motion.

Eighth, the Presiding Officer should now invite discussion of the motion by the Public Body. If there is no desired discussion, or after the discussion has ended, the Presiding Officer should

announce that the Public Body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the Presiding Officer takes a vote. All votes for purposes of the meeting minutes shall be by voice vote or roll call as provided by law. Roll call votes are required to approve any Ordinance, Resolution, or any matter that creates a liability for the Town.

Tenth, the Presiding Officer should announce the result of the vote and should announce what action (if any) the Public Body has taken.

PURPOSE OF THE RULE. All meetings must comply with the Utah Open and Public Meetings Act which requires that a notice and an agenda for a public meeting be prepared in advance of the meeting and that no final action be taken on any item that is not on the agenda. In addition the Act requires that the minutes of the meeting contain certain minimum information including the name of any member of the council speaking on an issue, the substance of what the member says, an accurate description of any action taken by the council and the voting record of each individual member of the council.

RULE NO. 2: Any matter that requires a Public Body decision shall be made by motion.

PROCEDURE. The procedure for any motion shall be as follows: First, the Presiding Officer should recognize the member of the Public Body. Second, the member of the Public Body makes a motion by preceding the member's desired approach with the words:

"I move...." Therefore, a typical motion would state: "I move to approve (or recommend approval for Planning Commission) Ordinance ABC-123."

The Presiding Officer usually initiates the motion by either: (1) Inviting the members of the Public Body to make a motion. "A motion at this time would be in order." (2) Suggesting a motion to the members of the Public Body. "A motion would be in order that we adopt the Ordinance." (3) Making the motion. As noted, the Presiding Officer has every right as a member of the Public Body to make a motion, but should normally do so only if the Presiding Officer wishes to make a motion on an item but is convinced that no other member of the Public Body is willing to step forward to do so at a particular time. (4) Reading a motion suggested by the Town Staff.

PURPOSE OF THE RULE. The purpose of this rule is to limit items under discussion to those and only those that the council members want to discuss; give clarity as to what is being decided; and to make sure everyone, including the person taking the minutes actually knows and can remember what the ultimate outcome of any discussion and debate is.

RULE NO. 3: One question at a time and one speaker at a time.

PROCEDURE. Only one question will be discussed at a time. The question may have several motions.

There will only be one speaker at a time. Anyone who wishes to speak must raise their hand first after the current speaker finishes. The Presiding Officer will call upon the person by name. Once a member has been recognized, he has been granted "the floor" and may begin speaking. The speaker may not be interrupted except as allowed by these rules.

If a member wishes to ask a question during their time and retain the floor to speak after the question has been answered they may indicate so before posing the question by saying something similar to "I have additional comments and wish to retain the floor after this question has been answered."

PURPOSE OF THE RULE. The purpose is to focus on only one question and to allow members the ability to express their points of consideration without losing their train of thought and to completely finish without fear of interruption.

RULE NO. 4: The Presiding Officer may use General Consent with all motions except those motions where the votes are used for purposes of the meeting minutes and require a roll call of the Public Body.

PROCEDURE. When the Presiding Officer feels the Public Body is all in unanimous agreement, the Presiding Officer asks if there are any objections to the motion to amend, withdraw, or any motions in Rule No. 7. The Presiding Officer pauses and if there are no objections states that the motion is approved. If there is any objection then the motion is put to a regular vote. A member may object simply because he or she feels it is important to have a formal vote.

Example: The Presiding Officer states, "If there is no objection, we will recess for 10 minutes, [pause to see if any member objects]. There being no objection, we will recess for 10 minutes."

If a member objects by stating, "I object" the matter is then put to a vote.

The Presiding Officer states, "An objection being made, the question is shall we recess for 10 minutes? Those in favor of the 10 minute recess say 'Aye.' Those opposed, say 'No.' The Ayes have it and we are in recess for 10 minutes."

PURPOSE OF THE RULE. General consent is helpful in expediting general routine business or when the Mayor senses the council is in agreement. General consent allows flexibility of the rules while protecting the right of the majority to decide and the minority to be heard.

RULE NO. 5: There are only three basic forms of motions allowed: Initial Motion, Motion to Amend, and Substitute Motion.

PROCEDURE. The initial motion is the one that puts forward an item for the Public Body's consideration. An initial motion might be: "I move that we adopt Resolution ACB-123 as presented."

If a member wants to change the initial motion that is before the Public Body, they would move to amend it. A motion to amend might be: "I move to amend the motion to adopt Resolution ABC-123 with a change in paragraph 1 as follows...." A motion to amend takes the initial motion which is before the Public Body and seeks to change it in some way. The motion to amend must be germane to the initial motion. The motion to amend must not be the same as a negative vote on the initial motion.

If a member wants to completely do away with the initial motion that is before the Public Body, and put a new motion before the Public Body, they would move a substitute motion. A substitute motion might be: "I move that we refer Resolution ABC-123 to the Town Staff for correction and recommendation."

PURPOSE OF THE RULE. "Motions to amend" and "substitute motions" are often confused. But they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the Presiding Officer. So that if a member makes what the member calls a "motion to amend", but the Presiding Officer determines that it is really a "substitute motion", then the Presiding Officer's designation governs.

RULE NO. 6: There can be up to three motions on the floor at the same time and no more than three. The Presiding Officer can reject a fourth motion until the Presiding Officer has dealt with the three that are on the floor and has resolved them.

PROCEDURE. When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed first on the last motion that is made. So, for example, assume the first motion is a basic "motion to adopt Ordinance ABC-123." During the discussion of this motion, a member might make a second motion to "amend the main motion to adopt Ordinance ABC-123 with changes in paragraph 1 as follows...." Perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we refer the matter to staff." The proper procedure would be as follows:

First, the Presiding Officer would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passed, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the Public Body of the third motion (the substitute motion). No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) failed then the Presiding Officer would proceed to consideration of the second (now, the last) motion on the floor, the motion to amend.

Second, if the substitute motion failed, the Presiding Officer would now deal with the second (now, the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment. If the motion to amend passed the Presiding Officer would now move to consider the main motion (the first motion) as amended. If the motion to amend failed the Presiding Officer would now move to consider the main motion (the first motion) in its original format, not amended.

Third, the Presiding Officer would now deal with the first motion that was placed on the floor. The original motion would either be in its original format, or, if amended, would be in its amended format.

PURPOSE OF THE RULE. Too many motions on the same subject can cause confusion as to what the end result is and in the official record. Limiting the number of motions to no more than three at a time, allows for enough debate and parliamentary maneuvering to satisfy those who want to be clever while allowing the slow to still keep up.

RULE NO. 7: The debate can continue as long as members of the Public Body wish to discuss an item, subject to the Presiding Officer determining it is time to move on and take action by using General Consent to limit debate or by a proper motion by a member to limit the debate. The following motions are not debatable – a motion to adjourn; a motion to recess; a motion to fix a time to adjourn; a motion to table; and a motion to limit debate.

PROCEDURE. There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Public Body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Presiding Officer must immediately call for a vote of the Public Body without debate on the motion):

A motion to adjourn. This motion does not require a second, if passed, requires the Public Body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

A motion to recess. This motion, if passed, requires the Public Body to immediately take a recess. The length should be set in the motion which may be a few minutes or an hour. It requires a simple majority vote.

A motion to fix the time to adjourn. This motion, if passed, requires the Public Body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold." The motion can contain a specific time in which the item can come back to the Public Body: "I move we table this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case the matter will not be placed back on an agenda for a future meeting except at the order of the Presiding Officer or the request of any two members. A motion to table an item requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call the question." When a member makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the Presiding Officer should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a simple majority vote of the Public Body.

PURPOSE OF THE RULE. Debate and discussion are important until they are not. When a matter is chewed on enough it should be swallowed. This rule allows the Presiding Officer, by General Consent, or the majority, to end the debate after a reasonable time. It also keeps those in a minority position on an issue from filibustering until they get their way.

RULE NO. 8: Three yes votes are required to pass any item before the Town Council with limited exceptions. The exceptions include a motion to go into closed session (executive session) which requires a 2/3 vote of the members present.

PROCEDURE. If the Mayor and all five members of the Town Council are present, a vote of 3-2 passes the motion. A vote of 2-2 with one abstention means the motion fails. The Mayor is entitled to vote. The Planning Commission takes action by a majority vote of the quorum present at the public meeting.

PURPOSE OF THE RULE. Utah statutes set out both the number of the quorum and the minimum vote required on any issue for the Town Council. This rule is meant to clarify that when the entire Town Council is present and voting then it is not a tie when one member abstains. If however the member is absent from the meeting for any reason and the vote is 2-2 then it may be a tie and a tie vote does not pass and Item before the Town Council.

RULE NO. 9: A motion to reconsider any item requires a majority vote to pass, but there are special rules that apply only to the motion to reconsider. First, is timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the Town Council if the item is properly on the agenda. In addition, a motion to reconsider cannot be made at a special meeting of the Town Council unless the number of members of the Council present at the special meeting equals or exceeds the number present at the meeting when the action was approved. Second, a motion to reconsider can only be made by a member who voted in the majority on the original motion.

PROCEDURE. If such a member has a change of heart, he or she can make the motion to reconsider (any other member of the Town Council may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order.

PURPOSE OF THE RULE. The purpose of this rule is finality and allowing the correction of errors. If a member of the minority could make a motion to reconsider, then the item could be brought back to the Town Council again and again. That would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the Town Council, and a new initial motion is then in order. The matter can be discussed and debated as if it were on the floor for the first time.

The Planning Commission is a recommendation body and surrenders jurisdiction to the Town Council upon making a recommendation. Therefore, the Planning Commission cannot make a motion to reconsider.

RULE NO. 10: The Presiding Officer and Members shall adhere to the code of conduct.

PROCEDURE. The Presiding Officer, as chair of the meeting, is primarily responsible to see that debate and discussion of an agenda item focuses on the agenda item and the policy in question, not the personalities of the members. There are, however, exceptions that are intended to assist the Presiding Officer in keeping order to the meeting. A speaker may be interrupted by a member only for the following reasons and in the form set forth below:

Privilege. The proper interruption would be: "point of privilege." The Presiding Officer would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort or safety of the meeting or when the reputation of the Public Body or any individual is at stake. For example, the room may be too hot or too cold, a blowing fan might interfere with a person's ability to hear, or the speaker may be misrepresenting an individual's remarks.

Order. The proper interruption would be: "point of order." Again, the Presiding Officer would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Presiding Officer moved to vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the Presiding Officer makes a ruling that a member of the Public Body disagrees with, that member may appeal the ruling of the Presiding Officer. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the Presiding Officer is deemed reversed.

Call for orders of the day. This is simply another way of saying: "Let's return to the agenda." If a member believes that the Public Body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the Presiding Officer discovers that the agenda has not been followed, the Presiding Officer simply reminds the Public Body to return to the agenda item properly before them. If the Presiding Officer fails to do so, the Presiding Officer's determination may be appealed.

Withdraw a motion. To withdraw a motion, the maker of the motion on the floor states: "I request that my motion be withdrawn." The motion to withdraw a motion requires a simple majority vote.

PURPOSE OF THE RULE. Debate and discussion should be focused, but free and open. In the interest of time, the Presiding Officer may, however, limit the time allotted to speakers, including members of the Public Body. A member may continue speaking on a majority vote of the Public Body. The Rules are meant to create an atmosphere where the members and the public can attend to business efficiently, fairly, and under rules of participation. At the same time, it is up to the Presiding Officer and the members of the Public Body to maintain common courtesy and decorum. Only one person at a time will have the floor and every speaker must be recognized by the Presiding Officer before proceeding to speak.

GUEST RULES – VISITOR AND RESIDENT RIGHT TO BE HEARD

Visitors and residents are guests at a meeting before a Public Body. It is recognized that guests may from time to time believe it is necessary to speak to the Town Council or Planning Commission on matters of concern. Accordingly, the Public Body expects any person presenting to the Public Body to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending. Further, it is the policy of the Town Council that complaints involving any volunteer or employee performance be resolved by the administration with staff or the Mayor directly and not before the Town Council or Planning Commission, except where authorized by the Mayor.

- No member of the public shall be heard unless recognized by the Presiding Officer.
- Public comments will only be heard during the Public Comment portion of the meeting unless the issue is a Public Hearing or a member of the public is asked to speak on a matter by the Presiding Officer.
- Speakers must state their name for the record.
- Any guest requesting to speak is limited to matters of fact regarding the issue of concern.
- Comments are limited to three (3) minutes, unless approval for additional time is granted by the Presiding Officer.

- If a representative is elected to speak for a group, the Presiding Officer may approve an increased time allotment.
- Personal attacks made publicly toward any person, volunteer, staff, or employee is not allowed. Speakers are to bring their complaints regarding such through the supervisory chain-of-command or in accordance with the Town's Personnel Policies.
- Any member of the public interrupting the proceedings of a Public Body, approaching the dais without permission, or otherwise creating a disturbance, or failing to abide by these Rules in addressing the Public Body, shall be deemed to have disrupted a public meeting and, at the direction of the Presiding Officer, shall be removed from the chambers by law enforcement personnel or other agent designated by the Town.

VII. SUMMARY OF APPLICABLE STATE LAWS

Utah Code §10-3-502 – Regular and special council meetings.

Utah Code §10-3-504 – Quorum defined.

Utah Code §10-3-505 – Compelling attendance at meetings of legislative body.

Utah Code §10-3-506 – How the vote is taken.

Utah Code §10-3-507 – Minimum vote required.

Utah Code §10-3-508 – Reconsideration.

Utah Code §10-3-601 – Business of governing body conducted only in open meeting.

Utah Code §10-3-606 – Rules of procedure and conduct.

Utah Code §10-3-607 – Rules of conduct for members of the governing body.

Utah Code §10-3-608 – Rules of conduct for the public.

**HUNTSVILLE TOWN
ORDINANCE 2022-5-26**

**AN ORDINANCE OF HUNTSVILLE TOWN, UTAH ADDING DEFINITIONS TO ~~TO~~
TITLE 15.0; AMENDING 15.1 ALLOWABLE USE TABLE; AMENDING TITLE 15.10
AGRICULTURAL ZONE A3**

RECITALS

WHEREAS, Huntsville Town (hereafter referred to as "Town") is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 authorizes the Town to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the Town;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the Town to regulate land use and development;

WHEREAS, the Huntsville Town Planning Commission desires to update the use standards for the A-3 zone;

WHEREAS, the Huntsville Town Planning Commission desires to establish additional definitions and update the Allowable Use Table;

WHEREAS, after publication of the required notice, the Planning Commission held its public hearing on May 19th, 2022, to take public comment on this Ordinance, and subsequently gave its recommendation to adopt this Ordinance on May 26th, 2022;

WHEREAS, the Town Council received the recommendation from the Planning Commission and held its public meeting on June 2, 2022, and desires to act on this Ordinance;

NOW, THEREFORE, be it ordained by the Huntsville Town Council as follows:

Section 1: Repealer. Any ordinance or portion of the municipal code inconsistent with this ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. The *Huntsville Municipal Code* is hereby amended to read as follows:

15.0 Definitions

A. ~~Planned Residential Unit Development (PRUD) or Planned Residential Development (PRD)~~

15.1 Allowable Use Table

A. Change "Construction equipment storage" from "not permitted" to "conditional" in the A-3 zone with note that refers to title 15.10.3.E & 15.10.3.F n.

Commented [SH1]: do we need note? There is no 15.10.3E/F

B. Add "Public Utility Substation" as Conditional in the C-1, C-2 and A-3 zone.

C. Add "Internal ADU's" as ^{Permitted} Conditional in the R-1 and A-3 zone with note that refers to title 15.18.5

Commented [JJ2]: State Law changes - internal ADUs need to be permitted uses

Commented [SH3R2]: Listed in 15.18.5

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Title 15.10 AGRICULTURAL ZONE A-3

- 15.10.1 Purpose
- 15.10.2 Agriculture Preferred Use
- 15.10.3 Permitted Uses
- 15.10.4 Permitted Uses Requiring Five (5) Acres Minimum Lot Area
- 15.10.5 Conditional Use Standards
- 15.10.6 Single Family Dwellings
- 15.10.7 Permitted Signs
- 15.10.8 Planned Residential Unit Developments (PRUDs)

15.10.1 Purpose

The purpose of the A-3 Zone is to designate farm areas which are likely to undergo a more intensive urban development, to set up guidelines to continue agricultural pursuits of a non-commercial scale, including the keeping of animals, and to direct orderly low density residential development in a continuing rural environment. This zone requires a three-acre minimum lot size.

Commented [SH4]: why non-commercial, is raising yaks to sell meat non-commercial?

Commented [LP5R4]: I'd say it is commercial if selling meat or yaks

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15.10.2 Agriculture Preferred Use

Agriculture and single family dwellings ~~is~~ are the preferred uses in this agricultural zone. All agricultural operations shall be permitted at any time, including the operation of farm machinery.

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No agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

15.10.3 Permitted Uses

Refer to Appendix One, Table 15.1 (Allowable Use Table) for all permitted uses in A-3 zone.

15.10.4 Permitted uses Requiring Five (5) Acres Minimum Lot Area

Option – The uses described below shall only be located east of Highway 39

~~A. Farms devoted to hatching, raising (including fattening as an incident to raising) of chickens, turkeys, or other fowl, rabbits, or fish or fish.~~

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~~B. Fruit and vegetable storage and packing plant for produce grown on premises.~~

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~~C. The raising and grazing of horses, cattle, sheep, or goats as part of a non-commercial farming operation, including the supplementary or full feeding of such animals provided that such uses raising and grazing when conducted by a farmer in conjunction with any livestock feed yard, livestock sales or slaughterhouse shall:~~

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Commented [SH6]: The raising and grazing of cattle, horses, sheep or goats (should be permitted in 3 or 5 acres) with a maximum of 3 animals per acre. The supplementary or full feeding of such animals is permitted provided that it not be closer than 200 ft to a dwelling

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- ~~a. Not exceed a density of twenty-five (25) head per acre of used and;~~
- ~~b. Be carried on during the period of September 15 through April 15 only;~~
- ~~c. Be not closer than two hundred (200) feet to any dwelling, public or semi-public building on an adjoining parcel of land; and,~~
- ~~d. Not include the construction of any permanent fences, corrals, chutes, structures, or other building normally associated with a feeding operation.~~

~~D. The use of farm equipment by a farm operator for off-farm contracting work to supplement farm income.~~

~~D.~~

15.10.5 Conditional Use Standards

~~The following are permitted uses~~ uses are subject to additional standards with conditions in the A-3 zone. Conditional uses must receive approval on a case-by-case basis from the Planning Commission and Town Council after an application is submitted.

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- A. Animal hospital, veterinary clinic; dog breeding; dog kennels; or dog training school on a minimum of three (3) acres and not exceeding 10 dogs of more than 10 weeks old per acre at any time; provided any building or enclosure for animals shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) from any side or rear property line.

Commented [SH7]: Do we want 100 ft?

~~1. Animal hospital or clinic, or dog training school on a minimum of three (3) acres and not exceeding 10 dogs of more than 10 weeks old per acre at any time; provided any building or enclosure for animals shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) feet from any side or rear property line.~~

~~2. Dog breeding and dog kennels on a minimum of three (3) acres, as an accessory use to a single family dwelling, limited to 10 dogs of more than 10 weeks old. Any building or enclosure for the dogs shall be located not less than one hundred (100) feet from a public street and not less than fifty (50) feet from any side or rear property line, as well as being located not closer than 40 feet from the residence and not closer than 70 feet from the nearest adjacent residence.~~

~~3. 1. Raising and slaughtering of rabbits limited to a maximum of five hundred (500) rabbits at any one time.~~

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~~2. Slaughtering, dressing, and marketing on a commercial scale of chickens, turkeys or other fowl, rabbits, or fish, fish, frogs or beaver in conjunction with the hatching and raising of such animals on farms having a minimum area of five (5) acres.~~

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~~4.~~

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B. Greenhouse and Nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide and insecticide products, tools for garden and lawn care and the growing and sale of sod. ~~Sale of goods is limited to materials produced on the premises and there is no retail shop operated in connection therewith.~~

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Commented [JJ8]: many communities are loosening this up to allow associated retail sales

C. Private Equestrian Training and Stable facilities on a minimum of 5 acres of land and at a density of not more than ten (10) horses per acre of land devoted exclusively to the keeping of the horses.

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Commented [SH9]: 3 horses per acre, as listed above with 3 maximum listed in 15.10.4

D. Public Equestrian Training and Stable Facilities on a tract of land with a minimum of 10 acres in area and at a density of not more than 3 horses per acre.

Commented [SH10]: 3?

E. Construction equipment storage: the overnight parking of not more than one vehicle other than an automobile, light truck, or recreation vehicle, of not more than twenty-four thousand (24,000) pounds net weight, on property of not less than three (3) acres in area and upon which the operator has his permanent residence provided that the vehicle is parked at least fifty feet from a public street.

Commented [JJ11]: why the cross out?

F. The storage and use of light construction equipment such as a backhoe, front end loader or up to a ten-wheel truck for off-premise premises contract work by the owner

resident of property of not less than five acres in area, provided that the equipment is parked at least fifty feet from a public street.

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G. Bed and Breakfast Inns subject to the following standards:

1. Two parking spaces shall be provided for the family plus one space for each guest room. No parking may be located on the public thoroughfare or within the front yard setback;
2. Proprietor or owner must occupy the dwelling;
3. Meals may only be served to overnight guests;
4. Not more than three (3) guests sleeping rooms per dwelling;
5. Allowed only in existing dwellings with no exterior additions nor shall the use change their residential character;
6. Business license must be obtained is required

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15.106.6 Single Family Dwellings

A. Use Regulations for Single Family Dwellings

~~Single-family dwelling use regulations are subject to the respective conditions in the R-1 zone. Please see 15.6.2.~~

1. Only one single-family dwelling is allowed on an approved R-1-A-3 building lot.

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3. No single-family dwelling or a portion thereof, shall be rented for a term less than 30 days.

4.

5.

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6. No single-family dwelling, or portion thereof, shall be rented while occupied by the respective owner.

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7.

8. No single-family dwelling shall be occupied by more than four families, or combination of unrelated groups, within a 12-month period.

Commented [JJ12]: What does that mean? I can't rent out a room in my house?

Commented [SH13R12]: Correct. Single-family dwelling can only be occupied by one family unit except as listed in 15.18.5 (Internal ADU). Unless it is a licensed B&B.

9.

10.

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11. Temporary building for uses incidental to construction work, which buildings must be removed upon the completion or abandonment of the construction work. If an existing residence is used as a temporary residence during construction of a new residence, upon issuance of the occupation permit for the new residence, the old residence must be removed within thirty (30) days.

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6. Home occupations are allowed as regulated under Title 15.18.

Commented [JJ14]: should be chapter but we will fix that sort of stuff later

7. Accessory Structures or Buildings. No accessory structure or building, or portion thereof, shall be rented as a dwelling unit—including in-kind considerations.

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8. No mobile homes or recreational vehicles may be placed on a lot for use as a permanent or temporary (greater than 30 days) residence, except as outlined in number five (5) above.

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B. Area Regulations

The minimum lot area for a single-family dwelling shall be not less than three (3) acres.

C. Frontage Regulations

1. The minimum width of a lot, for a single-family dwelling, along the street frontage shall be one hundred thirty (130) feet on a three (3) to five (5) acre lot or three hundred feet (300) on a five (5) acre lot. Where the lot frontage is on a cul-de-sac, the 130-foot width requirement shall be along the front property boundary line running from one radial property side boundary to the other and measured perpendicular to the circumference of the set back of 30 feet of the cul-de-sac. Alleys shall not be considered street frontage unless the Town designates it as such where no other street frontage is available.

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2. The frontage requirement minimum is one hundred twenty (120) feet on a three (3) acre lot or two hundred ninety feet (290) on a five (5) acre lot when an alleyway is the only reason for not being able to provide one hundred thirty (130) feet or three hundred (300) feet of frontage. All other frontage regulations from the R-1 zone apply. Please see 4.5.6.4.

Commented [SH15]: just alley not alleyway

3. Transverse lot splitting will not be allowed if the frontage requirements stated in items 1 and 2 are not met for the newly formed lots.

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Commented [JJ16]: maybe we ought to describe what that means here

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4. Primary vehicular access to the lot shall be from the frontage, unless lot is on corner of two public streets. If so, vehicular access can be from either street. If vehicular access on a corner lot is not designated as the frontage, the driveway or garage set-back should be no less than 20 feet from the property line and the frontage set-back no less than 30 feet from the property line. Primary vehicular access is defined as the access used to access the residence the majority of the time.

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2.5. Primary vehicular access to the lot must be identified on submitted site plan.

8. No dwelling shall be erected to a height of less than one (1) story above ground.

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9. No building which is accessory to a single-family dwelling shall be erected to a height greater than thirty-five (35) feet.

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2.10. ~~Building Height of:~~ Building height is defined as the vertical distance from the average of the highest natural grade and the lowest natural grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the highest point of the ridge of a pitch or hip roof. —see 15.15.

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F. Coverage Regulations

1. No single building shall cover more than twenty-five (25) percent of the area of the lot or parcel upon which it resides.
2. No group of buildings (including dwellings and accessory structures), in aggregate, shall cover more than thirty-five (35) percent of the area of the lot or parcel upon which they reside.

G. Special Provisions

1. Public health requirements concerning domestic water supply and sewage disposal shall comply with State and Weber/Morgan County requirements. A septic tank certificate of design approval from the Weber/Morgan County Health Department shall be required in all applications for a building permit.

- ~~2.~~
3.2. No building or structure shall be constructed within the boundaries of any public reservoir as determined by the public agency having jurisdiction or within the boundaries of any natural waterway or watercourse as determined by the Huntsville Town Engineer wherein no buildings or structures shall be constructed, or land subdivided. Where buildings are to be constructed within fifty (50) feet of the exterior boundaries of a flood channel existing at the effective date of this ordinance, adequate measures must be taken as determined by the Appeal authority so as to protect the building or structure from damage due to floods and so as not to increase the hazard to surrounding lands and buildings.

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Commented [JJ17]: This really should be the Floodplain Administrator which should be the City Engineer. Old Fed law said AA but just not the right body in Utah

- ~~4.~~
5.
6.3. The required yard space shall be kept free of debris, refuse, or other inflammable material which may constitute a fire hazard, as further defined in the Huntsville Town Nuisance Title.

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- ~~7.~~
8.4. The requirements of this Title as to minimum building site area shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land in the event

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that such lot or parcel of land is held in separate ownership at the time this ordinance becomes effective.

9.

10.

11. ~~No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this ordinance, shall be considered as providing a yard or open space on a lot whereon a building is to be erected or established.~~

12.

13-5. No space needed to meet the width, yard, area, coverage, parking, or other requirements of this ordinance for a lot or building may be sold or leased away from such lot or building.

14.

15.

16-6. No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

7.

H. Swimming Pools

Swimming Pool regulations from the R-1 zone apply. Please see 15.6.16

A family swimming pool shall be permitted in the side or rear yard of a dwelling as an accessory use, only under the following conditions:

1. The location of such family swimming pool or accessory machinery shall not be less than ten feet from the dwelling's property boundaries. On corner lots, the distance from said pool to the property line facing on a street shall not be less than the required side yard setback for an accessory building.

2.

2. An outdoor family swimming pool shall be completely enclosed by a substantial fence of not less than six feet in height or a power safety cover meeting the requirements of the International Building Codes. Lights used to illuminate said pool or its accessories shall be so arranged as to reflect the light away from adjoining premises. A "substantial fence" means any fence that will not allow normal passage by any person except through an otherwise locked gate.

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Commented [JJ18]: Not sure what that means!!

Commented [LP19R18]: Is it implying that each building needs its own setback? two buildings cannot both claim a space requirement.

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Commented [LP20]: Lighting, 15.22-7 states a building permit is needed to install outdoor lighting. And such lighting must comply with the ordinance.

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15.16.7 Permitted Signs

The height, size, and location of permitted Commercial signs shall be in accordance with the regulations set forth in the Huntsville Town Signs Title 15.21.

15.16.8 Planned Residential Unit Developments (PRUDS)

Planned Residential Unit Developments (PRUDS) are not allowed in the A-3 zone.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Section 4: Effective date. This Ordinance shall be effective immediately upon posting or publication after final passage.

ADOPTED AND APPROVED on this 2nd/⁶th day of ~~June~~May, 2022.

RICHARD L SORENSEN, Mayor

ATTEST:

BECKKI ENDICOTT, Town Clerk

RECORDED this 2nd/⁶th day of ~~June~~May, 2022.

POSTED this 2nd/⁶th day of ~~June~~May, 2022.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the Town Clerk of Huntsville Town, Utah, hereby certify that foregoing Ordinance was duly passed and posted at 1) Huntsville Town Hall and 2) www.pnn.org on the above referenced dates.

BECKKI ENDICOTT, Town Clerk

DATE: 6/22/2022