



HURRICANE CITY UTAH

City Council

*Drew Ellerman
Joseph Prete
Dave Imlay
Lynn Excell
Amy Werrett*

Mayor

City Manager

Clark Fawcett

Kaden DeMille

Hurricane City Council Meeting Agenda

June 4, 2026

3:30 PM

City Council Chambers 147 N 870 W, Hurricane

Notice is hereby given that the City Council will hold a Regular Meeting in the City Council Chambers 147 N 870 W, Hurricane, UT. [Meeting Link on Webex](#) Meeting number: 2630 456 5376 Meeting password: HCcouncil Join from a video or application Dial 26304565376@cityofhurricane.webex.com. You can also dial 173.243.2.68 and enter your meeting number. Join by phone +1-415-655-0001 US Toll Access code:26304565376. A silent roll call will be taken, followed by the Pledge of Allegiance and prayer by invitation. **THOSE WISHING TO SPEAK DURING PUBLIC FORUM MUST SIGN IN WITH THE RECORDER BY 6:00 P.M.**

3:30 p.m. Budget Work Meeting

1. Agenda Summary

5:00 p.m. Pre-meeting

6:00 p.m. - Call to Order

Prayer

Pledge of Allegiance

Declaration of any conflicts of interest

Minutes of the Regular City Council Meeting for May 7, 2026, and May 21, 2026

Public Forum – Comments from Public

Please Note: In order to be considerate of everyone attending the meeting and to more closely follow the published agenda, public comments will be limited to 3 minutes per person per item. A spokesperson representing a group to summarize their concerns will be allowed 5 minutes to speak. Repetitious commentary will not be allowed. If you need additional time, please request agenda time with Cindy Beteag in writing before 12:00 p.m. the Tuesday one week before the Council meeting.

OLD BUSINESS

1. Consideration and possible approval of **Ordinance 2026-10 Amending Title 10, Chapter 36** regarding sign regulations; File No. LUCA26-02; Hurricane City Planning, applicant - Gary Cupp
2. Consideration and possible approval of **Ordinance 2026-11 amending Title 10, Chapters 7 and 37** regarding conditional uses and height exceptions for flag poles; File No. LUCA26-03; Hurricane City Planning Department, applicant -Gary Cupp

NEW BUSINESS

1. Consideration and possible approval of **Resolution 2026-22 designating City-owned or controlled properties** where political and campaign signs may be displayed during election periods - Gary Cupp
2. Consideration and possible approval of **Chapters 6-8 of the Hurricane City Employee Policy** - Sel Lovell
3. Consideration and possible approval of **amending Chapter 1 of the Hurricane City Employee Policy** - Sel Lovell
4. Consideration and possible approval of **Zone Change Ordinance No. ZC26-07** to rezone a property located at 950 W 2060 S from Residential Agricultural (RA-0.5) to Light Industrial (M-1); File No. ZC26-07; Parcel No. H-3-2-10-3401; Scott Stratton, applicant; Karl Rasmussen, agent
5. Consideration and possible approval of **Zone Change Ordinance No. ZC26-08** to rezone a property located at 990 W 2060 S from Residential Agricultural (RA-0.5) to Light Industrial (M-1); File No. ZC26-08; Parcel Nos. H-3-2-10-3511, H-3-2-10-3501, H-3-2-10-3491; Sunland Properties and Kent Clayton, applicant; Karl Rasmussen, agent
6. Consideration and possible approval of **Zone Change Ordinance No. ZC26-09** to rezone a property located at 437 W 400 S from Single Family Residential (R1-10) to Multiple Family Residential (RM-1); File No. ZC26-09; Parcel No. H-231-L; Interstate Homes, applicant and agent
7. Consideration and possible approval of **Ordinance 2026-14 amending Title 10, Chapter 51** business license renewal and parking standards for whole-home vacation rentals and residential hosting facilities; File No. LUCA26-06; Hurricane City Planning Department, applicant -Gary Cupp
8. Mayor, Council, and staff reports
9. Closed Meeting held pursuant to Utah Code section 52-4-205, upon request

Adjournment

The undersigned City Recorder does hereby certify that the agenda was posted to the city website, posted to the state public notice website, and at the following locations: the City office, the post office, and the library on June 3, 2026. Cindy Beteag, City Recorder

REASONABLE ACCOMMODATION: Hurricane City will make efforts to provide reasonable accommodations to disabled members of the public in accessing City programs, please contact the City Recorder, 435-635-2811 x 106, at least 24 hours in advance if you have special needs.

Agenda Summary for Hurricane City Council June 4, 2026

3:30 p.m. Budget Work Meeting

5:00 p.m. Pre-Meeting

6:00 p.m. Call to Order

Minutes for May 7, 2026, and May 21, 2026.

Old Business

1. May 21, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

Background:

This item was continued at the May 21, 2026, City Council meeting to allow further consideration of the proposed sign ordinance update, particularly, with respect to the provisions pertaining to video display signs, termed “electronic message centers” in the code. As currently proposed, video display signs would be afforded the same size standard that applies to other signs (i.e., up to 200 square feet). The Council felt the size limit should be more controlled for video screens and directed staff to suggest an alternative standard. Therefore, staff proposes the following potential size limits for electronic message center signs:

- **100 square feet on properties with up to 200 feet of frontage.**
- **The screen size may be increased by an additional 50 square feet for each additional 200 feet of frontage, not to exceed a maximum screen size of 200 square feet.**

Alternatively, should the City Council decide to simply adopt a reasonable maximum size limit for all such signs, staff would suggest 100 square feet. To provide some perspective, some notable signs around town, including Applebees, Jellystone, Lonny Boy's, and the new Golden West Credit Union signs are about 100 square feet in size.

Findings: N/A

Recommendation: Staff recommends approval of the proposed revisions to the sign ordinance along with any changes the Council decides.

2. June 4, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

Background/Request:

This ordinance update was prepared by staff in conjunction with the sign ordinance update. It is proposed that the height of flagpoles be limited to the maximum height of buildings in the applicable zone; a new conditional use permit process for taller flagpoles in nonresidential zones is also proposed. The suggested standards for

conditional use permits include consideration for health and safety and proximity to airports. This code update also requires a minor revision to Chapter 37, Section 10-37-11 that exempts flagpoles from the height ordinance. These amendments relating to flagpole heights were initially included in the sign ordinance update, but upon review by the City Attorney, it was decided that the proposed exceptions to allow higher flagpoles in nonresidential zones would be more appropriately reviewed under the conditional use process.

Planning Commission Review:

A public hearing was held at the May 14, 2026, Planning Commission meeting and no public comments or objections to the code update were received. Discussion among the commissioners was supportive of the proposed code update. Commissioner Smith asked whether the code update included a regulation, like the American Legion's flag code, requiring lighting of a flag if it is to be flown at night. The code currently does not propose such a requirement, although the City Council could consider adding one if they desire. The Planning Commission voted unanimously to recommend approval to the City Council.

Findings: N/A

Recommendation: Staff recommends approval of the land use code update.

New Business

1. June 4, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

The City is currently considering updates to the sign ordinance pertaining to political signs. One of the proposed updates recommends that political or campaign signs be allowed on certain City-owned or controlled properties, but that the specific properties be identified in a resolution to be approved by the City Council. Therefore, pursuant to, and pending approval of, the proposed updates to the City's sign ordinance, staff proposes the attached resolution to allow political signage on the following properties:

- City property located at 5 North 200 East and identified as Parcel No. H-131-B.
- City property located at the intersection of 700 West and 400 South, identified as Parcel No. H-3-2-3-4110, which shall include the small park area at this location north of Gould Wash.
- City property located at the intersection of 700 West and 2060 South, identified as Parcel No. H-3-2-10-3201.
- City-controlled property at Dixie Springs Park, 2939 South 3680 West, identified as Parcel No. H-4-2-13-223, with signs located north of the drive lanes and parking areas only.
- City property and detention basin area located at the intersection of Regional Park Road and 800 South.

Findings: N/A

Staff recommends that the resolution be approved.

2. Chapter Six (6)

Summary

The City's Personnel Policy Manual provides a comprehensive framework for the fair, safe, and effective management of our workforce. These policies support consistent hiring practices, employee well-being, compliance with state and federal law, and the overall operational integrity of the organization. The following summary highlights key areas of oversight and governance.

Recruitment, Selection, and Employment Practices

Establishes standardized processes for recruitment, selection, background checks, and onboarding.

Ensures hiring practices are equitable, non-discriminatory, and aligned with organizational needs.

Includes policies on nepotism, conflicting relationships, and outside employment to avoid bias or conflicts of interest.

Workplace Conduct, Safety, and Compliance

Defines expectations for professional behavior, including policies on harassment, workplace violence, social media use, and speech/expression.

Provides guidance on grievance procedures, personnel investigations, and disciplinary actions.

Includes drug- and alcohol-free workplace requirements, smoking and tobacco use guidelines, and illness and injury prevention and reporting.

Employee Support, Benefits, and Work Conditions

Covers compensation, classification, payroll administration, and overtime.

Outlines group insurance benefits, retirement, longevity bonuses, tuition aid, and miscellaneous benefits.

Provides policies regarding temporary modified-duty assignments, workplace accommodations, lactation breaks, and meal and rest periods.

Performance Management and Separation Processes

Establishes standards for employee performance evaluations to promote development and accountability.

Details procedures for discipline, separation from employment, and recognition programs such as years-of-service and retirement awards.

Ethics, Integrity, and Organizational Accountability

Includes conflict of interest guidelines and requirements for reporting fraud, waste, or abuse.

Supports transparent operations and reinforces ethical responsibility throughout the organization.

Chapter Seven (7)

Summary

The City's leave policies are designed to support employees through personal, medical, family, and civic obligations while ensuring continuity of services to the community. These policies provide structure, fairness, and legal compliance across a wide range of situations in which time away from work is needed.

Family and Medical Leave

Provides eligible employees with job-protected leave for serious health conditions, family care responsibilities, and the birth, adoption, or fostering of a child. This ensures individuals can address major life events without jeopardizing their employment.

Sick Leave

Allows employees to take paid time off for their own illness, medical appointments, or to care for immediate family members. This policy promotes employee health and reduces workplace exposure to illness.

Leave Donation Program

Enables employees to voluntarily donate accrued leave to colleagues experiencing significant medical hardships. This fosters teamwork, compassion, and mutual support within the organization.

Vacation and Holiday Leave

Vacation leave provides paid time off for rest, personal needs, and work-life balance. Holiday leave recognizes designated City holidays and ensures consistent compensation and scheduling.

Military Service and Jury Duty

Supports employees performing required civic and military responsibilities. Employees receive time away, with appropriate compensation, to fulfill mandatory service without negative impact on their employment status.

Bereavement Leave

Provides paid leave following the death of an immediate family member, allowing employees time to grieve and manage related personal responsibilities.

Administrative Leave

May be granted under specific circumstances requiring time away from work not covered by other forms of leave, while ensuring administrative and operational needs are maintained.

Leave Without Pay

Offers flexibility when employees require extended time away beyond their paid leave balances, subject to approval and operational considerations.

Together, these policies reflect the City's commitment to supporting employees through a wide range of life circumstances while maintaining consistent, transparent, and legally compliant workforce practices.

Chapter Eight (8)

Summary

The City's procedural policies outline the operational standards and detailed processes that guide employee conduct, resource management, safety practices, and administrative compliance. These procedures ensure consistency, transparency, and accountability across all departments.

Standards of Conduct for All Employees

Establishes expectations for ethical, professional, and responsible behavior. This framework supports a culture of integrity, respect, and compliance with City values and legal requirements.

Vehicle Use Procedure

Provides guidance for the safe, responsible, and authorized use of City vehicles. This includes requirements for licensing, maintenance reporting, and adherence to safety laws.

Purchasing and Physical Asset Management

Outlines standardized processes for purchasing goods and services and managing City-owned equipment and assets. These procedures ensure fiscal responsibility, proper documentation, and efficient stewardship of public resources.

Illness and Injury Prevention and Reporting

Details the steps employees and supervisors must follow to prevent workplace injuries and report incidents promptly. This procedure strengthens workplace safety and ensures compliance with regulatory standards.

Recruitment, Selection, and Background Checks

Defines the procedural steps for hiring, including advertising positions, evaluating candidates, and completing required background checks. These procedures promote equitable, consistent, and legally compliant hiring practices.

Payroll Administration Procedure

Describes the processes for time reporting, wage calculation, and payroll distribution. This ensures accuracy, accountability, and timely compensation for all employees.

Harassment, Discrimination, and Complaint Procedures

Provides clear steps for reporting, investigating, and resolving complaints of discriminatory or sexual harassment. This supports a safe and respectful workplace and ensures compliance with state and federal laws.

Investigating Fraud or Abuse

Outlines the procedures for reporting and evaluating allegations of fraud, waste, or abuse. This reinforces organizational integrity and ensures concerns are handled confidentially and objectively.

Hazard Communication Program

Ensures employees are properly informed about hazardous materials in the workplace,

including labeling, training, and safety data requirements. This program promotes a safe environment and reduces risk.

Together, these procedures strengthen day-to-day operations, safeguard City assets, and ensure consistent adherence to legal and ethical standards across the organization.

– Sel Lovell

3. The proposed change will give the City Manager the authority to make periodic revisions to the policy manual. – Sel Lovell

4. June 4, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

Background/Request

The applicant requests a zone change for approximately 1.67 acres located south of the Hurricane Fields Estates subdivision and west of the Hurricane Airport, from Residential Agriculture (RA-0.5) to Light Industrial (M-1). This property was previously approved for a three-lot residential subdivision, but the property owner's plans for the property have changed, since the applicant believes that because of proximity to the airport, along with the confluence of major roadways, such as 2060 S, 1150 W, and 2300 S, makes the property less suitable for residential-agricultural use.

Planning Commission Review

A public hearing was held at the May 28, 2026, Planning Commission meeting and no public comments or objections to the proposed zone change were received. This item was considered in conjunction with the adjacent zone change request ZC26-08.

Commissioner Goodfellow expressed concern about allowing further light industrial zoning in the subject area, since a previous similar zone change ZC25-21 was recently approved. The commission discussed the desirability (or rather undesirability) of expanded industrial uses by the airport, but eventually coming to a majority consensus to support the proposed zone changes if they will be subject to similar development agreements with the same restricted uses as ZC25-21.

Property Information

Location – 950 W 2060 S

Property Size – approx. 1.67 acres

Current Zoning – RA-0.5

General Plan – Rural Residential

Existing Development – Vacant and undeveloped land.

Parcel No. H-3-2-10-3401

Findings: Staff review of the four code-required approval standards for consideration of zone changes (See Hurricane City Code, Section 10-7-7(E)):

- Is the proposed amendment consistent with the goals, objectives, and policies City's General Plan? The proposed zoning is not consistent with the Rural Residential General Plan designation for this area. And although staff and the Planning Commission have discussed potential locations for future industrial development, this area has not been identified as one of those locations. In fact, the City has historically been firm in its position that this part of town should remain agricultural, which aligns with the General Plan's goals for the preservation of agricultural land (p. 26). On the other hand, there is an airport in close vicinity to the site, and the General Plan also advises that housing developments should not be located near "heavy industrial land uses" (p. 42). While airports are not typically considered heavy-industrial uses, an airport does have the potential to generate similarly disruptive impacts to residential areas, raising the same kinds of use-compatibility concerns. Thus, despite planning staff's prevailing conviction that the General Plan should be adhered to firmly, this may be a situation, due to the closeness of the airport, where it would be reasonable to allow some variance to that policy in order to permit a more compatible light-industrial use next to the airport.
- Is the proposed amendment harmonious with the overall character of existing development in the subject property's vicinity? The airport can be considered an industrial use in terms of built form since airport hangars resemble other light industrial buildings, although airport hangars are not located in the immediate vicinity of this property. Most of the other surrounding property is undeveloped, but there is a residential subdivision being constructed across the street to the north. Thus, the amendment is considered compatible with development in the immediate area.
- Will the proposed amendment adversely affect the adjacent property? M-1 zoning allows for a variety of possible uses from storage units to light manufacturing, but staff suggests that if the uses are limited with a development agreement, the zone change will not have adverse impacts on the surrounding areas.
- Are public facilities and services adequate to serve the subject property? Major roadway work is currently underway in the area, and the JUC did not express major concerns with utility availability.

Recommendation: Staff recommends approval subject to a development agreement limiting the uses and subject to staff and JUC comments.

5. June 4, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

Background/Request

The applicant requests a zone change for approximately 10.29 acres located south of the Hurricane Fields Estates subdivision and west of the Hurricane Airport, from Residential Agriculture (RA-0.5) to Light Industrial (M-1). The applicant believes that proximity to the airport, along with the confluence of major roadways such as 2060 S, 1150 W, and 2300 S, makes the property less suitable for residential-agricultural use.

Planning Commission Review

A public hearing was held at the May 28, 2026, Planning Commission meeting and no public comments or objections to the proposed zone change were received. This item was considered in conjunction with the adjacent zone change request ZC26-07.

Commissioner Goodfellow expressed concern about allowing further light industrial zoning in the subject area, since a previous similar zone change ZC25-21 was recently approved. The commission discussed the desirability (or rather undesirability) of expanded industrial uses by the airport, but eventually coming to a majority consensus to support the proposed zone changes if they will be subject to similar development agreements with the same restricted uses as ZC25-21.

Property Information

Location – 990 W 2060 S

Property Size – approx. 10 acres

Current Zoning – RA-0.5

General Plan – Rural Residential

Existing Development – Vacant and undeveloped land.

Parcel Nos. H-3-2-10-3511, H-3-2-10-3501, H-3-2-10-3491

Findings: Staff review of the four code-required approval standards for consideration of zone changes (See Hurricane City Code, Section 10-7-7(E)):

- ***Is the proposed amendment consistent with the goals, objectives, and policies City's General Plan?*** The proposed zoning is not consistent with the Rural Residential General Plan designation for this area. And although staff and the Planning Commission have discussed potential locations for future industrial development, this area has not been identified as one of those locations. In fact, the City has historically been firm in its position that this part of town should remain agricultural, which aligns with the General Plan's goals for the preservation of agricultural land (p. 26). On the other hand, there is an airport in close vicinity to the site, and the General Plan also advises that housing developments should not be located near "heavy industrial land uses" (p. 42). While airports are not typically considered heavy-industrial uses, an airport does have the potential to generate similarly disruptive impacts to residential areas, raising the same kinds of use-compatibility concerns. Thus, despite planning

staff's prevailing conviction that the General Plan should be adhered to firmly, this may be a situation, due to the closeness of the airport, where it would be reasonable to allow some variance to that policy in order to permit a more compatible light-industrial use next to the airport.

- ***Is the proposed amendment harmonious with the overall character of existing development in the subject property's vicinity?*** The airport can be considered an industrial use in terms of built form since airport hangars resemble other light industrial buildings, although airport hangars are not located in the immediate vicinity of this property. Most of the other surrounding property is undeveloped, but there is a residential subdivision being constructed across the street to the north. Thus, the amendment is considered compatible with development in the immediate area.
- ***Will the proposed amendment adversely affect the adjacent property?*** M-1 zoning allows for a variety of possible uses from storage units to light manufacturing, but staff suggests that if the uses are limited with a development agreement, the zone change will not have adverse impacts on the surrounding areas.
- ***Are public facilities and services adequate to serve the subject property?*** Major roadway work is currently underway in the area, and the JUC did not express major concerns with utility availability.

Recommendation: Staff recommends approval subject to a development agreement limiting the uses and subject to staff and JUC comments.

6. June 4, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

Background/Request

The applicant is seeking a zone change from Single Family Residential R1-10, one unit per 10,000 square feet to Multiple Family RM-1 for a currently vacant 0.24-acre lot for the purpose of building a duplex on the property. The lot is located along 400 S west of 400 W. The applicant has stated they would like to build a duplex on the property.

Planning Commission Review

A public hearing was held at the May 28, 2026, Planning Commission meeting. One letter comment from Kelsey Phelps (attached) in opposition was received, and there were approximately 10 speaker comments also in opposition to the requested zone change, and there was a large audience of the public who were in opposition to the requested zone change present as well. The comments opposed the zone change because the requested multifamily zone does not comply with the General Plan. The public comments also expressed concerns regarding water use, traffic safety on 400 South, and the incompatibility of multifamily buildings within a single-family neighborhood. The Planning Commission agreed with the majority of the comments

received. Commissioners Goodfellow and Smith stated, although not compliant with the General Plan, that the zone change still meets several goals and objectives of the General Plan. The other commissioners pointed out that two units could be accomplished with a single-family residence and an ADU without the need for a duplex, and that the zone change would adversely change the character of the neighborhood. The planning commission then motioned 6 to 2 to recommend denial primarily because the zone change does not meet the approval standards in the City Code, with Goodfellow and Smith voting against the motion.

Property Information

Location – 437 W 400 S

Property Size – approx. 0.24 acres

Current Zoning – R1-10

General Plan – Single Family

Existing Development – Vacant and undeveloped land.

Requested Density – 6 units per acre

Findings: Staff review of the four code-required approval standards for consideration of zone changes (See Hurricane City Code, Section 10-7-7(E)):

- Is the proposed amendment consistent with the goals, objectives, and policies City's General Plan? The General Plan Map designates this area as "Single Family", which advises densities consistent with R1-15, R1-10, R1-8, and R1-6. The proposed Multiple Family RM-2 zone does not comply with the general plan's Single Family designation for the site. Rezoning the property would create an inconsistency between zoning and the general plan where consistency currently exists. Although, it is recognized that the general plan is advisory in nature and not binding, and the City Council ultimately has discretion to approve a zone change that does not conform with the general plan if they deem the degree of inconsistency to be minimal or of no consequence. Nevertheless, it is not an advisable land-use practice to create inconsistencies between zoning and the general plan. Rather, it is generally expected that zone changes be approved in cases that maintain or improve consistency.
- Is the proposed amendment harmonious with the overall character of existing development in the subject property's vicinity? The surrounding area is largely developed with established single-family homes on comparatively larger lots, reflecting the traditional single-family residential character of the neighborhood. While single-family residences make up the predominant land use, there are also a number of duplexes in the vicinity, some of which appear to have been established under varying circumstances and levels of compliance over time. As a result, the presence of multifamily-style housing is not entirely uncommon in the area, and a single well-designed duplex may be generally consistent with existing development patterns found within the neighborhood.

- Will the proposed amendment adversely affect the adjacent property? Because the subject property is located within an established residential neighborhood and the existing zoning already allows for two dwelling units through the ADU ordinance, staff finds it unlikely that the proposed zone change would create adverse impacts on surrounding properties. The intensity of development would remain similar to what is already permitted, and the addition of a duplex on the lot is not expected to create substantial impacts related to traffic, density, or infrastructure.
- Are public facilities and services adequate to serve the subject property? The Joint Utility Committee had no significant concerns with the zone change request. Adequate utility availability and public services are generally sufficient to serve the property.

Recommendation: Based on the findings that the proposed zone change does not comply with the General Plan, along with the potential for future construction of a duplex that could be out of character with the surrounding single-family homes, staff recommends denial, and recommends the applicant apply to build a single-family home with an ADU to accomplish their goals for the property.

7. June 4, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

Background/Request:

This ordinance update was prepared at the direction of the Hurricane City Council in response to two separate issues related to whole-home vacation rentals and residential hosting facilities. The first issue pertains to renewal of whole-home vacation rental business licenses. Whole-home vacation rentals are single-family homes that are not owner-occupied that are rented on a short-term basis within otherwise long-term residential neighborhoods. In December of 2023, the City Council adopted an ordinance prohibiting issuance of new whole-home vacation rental licenses, while allowing existing license holders to transfer them to new owners if the property were sold. When a license is approaching expiration, the Business License Office mails a renewal notice 45 days prior to the license expiration date, and license holders have an additional 45 days after expiration to complete renewal process before the license lapses. If an existing license holder failed to renew their license within the required timeline, staff would send the license to the City Council for revocation due to failure to renew. At a public meeting, the City Council could then terminate or reinstate the license. Over the past couple of years, there have been several whole-home vacation rental business licenses that the owners failed to renew within the timeframe required by the code, and the City Council has expressed concern about the need to bring all of these cases to a public

meeting, and that permanent termination for the first renewal lapse may be overly restrictive; therefore, the Council has directed staff to prepare a code amendment to allow a one-time reinstatement option consisting of the payment of additional fees and the timely completion of the renewal process.

The second issue concerns parking regulations for whole-home vacation rentals and residential hosting facilities. Under the current ordinance, guests and visitors to these facilities are not permitted to park on public streets. Recently, there have been demands made by neighbors of some of these short-term rental uses that the City revoke business licenses solely because of guests to the vacation rentals parking on the street. The City Council has therefore directed staff to prepare an ordinance amendment allowing on-street parking for guests and visitors to whole-home vacation rentals and residential hosting facilities, provided all other parking requirements are met. Parking of recreational vehicles and trailers on public streets would remain prohibited under the proposed amendment, and owners would still be required to provide off-street parking at a rate of one space per bedroom.

Planning Commission Review:

A public hearing was held at the May 28, 2026, Planning Commission meeting and one written public comment objecting to the code update was received (attached). The comment objected to the removal of the on-street parking prohibition citing concerns about how the unmitigated parking of large vehicles with trailers would cause significant disruptions in residential neighborhoods. The Planning Commission's discussion was mostly related to the parking aspect of this code amendment, and they largely agreed with the commenter's concerns, and recommended that instead of removing the parking prohibition that it be modified as follows for sections 10-51-13 and 10-51-14 of the City Code: (Amended language as suggested by Planning Commission in italics.) "No tenant, guest, or other person visiting a residential hosting facility shall park on a public street beyond the frontage of the rental property."

The Planning Commission unanimously recommended approval of the proposed code update with their suggested changes cited above.

Findings: N/A

Recommendation: Staff recommends approval of the proposed land use code amendment.

8. Mayor, Council, and staff reports.
9. Tentative Close Meeting upon request.

1 Minutes of the Hurricane City Council meeting held on May 7, 2026, in the Council Chambers at
2 147 North 870 West, Hurricane, Utah at 4:30 p.m.

3 **Members Present:** Mayor Clark Fawcett and **Council Members:** Drew Ellerman, Joseph Prete,
4 Dave Imlay, Lynn Excell, and Amy Werrett.

5
6 **Also Present:** City Manager Kaden DeMille, City Attorney Dayton Hall, Public Works Director
7 Mike Vercimak, Assistant Public Works Director Weston Walker, Streets Superintendent
8 Hayden Roberts, Water Superintendent Kory Wright, City Planner Gary Cupp, Assistant Planner
9 Fred Resch III, , City Engineer Arthur LeBaron, Building Official Larry Palmer, Parks
10 Superintendent Darren Barney, HR Director Sel Lovell, Finance Manager Paige Chapman, and
11 City Recorder Cindy Beteag.

12
13 **AGENDA**

14 **4:30 p.m. Work Meeting**

15 1. Presentation and discussion on Storm Drain Utility Fees and Storm Drain Impact fees

16 Weston Walker gave a presentation regarding drainage and flooding issues identified
17 throughout the City. He reviewed the Street Department’s storm drain responsibilities,
18 including street sweeping, inlet box inspections, detention basin and swale maintenance, wash
19 cleaning, and MS4 requirements. He also presented a comparison of storm drain impact fees
20 and utility fees from surrounding communities. Mr. Walker reviewed the proposed project list
21 identifying areas needing improvements due to flooding deficiencies, undersized piping, or lack
22 of infrastructure, which formed the basis of the impact fee study. He then presented an
23 alternative funding option through property taxes, estimating an average increase of
24 approximately \$117 annually depending on property size. The presentation concluded with an
25 informational video from Millcreek explaining how storm drain fees are used to maintain and
26 improve drainage systems.

27 Mayor Fawcett asked the Council if they would like additional information to better explain the
28 proposal to residents. Councilwoman Werrett commented that the presentation was well done.
29 Councilman Imlay asked about equipment available to remove sand and debris. Mr. Walker
30 stated the Street Department currently has a truck and recently received a quote of
31 approximately \$550,000 for a new vac truck. Councilman Imlay noted concerns about potential
32 late summer storms and the need to be prepared for flooding before improvements are
33 completed. Mr. Walker explained staff actively monitor storm activity and conditions
34 throughout the City during storm events. Councilman Excell requested a detailed list of projects
35 that would be completed with the proposed fee increase so residents could better understand
36 how the funds would be used. Kaden DeMille clarified that the City already collects a monthly
37 storm drain utility fee and the proposal would increase the existing fee. Councilman Excell
38 expressed concern about implementing a fee increase without ensuring adequate long-term
39 funding and asked if bonding options could be considered to address some projects sooner. Mr.

40 DeMille stated bonding options could be reviewed to determine the best approach. Cindy
41 Beteag asked if the Council wanted to schedule the public hearing on the next agenda. The
42 Council directed staff to make a public announcement and hold workshop prior to scheduling
43 the public hearing.

44 **5:00 p.m. Pre-meeting** - Discussion of Agenda Items, Department Reports

45 Larry Palmer stated that since the last meeting, the City has issued permits for nineteen single-
46 family homes, four townhomes, and one twin home. He stated the Rush Funplex is nearing
47 completion and is anticipated to open by the end of the month. The facility will include go-
48 karts, laser tag, game rooms, party rooms, a bowling alley, kitchen, bumper cars, and a climbing
49 wall.

50 Darren Barney reported the pickleball courts are nearing completion and are anticipated to
51 open to the public by Friday evening. He noted the area on the east side will require a few
52 additional weeks to complete, but the remainder of the facility will be open. Kaden DeMille
53 stated there is already interest in scheduling tournaments and noted the Council will need to
54 determine an appropriate fee structure. Mr. Barney also reported that the Power Department
55 completed augering the light pole bases at Veterans Park, and park staff will begin trenching
56 work tomorrow. He stated the project is moving forward again. He added that his crew is
57 currently focused on preparing and cleaning the cemetery for Memorial Day.

58 Sel Lovell reported there are currently no new hires to introduce. He stated there are four open
59 positions, including Finance Manager, Parks Custodian, part-time Gym staff, and Utility Clerk.
60 He added that two additional positions for an Evidence Technician and Streets Operator will be
61 posted next week. Mr. Lovell also reported he is working on several projects, including website
62 updates, the privacy policy, ADA compliance, and updates to the policy manual.

63 Kory Wright announced there are two employees who have completed their CDL certification
64 this week, with a third employee still in testing. He also stated two employees will receive
65 asbestos certification next week. He reported the walls of the Sky Ranch Water Tank have been
66 completed, and work on the lid is scheduled to begin next week. He stated the Sky Ranch Well
67 reached 500 feet today, while the Goulds Wash Well is currently at 420 feet but drilling
68 operations are temporarily down due to equipment issues. He added staff are continuing
69 efforts to become SWPPP compliant. He stated a meeting was held yesterday with other
70 entities regarding failing infrastructure, which he felt was a positive step forward.

71 Mike Vercimak stated they will start on the AWOS project at the airport on Monday. A
72 preconstruction meeting for Exceptional Healthcare and a new dental office was held this week.

73 Paige Chapman stated an additional budget work meeting will need to be scheduled. She
74 suggested looking at the first week of June and asked the Council to review their calendars so a
75 meeting date can be set at the next meeting. She mentioned she plans to continue working
76 through the end of June to assist with training her replacement.

77 Hayden Roberts reported that the Streets Department is currently repairing a failure on 920
78 West. He stated a preconstruction meeting was held for the chip seal project, which is
79 scheduled to begin on May 13th. Sweeping operations will take place at night, and notifications
80 will be sent to residents in advance. He stated the slurry seal project is scheduled for
81 preconstruction in June.

82 Weston Walker reported that they have approved three construction drawing plans consisting
83 of Sky Mountain Clubhouse, Hurricane Storage, and Core Main.

84 Arthur LeBaron requested New Business Item 16 be continued to the next meeting to allow for
85 additional internal review. He stated a grant application submitted for the project was recently
86 awarded. He stated he has been working on the second access to Sand Hollow State Park, with
87 the initial phase focused on completing the off-ramps, which will be advertised soon. He stated
88 there was a recent fatal pedestrian accident on State Street. SR-9 has been identified as a high-
89 risk corridor, and grant opportunities are available to improve pedestrian safety. He added that
90 reviews will begin soon to evaluate traffic calming measures. Councilman Excell stated he has
91 received multiple requests for dedicated turn lanes at 1150 West, 700 West, 300 West, and
92 Main Street, noting concerns about traffic flow and drivers attempting to “shoot the gap.” Mr.
93 LeBaron responded that UDOT is aware of the concerns and discussions are ongoing regarding
94 possible improvements. He further reported the environmental impact study for Gould’s Wash
95 is nearing completion, and he anticipates a record of decision soon. He stated he will be
96 working with Lance Smith on a request for design funding.

97 Gary Cupp mentioned there is a full Planning Commission agenda next week with half of the
98 items potentially coming to the Council.

99 Fred Resch III stated that enforcement letters regarding tumbleweeds have been sent out. The
100 Planning Commission approved a plat for five more Villas at Sand Hollow and a site plan for a
101 hotel in Coral Junction. He thanked everyone that came to the cleanup and closed by stating
102 Dumpsters Day will be May 18th-20th.

103 Mayor Fawcett stated he intends to have presentations heard prior to Old Business items in
104 order to improve meeting flow and facilitate public attendance.

105 Dayton Hall requested that New Business Item 10, relating to the franchise agreement, be
106 continued to a future meeting due to questions that arose earlier in the day from the Power
107 Department.

108 Kaden DeMille reported that the pool project is progressing, with work currently focused on the
109 retaining wall, footing, and underground plumbing. He stated vertical construction is expected
110 to begin by the end of the month. He noted that rock was encountered beneath the pool area,
111 requiring additional excavation work, which is expected to take only a few days to complete.

112 Cindy Beteag reminded the Council to submit their responses from the Retreat so she can
113 compile the results. She stated she will be taking the following Friday off and asked whether the
114 Council preferred to receive all Planning Commission items in the packet on Thursday with

115 potential updates on Monday, or to include only approved items on Monday. The Council
116 indicated a preference to include the items on Thursday. Ms. Beteag also noted that the Privacy
117 Policy was not included with New Business Item 11. She stated a printed copy was placed in
118 front of the Council, but she indicated the item would need to be continued if additional review
119 time was desired. Mr. Lovell stated he would prefer the item to be continued to allow for a
120 thorough review.

121 **6:00 p.m. - Call to Order –**

122 Mayor Fawcett welcomed everyone and called the meeting to order.

123 Prayer: Hartley Iverson

124 Pledge: Evelyn Eggleston

125 Declaration of any conflicts of interest

126 None declared.

127 Minutes of the Regular City Council Meeting for April 2, 2026 and April 16, 2026

128 Lynn Excell motioned to approve the April 2, 2026, and April 16, 2026, minutes as written.
129 Seconded by Dave Imlay. Motion carried unanimously.

130 Mayor Fawcett took new business items 1, 2, and 3 out of order and addressed them next.
131 These minutes are in order of the agenda.

132 **Public Forum – Comments From Public**

133 **OLD BUSINESS**

134 **1.** Consideration and possible approval of Zone Change Amendment Ordinance No.
135 ZC26-05 to rezone a 0.522-acre portion of a 8.36-acre property located at 630 S 60
136 E from Residential Agriculture RA-1 to Single Family Residential R1-10; File No.
137 ZC26-05; parcel no. H-362; Samantha Hinton, applicant

138
139 Gary Cupp stated the item is a zone change request and noted the first step in the process is
140 public notice. He reported a public hearing was held at the Planning Commission, where he
141 observed some misinformation among neighboring property owners. He explained the request
142 involves rezoning approximately one-half acre of the property to single-family residential to
143 allow for one home. He stated the proposal would not create a subdivision or multi-family
144 development and would not significantly increase traffic. He further noted that approval of the
145 request would not open the door to additional development, as such potential already exists
146 under current conditions. Mr. Cupp stated the request meets the requirements for a zone
147 change and has been reviewed by the JUC Committee, which recommended approval.
148 Councilman Prete asked whether a half-acre zoning designation would be feasible. Mr. Cupp
149 stated the lot width would not accommodate half-acre zoning and reiterated that the site
150 would support only one home. Councilman Ellerman asked what roadway improvements would
151 be required on Main Street if the request were approved. Mr. Cupp stated a fire turnaround,

152 such as a cul-de-sac or T-turnaround, would be required. Councilman Imlay clarified that a
153 home could be constructed on the property under the current zoning without the requested
154 change.

155
156 Samantha Hinton stated the proposal preserves as much of the property in agricultural use as
157 possible and is consistent with surrounding zoning. She noted her intent is to sell the home and
158 that they would be required to subdivide the property in order to do so. Councilman Excell
159 asked whether curb, gutter, and sidewalk improvements would be required. Arthur LeBaron
160 responded that improvements would be required on the west side as well as half of the
161 roadway. Councilman Prete confirmed that, if approved, a lot split would be the next step in the
162 process.

163
164 Kyle Ballard asked those in attendance who opposed the request to raise their hands. He stated
165 there was confusion at the Planning Commission meeting regarding how the motion was made,
166 noting one motion failed before a revised motion was subsequently approved. He presented a
167 petition in opposition to the request, stating it contained signatures from approximately 95
168 percent of surrounding property owners. He expressed concerns that approval would set a
169 precedent for similar requests. He referenced fire access and turnaround requirements, citing
170 Hurricane City Code IFC Section 3.2.4.5, and stated these requirements were not addressed
171 during the Planning Commission meeting. He stated South Main is already out of compliance
172 with fire turnaround requirements and that approval of the request would exacerbate existing
173 issues. He also noted that garbage trucks currently must back down the street to exit the area.
174 He stated that connecting Main Street and 60 East is not feasible due to the narrow roadway
175 width, which he indicated is approximately 16 to 20 feet in some areas with no capacity for
176 widening. He concluded by stating that property owners do not have a constitutional right to a
177 zone change, only to the existing zoning designation, and stated the Council may deny the
178 request if it does not meet public health and safety considerations.

179
180 Bruce Ballard stated the request is not about a single home, but the potential for additional
181 development, noting that more homes could already be built on the property under existing
182 zoning. He referenced the requirement to protect the health, safety, and general welfare, and
183 questioned whether that standard applies equally to all parties. He expressed concern that
184 additional development requests would follow in the future. He referenced the Planning
185 Commission minutes and expressed concern regarding the voting process, stating the item
186 should not have been voted on a second time. He stated the Council is not obligated to follow
187 staff recommendations as they are the elected decision-makers. He further stated that 60 East
188 is already experiencing increased traffic from the Three Falls Trailhead and expressed concern
189 that additional development would worsen traffic conditions in the area.

190
191 Mayor Fawcett requested Dayton Hall explain the Planning Commission motion. Mr. Hall stated
192 seven commissioners were present. He explained the first motion, which recommended
193 approval, failed with three votes in favor and four against. He stated no recommendation was

194 made at that point due to the majority opposition. Mr. Hall noted that after additional
195 discussion, a second motion to recommend approval was made and passed by majority vote,
196 and he stated the process followed proper procedure. Mayor Fawcett stated all applicable
197 requirements are reviewed and must be met prior to any building approval. He also noted
198 additional written opposition had been received and was provided to the Council. Councilman
199 Imlay confirmed that if the request is approved, any future subdivision would require a formal
200 subdivision process. Councilwoman Werrett asked whether low water pressure in the area was
201 a concern. Kory Wright stated it would not be an issue for a single lot and explained that a
202 water loop would be required if a lot exceeds 600 feet from the intersection.

203
204 Councilman Prete confirmed half-acre zoning would not be feasible due to frontage
205 requirements and asked whether the lot could be reconfigured to meet those standards. Mr.
206 Cupp stated approximately 100 feet of frontage would be required for half-acre zoning.
207 Councilman Excell asked about depth requirements, and Mr. Cupp stated there are none.
208 Councilwoman Werrett asked whether the road in question is narrower than other areas in the
209 City. Mayor Fawcett responded that 60 East is narrower, while Main Street is only
210 approximately one foot narrower than the road in front of his house. Councilman Prete noted
211 the request would extend R1-10 zoning south, and that zoning already exists adjacent to the
212 property. He stated the Council's role is to evaluate the proposal based on relevant
213 considerations rather than hypothetical outcomes. Mr. Hall recommended the Council clearly
214 state findings when making a motion for approval or denial. Councilman Prete expressed
215 preference for a revised lot configuration to allow for a larger lot. Councilman Ellerman noted
216 there are no surrounding half-acre lots and stated R1-10 is the most compatible zoning
217 designation for the area. Mr. Cupp agreed, stating the lot could potentially be reconfigured but
218 R1-10 is the most appropriate fit and that half-acre zoning does not align with the General Plan.
219 He added that distance from the intersection to the cul-de-sac will limit the number of
220 allowable lots.

221
222 Dave Imlay motioned to approve Zone Change Amendment Ordinance No. ZC26-05 to rezone a
223 0.522-acre portion of a 8.36-acre property located at 630 S 60 E from Residential Agriculture
224 RA-1 to Single Family Residential R1-10 based on staff and Planning Commission's
225 recommendation and based on the request meeting the four criteria for a zone change.
226 Seconded by Amy Werrett. Motion carried with Drew Ellerman, Dave Imlay, Lynn Excell, Amy
227 Werrett voting aye. Joseph Prete voted nay.

228 **NEW BUSINESS**

229 **1. Presentation from the Three Falls Elementary Student Council**

230 Jennifer Eggleston, Principal of Three Falls Elementary School, thanked the Council for their
231 time and introduced Student Council representatives serving on the Safe Routes Committee.
232 She stated their primary concern is safety along 900 South. She noted the issue had been
233 previously presented to the Council and some improvements were made; however, concerns
234 remain. Student Council representatives each addressed the Council and described safety

235 hazards for students walking to school. Proposed solutions included installing sidewalks to
236 separate pedestrians from traffic, adding signage to increase awareness, and marking
237 designated walking areas with paint.

238 Ms. Eggleston added that the group met with Arthur LeBaron to discuss additional options,
239 including converting 900 South to a one-way street or installing rubber bollards. She also noted
240 the school resource officer regularly assists with traffic control in the area. She concluded by
241 expressing the school’s strong concern and request for action to improve student safety.

242 **2. Announcement of the 5th Grade Give Me Liberty award winners**

243 Principal Jennifer Eggleston explained that United We Pledge offers a “Give Me Liberty”
244 program in which students must complete 29 requirements to earn a medal. She outlined the
245 requirements associated with the bronze, silver, and gold medal levels. Ms. Eggleston then
246 recognized and congratulated the Give Me Liberty award recipients.

247 **3. Reading of her award-winning essay by Mia Ballard**

248 Mia Ballard read her award-winning essay from the Give Me Liberty competition.

249 **4. Public Hearing to take comments on the following:**

250 Joseph Prete motioned to go into a Public Hearing at 7:06 p.m. Seconded by Amy Werrett.
251 Motion carried unanimously.

252 a. Preliminary Budget for 2026-2027

253 No comments.

254 b. A request for disposal of property in Falcon Ridge parcel # H-FAL-4-COMMON

255 Becky Zitting, applicant, stated she and her husband purchased the property located behind the
256 subject lot. She explained the adjacent property owner was willing to sell only to the City due to
257 a utility easement crossing the property. It was noted that discussion of the item would be
258 addressed later in the agenda. There were no public comments.

259 c. A request for abandonment and vacation of easements near 90 North and 3200
260 West

261 No comments.

262 Dave Imlay motioned to go out of a Public Hearing at 7:08 p.m. Seconded by Drew Ellerman.
263 Motion carried unanimously.

264 **5. Consideration and possible approval of Resolution 2026-21 Approving the 2026-2027**
265 **Preliminary Budget - Paige Chapman**

266 Paige Chapman referenced her executive summary included in the packet and presented an
267 overview of the proposed Citywide budget. She stated the total proposed budget prior to any
268 reductions is \$134,316,836, which reflects an increase of approximately \$10 million from the
269 previous year, primarily due to project-related costs. She reported that the General Fund totals

270 \$25.8 million, representing a 17% increase, and highlighted several major project requests
271 contributing to the increase. She noted the Buildings and Grounds budget includes funding in
272 preparation for a future bond payment related to the City campus. She stated Special Revenue
273 Funds show a decrease in highway sales tax due to completion of projects, and the Airport
274 Revenue Fund decreased due to repayment of the AWOS grant. She reported Capital Project
275 Funds decreased due to prior-year equipment purchases in the Golf Maintenance Department.
276 She also noted funding allocated to the Veterans Memorial Fund to support project completion.

277 She stated Street Impact Funds increased by approximately \$6.9 million due to scheduled
278 roadway improvements, while Public Safety Impact Funds remained unchanged. She reviewed
279 additional Capital Project, Enterprise, Trust and Agency, and RDA Funds, explaining increases
280 and decreases based on project needs and funding sources. She also noted the Theater was
281 removed from the General Fund and placed into a separate fund to allow for reinvestment of
282 its revenues into programming and operations. She reported that the General Plan budget
283 reflects a 17% increase due to conversion of field lighting to LED and wage adjustments. She
284 stated Animal Control is requesting two new positions and a vehicle. Councilman Ellerman
285 asked whether the increase in the Electric Fund was primarily due to impact fees. Ms. Chapman
286 confirmed it included both impact fee-eligible projects and cash-funded expenditures. Kaden
287 DeMille added that a portion of the fund is allocated for the Sky Mountain Substation, noting
288 anticipated changes in development patterns may require adjustments to substation planning.
289 Ms. Chapman concluded by stating it is typical for the General Fund to be out of balance at this
290 stage of the process and noted the Council will need to identify approximately \$3 million in
291 reductions prior to final adoption.

292 Joseph Prete motioned to approve Resolution 2026-21 Approving the 2026-2027 Preliminary
293 Budget. Seconded by Dave Imlay. Motion carried unanimously by a roll call vote.

294 Mayor Fawcett took new business item 6 out of order and addressed it next. These minutes are
295 in order of the agenda.

296

297 7:30 p.m. - Recognition of the HHS basketball team and state champion wrestlers

298

299 Coaches from the HHS lacrosse, basketball, and wrestling teams introduced their respective
300 student-athletes. The athletes were recognized for their outstanding performances throughout
301 the season.

302

303 **6. Consideration and possible approval of awarding the bid to reconstruct the apron at the**
304 **Hurricane City Municipal Airport - Mike Vercimak**

305

306 Mike Vercimak stated that in 2022, the Bipartisan Infrastructure Law (BIL) provided additional
307 funding through the FAA, making the City Airport eligible for grant assistance. He reported that
308 the Airport Board and consultants evaluated potential uses for the funding and determined that
309 reconstruction of the airport apron was the most appropriate project. The project was
310 subsequently included in the Capital Improvement Plan in 2020 and approved by the City

311 Council, allowing staff to proceed with engineering and bidding. He stated the Airport Board
312 and staff are recommending awarding the bid to Mel Clark Incorporated in the amount of
313 \$556,755. Councilman Prete asked for clarification on the term “apron” and inquired about the
314 City’s financial contribution. Mr. Vercimak explained the apron refers to the paved area in front
315 of the hangars between the runway and stated the City’s share is \$42,966, with UDOT
316 contributing \$198,675 and the FAA contributing \$329,666. He added that the first phase of the
317 project will begin at the taxiway and extend north to the first set of hangars.

318
319 Drew Ellerman motioned to award the bid to reconstruct the apron at the Hurricane City
320 Municipal Airport to Mel Clark Incorp. in the amount of \$556,755. Seconded by Joseph Prete.
321 Motion carried unanimously by a roll call vote.

322
323 **7. Consideration and possible approval of a Reimbursement Agreement with JEBO LLC**
324 **regarding a water line upsized - Arthur LeBaron**

325 Arthur LeBaron explained that a developer extended the water line on 600 North and the City
326 will reimburse the developer for upsizing the pipe from 8-inch PVC to 12-inch ductile iron. He
327 stated staff have reviewed the costs and are recommending approval of the reimbursement.
328 Councilman Excell asked whether the reimbursement would be issued as cash or water impact
329 fee credits. Mr. LeBaron responded that the reimbursement will be provided in the form of
330 impact fee vouchers equivalent to the approved dollar amount.

331 Drew Ellerman motioned to approve the Reimbursement Agreement with JEBO LLC as shown in
332 the packet. Seconded by Lynn Excell. Motion carried unanimously by a roll call vote.

333 **8. Consideration and possible approval of the reassignment of hangar 5S 3E to Motive**
334 **Aero LLC - Mike Vercimak**

335 Dayton Hall explained the item is a lease for an airport hangar pad originally approved in 2018.
336 He stated the request is to reassign the hangar lease to a new party. Mr. Hall noted the Airport
337 Board has reviewed the request and recommended approval; however, final approval of the
338 reassignment is required by the City Council.

339 Dave Imlay motioned to approve the reassignment of hangar 5S 3E to Motive Aero LLC.
340 Seconded by Amy Werrett. Motion carried unanimously.

341 **9. Consideration and possible approval of local consent for a single event liquor license at**
342 **Pecan Valley Resort - Chris Wylor**

343 TJ Packer explained that the resort will be holding a grand opening during Memorial Day
344 weekend, which will include concerts. He stated the establishment currently holds a restaurant
345 liquor license, but they are requesting approval for a beer garden on the second level for two
346 days. He noted a map was provided showing compliance with applicable requirements.

347

348 Councilman Imlay clarified that the request is for a beer garden only and not a single-event
349 liquor license. Cindy Beteag stated that the application submitted reflects a single-event liquor
350 license and the local consent would need to be updated if the request is limited to a beer
351 garden. Councilman Excell confirmed the application meets all applicable requirements.

352 Dave Imlay motioned to approve local consent for a beer garden license at Pecan Valley Resort
353 for the dates requested on application. Seconded by Amy Werrett. Motion carried
354 unanimously.

355 **10. Consideration and possible approval of a Franchise Agreement with Forged Fiber 37, LLC**
356 **- Dayton Hall**

357 Phil Hammond, Construction Manager for Forged Fiber, was present. Dayton Hall stated staff
358 prepared a franchise agreement in accordance with ordinance requirements. He noted the
359 Power Director could not attend tonight's meeting and he had additional questions; therefore,
360 staff recommended the item be continued. However, since a representative was present, the
361 Council was invited to ask questions. Mr. Hall asked Mr. Hammond to describe the scope of the
362 utility. Mr. Hammond explained that Lumen sold its fiber-to-home operations to AT&T and that
363 Forged Fiber 37 is a subsidiary of AT&T. He stated the company will provide fiber-to-the-home
364 service for residents. He explained they will be overpulling existing copper cables within current
365 conduit and may utilize microtrenching methods. He offered to meet with staff for further
366 review of their construction processes. Councilman Imlay asked how many dark fiber pairs
367 would be installed. Mr. Hammond stated service is received from Lumen to a midpoint, after
368 which fiber is extended to individual residences using microfiber technology. Mayor Fawcett
369 confirmed that a buildout schedule has been established.

370 Drew Ellerman motioned to table the Franchise Agreement with Forged Fiber 37, LLC to allow
371 the parties to meet and have further discussions. Seconded by Lynn Excell. Motion carried
372 unanimously.

373 **11. Consideration and possible approval of Resolution 2026-20 Adopting a Privacy Program**
374 **Policy - Sel Lovell**

375 Sel Lovell explained the item should have been implemented the previous year and is required
376 by the State. He stated the proposed policy is a template provided and recommended by the
377 State Department. Mr. Lovell noted Mr. Hall reviewed the policy and indicated some state code
378 references are outdated and will require updates once the code is revised. Mayor Fawcett
379 confirmed that a public statement would be required regarding the collection of information.
380 Mr. Lovell stated the City will develop a QR code for public access explaining why data is
381 collected and how it is used. He also noted annual employee training is required under the
382 policy. Councilman Werrett confirmed that violations must be reported. Mr. Lovell stated the
383 policy was not included in the packet and requested the Council have additional time to review
384 it prior to taking action.

385 Joseph Prete motioned to continue Resolution 2026-20 Adopting a Privacy Program Policy to
386 the next meeting. Seconded by Lynn Excell. Motion carried unanimously.

387 **12.** Consideration and possible approval of Ordinance 2026-08 Approving the Abandonment
388 and Vacation of Easements on parcels H-WALM-A-1, H-3-1-31-3000, H-3-1-31-321, H-3-
389 1-31-30091, near 90 North and 3200 West - Arthur LeBaron

390 Arthur LeBaron explained that the Sky Rim project east of Walmart includes both existing and
391 newly installed infrastructure. He stated the request involves abandoning easements that are
392 no longer needed in order to accommodate development moving forward. He noted the
393 request has been reviewed by the JUC Committee and staff, who are recommending approval.
394 He added that utility lines have been rerouted for power and water. Councilman Imlay
395 expressed concern regarding the loss of power easements. Chase Stratton stated there is a
396 development agreement between his company and Sky Rim indicating that the 90 North Road
397 and access from 290 North are contingent upon rerouting utilities into designated corridors. He
398 further stated water easements are being relocated into larger utility corridors and off private
399 property and noted plans for future building along SR-9. He confirmed all utility relocations
400 have been completed and are functioning. Councilman Imlay noted the original easements
401 were intended to be temporary pending future development. Mr. Stratton stated there is also a
402 cross-access agreement with the Walmart subdivision. Councilwoman Werrett asked whether
403 approval should be delayed until all easements are fully in place. Mr. LeBaron responded that
404 the motion includes a condition ensuring easements will not be formally abandoned until all
405 required relocations are completed.

406 Amy Werrett motioned to approve Ordinance 2026-08 Approving the Abandonment and
407 Vacation of Easements on parcels H-WALM-A-1, H-3-1-31-3000, H-3-1-31-321, H-3-1-31-30091,
408 near 90 North and 3200 West. Seconded by Drew Ellerman. Motion carried unanimously by a
409 roll call vote.

410 **13.** Consideration and possible approval of Ordinance 2026-09 Approving the disposal of
411 surplus property located in Falcon Ridge parcel #H-FAL-4-COMMON - Dayton Hall

412 Dayton Hall explained that in the Falcon Ridge area, a parcel labeled as a “common area” is
413 privately owned and not City property. He stated that at the time of platting, the City retained
414 an access and utility easement across the parcel. He noted the designation as “common area” is
415 misleading, as it is not an association-owned common area, and indicated the arrangement was
416 originally intended to provide access to two parcels located behind it. He stated the City was
417 approached by Bill Zitting, who is purchasing the two rear parcels. He explained the property
418 owner of the intervening parcel was unwilling to sell to Mr. Zitting but was willing to sell to the
419 City due to the existing easement. Staff subsequently worked with Mr. Zitting to structure a
420 three-way simultaneous closing in which Mr. Zitting would fund the purchase of the property,
421 the City would accept ownership of the property and immediately deed the property to Mr.
422 Zitting. He noted the City has no financial investment in the transaction and is serving only as a
423 facilitator. He added that Mr. Zitting engaged a realtor and surveyor to prepare contracts and
424 certify legal descriptions. Councilman Ellerman asked about elevation changes on the property.
425 Mike Vercimak stated the terrain is traversable and reiterated that the existing easements
426 provide access to the rear parcels. Becky Zitting reviewed the proposed layout and home

427 location. Mr. Hall stated the City would retain a 10-foot easement, resulting in minimal risk to
428 the City. Councilwoman Werrett asked why the owner could not sell directly to Mr. Zitting. Mr.
429 Hall stated he had not had direct discussion with the owner regarding that alternative but
430 understood that the owner would only sell to the City.

431 Drew Ellerman motioned to approve Ordinance 2026-09 Approving the disposal of surplus
432 property located in Falcon Ridge parcel #H-FAL-4-COMMON. Seconded by Amy Werrett. Motion
433 carried unanimously by a roll call vote.

434 **14.** Consideration and possible approval of Ordinance 2026-10 Amending Title 10, Chapter
435 36 regarding sign regulations; File No. LUCA26-02; Hurricane City Planning, applicant -
436 Gary Cupp

437 Gary Cupp explained the proposed ordinance originated to address election campaign signage
438 and includes provisions defining and regulating signs in accordance with State law. He stated
439 that while updating those sections, staff also incorporated additional housekeeping revisions to
440 improve clarity within the code and address electronic signage. Mr. Cupp reported the Planning
441 Commission held multiple work sessions and is recommending approval of the draft presented
442 to the Council. Councilman Excell confirmed enforcement would be handled by code
443 enforcement and stressed the importance of addressing existing violations. Councilman
444 Ellerman stated staff has the Council's full support in resolving current signage violations.
445 Councilman Prete noted the proposed changes would significantly impact election signage
446 regulations. Councilwoman Werrett suggested providing candidates with a map identifying
447 approved sign locations. She also referenced Section J.4 regarding the requirement to remove
448 campaign signs within three business days, stating that timeframe may be difficult for working
449 candidates and suggesting it be extended to one week. Councilman Ellerman expressed concern
450 that extending the timeframe could lead to delayed compliance, suggesting the original three-
451 day requirement remain with a short grace period. Councilman Excell disagreed with a grace
452 period, stating the requirement should be clear and consistently enforced. He recommended
453 extending the removal timeframe to five days to allow candidates additional time, particularly
454 over weekends.

455 Councilman Prete stated he does not support electronic signs becoming standard within the
456 City. Mr. Cupp explained electronic signs are currently permitted without specific regulations,
457 and the proposed ordinance seeks to establish standards and conditions for their use.
458 Councilman Prete expressed concern that permitting electronic signage could alter the
459 character and appearance of the community. Councilwoman Werrett stated that restricting
460 future electronic signs could create an advantage for existing sign owners. Councilman Imlay
461 agreed electronic signage impacts the overall feel of the community. Councilman Prete
462 recommended continuing the item and directed staff to further refine the provisions related to
463 electronic signage. Councilman Imlay also noted there is repetitive language within the
464 ordinance that should be removed.

465 Joseph Prete motioned to continue Ordinance 2026-10 Amending Title 10, Chapter 36
466 regarding sign regulations to next meeting with the recommendation of changing it to 5 days to

467 remove election signs and different language for electronic signs. Gary Cupp requested
468 additional direction from the Council regarding electronic signage standards. He stated the
469 Planning Commission discussed prohibiting animated displays. The Council indicated that sign
470 size and brightness should also be addressed in the regulations. Councilman Prete
471 recommended staff return with multiple options for Council consideration and reiterated his
472 motion to continue the item. Seconded by Dave Imlay. Motion carried unanimously.

473 Dayton Hall stated that with election season approaching, the Council will need to designate
474 locations on City property where campaign signs are permitted. He noted staff will develop a
475 proposal and bring it back for Council consideration. He explained staff have considered at least
476 three City-owned properties where signs could be allowed. He added that park strips may be
477 used with consent from the adjacent property owner. He mentioned that Mr. Cupp contacted
478 UDOT, which indicated support for City enforcement prohibiting signs within the UDOT right-of-
479 way. Councilman Ellerman suggested considering a designated area near the 3400 West signal,
480 subject to UDOT approval. Mr. Hall noted that enforcement in park strips may be difficult.
481 Councilman Ellerman further stated campaign signs should be prohibited in medians.

482 **15. Consideration and possible approval of awarding a contract for the 180 West Pedestrian**
483 **Bridge project - Arthur LeBaron**

484 Arthur LeBaron stated this project has been requested by the public for an extended period and
485 acknowledged its importance, particularly due to the number of children who walk in the area
486 to access the school. He identified it as a significant public safety need. He noted that only one
487 bid was received, which exceeded the engineer's estimate; however, sufficient funding is
488 available to cover the cost. He stated the opportunity is beneficial because Interstate Rock is
489 also completing the irrigation project, allowing the work to be coordinated and potentially
490 improving scheduling efficiency. He added that combining the projects may also result in cost
491 savings related to bridge manufacturing due to extended lead times. Kaden DeMille stated
492 funding was originally budgeted for the project several years ago but was later reallocated to
493 Fund 20. He also reported the City received a \$300,000 grant to assist with construction of the
494 bridge.

495
496 Drew Ellerman motioned to award the contract for the 180 West Pedestrian Bridge project to
497 Interstate Rock in the amount of \$511,128. Seconded by Lynn Excell. Motion carried
498 unanimously by a roll call vote.

499
500 **16. Consideration and possible approval of a contract for the Transportation Masterplan**
501 **Update - Arthur LeBaron**

502
503 Lynn Excell motioned to continue the approval of a contract for the Transportation Masterplan
504 Update. Seconded by Amy Werrett. Motion carried unanimously.

505
506 **17. Mayor, Council, and staff reports**
507

508 Councilman Excell stated there are trees in the wash at 180 West that should be reviewed. He
509 also thanked Mayor Fawcett for organizing the Youth City Council meeting.

510 Mayor Fawcett reported he toured the Water District during the week and observed their
511 treatment facilities, including a large carbon filtration tower. He stated that ultraviolet
512 treatment will be used in the future to address the sludge, which is expected to result in cost
513 savings. He also noted two holes on the side of the 700 West bridge that should be evaluated.
514 Hayden Roberts stated the areas have been temporarily filled with dirt and will be permanently
515 addressed during the upcoming 700 West reconstruction project. Mike Vercimak added that a
516 preconstruction meeting for the 700 West project is scheduled for May 21st, with construction
517 anticipated to begin on May 26th.

518 Councilman Prete noted a retirement celebration for Michelle Prince scheduled for the 29th
519 from 3:00 p.m. to 5:00 p.m., as well as a recognition dinner for a police officer on the 12th. He
520 also stated a resident contacted him regarding a notice received about Sewer District fee
521 increases. Mike Vercimak responded that he also received the notice and understood it to
522 relate to bonding for a pump station. Councilman Prete read from the notice indicating a public
523 hearing is scheduled for the 28th regarding issuance of bonds and noted the letter includes a
524 referenced dollar amount. Councilman Imlay stated he did not interpret the notice as a rate
525 increase, but rather informational. Councilman Prete asked about the timeline for
526 improvements at 3000 South and 1500 West. Hayden Roberts stated curb and gutter work is
527 scheduled for Tuesday morning. Councilman Prete also stated he had been contacted by the
528 owner of The Farm and indicated he has discussed the matter with staff. He asked if there had
529 been any progress. Dayton Hall responded that he has potential options but needs to
530 coordinate further with the Planning Department and Mayor Fawcett.

531 Councilman Imlay reported attending the League conference and stated the meetings were
532 beneficial and provided valuable networking opportunities. He also noted he spoke with
533 attendees who were traveling to Hurricane to attend a performance of *Mamma Mia*. He stated
534 it was a forward-looking decision by a previous Council to purchase the Fine Arts Building and
535 described it as a strong investment for the City.

536 Cindy Beteag requested feedback regarding the use of OneDrive for Council packets.
537 Councilman Excell recommended labeling folders by item name to improve navigation and
538 reduce the need to switch between documents. Ms. Beteag explained that if Council members
539 wish to make notes or comments, they would need to download documents to a separate
540 folder, as shared files would make comments visible to all users. Kaden DeMille encouraged the
541 Council to adopt the system, noting it would result in cost savings. Councilman Ellerman stated
542 the system appears workable and indicated it will just require some refinement.

543 **18.** Tentative Closed Meeting held pursuant to Utah Code section 52-4-205, upon request

544 A closed session was not held.

545

546 **Adjournment:** Joseph Prete motioned to adjourn at 9:04 p.m. Seconded by Drew Ellerman.
547 Motion carried unanimously.

548

DRAFT

1 Minutes of the Hurricane City Council meeting held on May 21, 2026, in the Council Chambers
2 at 147 North 870 West, Hurricane, Utah at 5 p.m.

3 **Members Present:** Mayor Clark Fawcett and **Council Members:** Drew Ellerman, Joseph Prete,
4 Dave Imlay, Lynn Excell, and Amy Werrett.

5
6 **Also Present:** City Manager Kaden DeMille, City Attorney Dayton Hall, Police Chief Kurt Yates,
7 Public Works Director Mike Vercimak, Assistant Public Works Director Weston Walker, Streets
8 Superintendent Hayden Roberts, Water Superintendent Kory Wright, City Planner Gary Cupp,
9 Assistant Planner Fred Resch III, Power Director Mike Johns, Recreation Director Tiffani Wright,
10 City Engineer Arthur LeBaron, Building Official Larry Palmer, and HR Director Sel Lovell.

11
12 **AGENDA**

13 **5:00 p.m. Pre-meeting** - Discussion of Agenda Items, Department Reports

14 Fred Resch III mentioned that he sent out code violations letters this week. The Planning
15 Commission approved a final site plan for an office behind Jimmy Johns.

16
17 Arthur LeBaron stated the easements for SR-7 have been completed. He stated the
18 Transportation Master Plan contract has been updated, reviewed by the City Attorney, and is
19 ready for approval. He also noted that approximately 50 high school seniors participated in a
20 project to whitewash the “H.” The Fire District provided water, Ace Hardware donated lime,
21 and Southern Utah Adventure Center provided transportation to the site. Councilman Imlay
22 referenced the elementary students who presented at the meeting and asked whether
23 improvements had been considered to make student walking routes safer. Mr. LeBaron stated
24 improvements could be made to 900 South to enhance walkability; however, 400 West would
25 continue to be used and currently has issues with tail water and standing water in the storm
26 drain system. He stated those drainage issues would need to be addressed prior to roadway
27 improvements.

28
29 Hayden Roberts reported crews brushed 900 South to help clean up the lines near the school.
30 He stated a preconstruction meeting was held for the 700 West project, which is scheduled to
31 begin on the 26th. The tentative traffic plan is to allow southbound traffic through while
32 detouring northbound traffic at 400 South. He stated Dumpster Days was recently held and
33 went well overall despite windy conditions. He noted there was minimal hazardous waste,
34 although a few tires were disposed of. Councilman Prete asked about the recently poured
35 concrete near the intersection of 3000 South and 1500 West. Dayton Hall explained the project
36 is a low-water crossing designed to allow storm water to flow over the roadway during large
37 storm events, rather than using large culverts. Councilman Excell expressed concerns that the
38 yield sign on 2060 South is not effective. The Council discussed the possibility of replacing
39 certain yield signs at the intersection with stop signs. Mr. Roberts stated he would review the
40 issue and report back to the Council.

41 Mike Johns stated that the walls for the Sky Mountain substation are being installed and the
42 project appears to be on schedule. He also stated the office remodel to add an additional office
43 for the engineer has been completed. Councilman Prete asked about easements related to the
44 Romney Group project. Mr. Johns stated they are still waiting on a few easements and
45 explained some are located on the opposite side because the developers only own property on
46 that side. He added the property in front of the substation has been dedicated to the City.
47 Mayor Fawcett requested an update on power service for the commercial property on 3700
48 West. Mr. Johns stated he has not heard from Karl Rasmussen since the meeting on the project,
49 but cost estimates are prepared when they are ready to proceed. Councilman Prete asked
50 about the status of the hospital project across from Walmart. Mr. Johns explained the hospital
51 project was originally expected to fund the substation, but that no longer appears to be the
52 case. Mayor Fawcett added the hospital is still working to secure funding and noted the PID was
53 intended to fund power improvements to the site, but it currently lacks sufficient borrowing
54 capacity.

55
56 Paige Chapman scheduled a work budget meeting with the Council for 3:30 p.m. on June 4th.

57
58 Sel Lovell reported that Scott Wilson was hired for GIS, and he is adapting well. There are still
59 positions open for the Finance Director, Utility Clerk, Rec Aid, and Parks Custodian.

60
61 Kory Wright stated the water projects are progressing slowly due to funding limitations. He
62 stated the well projects are currently on hold because drilling rigs are down. He noted staff has
63 received numerous questions following the Governor's request for a 20% reduction in water
64 usage. He plans to discuss river conditions at the next Water Board meeting and explained the
65 City is required to maintain a plan for reducing water usage if necessary. He stated the City will
66 be meeting with the Water District regarding a potential takeover of the water system located
67 in unincorporated Washington County south of town. He noted the City has identified several
68 issues that would need to be addressed before assuming responsibility for the system. He
69 mentioned a major water leak on State Street that crews planned to repair that evening.
70 Councilman Excell asked him to investigate a possible leak near Hurricane Rehab where moss
71 has been growing.

72
73 Chief Yates reported that Detective Johnson arrested an individual on two counts of sexual
74 exploitation of a minor. He commended Detective Johnson for his work on the case and noted
75 continued success using the ICAD system. He stated Detective Newport identified a storage unit
76 burglary suspect through the use of license plate readers. He noted the accident investigation
77 on 700 West is nearing completion, with investigators still awaiting cell phone data and
78 toxicology results. He stated the Police Week banquet was successful. The Police Department
79 participated in the Kid's Safety Fair with Hurricane Valley Fire last Saturday, which had a strong
80 turnout. He expressed hope that the event will continue to grow in the future. He stated some
81 detectives are traveling to Moscow, Idaho to extradite a suspect on communications fraud and
82 felony theft charges. He further shared the new state law regarding e-bikes, adding that the

83 department has shared information through social media and is exploring additional
84 educational outreach, including possible presentations at schools. He noted state law allows for
85 the confiscation of e-bikes in certain situations.

86
87 Larry Palmer reported the City has issued fourteen single-family building permits and two
88 commercial permits since the last meeting, including permits for Intermountain Health and
89 Andrus Construction. He also noted the Rush Fun Center opened last weekend and stated both
90 Rigatti's and the Greek restaurant are expected to open within the next few weeks.

91
92 Councilman Imlay stated they held a meeting about the franchise agreement that was tabled. It
93 will be coming back to the Council soon.

94
95 Mayor Fawcett announced he will be at the Community Center on Saturday at 9:00 a.m. to play
96 cornhole with community members who would like to participate. He stated the Affordable
97 Housing Committee is nearly complete and meetings are expected to begin soon. He stated
98 that he and Councilwoman Werrett have completed the zoning map for upcoming community
99 meetings.

100
101 Councilman Excell stated the Mosquito Abatement Board met last Thursday and is proactively
102 treating areas with standing water due to warmer weather conditions. He stated no cases of
103 West Nile virus have been detected locally at this time and encouraged residents to report
104 mosquito concerns to the district. He also noted the district is moving away from the use of
105 foggers and focusing on treating mosquitoes during the larval stage to prevent hatching.
106 He stated Emily Butler is currently recruiting students to serve on the Youth City Council for the
107 upcoming year.

108
109 Councilwoman Werrett stated her son's tennis team recently held an end-of-year pickleball
110 party and noted the pickleball courts were very busy. She also recommended that someone
111 follow up with the elementary students who presented at the meeting, stating they were very
112 excited to participate.

113 **6:00 p.m. - Call to Order –**

114 Mayor Fawcett welcomed everyone and called the meeting to order.

115 Prayer: Amy Werrett

116 Pledge: Patty Nation

117 Declaration of any conflicts of interest

118 None declared.

119 Minutes of the Special City Council Meeting for May 5, 2026

120 Dave Imlay motioned to approve the May 5, 2026, minutes. Seconded by Amy Werrett. Motion
121 carried unanimously.

122 Swearing in of officers Ryan Harris, Justin Rydalch, Landon Tanner, and Drew Sowards

123 Chief Yates introduced each officer and provided a brief background on their experience and
124 service. City Manager, serving as Deputy Recorder, Kaden DeMille administered the oath of
125 office to the officers.

126 Recognition of HHS track athletes for outstanding athletic achievement

127 Mayor Fawcett explained that the athlete could not attend the meeting, so this item will be
128 postponed.

129 **Public Forum – Comments From Public**

130 None.

131 **OLD BUSINESS**

- 132 1. Consideration and possible approval of a Development Agreement for ZC25-21,
133 a proposed zone change on 7.27 acres located at 2300 S and 1100 W from
134 Residential Agricultural RA-0.5 to Light Industrial M-1; Parcel number H-3-2-10-
135 3391 - Scott Stratton
136

137 Dayton Hall reminded the Council the item was last discussed in January, when a motion was
138 made to approve the zone change contingent upon approval of a development agreement. He
139 stated he has since reduced the discussion into written form. He highlighted that the permitted
140 use is limited to general warehousing; however, Mr. Stratton has requested consideration of
141 adding a service station or gas station use. He also noted the agreement includes dedication of
142 property along 1100 West without reimbursement, though Mr. Stratton has indicated he may
143 request compensation. Mr. Hall stated the final condition relates to fencing requirements. The
144 agreement requires fencing within six months on all sides except the portion adjacent to 1100
145 West, which may be completed later. The fencing may be chain link with privacy slats providing
146 a minimum of 85% blockage. He further explained future access would be from 1100 West, and
147 therefore improvements along the existing roadway would not be required since access would
148 not be taken from that side.

149
150 Councilman Excell asked whether fencing is necessary along the east side adjacent to the
151 airport, noting it is only visible from airport property. Mike Vercimak responded that fencing is
152 not an airport requirement; however, the applicant's property does not extend all the way to
153 2060 South. Councilman Imlay stated a provision should be added to the agreement requiring
154 that any fence slats be maintained. Councilman Excell noted that the two parcels to the north
155 have also applied for the same zone change, but the Planning Commission is awaiting Council
156 direction before making a recommendation. Scott Stratton stated all three property owners are
157 requesting the zone change to facilitate construction of 1100 West. Council members discussed

158 fencing requirements between residential and commercial or industrial uses. Councilman
159 Ellerman stated he does not favor fencing along the entire property line but noted this case is
160 unique due to the property line running adjacent to the roadway. He also confirmed the owner
161 would be responsible for required street improvements. Mr. Hall explained the development
162 agreement requires the developer to contribute a proportionate share toward construction of
163 1100 West at the time of development. Mr. Stratton stated he has already coordinated with
164 Engineering regarding the anticipated share and has dedicated most of the roadway area,
165 except a small remaining portion. Councilman Ellerman asked about the future of the existing
166 road once it is abandoned. Mr. Hall stated it will remain as a utility corridor and will not be
167 vacated. Mr. Vercimak added that the road is owned by the airport. Mr. Stratton also noted
168 that there has been interest from two parties in locating a gas station on the property. He
169 clarified that while a gas station is a permitted use in the zone, it is not included in the current
170 development agreement. He explained he is asking for impact fee vouchers just for dedication
171 of the property that jogs out into the planned cross section of 1100 West. Mayor Fawcett
172 confirmed the two changes the applicant is asking for are impact fee vouchers and allowing a
173 gas station. Mr. Stratton stated it doesn't make sense to put the fence on the north property
174 line because they want to join the two properties. Mr. Hall suggested adding language to the
175 development agreement that states a fence along the north is required within six months if the
176 adjacent property remains zoned as residential. Councilman Prete stated he is concerned about
177 the industrial encroaching on residential as this will be center of town. Councilman Ellerman
178 stated he likes not having residential around the airport, light industrial works well around
179 airports. Mayor Fawcett likes the idea of commercial together in that area around the airport.
180 Councilwoman Werrett asked if there would be adequate power and water. Mayor Fawcett
181 suggested it will be less than the residential going in.

182
183 Drew Ellerman motioned to approve the Development Agreement for ZC25-21, a proposed
184 zone change on 7.27 acres located at 2300 S and 1100 W from Residential Agricultural RA-0.5 to
185 Light Industrial M-1 subject to the following changes: reimburse Mr. Stratton with impact fee
186 vouchers as per city code for system improvements and road dedication, allow for a gas station,
187 put in a six month time frame for fencing if the zoning to the north doesn't change then the
188 fence has to go in but the east fence goes in now, fencing shall be built and maintained with
189 slats, and that the road dedication will happen with the development agreement. Seconded by
190 Lynn Excell. Motion carried with Drew Ellerman, Dave Imlay, Lynn Excell, and Amy Werrett
191 voting aye. Joseph Prete voted nay.

192
193 2. Consideration and possible approval of Resolution 2026-20 Adopting a Privacy Program
194 Policy - Sel Lovell

195
196 Dave Imlay motioned to approve Resolution 2026-20 Adopting a Privacy Program Policy.
197 Seconded by Amy Werrett. Motion passed unanimously by a roll call vote.

198

- 199 3. Consideration and possible approval of Ordinance 2026-10 Amending Title 10, Chapter
200 36 regarding sign regulations; File No. LUCA26-02; Hurricane City Planning, applicant -
201 Gary Cupp
202

203 Gary Cupp explained staff was directed to provide options for additional regulation of
204 electronic signs. Councilman Imlay noted that the City Community Center sign and the Zions
205 Bank electronic sign are appropriately sized, low-profile, and not visually intrusive.
206 Councilman Ellerman suggested sign size could be tied to a property's frontage. Councilman
207 Excell stated electronic signs should be reviewed carefully, noting the Scooters sign obstructs
208 visibility. Councilwoman Werrett expressed concern that large signs could negatively impact the
209 character of downtown. Councilman Ellerman stated he believes Hurricane currently has less
210 restrictive regulations than other communities but is comfortable with the standards as
211 written. Councilman Prete asked about exceptions within the ordinance. Mr. Cupp explained
212 sign exceptions may be considered by the Planning Commission, but video signs are not eligible.
213 He noted the proposed amendment would allow electronic signs up to 200 square feet. For
214 comparison he added that the movie theater sign is 170 square feet, which several Council
215 members felt was too large.
216

217 Councilman Ellerman stated he would support limiting electronic signs to 100–120 square feet
218 and reiterated the importance of considering lot frontage. Hayden Roberts confirmed the
219 proposed changes would not affect VMS boards. The Council discussed allowing size exceptions
220 on a case-by-case basis. Councilman Ellerman cautioned that inconsistent application could
221 create legal concerns. The Council was supportive of incorporating language that allows
222 adjustments based on property size, while establishing a maximum overall size limit.
223 Councilman Prete stated economic impact could also be considered and indicated 100 square
224 feet would be the maximum he would support.
225

226 Drew Ellerman motioned to continue Ordinance 2026-10 Amending Title 10, Chapter 36
227 regarding sign regulations for two weeks and directed staff to update the electronic signs with a
228 maximum size and that expands or retracts based upon property size. Seconded by Joseph
229 Prete. Motion carried unanimously.
230

- 231 4. Consideration and possible approval of a contract for the Transportation Masterplan
232 Update - Arthur LeBaron
233

234 Arthur LeBaron stated the item has completed the selection process. He noted the project was
235 originally estimated at approximately \$200,000, but the selected firm's fee is about \$175,000.
236 He confirmed the project is budgeted and that \$130,000 in grant funding has been secured.
237 Councilman Prete confirmed the revisions requested by the City Attorney to the contractor
238 agreement were accepted.
239

240 Joseph Prete motioned to approve a contract for the Transportation Masterplan Update to
241 Avenue Consultants in the amount of \$175,629. Seconded by Amy Werrett. Motion carried
242 unanimously by a roll call vote.
243

244 **NEW BUSINESS**

- 245 **1.** Consideration and possible approval of Amending the Hurricane City Standards and
246 Specifications to remove duplicate blasting standards - Mike Vercimak

247 Mike Vercimak explained that Hurricane City previously maintained its own Fire Department,
248 which handled blasting oversight. Following the formation of the Fire District, permitting
249 authority for blasting now rests with the District. However, the City’s current design standards
250 still include a “Use of Explosives” section outlining blasting regulations, which has created
251 confusion due to overlapping and inconsistent standards between City and Fire District
252 documents. He noted the request is to remove the “Use of Explosives” section from the City’s
253 design criteria. Councilman Ellerman asked whether the City’s regulations are more restrictive.
254 Mr. Vercimak stated some provisions are more restrictive and some are less, while the Fire
255 District follows State regulations. The Council discussed various criteria and reporting
256 requirements. Councilman Excell noted the City does not have enforcement authority over
257 blasting since permitting is handled by the Fire District.
258

259 Lynn Excell motioned to approve amending the Hurricane City Standards and Specifications to
260 remove duplicate blasting standards. Seconded by Dave Imlay. Motion carried unanimously.
261

262 Councilman Imlay stated he will talk to the Fire District Board to see if they are interested in
263 changing their regulations to restrict blasting to five hundred feet from residents.
264

- 265 **2.** Consideration and possible approval of local consent for a limited restaurant liquor
266 license for Yokoso LLC - Janiel Wirth
267

268 Janiel Wirth stated the business is located in the Walmart parking lot next to Mountain Mike’s
269 Pizza. She explained the requested license would allow the business to expand services, offer
270 additional options, and increase revenue. The license would permit beer and wine service. Chief
271 Yates confirmed there were no concerns from the Police Department.

272 Dave Imlay motioned to approve local consent for a limited restaurant liquor license for Yokoso
273 LLC. Seconded by Lynn Excell. Motion carried unanimously.

- 274 **3.** Consideration and possible approval of Ordinance 2026-11 amending Title 10, Chapters
275 7 and 37 regarding conditional uses and height exceptions for flag poles; File No.
276 LUCA26-03; Hurricane City Planning Department, applicant -Gary Cupp

277 Gary Cupp stated this may not be approvable tonight because in the conditional use is
278 contingent on the proposed sign ordinance that was continued earlier in the meeting. He

279 explained the proposal is to allow one flagpole per lot and certain heights. There is a provision
280 to apply for a Conditional Use Permit in a non-residential zone, such as commercial or light
281 industrial. He reviewed the proposed standards.

282 Drew Ellerman motioned to continue Ordinance 2026-11 amending Title 10, Chapters 7 and 37
283 regarding conditional uses and height exceptions for flag poles. Seconded by Dave Imlay.
284 Motion carried unanimously.

285

286 **4.** Consideration and possible approval of Ordinance 2026-12 amending Title 10, Chapter
287 37 regarding exceptions for allowing double frontage lots; File No. LUCA26-04;
288 Hurricane City Planning Department, applicant -Gary Cupp

289

290 Gary Cupp explained that this proposed Code update was prompted by the City's receipt of an
291 application to combine three lots, which would have resulted in one lot with frontage on two
292 different streets, which is not permitted by City ordinances. He noted that the proposed
293 project was otherwise favorable, and staff's proposed workaround to avoid a prohibited double
294 frontage lot was to require a deeded small strip of land along one of the streets as common
295 area to technically comply with the City ordinance. Mr. Cupp stated staff is recommending that
296 the general prohibition of double frontage lots remain in place, but with an added exception to
297 allow double frontage lots in situations that result from the combination of previously recorded
298 lots if certain standards are met. Councilman Ellerman stated he believes double-frontage lots
299 should be allowed.

300

301 Amy Werrett motioned to approve Ordinance 2026-12 amending Title 10, Chapter 37 regarding
302 exceptions for allowing double frontage lots as written. Seconded by Joseph Prete. Motion
303 carried unanimously.

304

305 **5.** Consideration and possible approval of Ordinance 2026-13 amending Title 10, Chapter 7
306 regarding new and unlisted business uses; File No. LUCA26-05; Hurricane City Planning
307 Department, applicant -Gary Cupp

308

309 Gary Cupp explained the code was adopted last year to address situations where a business
310 license is requested for a use not listed in the City's use table. The provision allows an applicant
311 to request that the use be added to the table. He noted the previous process routed appeals to
312 the local Appeals Board; however, since the Appeals Board does not hear legislative matters,
313 the process has been corrected. Under the revised procedure, any appeal will now be directed
314 to District Court. He confirmed that no requests to add a new use have been received to date.

315

316 Dave Imlay motioned approve Ordinance 2026-13 amending Title 10, Chapter 7 regarding new
317 and unlisted business uses. Seconded by Drew Ellerman. Motion carried unanimously.

318 **6.** Consideration and possible approval of a 30-day extension of the term of the
319 Development Agreement for Sand Hollow Mesa Project -Dayton Hall

320 Dayton Hall stated additional time is needed to finalize details of the agreement, noting
321 questions remain regarding the parties' responsibilities for outstanding easements. He
322 explained the Council previously continued the item last month to the current meeting, but
323 another continuation is necessary to complete the remaining details. Karl Rasmussen stated
324 that all easements have now been signed.

325
326 Drew Ellerman motioned to approve the 30-day extension of the term of the Development
327 Agreement for Sand Hollow Mesa Project. Seconded by Amy Werrett. Motion carried
328 unanimously.

329
330 **7. Mayor, Council, and staff reports**

331
332 None.

333
334 **8. Closed Meeting held pursuant to Utah Code section 52-4-205, upon request**

335
336 A closed meeting was not held.

337
338 **Adjournment:** Joseph Prete motioned to adjourn at 8:00 p.m. Seconded by Lynn Excell.
339 Motion carried unanimously.



STAFF COMMENTS

Item: Consideration and possible approval of Ordinance 2026-10 Amending Title 10, Chapter 36 regarding sign regulations; File No. LUCA26-02; Hurricane City Planning, applicant.

Discussion: May 21, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

Background:

This item was continued at the May 21, 2026, City Council meeting to allow further consideration of the proposed sign ordinance update, particularly, with respect to the provisions pertaining to video display signs, termed “electronic message centers” in the code. As currently proposed, video display signs would be afforded the same size standard that applies to other signs (i.e., up to 200 square feet). The Council felt the size limit should be more controlled for video screens and directed staff to suggest an alternative standard. Therefore, staff proposes the following potential size limits for electronic message center signs:

- **100 square feet on properties with up to 200 feet of frontage.**
- **The screen size may be increased by an additional 50 square feet for each additional 200 feet of frontage, not to exceed a maximum screen size of 200 square feet.**

Alternatively, should the City Council decide to simply adopt a reasonable maximum size limit for all such signs, staff would suggest 100 square feet. To provide some perspective, some notable signs around town, including Applebees, Jellystone, Lonny Boy's, and the new Golden West Credit Union signs are about 100 square feet in size.

Findings: N/A

Recommendation: Staff recommends approval of the proposed revisions to the sign ordinance along with any changes the Council decides.



STAFF COMMENTS

Item: Consideration and possible approval of Ordinance 2026-10 Amending Title 10, Chapter 36 regarding sign regulations; File No. LUCA26-02; Hurricane City Planning, applicant.

Discussion: May 21, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

Background:

This item was continued at the May 7, 2026, City Council meeting to allow further consideration of the proposed sign ordinance update, particularly, with respect to the provisions pertaining to video display signs, termed “electronic message centers” in the code. As currently proposed, the ordinance would allow video display signs with the same size and height standards that apply to all other signs. Upon raising concerns about how the proliferation of possibly inadequately regulated video signs could lead to the deterioration of the city’s small-town atmosphere, the City Council directed staff to propose additional options to appropriately regulate such signs in order to assure preservation of the city’s desired visual character. Staff therefore suggests the following possible options for the Council to consider, some of which could be used in combination with each other:

- 1) Limit the maximum allowable size to 100 square feet.** The current code allows a maximum sign area of 200 square feet. (As a point of reference, the Coral Cliffs Cinema video display screen is about 170 square feet in area.)
- 2) Allow only still imagery.** Restrict video signs to only display still images, with the exception of animated message transitions that change at no less than eight-second intervals. (Note: The proposed 8-second minimum message length appears to be the prevailing regulatory standard in various other jurisdictions.)
- 3) Allow video clips but limit them to a frequency of no more than one (1) eight-second clip per two-minute interval** (or another interval the Council feels appropriate).
- 4) Only allow them along the State Highways.**
- 5) Prohibited in the downtown area for a certain block radius.**
- 6) Prohibit them outright moving forward.**

For the staff discussion on the other aspects of the proposed update to the sign ordinance, please see the document entitled "**Previous Staff Comments from 5-7-26**" in the packet.

Findings:

Recommendation: Staff does not recommend an outright prohibition of video signs, but, of course, that would be the Council's prerogative. Staff recommends approval of the proposed revisions to the sign ordinance along with any changes the Council decides.



STAFF COMMENTS

Agenda Date:	04/23/2026 - Planning Commission
Application Number:	LUCA26-02
Type of Application:	Land Use Code Amendment
Action Type:	Legislative
Applicant:	Hurricane City
Agent:	N/A
Request:	Amend Title 10, Chapter 36 regarding the Sign Ordinance.
Recommendation:	Recommend approval to the City Council.
Report Prepared By:	Gary Cupp

Discussion: This revision to the sign ordinance has been prepared at the request of the City Council for the purpose of establishing regulations for the use of political signs during election periods. The sign ordinance, as currently written, does not specifically regulate the placement or use of campaign signs, which has caused clamor and complaints during past election cycles primarily due to a lack of a clear definition in the city code as to what constitutes a political sign and where they can be placed within the city. Staff is also proposing various other “clean-ups” and revisions to the sign ordinance in an effort to make the regulations more clear and explicit, to eliminate contradictions, and to provide an avenue to allow limited exceptions to the height and size maximums for signs. The principal changes being proposed are as follows:

- Proposes a clear definition of what constitutes political and campaign signs, and makes various updates to other definitions in the ordinance (see 10-36-2).
- Proposes clear standards for the use and placement of political signs, and also aligns city code with state law relating to political signs (see 10-36-3(J)).
- Proposes standards to regulate signs that use video display screens, termed as “electronic message centers” in the code (see 10-36-3(K) and the table in 10-36-14).
- Proposes standards for flag poles (see 10-36-15).
- Proposes objective standards for the Planning Commission to approve limited exceptions to the existing height and size maximums for signs (see Notes 2 & 3 after the table in 10-36-14).

Recommendation: The Planning Commission should thoughtfully consider the proposed ordinance update and any comments made at the public hearing. Staff recommends that the Planning Commission make a recommendation of approval to the City Council.



STAFF COMMENTS

Item: Consideration and possible approval of Ordinance 2026-10 Amending Title 10, Chapter 36 regarding sign regulations; File No. LUCA26-02; Hurricane City Planning, applicant.

Discussion:

May 7, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

Background/Request:

An update to the sign ordinance has been prepared at the request of the City Council for the purpose of establishing regulations for the use of political signs during election periods. The sign ordinance, as currently written, does not specifically regulate the placement or use of campaign signs, which has caused clamor and complaints during past election cycles primarily due to a lack of a clear definition in the city code as to what constitutes a political sign and where they can be placed within the city. Staff is also proposing various other “clean-ups” and revisions to the sign ordinance in an effort to make the regulations clearer, to eliminate contradictions, and to provide an avenue to allow limited exceptions to the height and size maximums for signs. The principal changes being proposed are as follows:

- Proposes a clear definition of what constitutes political and campaign signs, and makes various updates to other definitions in the ordinance (see 10-36-2).
- Proposes clear standards for the use and placement of political signs, and also aligns city code with state law relating to political signs (see 10-36-3(J)).
- Proposes standards to regulate signs that use video display screens, termed as “electronic message centers” in the code (see 10-36-3(K) and the table in 10-36-14).
- Proposes standards for flag poles (see 10-36-15).
- Proposes objective standards for the Planning Commission to approve limited exceptions to the existing height and size maximums for signs (see Notes 2 & 3 after the table in 10-36-14).
- Proposes limited exceptions for temporary off-premises signs for community events, such as county fairs, city-sponsored events, or events of city interest (see Note 1 after the table in 10-36-14).

Planning Commission Review:

A public hearing was held at the April 23, 2026, Planning Commission meeting and no public comments or objections to code update were received. Discussion among the commissioners was by far focused on signs with video display screens and whether or not to allow video content. Commissioner Goodfellow voiced concerns about moving video images being too distracting for passing cars, thus causing a potential hazard for traffic. She suggested that only still, or “static”, images should be allowed on the screens. The following motions were made:

- After this discussion, Commissioner Goodfellow made a motion to recommend approval of the code update with the condition that a provision prohibiting video messaging be added to the ordinance. Commissioners Iverson, Winder, and Hughes voted against the motion. Commissioners Sampson, Ballard, and Goodfellow voted in favor of the motion. The motion failed with a vote tied 3 to 3.
- Commissioners Iverson, Winder, and Hughes expressed concern that if video imagery were prohibited, the existing grandfathered video signs would be an unfair business advantage over the businesses who could not show video messages on their signs. It was also discussed that there is already a very large number of these types of signs that already exist in the city, and if their brightness is adequately regulated the signs won't present any problems. The commissioners came to agreement on this point, and Commissioner Hugues made a motion to recommend approval of the ordinance update as originally presented. The motion passed unanimously.

It is relevant to note that the Planning Commission also discussed conducting possible research to find out if any data existed that linked an increase in car crashes to video signage. When Planning staff reached out to the Chief of Police for an opinion on the matter, he recommended that, since the existing video signs have not caused any traffic problems in the city, a prohibition would be unnecessary.

Findings: N/A

Recommendation: The Planning Commission recommended approval of the code update to the sign ordinance as proposed by staff and as shown in the attached redlined draft. Staff also recommends approval of the proposed revisions to the sign ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING TITLE 10 CHAPTER 36 REGARDING SIGN REGULATIONS

WHEREAS, the City Council of Hurricane, Utah desires to amend Title 10, Chapter 36 with regards to regulations pertaining to signs; and

WHEREAS, the City Council deems this amendment necessary and desirable for the preservation of the general health, safety, and welfare of the residents of Hurricane; and

WHEREAS, the Planning Commission of Hurricane City has recommended approval of the changes; therefore,

BE IT HEREBY ORDAINED by the City Council of Hurricane, Utah that Title 10, Chapter 36 of the Hurricane City Code be amended, and that it read as follows:

CHAPTER 36. SIGNS

Sec. 10-36-1. Purpose.

The purpose of the sign regulations set forth in this chapter is intended to:

- A. Eliminate potential hazards to motorists and pedestrians by requiring that signs are designed, constructed, installed and maintained in a manner that promotes the public health, safety and general welfare of the citizens of the City;
- B. Encourage signs which, by their design, are integrated with and harmonious to the buildings and sites, including landscaping, which they occupy;
- C. Encourage sign legibility through the elimination of excessive and confusing sign displays;
- D. Preserve the appearance of the City as a place in which to live and to work, and create an attraction to nonresidents to come to visit or trade;
- E. Allow each individual business to clearly identify itself and the nature of its business in such a manner as to become the hallmark of the business which will create a distinctive appearance and also enhance the City character;
- F. Safeguard and enhance property values, and protect public and private investment in buildings and open space.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-2. Definitions.

The following words and phrases whenever used in this chapter shall be construed as defined in this section:

A-frame sign means any sign or structure composed of two sign faces mounted or attached back to back in such a manner as to form a basically triangular vertical cross section through the faces.

Animated sign means any sign designed or constructed to convey a message through the mechanical movement or rotation of the sign and/or the flashing, strobing, or rotation of lights or figures on the sign. Electronic message centers that display video messaging content on a video display screen are not considered to be an animated sign.

Banner means a flexible temporary sign characteristically supported by two or more points. It is generally made of fabric or other nonrigid materials with no enclosing frame.

Billboard means a freestanding ground sign located on real property that is designed and intended to direct attention to a business, product, service, or message that is not sold, offered or existing on the property, nor specific to the property where the property sign is located.

Building face means the visible outer surface of an exterior wall of a building. The area of the face of the building shall be the total area of such surface, including doors and windows.

Canopy. See definition of *marquee*.

Disrepair. A sign shall be considered in disrepair when it fails to be in the same form as originally constructed, or when it fails to perform its intended function of conveying a message. Conditions shall include, but not be limited to:

- A. Structural pole or support failure.
- B. Signs not being held vertically or as originally constructed.
- C. Borders falling off or removed.
- D. Panels missing or falling off.
- E. Message or parts thereof falling off or in disrepair such that it cannot be interpreted by the motoring public.
- F. Signs that are overgrown by trees or other vegetation.

Electronic message center means a sign that displays video messaging content that may change at frequent intervals on a video display screen that is controlled electronically via a programming device. Sometimes referred to as “digital” or “electronic” billboards.

Entry feature sign means a monument sign that is placed at the entrance of a subdivision or other residential or commercial project as part of a distinct architectural or landscape feature that identifies the project and displays the project name.

Erect means to build, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post or display. Normal maintenance, including refinishing, is not included in this definition, provided the use, look, or content of the sign is not changed or altered.

Flag means a flag, pennant or insignia of any nation, state, City or other political unit, or of a nonprofit organization. A Flag does not include material commercial in nature and used for advertising purposes.

Flagpole means a pole for the purpose of displaying a Flag as defined herein.

Floating sign means any inflatable or floating sign or advertising device that is affixed to or displayed at a place of business. Examples are blimps, hot air balloons, and inflatable figures.

Freestanding sign means any sign that is standing on or erected into the ground. Such signs are usually, but not necessarily, supported from the ground by one or more poles or posts or similar uprights, with or without braces. Any sign which is mounted into the ground, but has the supports to any portion of the roof of a building or structure, shall be considered to be a roof sign.

Frontage means the length of the sides along the street or any other principal public thoroughfare, but not including such length along an alley, watercourse, railroad, street or thoroughfare with no permitted access.

Logo signs means any sign whose single feature is a reproduction of the common recognized logo of the company and/or product.

Marquee means any permanent rooflike structure projection beyond a building or wall, generally designed and constructed to provide protection from the weather.

Monument sign means any on premises sign which is mounted directly to the ground having a foundation or pedestal that is at least 60 percent of the width of the actual sign structure and meeting the standards for height set for monument signs.

Movable, freestanding sign means any sign not affixed to or erected into the ground.

Off-premises sign means any sign which advertises products, development projects, services, or business establishments which are not located, conducted, manufactured, or sold upon the same premises upon which the sign is erected.

On-premises sign means any sign which advertises products, services, development projects, or business establishments which are located, conducted, manufactured or sold upon the same premises on which the sign is erected. "On premises" may include separate parcels that are contiguous to the premises where projects, services, development projects or business establishments are located and owned by the same person or legal entity. Only one sign is permitted on a contiguous parcel.

Outdoor advertising sign. See definition of *on-premises sign*.

Political or campaign sign means any sign or document that advocates the election or defeat of a candidate for public office, or the approval or defeat of a ballot proposition.

Projecting sign means any sign attached to a building or structural wall and extending horizontally outward from such wall more than 18 inches.

Public event banner means a banner pertaining to festivals or events which is installed as a temporary sign.

Public information sign means signs presenting travel information and signs concerning historic and scenic sites, public recreation facilities, miscellaneous instructions and warnings.

Reader board means a sign with manually changeable copy such as gas station prices, school events, etc.

Real property means land or real estate, with or without structures; not goods or services.

Residential zone or district means any zone which is designated by the prefix "R" in this title.

Roof sign means any sign which is erected upon or over the roof or over a parapet of any building or structure.

Sign means any words, lettering, parts of letters, documents, figures, numerals, phrases, sentences, devices, designs, pictures, trade names or trademarks by which anything is made known, such as are used to designate a firm, association, corporation, profession, person, political campaign, proposition, business or service, whether placed on the ground, rocks, trees, stumps, or other natural objects, or on a building, wall, roof, frame, support, fence or other manmade structure, which are visible from any public street, public highway or public road right-of-way. For the purpose of this chapter, the word "sign" does not include the flag, pennant or insignia of any nation, state, City or other political unit, or of a nonprofit organization. It shall not include, further, any official notice issued by any court, public body or officer, or directional, warning or informational sign or structure required or authorized by law.

Sign area means the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a double faced sign covering the same subject shall be computed. For signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display on one face. An electronic message center will be included in calculation of overall sign area.

Temporary means a period not to exceed sixty (60) days.

Time and temperature device means any mechanism that displays the time and/or temperature, but does not display any commercial advertising or identification.

Wall signs means any sign posted, or painted upon, suspended from, or otherwise affixed to a wall, fascia, canopy, or marquee of a building located on the site to which the sign pertains.

Wind sign means any propeller, spinner, or similar commercial advertising device or sign that is designed to flutter, spin, rotate, or display other movement under the influence of wind. This definition shall not include pennants, flags, or banners.

(Ord. 2014-3A, 3-6-2014)

Sec. 10-36-3. General requirements.

The following general requirements shall apply to all signs and outdoor advertising structures which may be erected or maintained within the City:

- A. *Sign approval.* Except as otherwise provided, it shall be illegal to erect or maintain any sign or outdoor advertising structure in the City without first obtaining the approval of the City for said sign or advertising structure, the granting of which shall be based upon the provisions of this chapter.
- B. *Permits.* The approval of the City shall be evidenced by a permit issued by the Zoning Administrator in accordance with the provisions of section 10-7-15, sign permit, of this title.
- C. *Animated signs.* Animated signs are prohibited.
- D. *Sound or emissions.* No sign shall be designed for the purpose of emitting sound, smoke, steam, or other visible emissions.
- E. *Movable and non-permanent freestanding signs.* Except as otherwise provided in this chapter, all movable and non-permanent freestanding signs, including, but not limited to, movable, freestanding, and A-frame signs, are prohibited off premises. This prohibition shall include signs mounted or painted upon vehicles or trailers which are parked in any location for the purpose of calling attention to or advertising a person, place, or thing.
- F. *Off premises billboard signs and off premises outdoor advertising structures.* Off premises billboard signs and off premises outdoor advertising structures are not permitted in any location within the City. Conversion of existing billboards, of any size or any description, to electronic or digital billboards is not permitted.
- G. *Roof signs.* Roof signs may be permitted upon approval of a design which hides all supporting members. Roof sign area will be included in the total allowed wall sign area for the wall over which the roof sign is erected. Roof signs are not permitted by right.
- H. *Canopy signs.* Signs painted on or affixed to canopies which are part of the building shall be considered part of the total allowed area of wall signs for the wall from which the canopy projects. Signs painted on or affixed to canopies which are freestanding shall be considered part of the total allowable area of freestanding signs for that use. Signs with changeable copy (reader boards) located on marquees of theaters or similar public assembly uses may combine the total allowable area for all building faces as permitted by the City so long as there are no wall signs placed upon building faces other than the face to which the marquee is attached.
- I. *Wind signs.* Wind signs are prohibited.
- J. *Political or campaign signs.* Political or campaign signs are permitted under the following conditions:

1. Such signs must advocate for the election or defeat of a candidate for public office, or for the approval or defeat of a ballot proposition.
 2. Such signs shall not be erected or maintained within any public right-of-way nor shall such signs overhang public property or a public right-of-way.
 3. Such signs shall not be attached to a utility pole, light pole, an electric utility box, traffic signs, street signs, utility poles, mail boxes, a traffic control device, or any railroad sign or signal.
 4. Political or campaign signs may be allowed on certain City-owned or controlled properties if identified in a resolution approved by the Hurricane City Council. Such signs on City-owned or controlled property shall only be displayed during Federal, State, or Local elections periods. The election period begins upon the first election deadline for candidates to file a declaration of candidacy for the applicable election. Political signs shall be removed from the city-owned or controlled property within five (5) business days after the general election or the defeat of the candidate or ballot proposition, whichever occurs first. Political signs regarding candidates that are defeated in a primary election shall be removed from the property within five (5) business days after the primary election.
 5. Such signs shall not constitute a traffic, pedestrian, line-of-sight, or other safety hazard or nuisance.
 6. Such signs shall not be erected, constructed, or maintained upon any property without the consent of the owner or person entitled to possession of the property.
 7. Such signs shall not be located within 150 feet of a building that is serving as a polling place for an election on an election day. (UCA 20A-3-501)
 8. Such signs shall comply with all state laws governing political signs and political advertising. Enforcement, abatement, and disposal of non-compliant political signs shall also be conducted pursuant to all applicable state laws governing such action.
 9. Political signs may be allowed in park strips only if (1) the person posting the political sign is the owner or lawful occupant of property that is adjacent to the park strip and (2) the person is required by a local ordinance or an agreement to maintain the park strip; or if the person posting the sign obtains consent to post the political sign from the person previously described.
 10. A sign owner that posts or displays a political sign on a park strip shall ensure that the political sign is removed from the park strip no later than fourteen (14) calendar days after the day of the election to which the political sign relates.
- K. *Electronic message centers (EMC).* Electronic messaging signs shall comply with the following standards:

1. Message content shall not flash, strobe, or blink.
2. Static messaging content and images shall have a minimum dwell time of eight (8) seconds, meaning a sign cannot change messages more frequently than eight seconds.
3. Video content, sometimes referred to as “dynamic” messaging, is allowed but no portion of the message may have or cause a flashing, strobing, or blinking effect.
4. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to another sign or multiple signs.
5. Shall be located at least three hundred (300) feet from any residence as measured from any part of EMC to the nearest property line of the residence. This distance may be reduced to one hundred fifty (150) feet if no portion of the EMC display face or viewing surface is visible from the residence.
6. Shall be equipped with both a dimmer control and a photocell that automatically adjusts the display’s intensity according to changes in the day/night ambient light levels. In addition, EMCs must have a default mechanism to turn off the sign within twenty-four (24) hours of a reported malfunction.
7. The illumination at no time shall cast a light level greater than three-tenths (3/10) foot candle more than the ambient light level at the location. Light cutoff devices should minimize light above the sign. Foot candle readings shall be measured at ground level and at the distances shown in the table below:

Sign Size (square feet)	Distance From Source
0 to 100	100 feet
101 to 200	150 feet

8. Shall not be located closer than five hundred (500) linear feet from an interstate highway or interchange, as measured from any part of the sign to the nearest right-of-way line. Shall also comply with any applicable Department of Transportation regulations.
- L. *Sign Illumination.* Lighting fixtures used to illuminate any sign shall be mounted on the top of the sign structure and shielded to prevent the emission of light beyond the sign.
- M. *Location.* Except as expressly permitted by this Chapter, no sign shall be placed in or on any public right-of-way or park strip, nor shall such signs overhang public property or a public right-of-way. Any sign posted upon public property may be removed immediately by the city, but in no case shall the failure to remove said sign constitute acquiescence or waiver by the city of the illegal placement of the sign. No sign shall be constructed or erected in such a location or manner that it obstructs or unreasonably interferes with an existing sign.

- N. *Temporary signs.* Temporary signs shall comply with the following standards:
1. All temporary signs require approval of a sign permit.
 2. Off premises temporary signs are not allowed (see also Note 1 of Table 10-36-1).
 3. Temporary signs may be attached to existing permanent signs for grand openings or upon the change of ownership or name of the business. Such temporary signs shall only be allowed during the grand opening period or upon the change of ownership or name change period, with neither period of time extending beyond sixty (60) days.
 4. Temporary signs shall not be placed in or over a public right of way, or otherwise impair the visibility of traffic, constitute a vehicular or pedestrian traffic hazard, or cause a public nuisance of any kind. No temporary sign shall be attached to a utility pole or tree. They must be firmly secured to the building or ground.
 5. Temporary signs may be attached to existing permanent signs for grand openings or upon the change of ownership or name of the business. Such temporary signs shall only be allowed during the grand opening period or upon the change of ownership or name change period, with neither period of time extending beyond sixty (60) days.
 6. Banner signs may not be larger than 100 square feet. Such signs must be mounted or displayed on the face of a building or affixed to supporting poles or on a permanent fence in such a manner as to prevent displacement by wind or other cause. Location of banner signs must be such that safe sight distances are maintained for pedestrian and vehicular traffic. Banner signs which become tattered, worn, or in a state of disrepair must be immediately removed. For grand openings, bankruptcy, or going out of business promotions, only one such display per business license is allowed.
 7. Events intending to use on-premises temporary signs may be permitted for up to sixty (60) days upon approval of a sign permit.
 8. Floating signs may be permitted by the Zoning Administrator as a temporary use for special events, sales, or similar occasions for a time period not exceeding twenty-one (21) days in any three-month period.

(Ord. 2008-4, 3-6-2008; Ord. 2009-03, 3-19-2009; Ord. 2009-18, 11-19-2009; Ord. 2014-3A, 3-6-2014)

Sec. 10-36-4. Violation and remedies.

It is unlawful to erect or maintain a sign contrary to the provisions of this chapter. If a sign is erected or maintained in violation of this chapter, it shall be deemed a class C misdemeanor and upon conviction, subject to penalty as provided in section 1-4-1 of this Code.

- A. In addition to the remedies and enforcement procedures outlined in chapter 9 of this title, the City may invoke the following remedies:

1. Order the defect corrected within a period of time, not exceeding 60 days from the date of notice or the time established by an agreement signed by the Zoning Administrator, if correction of the defect will bring the subject sign into compliance with the provisions of this chapter; or
 2. If the defect cannot be corrected without resulting in a violation of the provisions of this chapter, order that the subject sign be removed by and at the expense of the owner of the sign, within a period of time not exceeding 30 days from the date of notice.
- B. It is unlawful to erect or maintain a sign contrary to the provisions of this chapter. If a sign is erected or maintained in violation of this chapter, the City may do the following:
1. Order the defect corrected within a fixed period of time, not exceeding 30 days, if correction of the defect will bring the subject sign into compliance with the provisions of this chapter; but
 2. If correction of the defect will result in a violation of the provisions of this chapter, order that the subject sign be removed by and at the expense of the owner of the sign, within a fixed period of time not exceeding 30 days.
- C. If the owner of the sign contests the order of the City, the remedy shall be an appeal to the Appeals Board, which appeal shall be taken in the time and manner otherwise provided in section 10-7-19 of this title for appeals to the Appeals Board.
- D. If the owner of the sign fails or refuses to remove the subject sign at the order of the City, the City may remove the sign at any time after the owner thereof exhausts his or her administrative remedies in relation thereto, unless otherwise ordered by a court of law. Removal by the City shall be at the expense of the owner, and the City may obtain judgment against the owner in an amount equal thereto, together with reasonable attorney fees and costs.

(Ord. 2008-4, 3-6-2008; Ord. 2018-12, 10-18-2018)

Sec. 10-36-5. Exceptions.

- A. This Chapter shall have no application to signs used exclusively for:
1. The display of official notices used by any court or public body or official, or the posting of notices by any public officer in the performance of a duty, or by any person giving legal notice.
 2. Directional, warning, or informational signs of a public or semipublic nature, erected and maintained by an official body or public utility.
 3. Any sign of a noncommercial nature when used to protect the health, safety, or welfare of the general public.

4. Any official flag, pennant or insignia of any nation, state, City, or other political unit. (Ord. 2008-4, 3-6-2008)

Sec. 10-36-6. Location standards.

All signs and outdoor advertising structures shall comply with the following location requirements:

- A. *Not obstruct, interfere.* No sign shall be erected in such a manner that any portion of the sign or its support will interfere with the use of any fire escape, exit or standpipe, or obstruct any required stairway, door, ventilator or window. No sign or its support shall create a visual obstruction and shall be erected to comply with the supplemental development standards in subsection 10-37-9E of this title.
- B. *Sight triangle.* No freestanding or projecting sign shall be erected at any intersection improved for vehicular traffic within a triangular area formed by the property lines and their projections and a line connecting them at points 25 feet from the intersections of the projecting property lines.
- C. *Utility clearance.* No sign shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the state or rules and regulations duly promulgated by agencies thereof or by electrical utility providers. No signs shall be erected or maintained on any utility pole except by the utility company itself.
- D. *Clearance; public, private ways.* No sign shall be erected in such a manner that any portion of the sign or its support will extend over a public or private walkway with a minimum clearance of less than ten feet.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-7. Sign development standards.

- A. Monument signs are encouraged in all planned commercial zones and commercial zones located along the commercial corridors of SR-9 and SR-7.
- B. Monument signs are required in all other zones including planned developments, project entrances, historical zones, and park, church, and school sites.
- C. Wall signs shall be so placed as to utilize existing architectural features of a building without obscuring them. Wall signs shall be oriented toward pedestrians or vehicles within close proximity to the sign.

The area of wall sign shall be no greater than 25 percent of the total square footage of the wall where it is located. Marquee, canopy, and roof signs shall be considered part of the 25 percent area limit.

No part of any such sign shall extend above the top level of the wall upon, or in front of, which it is located.

No such sign, including any light box or structural part, shall project more than 18 inches from the face of the part of the building to which it is attached. No copy is permitted on the sides of any such sign.

- D. Freestanding signs. There may be one such sign per frontage on properties with up to 200 feet of frontage. One additional sign may be permitted for each additional 200 feet of frontage. In the case of a parcel of property having multiple occupancies with a common frontage, the frontage shall be deemed to be that of the entire commonly used parcel of property and not the frontage of individual businesses or occupancies.
- E. New buildings or clusters of buildings having more than one tenant or use shall provide a sign plan for the entire structure or project. The sign plan must be designated so that it establishes a common theme or design, uses similar construction methods, has compatible colors, lettering, lettering styles, scale, symbols, and size of signs and backgrounds. Only one freestanding sign may be allowed, if permitted by this chapter, for clusters of buildings. Individual businesses may be identified on the same sign. The Planning Commission may approve a sign in excess of the maximum size permitted by this chapter when considering the overall sign plan.
- F. Signs which become tattered, worn, or in a state of disrepair must be removed if not repaired within 21 days of written notice by City to sign owner.

(Ord. 2008-4, 3-6-2008; Ord. 2014-3A, 3-6-2014)

Sec. 10-36-8. Special purpose signs.

In addition to any other permitted signs, signs for special purposes set forth in this section shall be permitted as provided herein:

- A. *For sale, rent or lease signs.* In all zoning districts, signs may be erected to advertise the sale, rent or lease of property upon which said signs are placed. Said signs shall be limited to one sign per street face, unless otherwise provided by the zoning provisions, and shall not exceed an area of six square feet in residential zones or 25 square feet in nonresidential zoning districts. Said signs shall be exempt from project plan approval.
- B. *Directory signs.* In all districts where group occupancies in office buildings, commercial buildings, or industrial buildings are permitted, directory signs may be erected displaying the names of occupants of a building who are engaged in a particular profession, business or industrial pursuit. Said sign shall be situated at least 15 feet inside the property line and shall not exceed 12 feet in height. Said sign shall not exceed an area of 100 square feet and shall not be placed within a clear vision area of a corner lot as set forth in section 10-37-9 of this title.
- C. *Construction project signs.* Signs may be erected in conjunction with construction projects and used for the purpose of publicizing the future occupants of the building, architects, engineers and construction organizations participating in the project; and such other information as may be approved by the Zoning Administrator. In

residential districts, no such sign shall exceed 100 square feet in area. In other districts, no such sign shall exceed an area of 200 square feet, and no freestanding sign shall exceed 12 feet in height. All such signs shall be removed before final inspection.

- D. *Directional signs.* Directional signs may be erected for the purpose of facilitating or controlling the efficient or safe movement of pedestrians or vehicles on or into private property. If a directional sign is not located on the property or properties to which it pertains, it may not be located on another property that contains more than one other directional sign. Consent of the other property owner, lessee, or occupant is required. No such sign shall exceed 16 square feet.
- E. *Open house signs.* Open house signs advertising real estate open for inspection for a prospective sale may be placed on private property in all districts with the consent of the owner, lessee or occupant. Such signs may state the name of the person or firm sponsoring the open house. Such signs shall not exceed six square feet. No more than two such signs may be placed on any one parcel of private property at the same time.
- F. *Church, quasi-public organizations and apartment house identification signs.* In all districts, a church or quasi-public organization may erect one wall sign on the premises to identify the name of the organization and announce activities thereof. Apartment houses of five or more dwelling units may erect one wall sign on the premises to identify only the name of the apartment complex and to indicate a vacancy. Said wall sign shall not exceed an area of 32 square feet, and may be mounted upon a freestanding, ornamental structure if approved by the Zoning Administrator.
- G. *Bus bench signs.* In all zones, bus bench signs are prohibited.
- H. *Development promotional and directional signs.* Two development promotional signs facing different directions may be placed on the premises of each subdivision, planned development, or condominium project having five or more lots or approved dwelling units. Said promotional sign may have an area of 64 square feet. Two additional promotional signs facing different directions may be placed on the premises of each subdivision, planned development or condominium project having two or more separate, major points of access at each major access point. All of the above signs shall be removed not later than 30 days following the sale of all lots in said development.
- I. *Yard/garage sale signs.* Such signs may be posted only for those sales conducted in compliance with subsection 10-48-3C of this title.
- J. *Entry feature sign.* Such signs may be constructed at entrances of residential or commercial projects subject to all the safety and visibility provisions of this title.

(Ord. 2008-4, 3-6-2008; Ord. 2012-2, 4-19-2012)

Sec. 10-36-9. Classification of signs.

Every sign erected or proposed to be erected within the City shall be classified in accordance with the definitions of signs contained in this chapter. Any sign which does not clearly fall within one of the classifications shall be placed in the classification which the sign, in view of its design, location and purpose, most clearly approximates by the Zoning Administrator.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-10. Signs permitted in agricultural (A) and residential (R) zones and noncommercial uses.

No sign shall be erected in any agricultural or any residential zones or for noncommercial uses except that (a) political signs may be erected in all zones in compliance with this Chapter, and (b) certain special purpose signs may be erected in all zones in compliance with the provisions of section 10-36-8 of this chapter.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-11. Signs permitted in other zones.

For those zoning districts which do not have sign regulations as a part of the zone provisions, and for those which are not readily placed into classifications referred to in preceding sections, the Planning Commission shall classify said zones as either: residential (R); agricultural (A); commercial (C); or industrial (I) zones, depending upon the similarity of the characteristics and permitted uses of said zone to those already classified. When such a classification has been made by the City, the sign provisions applying to the respective classification shall apply to said zones.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-12. Off premises advertising structures.

- A. *Prohibition of new off premises signs.* Except for off premises public information and logo signs meeting the size, shape, color and other requirements described in subsection B2 of this section, no permits shall be issued for the construction of off premises signs or outdoor advertising structures. All lawfully existing off premises signs and outdoor advertising structures as of the adoption of this chapter are declared nonconforming uses in all zones of the City.
- B. *Public information and logo signs.*
1. Off premises public information signs are permitted pursuant to this section for the purpose of directing the traveling public to points of interest, historical sites and other locations of interest, approved as such by the City. Specifications for off premises information signs are as set forth in the Manual of Uniform Traffic Control Devices for Streets and Highways and all such signs shall comply with those specifications.
 2. Off premises logo signs within a Utah Department of Transportation (UDOT) right-of-way are permitted under this section for the purpose of directing the traveling and general public to business establishments which provide lodging, food, camping, gas or other services. Identified by UDOT as the "Outdoor Advertising Control" program, these signs shall comply with the following regulations:
 - a. In constructing and maintaining a logo sign, the owner and installation contractor shall comply with and adhere to all applicable state and federal laws and regulations, and to UDOT policy and procedure.
- C. *City may amortize.* The City may acquire title to off premises nonconforming signs or outdoor advertising structures by gift, purchase, agreement, exchange or eminent domain, and shall have the right to amortize off premises nonconforming signs as permitted by state or federal law.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-13. Nonconforming signs.

- A. *On premises signs.* All on premises or appurtenant signs which have been made nonconforming by the adoption of provisions contained within this chapter shall be subject to the following regulations:
1. *Unsafe signs.* Any sign or portion thereof declared unsafe by a proper public authority must be restored to a safe condition or removed within 30 days of mailing or otherwise given notice of the unsafe condition.
 2. *Alterations.* A nonconforming sign shall not be reconstructed, raised, moved, placed, extended or enlarged or other alteration made unless said sign is changed so as to

conform to all provisions of this chapter. "Alterations" shall also mean that changing of the text or message on the sign from one use of the premises to another use of the premises and the changing of the ownership of the sign when that ownership necessitates a change in the text or message of the sign. "Alterations" shall not be interpreted to include changing the text or copy on off premises advertising signs, theater signs, outdoor bulletins or other similar signs which are designed to accommodate changeable copy.

3. *Restoration.* Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, explosion, act of God, act of a public enemy, or damaged by any other cause, to the extent of more than 60 percent of its assessed value shall, if repaired or rebuilt, be repaired or rebuilt in conformity with the regulations of this chapter or shall be removed.

B. *Off premises signs.* All off premises signs which are made nonconforming uses by the provisions of this chapter shall be subject to the provisions of Utah Code Annotated sections 10-20-1003, 10-20-607, and 10-20-608 or subsequent amendments.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-14. Sign features and requirements by zone.

TABLE 10-36-1

Zone	Agricultural/ Residential	Commercial	Industrial	SR-9 & SR-7
SIGN TYPE				
On premises signs:				
Canopy	N	P	P	P
Entry feature	P	P	P	P
Fascia	N	P	P	P
Freestanding	N	P	P	P
Marquee	N	P	P	P
Monument	N	P	P	P
Wall	N	P	P	P
Window	N	P	P	P
Wind signs	N	N	N	N
Off premises signs ¹				
N	N	N	N	N
SIGN EFFECTS AND COPY CONTENT				
On premises signs:				
Animated ⁴	N	N	N	N
Changeable copy	N	P	P	P
Electronic message center	N	P	P	P

Flashing/strobing	N	N	N	N
Identification	P	P	P	P
Illuminated	N	P	P	P
Rotating	N	N	N	N
Off premises signs ¹	N	N	N	N
SIGN DIMENSIONS				
Maximum sign height²:				
Freestanding	n/a	35'	35'	35'
Monument sign	n/a	35'	35'	35'
Maximum sign area³:				
Freestanding	n/a	200 sq. ft.	200 sq. ft.	200 sq. ft.
Electronic message center	n/a	200 sq. ft.	200 sq. ft.	200 sq. ft.
Home based business	1 window or wall sign, not to exceed 12" x 24" containing business name	1 window or wall sign, not to exceed 12" x 24" containing business name	1 window or wall sign, not to exceed 12" x 24" containing business name	1 window or wall sign, not to exceed 12" x 24" containing business name
Monument sign	n/a	200 sq. ft.	200 sq. ft.	200 sq. ft.
NUMBER OF SIGNS (per building or lot)				
On premises signs:				
Canopy	n/a	1	1	1
Entry feature	Per site plan	Per site plan	Per site plan	Per site plan
Fascia	n/a	1	1	1
Freestanding	n/a	1	1	1
Per 200 feet of single project frontage	n/a	1 monument or 1 freestanding	1 monument or 1 freestanding	1 monument or 1 freestanding
Marquee	n/a	1	1	1
Monument	n/a	1	1	1
Wall	n/a	1 per street face	1	1
Window	n/a	1	1	1
Off premises signs ¹	N	N	N	N
Location of signs:				
Minimum clearance under sign	n/a	10'	10'	10'
Minimum support setback from public right-of-way	n/a	5'	5'	5'

Maximum overhang of public right-of-way	n/a	5'	5'	5'
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Notes:

1. Except in residential zones, limited off premises temporary signs up to twenty-five square feet in area for community events, such as county fairs and city-sponsored events or events of city interest, may be permitted. Such signs shall be non-permanent and require approval of a sign permit and must be authorized by the property owner. The location of the sign must be such that safe sight distances are maintained for pedestrian and vehicular traffic.
2. The Planning Commission, upon review of a detailed sign plan, and pursuant to its discretion in considering the health, welfare, and safety of the public, may approve a sign in excess of the maximum height permitted by this chapter, not to exceed fifty-five (55) feet, for any of the following circumstances:
 - a. The property sits significantly below the level of an adjacent roadway and a taller sign is needed to achieve standard visibility for drivers.
 - b. Existing permanent structures such as highway sound walls or topographic features on adjacent properties or rights-of-way create a substantial visual obstruction that renders the sign ineffective from the public roadway unless a taller sign is permitted.
 - c. The property is in a commercial or industrial zone and is located within one-half mile of an interstate right-of-way.
 - d. For uses that provide travel-related services such as gas stations, convenience stores, or hotels: The property (1) is in a commercial or industrial zone, (2) lacks frontage on a state highway, and (3) is located within 1,000 feet of a state highway.

The proposed sign shall not present a danger or hazard to the general public or create a visual obstruction for pedestrian or vehicular traffic, nor shall the sign be a nuisance or visual detriment to the community or conflict with the intent or purpose of this chapter.

3. The Planning Commission, upon review of a detailed overall sign plan, and pursuant to its discretion in considering the health, welfare, and safety of the public, may approve a sign in excess of the maximum size permitted by this Chapter.
4. Electronic message centers that display video messaging content on a video display screen are not considered to be an animated sign. See definition of "animated sign" in Section 10-36-2.

(Ord. 2014-3A, 3-6-2014)

Sec. 10-36-15. Flagpole and Flags.

- A. *A flagpole is permitted in all zones. A limit of one (1) flagpole is permitted on each lot or parcel.*
- B. *Flagpole height.*
 1. Except as provided under subsection (B)(2) of this section, the maximum height of a flagpole may not exceed the maximum height allowed for any structure in the zone where the flag is located.
 2. A conditional use permit may be granted pursuant to Section 10-7-9 for a flagpole displaying only the flag of the United States or State of Utah up to a maximum height to one hundred feet (100') in nonresidential zones.

C. *Location and lighting.*

1. A flagpole may not be located in a manner as to cause a safety hazard.
2. A flag may not extend beyond the property line of the lot on which the flagpole is located.
3. Lighting fixtures shall be shielded to prevent direct illumination of adjoining properties and public rights-of-way.

NOW THEREFORE, BE IT ORDAINED BY THE HURRICANE CITY COUNCIL OF HURRICANE CITY, UTAH THAT:

1. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
2. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hurricane City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
3. This Ordinance shall, after adoption and approval, take effect immediately upon publication or posting as required by law.

EXECUTED on this 7th day, May 2026.

Hurricane City

Clark Fawcett, Mayor

Attest:

Cindy Beteag, City Recorder

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 7th day, May, 2026. Whereupon a motion to adopt and approve said Ordinance was made by _____ and seconded by _____ . A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
Joseph Prete	___	___	___	___
Drew Ellerman	___	___	___	___
Lynn Excell	___	___	___	___
David Imlay	___	___	___	___
Amy Werrett	___	___	___	___

Cindy Beteag, Recorder

CHAPTER 36. SIGNS

Sec. 10-36-1. Purpose.

The purpose of the sign regulations set forth in this chapter is intended to:

- A. Eliminate potential hazards to motorists and pedestrians by requiring that signs are designed, constructed, installed and maintained in a manner that promotes the public health, safety and general welfare of the citizens of the City;
- B. Encourage signs which, by their design, are integrated with and harmonious to the buildings and sites, including landscaping, which they occupy;
- C. Encourage sign legibility through the elimination of excessive and confusing sign displays;
- D. Preserve the appearance of the City as a place in which to live and to work, and create an attraction to nonresidents to come to visit or trade;
- E. Allow each individual business to clearly identify itself and the nature of its business in such a manner as to become the hallmark of the business which will create a distinctive appearance and also enhance the City character;
- F. Safeguard and enhance property values, and protect public and private investment in buildings and open space.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-2. Definitions.

The following words and phrases whenever used in this chapter shall be construed as defined in this section:

A-frame sign means any sign or structure composed of two sign faces mounted or attached back to back in such a manner as to form a basically triangular vertical cross section through the faces.

Animated sign means any sign designed or constructed to convey a message through the mechanical movement or rotation of the sign and/or the flashing, strobing, or rotation of lights or figures on the sign. Electronic message centers that display video messaging content on a video display screen are not considered to be an animated sign. ~~which is designed and constructed to give its message through the flashing of or rotation of lights or figures.~~

Banner means a flexible temporary sign characteristically supported by two or more points. It is generally made of fabric or other nonrigid materials with no enclosing frame.

Billboard means a freestanding ground sign located on real property that is designed and intended to direct attention to a business, product, service, or message that is not sold, offered or existing on the property, nor specific to the property where the property sign is located.

Building face means the visible outer surface of an exterior wall of a building. The area of the face of the building shall be the total area of such surface, including doors and windows.

Canopy. See definition of *marquee*.

Disrepair. A sign shall be considered in disrepair when it fails to be in the same form as originally constructed, or when it fails to perform its intended function of conveying a message. Conditions shall include, but not be limited to:

- A. Structural pole or support failure.
- B. Signs not being held vertically or as originally constructed.
- C. Borders falling off or ~~already~~ removed.
- D. Panels missing or falling off.
- E. Message or parts thereof falling off or in disrepair such that it cannot be interpreted by the motoring public.
- F. Signs that are overgrown by trees or other vegetation.

Electronic message center means a sign that displays video messaging content that may change at frequent intervals on a video display screen with changeable copy that is controlled electronically via a ~~remote~~ programming device. Sometimes referred to as "digital" or "electronic" billboards.

Entry feature sign means a monument sign that is placed at the entrance of a subdivision or other residential or commercial project as part of a distinct architectural or landscape feature that identifies the project and displays the project name.

Erect means to build, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post or display. Normal maintenance, including refinishing, is not included in this definition, provided the use, look, or content of the sign is not changed or altered.

Flag means a flag, pennant or insignia of any nation, state, City or other political unit, or of a nonprofit organization. A Flag does not include material commercial in nature and used for advertising purposes.

Flagpole means a pole for the purpose of displaying a Flag as defined herein.

Floating sign means any inflatable or floating sign or advertising device that is affixed to or displayed at a place of business. Examples are blimps, hot air balloons, and inflatable figures.

Freestanding sign means any sign that is standing on or erected into the ground. Such signs are usually, but not necessarily, supported from the ground by one or more poles or posts or similar uprights, with or without braces. Any sign which is mounted into the ground, but has the supports to any portion of the roof of a building or structure, shall be considered to be a roof sign.

Frontage means the length of the sides along the street or any other principal public thoroughfare, but not including such length along an alley, watercourse, railroad, street or thoroughfare with no permitted access.

Logo signs means any sign whose single feature is a reproduction of the common recognized logo of the company and/or product.

Marquee means any permanent rooflike structure projection beyond a building or wall, generally designed and constructed to provide protection from the weather.

Monument sign means any on premises sign which is mounted directly to the ground having a foundation or pedestal that is at least 60 percent of the width of the actual sign structure and meeting the standards for height set for monument signs.

Movable, freestanding sign means any sign not affixed to or erected into the ground.

Off-premises sign means any sign which advertises products, development projects, services, or business establishments which are not located, conducted, manufactured, or sold upon the same premises upon which the sign is erected.

On-premises sign means any sign which advertises products, services, development projects, or business establishments which are located, conducted, manufactured or sold upon the same premises on which the sign is erected. "On premises" may include separate parcels that are contiguous to the premises where projects, services, development projects or business establishments are located and owned by the same person or legal entity. Only one sign is permitted on a contiguous parcel.

Outdoor advertising sign. See definition of *on-premises sign*.

Political or campaign sign means any sign or document that advocates the election or defeat of a candidate for public office, or the approval or defeat of a ballot proposition.

Projecting sign means any sign attached to a building or structural wall and extending horizontally outward from such wall more than 18 inches.

Public event banner means a banner pertaining to festivals or events which is installed as a temporary sign. ~~Installation of public event banners across within the SR-9 right-of-way is generally not permitted without~~ only permitted with special permission of the City Council.

Public information sign means signs presenting travel information and signs concerning historic and scenic sites, public recreation facilities, miscellaneous instructions and warnings.

Reader board means a sign with manually changeable copy such as gas station prices, school events, etc.

Real property means land or real estate, with or without structures; not goods or services.

Residential zone or district means any zone which is designated by the prefix "R" in this title.

Roof sign means any sign which is erected upon or over the roof or over a parapet of any building or structure.

~~Scenic byway means a road that possesses outstanding scenic, recreational, historical, educational, scientific or cultural values or features. The designation can be made by federal or state agencies.~~

Sign means any words, lettering, parts of letters, documents, figures, numerals, phrases, sentences, devices, designs, pictures, trade names or trademarks by which anything is made known, such as are used to designate a firm, association, corporation, profession, person, political campaign, proposition, business or service, whether placed on the ground, rocks, trees, stumps, or other natural objects, or on a building, wall, roof, frame, support, fence or other manmade structure, which are visible from any public street, public highway or public road right-of-way. For the purpose of this chapter, the word "sign" does not include the flag, pennant or insignia of any nation, state, City or other political unit, or of a nonprofit organization. It shall not include, further, any official notice issued by any court, public body or officer, or directional, warning or informational sign or structure required or authorized by law.

Sign area means the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a double faced sign covering the same subject shall be computed. For signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display on one face. An electronic message center will be included in calculation of overall sign area.

Temporary means a period not to exceed ~~six months~~ sixty (60) days.

Time and temperature device means any mechanism that displays the time and/or temperature, but does not display any commercial advertising or identification.

Wall signs means any sign posted, or painted upon, suspended from, or otherwise affixed to a wall, fascia, canopy, or marquee of a building located on the site to which the sign pertains.

Wind sign means any propeller, spinner, whirligig, or similar commercial advertising device which is designed to flutter, spin, rotate, or display other movement under the influence of wind. This definition shall not include pennants, flags, or banners.

(Ord. 2014-3A, 3-6-2014)

Sec. 10-36-3. General requirements.

The following general requirements shall apply to all signs and outdoor advertising structures which may be erected or maintained within the City:

- A. *Sign approval.* Except as otherwise provided, it shall be illegal to erect or maintain any sign or outdoor advertising structure in the City without first obtaining the approval of the City for said sign or advertising structure, the granting of which shall be based upon the provisions of this chapter.

~~Approval shall not be required for temporary nonelectrical wall and nonelectrical freestanding signs of less than six square feet in area.~~

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- B. *Permits.* The approval of the City shall be evidenced by a permit issued by the Zoning Administrator in accordance with the provisions of section 10-7-15, sign permit, of this title.
- C. *Animated signs.* ~~Animated signs are prohibited. No strobing, flashing, or rotating signs are permitted.~~
- D. *Sound or emissions.* No sign shall be designed for the purpose of emitting sound, smoke, ~~or steam, or other visible emissions.~~ unless permitted under subsection (J) of this section
- E. *Movable and ~~temporary non-permanent~~ freestanding signs.* Except as otherwise provided in this chapter, all ~~off premises,~~ movable and ~~temporary non-permanent~~ freestanding signs, including, but not limited to, movable, freestanding, and A-frame signs, are prohibited off premises. This prohibition shall include signs mounted or painted upon vehicles or trailers which are parked in any location for the purpose of calling attention to or advertising a person, place, or thing. ~~"Temporary" shall be construed to mean a period not to exceed 30 days.~~
- ~~Movable A-frame signs displaying a menu or special message in front of a place of business to be displayed during open hours of the business may be approved subject to a maximum size of 30 inches by 36 inches. Such signs require a permit and must be stored inside the place of business outside of regular business hours and may not obstruct the flow of pedestrian traffic on the sidewalk or be placed on the street.~~
- F. *Off premises billboard signs and off premises outdoor advertising structures.* Off premises billboard signs and off premises outdoor advertising structures are not permitted in any location within the City. Conversion of existing billboards, of any size or any description, to electronic or digital billboards is not permitted.
- G. *Roof signs.* Roof signs may be permitted upon approval of a design which hides all supporting members. Roof sign area will be included in the total allowed wall sign area for the wall over which the roof sign is erected. Roof signs are not permitted by right.
- H. *Canopy signs.* Signs painted on or affixed to canopies which are part of the building shall be considered part of the total allowed area of wall signs for the wall from which the canopy projects. Signs painted on or affixed to canopies which are freestanding shall be considered part of the total allowable area of freestanding signs for that use. ~~Signs suspended under canopies (marquees) which project over public rights-of-way shall be limited to six square feet.~~ Signs with changeable copy (reader boards) located on marquees of theaters or similar public assembly uses may combine the total allowable area for all building faces as permitted by the City so long as there are no wall signs placed upon building faces other than the face to which the marquee is attached.
- ~~I. *Banner signs.* Banner signs will be permitted under the following conditions:~~
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1. ~~Sign must be mounted or displayed on the face of a building or affixed to supporting poles or on a permanent fence in such a manner as to prevent displacement by wind or other cause. Location of banner sign must be such that safe sight distances are maintained for pedestrian and vehicular traffic.~~
 2. ~~Sign may not be larger than 100 square feet.~~
 3. ~~For grand opening promotions, banner signs may be displayed for 60 consecutive days (only one such display per business location).~~
 4. ~~For new businesses without permanent signs, a banner sign may be permitted for up to six months. One six-month extension may be granted by the Planning Commission Zoning Administrator.~~
 5. ~~For bankruptcy or going out of business promotions, banner signs may be displayed for 60 consecutive days (only one such display per business license).~~
 6. ~~For all other sales and events, banner signs may be displayed for a maximum of 30 days per quarter (a three-month period).~~
 7. ~~Banner signs which become tattered, worn, or in a state of disrepair must be immediately removed, regardless of time limits. However, a replacement banner sign with the same message may be erected for the remainder of the time limit.~~
- J. ~~*Floating signs.* Such signs may be permitted by the Zoning Administrator as a temporary use for special events, sales, or similar occasions for a time period not exceeding 21 days. One such 21-day period may be approved in each three-month period.~~
- I. ~~*Wind signs.* Wind signs are prohibited.~~
- J. ~~*Political or campaign signs.* Political or campaign signs are permitted under the following conditions:~~
1. ~~Such signs must advocate for the election or defeat of a candidate for public office, or for the approval or defeat of a ballot proposition.~~
 2. ~~Such signs shall not be erected or maintained within any public right-of-way nor shall such signs overhang public property or a public right-of-way.~~
 3. ~~Such signs shall not be attached to a utility pole, light pole, an electric utility box, traffic signs, street signs, utility poles, mail boxes, a traffic control device, or any railroad sign or signal.~~
 4. ~~Political or campaign signs may be allowed on certain City-owned or controlled properties if identified in a resolution approved by the Hurricane City Council. Such signs on City-owned or controlled property shall only be displayed during Federal, State, or Local elections periods. The election period begins upon the first election deadline for candidates to file a declaration of candidacy for the applicable election. Political signs shall be removed from the city-owned or~~
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controlled property within five (5) business days after the general election or the defeat of the candidate or ballot proposition, whichever occurs first. Political signs regarding candidates that are defeated in a primary election shall be removed from the property within five (5) business days after the primary election.

5. Such signs shall not constitute a traffic, pedestrian, line-of-sight, or other safety hazard or nuisance.
6. Such signs shall not be erected, constructed, or maintained upon any property without the consent of the owner or person entitled to possession of the property.
7. Such signs shall not be located within 150 feet of a building that is serving as a polling place for an election on an election day. (UCA 20A-3-501)
8. Such signs shall comply with all state laws governing political signs and political advertising. Enforcement, abatement, and disposal of non-compliant political signs shall also be conducted pursuant to all applicable state laws governing such action.
9. Political signs may be allowed in park strips only if (1) the person posting the political sign is the owner or lawful occupant of property that is adjacent to the park strip and (2) the person is required by a local ordinance or an agreement to maintain the park strip; or if the person posting the sign obtains consent to post the political sign from the person previously described.
10. A sign owner that posts or displays a political sign on a park strip shall ensure that the political sign is removed from the park strip no later than fourteen (14) calendar days after the day of the election to which the political sign relates.

K. *Electronic message centers (EMC).* Electronic messaging signs shall comply with the following standards:

1. Message content shall not flash, strobe, or blink.
2. Static messaging content and images shall have a minimum dwell time of eight (8) seconds, meaning a sign cannot change messages more frequently than eight seconds.
3. Video content, sometimes referred to as “dynamic” messaging, is allowed but no portion of the message may have or cause a flashing, strobing, or blinking effect.
4. The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to another sign or multiple signs.
5. Shall be located at least three hundred (300) feet from any residence as measured from any part of EMC to the nearest property line of the residence.

This distance may be reduced to one hundred fifty (150) feet if no portion of the EMC display face or viewing surface is visible from the residence.

6. Shall be equipped with both a dimmer control and a photocell that automatically adjusts the display's intensity according to changes in the day/night ambient light levels. In addition, EMCs must have a default mechanism to turn off the sign within twenty-four (24) hours of a reported malfunction.
7. The illumination at no time shall cast a light level greater than three-tenths (3/10) foot candle more than the ambient light level at the location. Light cutoff devices should minimize light above the sign. Foot candle readings shall be measured at ground level and at the distances shown in the table below:

<u>EMC Sign Size (square feet)</u>	<u>Distance From Source</u>
<u>0 to 100</u>	<u>100 feet</u>
<u>101 to 350</u>	<u>150 feet</u>

8. Shall not be located closer than five hundred (500) linear feet from an interstate highway or interchange, as measured from any part of the sign to the nearest right-of-way line. Shall also comply with any applicable Department of Transportation regulations.

LK. Sign Illumination. Lighting fixtures used to illuminate any sign shall be mounted on the top of the sign structure and shielded to prevent the emission of light beyond the sign.

ML. Location. Except as expressly permitted by this Chapter, no sign shall be placed in or on any public right-of-way or park strip, nor shall such signs overhang public property or a public right-of-way. Any sign posted upon public property may be removed immediately by the city, but in no case shall the failure to remove said sign constitute acquiescence or waiver by the city of the illegal placement of the sign. No sign shall be constructed or erected in such a location or manner that it obstructs or unreasonably interferes with an existing sign. Any such sign removed shall not be destroyed within a period less than thirty (30) days from the date of removal.

N. Temporary signs. Temporary signs shall comply with the following standards:

1. All temporary signs require approval of a sign permit.
2. Off premises temporary signs are not allowed (see also Note 1 of Table 10-36-1).
3. Temporary signs may be attached to existing permanent signs for grand openings or upon the change of ownership or name of the business. Such temporary signs shall only be allowed during the grand opening period or upon the change of ownership or name change period, with neither period of time extending beyond sixty (60) days.

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4. Temporary signs shall not be placed in or over a public right of way, or otherwise impair the visibility of traffic, constitute a vehicular or pedestrian traffic hazard, or cause a public nuisance of any kind. No temporary sign shall be attached to a utility pole or tree. They must be firmly secured to the building or ground.
 5. Temporary signs may be attached to existing permanent signs for grand openings or upon the change of ownership or name of the business. Such temporary signs shall only be allowed during the grand opening period or upon the change of ownership or name change period, with neither period of time extending beyond sixty (60) days.
 6. Banner signs may not be larger than 100 square feet. Such signs must be mounted or displayed on the face of a building or affixed to supporting poles or on a permanent fence in such a manner as to prevent displacement by wind or other cause. Location of banner signs must be such that safe sight distances are maintained for pedestrian and vehicular traffic. Banner signs which become tattered, worn, or in a state of disrepair must be immediately removed. For grand openings, bankruptcy, or going out of business promotions, only one such display per business license is allowed.
 7. Events intending to use on-premises temporary signs may be permitted for up to sixty (60) days upon approval of a sign permit.
 8. Floating signs may be permitted by the Zoning Administrator as a temporary use for special events, sales, or similar occasions for a time period not exceeding twenty-one (21) days in any three-month period.

(Ord. 2008-4, 3-6-2008; Ord. 2009-03, 3-19-2009; Ord. 2009-18, 11-19-2009; Ord. 2014-3A, 3-6-2014)

Sec. 10-36-4. Violation and remedies.

It is unlawful to erect or maintain a sign contrary to the provisions of this chapter. If a sign is erected or maintained in violation of this chapter, it shall be deemed a class C misdemeanor and upon conviction, subject to penalty as provided in section 1-4-1 of this Code.

A. In addition to the remedies and enforcement procedures outlined in chapter 9 of this title, the City may invoke the following remedies:

1. Order the defect corrected within a period of time, not exceeding 60 days from the date of notice or the time established by an agreement signed by the Zoning Administrator, if correction of the defect will bring the subject sign into compliance with the provisions of this chapter; or
2. If the defect cannot be corrected without resulting in a violation of the provisions of this chapter, order that the subject sign be removed by and at the expense of

the owner of the sign, within a period of time not exceeding 30 days from the date of notice.

- B. It is unlawful to erect or maintain a sign contrary to the provisions of this chapter. If a sign is erected or maintained in violation of this chapter, the City may do the following:
 - 1. Order the defect corrected within a fixed period of time, not exceeding 30 days, if correction of the defect will bring the subject sign into compliance with the provisions of this chapter; but
 - 2. If correction of the defect will result in a violation of the provisions of this chapter, order that the subject sign be removed by and at the expense of the owner of the sign, within a fixed period of time not exceeding 30 days.
- C. If the owner of the sign contests the order of the City, the remedy shall be an appeal to the Appeals Board, which appeal shall be taken in the time and manner otherwise provided in section 10-7-19 of this title for appeals to the Appeals Board.
- D. If the owner of the sign fails or refuses to remove the subject sign at the order of the City, the City may remove the sign at any time after the owner thereof exhausts his or her administrative remedies in relation thereto, unless otherwise ordered by a court of law. Removal by the City shall be at the expense of the owner, and the City may obtain judgment against the owner in an amount equal thereto, together with reasonable attorney fees and costs.

(Ord. 2008-4, 3-6-2008; Ord. 2018-12, 10-18-2018)

Sec. 10-36-5. Exceptions.

- A. This [Chapter](#) shall have no application to signs used exclusively for:
 - A.—1. The display of official notices used by any court or public body or official, or the posting of notices by any public officer in the performance of a duty, or by any person giving legal notice.
 - B.—2. Directional, warning, or informational signs of a public or semipublic nature, erected and maintained by an official body or public utility.
 - C.—3. Any sign of a noncommercial nature when used to protect the health, safety, or welfare of the general public.
 - D. 4. Any official flag, pennant or insignia of any nation, state, City, or other political unit.
 - E. ~~Time and temperature signs and elements of commercial signs which convey only time, temperature, or weather conditions.~~
In zones other than residential or residential agriculture, a

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-6. Location standards.

All signs and outdoor advertising structures shall comply with the following location requirements:

- A. *Not obstruct, interfere.* No sign shall be erected in such a manner that any portion of the sign or its support will interfere with the use of any fire escape, exit or standpipe, or obstruct any required stairway, door, ventilator or window. No sign or its support shall create a visual obstruction and shall be erected to comply with the supplemental development standards in subsection 10-37-9E of this title.
- B. *Sight triangle.* No freestanding or projecting sign shall be erected at any intersection improved for vehicular traffic within a triangular area formed by the property lines and their projections and a line connecting them at points 25 feet from the intersections of the projecting property lines; ~~unless same in its entirety is less than three feet, or more than eight feet above the curb grade, no part of its means of support has a single or joined horizontal dimension exceeding 12 inches, or said sign is within an area in which a building or structure is permitted by the provisions of the respective zone.~~
- C. *Utility clearance.* No sign shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the state or rules and regulations duly promulgated by agencies thereof or by electrical utility providers. No signs shall be erected or maintained on any utility pole except by the utility company itself.
- D. *Clearance; public, private ways.* No sign shall be erected in such a manner that any portion of the sign or its support will extend over a public or private walkway with a minimum clearance of less than ten feet.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-7. Sign development standards.

- A. Monument signs are encouraged in all planned commercial zones and commercial zones located along the commercial corridor of SR-9 and SR-7.
- B. Monument signs are required in all other zones including planned developments, project entrances, historical zones, and park, church, and school sites.
- C. Wall signs shall be so placed as to utilize existing architectural features of a building without obscuring them. Wall signs shall be oriented toward pedestrians or vehicles within close proximity to the sign.

The area of wall sign shall be no greater than ~~20~~25 percent of the total square footage of the wall where it is located. Marquee, canopy, and roof signs shall be considered part of the ~~20~~25 percent area limit.

No part of any such sign shall extend above the top level of the wall upon, or in front of, which it is located.

No such sign, including any light box or structural part, shall project more than 18 inches from the face of the part of the building to which it is attached. No copy is permitted on the sides of any such sign.

- D. Freestanding signs. There may be one such sign per frontage on properties with up to 200 feet of frontage. ~~for each 200 feet of frontage of the property, plus one~~ One additional sign may be permitted for each additional 200 ~~feet-foot~~ of frontage. In the case of a parcel of property having multiple occupancies with a common frontage, the frontage shall be deemed to be that of the entire commonly used parcel of property and not the frontage of individual businesses or occupancies.

~~Such signs shall not exceed 35 feet in height.~~

~~No such sign shall project more than 15 feet into any required front yard.~~

- E. New buildings or clusters of buildings having more than one tenant or use shall provide a sign plan for the entire structure or project. The sign plan must be designated so that it establishes a common theme or design, uses similar construction methods, has compatible colors, lettering, lettering styles, scale, symbols, and size of signs and backgrounds. Only one freestanding sign may be allowed, if permitted by this chapter, for clusters of buildings. Individual businesses may be identified on the same sign. The Planning Commission may approve a sign in excess of the maximum size permitted by this chapter when considering the overall sign plan.
- F. Signs which become tattered, worn, or in a state of disrepair must be removed if not repaired within 21 days of written notice by City to sign owner.

(Ord. 2008-4, 3-6-2008; Ord. 2014-3A, 3-6-2014)

Sec. 10-36-8. Special purpose signs.

In addition to any other permitted signs, signs for special purposes set forth in this section shall be permitted as provided herein:

- A. *For sale, rent or lease signs.* In all zoning districts, signs may be erected to advertise the sale, rent or lease of property upon which said signs are placed. Said signs shall be limited to one sign per street face, unless otherwise provided by the zoning provisions, and shall not exceed an area of six square feet in residential zones or 25 square feet in nonresidential zoning districts. Said signs shall be exempt from project plan approval.

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- B. *Directory signs.* In all districts where group occupancies in office buildings, commercial buildings, or industrial buildings are permitted, directory signs may be erected displaying the names of occupants of a building who are engaged in a particular profession, business or industrial pursuit. Said sign shall be situated at least 15 feet inside the property line and shall not exceed 12 feet in height. Said sign shall not exceed an area of 100 square feet and shall not be placed within a clear vision area of a corner lot as set forth in section 10-37-9 of this title.
 - C. *Construction project signs.* Signs may be erected in conjunction with construction projects and used for the purpose of publicizing the future occupants of the building, architects, engineers and construction organizations participating in the project; and such other information as may be approved by the Zoning Administrator. In residential districts, no such sign shall exceed 100 square feet in area. In other districts, no such sign shall exceed an area of 200 square feet, and no freestanding sign shall exceed 12 feet in height. All such signs shall be removed before final inspection.
 - D. *Directional signs.* Directional signs may be erected for the purpose of facilitating or controlling the efficient or safe movement of pedestrians or vehicles on or into private property. If a directional sign is not located on the property or properties to which it pertains, it may not be located on another property that contains more than one other directional sign. Consent of the other property owner, lessee, or occupant is required. No such sign shall exceed 16 square feet.
 - E. *Open house signs.* Open house signs advertising real estate open for inspection for a prospective sale may be placed on private property in all districts with the consent of the owner, lessee or occupant. Such signs may state the name of the person or firm sponsoring the open house. Such signs shall not exceed six square feet. No more than two such signs may be placed on any one parcel of private property at the same time.
 - F. *Church, quasi-public organizations and apartment house identification signs.* In all districts, a church or quasi-public organization may erect one wall sign on the premises to identify the name of the organization and announce activities thereof. Apartment houses of five or more dwelling units may erect one wall sign on the premises to identify only the name of the apartment complex and to indicate a vacancy. Said wall sign shall not exceed an area of 32 square feet, and may be mounted upon a freestanding, ornamental structure if approved by the Zoning Administrator.
 - G. *Bus bench signs.* In all zones, bus bench signs are prohibited.
 - H. *Development promotional and directional signs.* Two development promotional signs facing different directions may be placed on the premises of each subdivision, planned development, or condominium project having five or more lots or approved dwelling units. Said promotional sign may have an area of 64 square feet. Two additional promotional signs facing different directions may be placed on the
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premises of each subdivision, planned development or condominium project having two or more separate, major points of access at each major access point. All of the above signs shall be removed not later than 30 days following the sale of all lots in said development.

- I. *Yard/garage sale signs.* Such signs may be posted only for those sales conducted in compliance with subsection 10-48-3C of this title.
- J. *Entry feature sign.* Such signs may be constructed at entrances of residential or commercial projects subject to all the safety and visibility provisions of this title.

(Ord. 2008-4, 3-6-2008; Ord. 2012-2, 4-19-2012)

Sec. 10-36-9. Classification of signs.

Every sign erected or proposed to be erected within the City shall be classified in accordance with the definitions of signs contained in this chapter. Any sign which does not clearly fall within one of the classifications shall be placed in the classification which the sign, in view of its design, location and purpose, most clearly approximates by the Zoning Administrator.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-10. Signs permitted in agricultural (A) and residential (R) zones and noncommercial uses.

No sign shall be erected in any agricultural or any residential zones or for noncommercial uses except that [\(a\) political signs may be erected in all zones in compliance with this Chapter, and \(b\) certain special purpose signs may be erected in all zones in compliance with the provisions of section 10-36-6-8](#) of this chapter.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-11. Signs permitted in other zones.

For those zoning districts which do not have sign regulations as a part of the zone provisions, and for those which are not readily placed into classifications referred to in preceding sections, the Planning Commission shall classify said zones as either: residential (R); agricultural (A); commercial (C); or industrial (I) zones, depending upon the similarity of the characteristics and permitted uses of said zone to those already classified. When such a classification has been made by the City, the sign provisions applying to the respective classification shall apply to said zones.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-12. Off premises advertising structures.

- A. *Prohibition of new off premises signs.* Except for off premises public information and logo signs meeting the size, shape, color and other requirements described in subsection B2 of this section, no permits shall be issued for the construction of off premises signs or outdoor advertising structures. All lawfully existing off premises signs and outdoor advertising structures as of the adoption of this chapter are declared nonconforming uses in all zones of the City.
- B. *Public information and logo signs.*
1. Off premises public information signs are permitted pursuant to this section for the purpose of directing the traveling public to points of interest, historical sites and other locations of interest, approved as such by the City. Specifications for off premises information signs are as set forth in the Manual of Uniform Traffic Control Devices for Streets and Highways and all such signs shall comply with those specifications.
 2. Off premises "logo" signs within a Utah Department of Transportation (UDOT) right-of-way are permitted under this section for the purpose of directing the traveling and general public to business establishments which provide lodging, food, camping, gas or other services. Identified by ~~the state department of transportation-UDOT~~ as the "logo-sign program," "Outdoor Advertising Control" program, these signs shall comply with the following regulations:
 - a. ~~i~~In constructing and maintaining a logo sign, ~~program-of-signs~~, the owner and installation contractor shall comply with and adhere to all applicable state and federal laws and regulations, and to UDOT policy and procedure.
- C. *City may amortize.* The City may acquire title to off premises nonconforming signs or outdoor advertising structures by gift, purchase, agreement, exchange or eminent domain, and shall have the right to amortize off premises nonconforming signs as permitted by state or federal law.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-13. Nonconforming signs.

- A. *On premises signs.* All on premises or appurtenant signs which have been made nonconforming by the adoption of provisions contained within this chapter shall be subject to the following regulations:
1. *Unsafe signs.* Any sign or portion thereof declared unsafe by a proper public authority must be restored to a safe condition or removed within 30 days of mailing or otherwise given notice of the unsafe condition.

2. *Alterations.* A nonconforming sign shall not be reconstructed, raised, moved, placed, extended or enlarged or other alteration made unless said sign is changed so as to conform to all provisions of this chapter. "Alterations" shall also mean that changing of the text or message on the sign from one use of the premises to another use of the premises and the changing of the ownership of the sign when that ownership necessitates a change in the text or message of the sign. "Alterations" shall not be interpreted to include changing the text or copy on off premises advertising signs, theater signs, outdoor bulletins or other similar signs which are designed to accommodate changeable copy.
 3. *Restoration.* Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, explosion, act of God, act of a public enemy, or damaged by any other cause, to the extent of more than 60 percent of its assessed value shall, if repaired or rebuilt, be repaired or rebuilt in conformity with the regulations of this chapter or shall be removed.
- B. *Off premises signs.* All off premises signs which are made nonconforming uses by the provisions of this chapter shall be subject to the provisions of Utah Code Annotated sections [10-9a-51120-1003](#), [10-9a-51220-607](#), and [10-9a-51320-608](#) or subsequent amendments.

(Ord. 2008-4, 3-6-2008)

Sec. 10-36-14. Sign features and requirements by zone.

TABLE 10-36-1

<u>Zone</u>	Agricultural/ Residential	Commercial	Industrial	SR-9 & SR-7
SIGN TYPE				
On premises signs:				
Canopy	N	P	P	P
Entry feature	P	P	P	P
Fascia	N	P	P	P
Freestanding	N	P	P	P
Marquee	N	P	P	P
Monument	N	P	P	P
Wall	N	P	P	P
Window	N	P	P	P
<u>Wind signs</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Off premises signs ¹	N	N	N	N
SIGN EFFECTS AND COPY CONTENT				
On premises signs:				
Animated ⁴	N	<u>NP</u>	<u>NP</u>	<u>NP</u>

Changeable copy	N	P	P	P
Electronic message center	N	P	P	P
Flashing/ <u>strobing</u>	N	N	N	N
Identification	P	P	P	P
Illuminated	N	P	P	P
Rotating	N	NP	NP	NP
Off premises signs ¹	N	N	N	N
SIGN DIMENSIONS				
Maximum sign height²:				
Freestanding	n/a	35'	35'	35'
Monument sign	n/a	35'	35'	35'
Maximum sign area³:				
Freestanding	n/a	200 sq. ft.	200 sq. ft.	200 sq. ft.
<u>Electronic message center (screen size)</u>	n/a	100 square feet on properties with up to 200 feet of frontage. The screen size may be increased an additional 50 square feet for each additional 200 feet of frontage, not to exceed a maximum screen size of 200 square feet.		
Home based business	1 window or wall sign, not to exceed 12" x 24" containing business name	1 window or wall sign, not to exceed 12" x 24" containing business name	1 window or wall sign, not to exceed 12" x 24" containing business name	1 window or wall sign, not to exceed 12" x 24" containing business name
Monument sign	n/a	200 sq. ft.	200 sq. ft.	200 sq. ft.
NUMBER OF SIGNS (per building or lot)				
On premises signs:				
Canopy	n/a	1	1	1
Entry feature	Per site plan	Per site plan	Per site plan	Per site plan
Fascia	n/a	1	1	1
Freestanding	n/a	1	1	1
Per 200 feet of single project frontage	n/a	1 monument or 1 freestanding	1 monument or 1 freestanding	1 monument or 1 freestanding
Marquee	n/a	1	1	1
Monument	n/a	1	1	1
Wall	n/a	1 <u>per street face</u>	1	1
Window	n/a	1	1	1
Off premises signs ¹	N	N	N	N

Location of signs:				
Minimum clearance under sign	n/a	10'	10'	10'
Minimum support setback from public right-of-way	n/a	5'	5'	5'
Maximum overhang of public right-of-way	n/a	5'	5'	5'
Maximum thickness of sign over public right-of-way	n/a	3'	3'	3'

Notes:

1. Except in residential zones, limited off premises temporary signs up to twenty-five square feet in area for community events, such as county fairs and city-sponsored events or events of city interest, may be permitted. Such signs shall be non-permanent and require approval of a sign permit and must be authorized by the property owner. The location of the sign must be such that safe sight distances are maintained for pedestrian and vehicular traffic.
2. The Planning Commission, upon review of a detailed sign plan, and pursuant to its discretion in considering the health, welfare, and safety of the public, may approve a sign in excess of the maximum height permitted by this chapter, not to exceed fifty-five (55) feet, for any of the following circumstances:
 - a. The property sits significantly below the level of an adjacent roadway and a taller sign is needed to achieve standard visibility for drivers.
 - b. Existing permanent structures such as highway sound walls or topographic features on adjacent properties or rights-of-way create a substantial visual obstruction that renders the sign ineffective from the public roadway unless a taller sign is permitted.
 - c. The property is in a commercial or industrial zone and is located within one-half mile of an interstate right-of-way.
 - d. For uses that provide travel-related services such as gas stations, convenience stores, or hotels: The property (1) is in a commercial or industrial zone, (2) lacks frontage on a state highway, and (3) is located within 1,000 feet of a state highway.

The proposed sign shall not present a danger or hazard to the general public or create a visual obstruction for pedestrian or vehicular traffic, nor shall the sign be a nuisance or visual detriment to the community or conflict with the intent or purpose of this chapter.
3. The Planning Commission, upon review of a detailed overall sign plan, and pursuant to its discretion in considering the health, welfare, and safety of the public, may approve a sign in excess of the maximum size permitted by this Chapter.
4. Electronic message centers that display video messaging content on a video display screen are not considered to be an animated sign. See definition of "animated sign" in Section 10-36-2.

(Ord. 2014-3A, 3-6-2014)

Sec. 10-36-15. Flagpole and Flags.

- A. A flagpole is permitted in all zones. A limit of one (1) flagpole is permitted on each lot or parcel.

B. Flagpole height.

1. Except as provided under subsection (B)(2) of this section, the maximum height of a flagpole may not exceed the maximum height allowed for any structure in the zone where the flag is located.
2. A conditional use permit may be granted pursuant to Section 10-7-9 for a flagpole displaying only the flag of the United States or State of Utah up to a maximum height to one hundred feet (100') in nonresidential zones.

C. Location and lighting.

1. A flagpole may not be located in a manner as to cause a safety hazard.
2. A flag may not extend beyond the property line of the lot on which the flagpole is located.
3. Lighting fixtures shall be shielded to prevent direct illumination of adjoining properties and public rights-of-way.



STAFF COMMENTS

Item: Consideration and possible approval of Ordinance 2026-11 amending Title 10, Chapters 7 and 37 regarding conditional uses and height exceptions for flag poles; File No. LUCA26-03; Hurricane City Planning Department, applicant.

Discussion: June 4, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

Background/Request:

This ordinance update was prepared by staff in conjunction with the sign ordinance update. It is proposed that the height of flagpoles be limited to the maximum height of buildings in the applicable zone; a new conditional use permit process for taller flagpoles in nonresidential zones is also proposed. The suggested standards for conditional use permits include consideration for health and safety and proximity to airports. This code update also requires a minor revision to Chapter 37, Section 10-37-11 that exempts flagpoles from the height ordinance. These amendments relating to flagpole heights were initially included in the sign ordinance update, but upon review by the City Attorney, it was decided that the proposed exceptions to allow higher flagpoles in nonresidential zones would be more appropriately reviewed under the conditional use process.

Planning Commission Review:

A public hearing was held at the May 14, 2026, Planning Commission meeting and no public comments or objections to the code update were received. Discussion among the commissioners was supportive of the proposed code update. Commissioner Smith asked whether the code update included a regulation, like the American Legion's flag code, requiring lighting of a flag if it is to be flown at night. The code currently does not propose such a requirement, although the City Council could consider adding one if they desire. The Planning Commission voted unanimously to recommend approval to the City Council.

Findings: N/A

Recommendation: Staff recommends approval of the land use code update.



STAFF COMMENTS

Agenda Date:	05/14/2026 - Planning Commission
Application Number:	LUCA26-03
Type of Application:	Land Use Code Amendment
Action Type:	Legislative
Applicant:	Hurricane City
Agent:	N/A
Request:	Amend Title 10, Chapter 7 and 37 regarding flagpoles.
Recommendation:	Recommend approval to the City Council.
Report Prepared By:	Fred Resch III

Discussion: This ordinance update was prepared by staff in conjunction with the sign ordinance update presented at the previous meeting. It is proposed that the height of flagpoles be limited to the maximum height of buildings in a zone, with a new conditional use permit process for taller flagpoles in nonresidential zones. Conditions for conditional use permits include consideration for health and safety and proximity to airports. This code update also tightens up a section in Title 10 Chapter 37 that exempts flagpoles from the height ordinance.

Recommendation: The Planning Commission should thoughtfully consider the proposed ordinance update and any comments made at the public hearing. Staff recommends that the Planning Commission make a recommendation of approval to the City Council.

Sec. 10-37-11. Height exceptions and limitations.

- A. *Exceptions to height limitations.* Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, parapet walls, skylights, towers, steeples, flagpoles, chimneys, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space for human occupancy.
- B. *Maximum height of accessory buildings.* No building which is accessory to a single-family or a multiple-family dwelling with four or fewer dwelling units shall be erected to a height greater than 20 feet unless a greater height is authorized by a conditional use permit.
- C. *Minimum height of main buildings.* No dwelling shall be erected to a height less than one story above grade except earth sheltered dwellings authorized by the provisions of this title.

(Ord. 03-5-1, 5-1-2003, eff. 6-1-2003)

Sec. 10-7-9. Conditional use permit.

- A. *Purpose.* This section sets forth procedures for considering and approving conditional use permits.
- B. *Authority.*
1. The Planning Commission is authorized to issue conditional use permits for the following uses:
 - Agricultural industry.
 - Agritourism activities.
 - Animal specialties.
 - Assisted living facility.
 - Farm stands selling commercially packaged handicrafts or commercially processed or packaged food stuffs.
 - Greater heights than permitted by this Code in all zones except residential and residential agricultural zones.
 - Greater size than permitted by this Code in all zones except residential and residential agricultural zones.
 - Metal building in commercial and residential zones.
 - Multi family in commercial zones.
 - Public stable.
 - Reception center.
 - Recreation and entertainment, outdoor.
 - Fences or walls of greater height.
 2. The Zoning Administrator is authorized to issue conditional use permits for the following uses:
 - Animals and fowl for recreation and family food production.
 - Greater size accessory buildings than permitted by this Code in residential zones.
 - Greater size accessory buildings than permitted by this Code in residential and residential agricultural zones.
 - Greater height accessory buildings than permitted by this Code in residential and residential agricultural zones.
 - Metal buildings in commercial and residential zones.
 - Flag poles of greater height than permitted by this Code in nonresidential zones.
- C. *Initiation.* A property owner, or the owner's agent, may request a conditional use permit as provided in subsection D1 of this section.
- D. *Procedure.* An application for a conditional use permit shall be considered and processed as provided in this subsection.
1. A complete application shall be submitted to the office of the Zoning Administrator in a form established by the administrator along with any fee established by the City's schedule of fees. The application shall include at least the following information:

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- a. The name, address and telephone number of the applicant and the applicant's agent, if any;
 - b. The address and parcel identification of the subject property;
 - c. The zone, zone boundaries and present use of the subject property;
 - d. A description of the proposed conditional use;
 - e. A plot plan showing the following:
 - (1) Applicant's name;
 - (2) Site address;
 - (3) Property boundaries and dimensions;
 - (4) Layout of existing and proposed buildings, parking, landscaping, and utilities; and
 - (5) Adjoining property lines and uses within 100 feet of the subject property.
 - f. Traffic impact analysis, if required by the City Engineer or the Planning Commission;
 - g. A statement by the applicant demonstrating how the conditional use permit request meets the approval standards for the conditional use desired; and
 - h. Such other and further information or documentation as the Zoning Administrator may deem necessary for proper consideration and disposition of a particular application.
2. After the application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Planning Commission as provided in section 10-7-4 of this chapter or shall review the application to determine if it meets the standards for an administrative conditional use permit.
 3. A staff report evaluating the application shall be prepared by the Zoning Administrator for a conditional use permit that will be reviewed by the Planning Commission.
 4. The Planning Commission shall hold a public meeting and shall thereafter approve, approve with conditions, or deny the application pursuant to the standards set forth in subsection E of this section. A conditional use shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with the applicable standards, the conditional use may be denied.
 5. After the Planning Commission or Zoning Administrator makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.
 6. A record of all conditional use permits shall be maintained in the office of the Zoning Administrator.
- E. *Approval standards.* The following standards shall apply to the issuance of a conditional use permit:
1. A conditional use permit may be issued only when the proposed use is shown as conditional in the zone where the conditional use will be located, or by another provision of this title.
 2. Standards for each use must be reviewed. Specific standards for each use are set forth are set forth as follows for each use in subsections E2a through E2g of this section:
 - a. *Standards for a reception center.*
 - (1) Hours of operation must be compatible with adjoining uses and comply with City noise regulations.
 - (2) Parking shall be contained onsite.

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- (3) The center must have an approved site plan.
 - (4) If beer, wine, or other alcoholic beverages are served, the center must be licensed by the state alcohol control board.
 - (5) Reception center use must be secondary to any agricultural use on the property.
 - (6) Property shall be a minimum of five acres.
 - (7) In RA zoning, reception center shall only be used a maximum of five days a month.
 - (8) Building must meet the fire code and be inspected by the fire marshal or their representative prior to the approval of the conditional use permit.
 - (9) The applicant shall provide an emergency access plan that shall be approved by the fire marshal prior to the approval of the conditional use permit.
- b. *Standards for an agricultural industry.*
- (1) Adequate fencing and/or enclosures must be provided to ensure animals and fowl are confined safely and in conformance with acceptable animal husbandry standards.
 - (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
 - (4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential-agricultural pursuant to chapters 13 or 14 of this title.
- c. *Standards for a public stable.*
- (1) Adequate fencing and/or enclosures must be provided to ensure horses are confined safely and in conformance with acceptable animal husbandry standards.
 - (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
 - (4) Site must contain adequate off street parking for customers. All trailers must be contained on site.
 - (5) Barns must be located at least 30 feet from any adjacent parcel that, at the time the applicant first seeks a conditional use permit, is zoned residential or residential-agricultural.
- d. *Standards for an assisted living facility.*
- (1) The facility shall comply with building, safety, and health regulations applicable to similar structures.
 - (2) The facility shall be licensed by the state.
 - (3) A site plan shall be approved for the facility to ensure adequate parking and landscaping are installed.
- e. *Standards for greater heights than permitted by this Code.*

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- (1) The height may not be greater than two stories or one and one-half times the average height of the immediately adjacent buildings, whichever is greater and the building must be of compatible architecture with immediately adjacent buildings.
 - (2) A greater height conditional use permit may not be issued for a flag lot if the proposed structure is higher than the average height of all residential structures within a 300-foot radius of the proposed structure.
 - (3) A greater height accessory building must be set back a minimum of five feet from side and rear property lines when the adjoining property is zoned or used for single family residential use.
 - (4) In no event shall a building exceed 55 feet in height.
- f. *Standards for greater size than permitted by this Code.*
- (1) The greater size building desired must be of compatible architecture with immediately adjacent buildings.
 - (2) At least 50 percent of the lot on which the building is located must remain free of buildings.
 - (3) The building must be for a use permitted in the zone in which it is located.
- g. *Standards for animals and fowl for recreation and family food production.*
- (1) Adequate fencing must be provided to ensure animals and fowl are confined safely.
 - (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
 - (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
 - (4) The number of fowl will be limited by the point system used in section 10-37-15 of this title.
 - (5) Livestock numbers may be limited at the administrator's discretion based on the size of the lot and the facilities available to contain and protect the animals.
- h. *Standards for metal buildings.*
- (1) In residential (R-1) zones the height and size may not be greater than permitted in the zone.
 - (2) The building must meet the following design standards:
 - (A) Exterior building materials shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments.
 - (B) Details of proposed colors and materials, including color chips, samples, and colored building elevations, shall be shown on building plans when a development project application is submitted. Colors shall be compatible with surrounding structures.
 - (C) Reflective surfaces or colors which may produce excessive reflections or glare that may create a potential safety problem are prohibited.
 - (D) In a commercial zone the faces of the building visible from nearby streets must include architectural relief items of non-metal materials including wood, stone, or stucco.
- i. *Standards for animal specialties.*

- (1) Adequate fencing and/or enclosures must be provided to ensure animals are confined safely and in conformance with acceptable animal husbandry standards.
- (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
- (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
- (4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential agricultural pursuant to chapters 13 or 14 of this title.

j. *Standards for agritourism activities.*

- (1) Hours of operation must be compatible with adjoining uses and comply with City noise regulations.
- (2) On-site parking must be provided.
- (3) The use of on street parking to provide up to 40 percent of the required parking may be permitted if adjoining uses are not residential uses and the street is fully improved.
- (4) In agricultural zones, this use must be accessory to an established agricultural use.

k. *Standards for multi-family residential.* In order to promote and preserve commercial growth and to allow infill development of empty and vacant lots in the area designated as downtown on the general map, vacant parcels zoned for commercial uses as listed in this title may, as a conditional use, be allowed for multi-family residential use if the following criteria are met:

- (1) No habitable building has been on the parcel for the previous three years.
- (2) The land use on at least two sides of the property are residential use at the time of application. Property on the opposite side of a public road or right-of-way shall be considered adjacent for this criteria. Properties that do not meet this criteria may be approved for mix-use development as listed below.
- (3) Mix use is allowed. If the proposed development is a mix of commercial use and residential use, then residential units shall be placed on a floor above the commercial use, or in a way to allow commercial buildings to front onto the public roadways. If mixed use, the commercial shall comply with the commercial zoning standards and housing shall comply with RM-3 zoning standards.
- (4) Homes in the downtown area shall have the front of buildings face public roadways. The only exception for this requirement is for mix use developments and for parcels that would allow development of units behind units that front the public right-of-way. Every effort should be made to ensure the frontage of roadways are faced with the frontage of buildings. Walls, fences, and the rear of buildings fronting on to public right-of-way should be avoided.
- (5) Dwelling units and sites shall comply with RM-3 zoning standards and density. RM-3 minimum required area shall not apply.

l. *Standards for multiple accessory dwelling units in a residential, agriculture, or commercial zone.*

- (1) Multiple accessory dwelling units may be permitted based on the lot area of the property at a rate in the table below assuming all other conditions for an accessory dwelling unit are met.

Lot area	Number of accessory dwelling units
----------	------------------------------------

0.79 acres or smaller	1
0.8 acres and greater	2

- (2) Fifty percent of the land area on the lot must be free of buildings.
- (3) A parking plan must be provided that shows adequate off street parking on the lot at a rate of one space per bedroom.
- (4) A landscape plan must be provided that shows how buildings will be shielded from other residential lots.
- (5) Occupancy plan: no more than ten people can stay in one building.
- (6) Only one accessory dwelling unit can be used as a short-term rental. All others must be for long term occupancy or as a guesthouse for non-paying guests.
- (7) Separate conditional use permits must be received for every accessory building that does not meet the height or size requirements of section 10-13-4.

m. *Standards for a fence or wall of greater height.*

- (1) Except for fences or walls surrounding public utility facilities, the fence or wall may not be located in the front yard of the property, but must be located in the rear or side yard;
- (2) The fence or wall may not exceed ten feet in height;
- (3) Except for fences or walls surrounding public utility facilities, the topography of the subject property and surrounding properties must be of such a unique or unusual character that a wall of greater height is necessary for the typical quiet enjoyment of the property;
- (4) The fence or wall shall comply with all other provisions of this title.

n. *Standards for commercial kennels.*

- (1) Facilities shall be designed and operated so that noise generated from resident animals shall not exceed 50 decibels (50 dBA), as measured from the nearest property line. Flexibility in noise abatement design, such as solid wooden, metal, or masonry walls, is permitted to achieve the required decibel level.
- (2) Outdoor dog runs shall be designed to reduce barking provocation. Dogs shall only be allowed in outdoor kennels between sunrise and sunset each day.
- (3) Animal waste shall be collected daily and managed and properly disposed of for all animals on the property. Disposal shall be according to an approved waste disposal plan.
- (4) The parts of a building where animals are boarded shall be fully enclosed and sufficiently insulated to provide both noise mitigation and climate control shelter for the animals.
- (5) Outdoor facilities, including outdoor runs and exercise areas, shall not be located within 150 feet of any single-family zoning district.
- (6) All lighting must comply with section 10-33-7 of this Code.
- (7) All requirements of any applicable public health agencies and/or other regulatory agencies shall be met, and all necessary permits shall be obtained.
- (8) All animals maintained in kennels shall be confined on the premises or trained or exercised or bred under the owner's control and shall be enclosed in a secure shelter during the

hours of darkness, except when they are shown, tried, worked, or hunting under the owner's control.

o. Standards for farm stands selling commercially packaged handicrafts or commercially processed or packaged foods.

- (1) The farm stand is located on a parcel zoned agricultural or residential agriculture not less than one acre in size.
- (2) Merchandise sold in the farm stand shall comply with the following conditions:
 - (A) All merchandise sold at the farm stand shall conform to the farm stand definition in section 10-3-4.
 - (B) The structure shall be primarily devoted to the sale of agriculturally produced or farmed products.
 - (C) Fifty percent of the structure's total sales area shall be devoted to the sale of farm products grown or produced on the property on which the farm stand is located.
 - (D) The sale of accessory items (i.e. unprocessed or home-processed foodstuffs such as canned goods, baked goods, and homemade handicrafts), commercially processed or packaged food stuffs, or commercial handicrafts shall be subordinate to the sale of agriculturally produced or farmed products, and the area of the structure utilized for the sale of such accessory items shall be less than 50 percent).
- (3) Commercially processed or packaged foods must be fully labeled for retail sale pursuant to applicable state and local health regulations.
- (4) Only one such structure not exceeding 500 square feet in size is allowed per legal lot or parcel. Structures are not permitted on lots or parcels that were subdivided in violation of this Code.
- (5) The height may not be greater than permitted in the associated zoning district.
- (6) Structure must comply with all setbacks of the associated zoning district.
- (7) Use must be subordinate to an established agricultural use.
- (8) The conditional use shall be discontinued if the size of the lot or parcel is reduced in area to less than one acre by subdivision or any other land-dividing activity.
- (9) Operation of the farm stand requires a business license pursuant to title 3 of this Code.
- (10) The use is not located in a recorded subdivision.

p. Standards for flag poles of greater height than permitted than permitted by the Code in nonresidential zones.

(1) The flag pole is not located in a single family zone, multi-family zone, a residential agricultural zone, or a planned development zone with a base zoning of multi-family, single family, or residential agricultural.

(2) The flag pole does not exceed one hundred feet (100').

(3) The application for the conditional use is accompanied by a plan showing the location, height, material, and specifications, together with materials stamped by an engineer licensed in

the state of Utah certifying that the proposed flag is designed and engineered to meet all applicable standards and specifications.

(4) The flag pole is not a danger to the public's health and safety.

(5) The flag pole is in compliance with all height restrictions pertaining to the pole's proximately to public and private airports.

(6) The flag pole is in compliance with all federal and state height limitations, including height restrictions imposed by the Federal Aviation Administration.

- F. *Appeal of decision.* Any person adversely affected by a decision of the Planning Commission regarding the transfer, issuance, or denial of a conditional use permit may appeal such decision to the Appeals Board by filing written notice of appeal stating the grounds therefor within 14 days from the date of such decision.
- G. *Appeal of decision by Zoning Administrator.* Any decision of the Zoning Administrator regarding the issuance or denial of a conditional use permit, shall, upon request by the applicant within ten days after a determination by the Zoning Administrator, be submitted for a de novo review and decision by the Planning Commission at their next available meeting.
- H. *Effect of approval.* A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this title or any other title of this Code.
1. A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.
 2. Unless otherwise specified by the Planning Commission and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land.
- I. *Amendment.* The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this section.
- J. *Revocation.* A conditional use permit may be revoked as provided in section 10-9-6 of this title.
1. In addition to the grounds set forth in section 10-9-6 of this title, any of the following shall be grounds for revocation:
 - a. The use for which a permit was granted has ceased for one year or more;
 - b. The holder or user of a permit has failed to comply with the conditions of approval or any City, state, or federal law governing the conduct of the use;
 - c. The holder or user of the permit has failed to construct or maintain the site as shown on the approved site plan, map, or other approval materials; or
 - d. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.
 2. No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be revoked or the conditions amended. Revocation of a permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit.
- K. *Expiration.* A conditional use permit shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by the permit is not commenced within one year after approval.

(Ord. 2016-11, 11-17-2016; Ord. 2017-14, 8-17-2017; Ord. 2017-16, 11-16-2017; Ord. 2018-04, 4-5-2018; Ord. 2018-12, 10-18-2018; Ord. 2018-14, 12-20-2018; Ord. 2019-10, 9-19-2019; Ord. 2020-03, 2-6-2020; Ord. No. 2021-05, 6-3-2021; Ord. No. 2022-10, 5-19-2022; Ord. No. 2022-21, 7-7-2022; Ord. No. 2022-61, 2-2-2023; Ord. No. 2023-17, 9-21-2023; Ord. No. 2024-06, 6-6-2024; Ord. No. 2025-08, 5-15-2025)

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH AMENDING TITLE 10 CHAPTERS 7 AND 37 REGARDING CONDITIONAL USES AND HEIGHT EXCEPTIONS FOR FLAG POLES

WHEREAS, the City Council of Hurricane, Utah desires to amend Title 10, Chapters 7 and 37 with regards to conditional uses and height exceptions pertaining to flag poles; and

WHEREAS, the City Council deems this amendment necessary and desirable for the preservation of the general health, safety, and welfare of the residents of Hurricane; and

WHEREAS, the Planning Commission of Hurricane City has recommended approval of the changes; therefore,

BE IT HEREBY ORDAINED by the City Council of Hurricane, Utah that Title 10, Chapter 7, Section 10-7-9(B) of the Hurricane City Code be amended, and that it read as follows:

B. Authority.

1. The Planning Commission is authorized to issue conditional use permits for the following uses:

Agricultural industry.

Agritourism activities.

Animal specialties.

Assisted living facility.

Farm stands selling commercially packaged handicrafts or commercially processed or packaged food stuffs.

Greater heights than permitted by this Code in all zones except residential and residential agricultural zones.

Greater size than permitted by this Code in all zones except residential and residential agricultural zones.

Metal building in commercial and residential zones.

Multi family in commercial zones.

Public stable.

Reception center.

Recreation and entertainment, outdoor.

Fences or walls of greater height.

2. The Zoning Administrator is authorized to issue conditional use permits for the following uses:

Animals and fowl for recreation and family food production.

Greater size accessory buildings than permitted by this Code in residential zones.

Greater size accessory buildings than permitted by this Code in residential and residential agricultural zones.

Greater height accessory buildings than permitted by this Code in residential and residential agricultural zones.

Metal buildings in commercial and residential zones.

Flag poles of greater height than permitted by this Code in nonresidential zones.

BE IT HEREBY FURTHER ORDAINED, by the City Council of Hurricane, Utah that Title 10, Chapter 7, Section 10-7-9(E) of the Hurricane City Code is amended to read as follows:

- E. *Approval standards.* The following standards shall apply to the issuance of a conditional use permit:

1. A conditional use permit may be issued only when the proposed use is shown as conditional in the zone where the conditional use will be located, or by another provision of this title.

2. Standards for each use must be reviewed. Specific standards for each use are set forth as follows:

- a. *Standards for a reception center.*

- (1) Hours of operation must be compatible with adjoining uses and comply with City noise regulations.

- (2) Parking shall be contained onsite.

- (3) The center must have an approved site plan.

- (4) If beer, wine, or other alcoholic beverages are served, the center must be licensed by the state alcohol control board.

- (5) Reception center use must be secondary to any agricultural use on the property.

- (6) Property shall be a minimum of five acres.

- (7) In RA zoning, reception center shall only be used a maximum of five days a month.

- (8) Building must meet the fire code and be inspected by the fire marshal or their representative prior to the approval of the conditional use permit.

- (9) The applicant shall provide an emergency access plan that shall be approved by the fire marshal prior to the approval of the conditional use permit.

b. *Standards for an agricultural industry.*

- (1) Adequate fencing and/or enclosures must be provided to ensure animals and fowl are confined safely and in conformance with acceptable animal husbandry standards.
- (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
- (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
- (4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential-agricultural pursuant to chapters 13 or 14 of this title.

c. *Standards for a public stable.*

- (1) Adequate fencing and/or enclosures must be provided to ensure horses are confined safely and in conformance with acceptable animal husbandry standards.
- (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
- (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
- (4) Site must contain adequate off street parking for customers. All trailers must be contained on site.
- (5) Barns must be located at least 30 feet from any adjacent parcel that, at the time the applicant first seeks a conditional use permit, is zoned residential or residential-agricultural.

d. *Standards for an assisted living facility.*

- (1) The facility shall comply with building, safety, and health regulations applicable to similar structures.
- (2) The facility shall be licensed by the state.
- (3) A site plan shall be approved for the facility to ensure adequate parking and landscaping are installed.

e. *Standards for greater heights than permitted by this Code.*

- (1) The height may not be greater than two stories or one and one-half times the average height of the immediately adjacent buildings, whichever is greater and the building must be of compatible architecture with immediately adjacent buildings.
- (2) A greater height conditional use permit may not be issued for a flag lot if the proposed structure is higher than the average height of all residential structures within a 300-foot radius of the proposed structure.
- (3) A greater height accessory building must be set back a minimum of five feet from side and rear property lines when the adjoining property is zoned or used for single family residential use.
- (4) In no event shall a building exceed 55 feet in height.

f. *Standards for greater size than permitted by this Code.*

- (1) The greater size building desired must be of compatible architecture with immediately adjacent buildings.
- (2) At least 50 percent of the lot on which the building is located must remain free of buildings.
- (3) The building must be for a use permitted in the zone in which it is located.

g. *Standards for animals and fowl for recreation and family food production.*

- (1) Adequate fencing must be provided to ensure animals and fowl are confined safely.
- (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
- (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
- (4) The number of fowl will be limited by the point system used in section 10-37-15 of this title.
- (5) Livestock numbers may be limited at the administrator's discretion based on the size of the lot and the facilities available to contain and protect the animals.

h. *Standards for metal buildings.*

- (1) In residential (R-1) zones the height and size may not be greater than permitted in the zone.
- (2) The building must meet the following design standards:

- (A) Exterior building materials shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments.
- (B) Details of proposed colors and materials, including color chips, samples, and colored building elevations, shall be shown on building plans when a development project application is submitted. Colors shall be compatible with surrounding structures.
- (C) Reflective surfaces or colors which may produce excessive reflections or glare that may create a potential safety problem are prohibited.
- (D) In a commercial zone the faces of the building visible from nearby streets must include architectural relief items of non-metal materials including wood, stone, or stucco.

i. *Standards for animal specialties.*

- (1) Adequate fencing and/or enclosures must be provided to ensure animals are confined safely and in conformance with acceptable animal husbandry standards.
- (2) Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
- (3) Evidence must be provided on how the applicant will maintain control of flies and vermin.
- (4) Animal enclosures used for intensive animal feeding operations must be at least 25 feet from any adjacent parcel that, at the time the applicant first seeks the conditional use, is zoned residential or residential agricultural pursuant to chapters 13 or 14 of this title.

j. *Standards for agritourism activities.*

- (1) Hours of operation must be compatible with adjoining uses and comply with City noise regulations.
- (2) On-site parking must be provided.
- (3) The use of on street parking to provide up to 40 percent of the required parking may be permitted if adjoining uses are not residential uses and the street is fully improved.
- (4) In agricultural zones, this use must be accessory to an established agricultural use.

k. *Standards for multi-family residential.* In order to promote and preserve commercial growth and to allow infill development of empty and vacant lots in

the area designated as downtown on the general map, vacant parcels zoned for commercial uses as listed in this title may, as a conditional use, be allowed for multi-family residential use if the following criteria are met:

- (1) No habitable building has been on the parcel for the previous three years.
- (2) The land use on at least two sides of the property are residential use at the time of application. Property on the opposite side of a public road or right-of-way shall be considered adjacent for this criteria. Properties that do not meet this criteria may be approved for mix-use development as listed below.
- (3) Mix use is allowed. If the proposed development is a mix of commercial use and residential use, then residential units shall be placed on a floor above the commercial use, or in a way to allow commercial buildings to front onto the public roadways. If mixed use, the commercial shall comply with the commercial zoning standards and housing shall comply with RM-3 zoning standards.
- (4) Homes in the downtown area shall have the front of buildings face public roadways. The only exception for this requirement is for mix use developments and for parcels that would allow development of units behind units that front the public right-of-way. Every effort should be made to ensure the frontage of roadways are faced with the frontage of buildings. Walls, fences, and the rear of buildings fronting on to public right-of-way should be avoided.
- (5) Dwelling units and sites shall comply with RM-3 zoning standards and density. RM-3 minimum required area shall not apply.

i. *Standards for multiple accessory dwelling units in a residential, agriculture, or commercial zone.*

- (1) Multiple accessory dwelling units may be permitted based on the lot area of the property at a rate in the table below assuming all other conditions for an accessory dwelling unit are met.

Lot area	Number of accessory dwelling units
0.79 acres or smaller	1
0.8 acres and greater	2

- (2) Fifty percent of the land area on the lot must be free of buildings.
- (3) A parking plan must be provided that shows adequate off street parking on the lot at a rate of one space per bedroom.

- (4) A landscape plan must be provided that shows how buildings will be shielded from other residential lots.
- (5) Occupancy plan: no more than ten people can stay in one building.
- (6) Only one accessory dwelling unit can be used as a short-term rental. All others must be for long term occupancy or as a guesthouse for non-paying guests.
- (7) Separate conditional use permits must be received for every accessory building that does not meet the height or size requirements of section 10-13-4.

m. *Standards for a fence or wall of greater height.*

- (1) Except for fences or walls surrounding public utility facilities, the fence or wall may not be located in the front yard of the property, but must be located in the rear or side yard;
- (2) The fence or wall may not exceed ten feet in height;
- (3) Except for fences or walls surrounding public utility facilities, the topography of the subject property and surrounding properties must be of such a unique or unusual character that a wall of greater height is necessary for the typical quiet enjoyment of the property;
- (4) The fence or wall shall comply with all other provisions of this title.

n. *Standards for commercial kennels.*

- (1) Facilities shall be designed and operated so that noise generated from resident animals shall not exceed 50 decibels (50 dBA), as measured from the nearest property line. Flexibility in noise abatement design, such as solid wooden, metal, or masonry walls, is permitted to achieve the required decibel level.
- (2) Outdoor dog runs shall be designed to reduce barking provocation. Dogs shall only be allowed in outdoor kennels between sunrise and sunset each day.
- (3) Animal waste shall be collected daily and managed and properly disposed of for all animals on the property. Disposal shall be according to an approved waste disposal plan.
- (4) The parts of a building where animals are boarded shall be fully enclosed and sufficiently insulated to provide both noise mitigation and climate control shelter for the animals.

- (5) Outdoor facilities, including outdoor runs and exercise areas, shall not be located within 150 feet of any single-family zoning district.
- (6) All lighting must comply with section 10-33-7 of this Code.
- (7) All requirements of any applicable public health agencies and/or other regulatory agencies shall be met, and all necessary permits shall be obtained.
- (8) All animals maintained in kennels shall be confined on the premises or trained or exercised or bred under the owner's control and shall be enclosed in a secure shelter during the hours of darkness, except when they are shown, tried, worked, or hunting under the owner's control.

o. *Standards for farm stands selling commercially packaged handicrafts or commercially processed or packaged foods.*

- (1) The farm stand is located on a parcel zoned agricultural or residential agriculture not less than one acre in size.
- (2) Merchandise sold in the farm stand shall comply with the following conditions:
 - (A) All merchandise sold at the farm stand shall conform to the farm stand definition in section 10-3-4.
 - (B) The structure shall be primarily devoted to the sale of agriculturally produced or farmed products.
 - (C) Fifty percent of the structure's total sales area shall be devoted to the sale of farm products grown or produced on the property on which the farm stand is located.
 - (D) The sale of accessory items (i.e. unprocessed or home-processed foodstuffs such as canned goods, baked goods, and homemade handicrafts), commercially processed or packaged food stuffs, or commercial handicrafts shall be subordinate to the sale of agriculturally produced or farmed products, and the area of the structure utilized for the sale of such accessory items shall be less than 50 percent).
- (3) Commercially processed or packaged foods must be fully labeled for retail sale pursuant to applicable state and local health regulations.
- (4) Only one such structure not exceeding 500 square feet in size is allowed per legal lot or parcel. Structures are not permitted on lots or parcels that were subdivided in violation of this Code.
- (5) The height may not be greater than permitted in the associated zoning district.
- (6) Structure must comply with all setbacks of the associated zoning district.
- (7) Use must be subordinate to an established agricultural use.

- (8) The conditional use shall be discontinued if the size of the lot or parcel is reduced in area to less than one acre by subdivision or any other land-dividing activity.
 - (9) Operation of the farm stand requires a business license pursuant to title 3 of this Code.
 - (10) The use is not located in a recorded subdivision.
- p. *Standards for flag poles of greater height than permitted by the Code in nonresidential zones.*
- (1) The flag pole is not located in a single family zone, multi-family zone, a residential agricultural zone, or a planned development zone with a base zoning of multi-family, single family, or residential agricultural.
 - (2) The flag pole does not exceed one hundred feet (100').
 - (3) The application for the conditional use is accompanied by a plan showing the location, height, material, and specifications, together with materials stamped by an engineer licensed in the state of Utah certifying that the proposed flag is designed and engineered to meet all applicable standards and specifications.
 - (4) The flag pole is not a danger to the public's health and safety.
 - (5) The flag pole is in compliance with all height restrictions pertaining to the pole's proximity to public and private airports.
 - (6) The flag pole is in compliance with all federal and state height limitations, including height restrictions imposed by the Federal Aviation Administration.

BE IT HEREBY FURTHER ORDAINED, by the City Council of Hurricane, Utah that Title 10, Chapter 37, Section 10-37-11 of the Hurricane City Code is amended to read as follows:

Sec. 10-37-11. Height exceptions and limitations.

- A. *Exceptions to height limitations.* Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, parapet walls, skylights, towers, steeples, chimneys, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space for human occupancy.

- B. *Maximum height of accessory buildings.* No building which is accessory to a single-family or a multiple-family dwelling with four or fewer dwelling units shall be erected to a height greater than 20 feet unless a greater height is authorized by a conditional use permit.
- C. *Minimum height of main buildings.* No dwelling shall be erected to a height less than one story above grade except earth sheltered dwellings authorized by the provisions of this title.

NOW THEREFORE, BE IT ORDAINED BY THE HURRICANE CITY COUNCIL OF HURRICANE CITY, UTAH THAT:

1. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
2. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hurricane City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
3. This Ordinance shall, after adoption and approval, take effect immediately upon publication or posting as required by law.

EXECUTED on this 21st day, May 2026.

Hurricane City

Clark Fawcett, Mayor

Attest:

Cindy Beteag, City Recorder

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 21st day, May, 2026. Whereupon a motion to adopt and approve said Ordinance was made by _____ and seconded by _____ . A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
Joseph Prete	___	___	___	___
Drew Ellerman	___	___	___	___
Lynn Excell	___	___	___	___
David Imlay	___	___	___	___
Amy Werrett	___	___	___	___

Cindy Beteag, Recorder



STAFF COMMENTS

Item: Consideration and possible approval of Resolution 2026-22 designating City-owned or controlled properties where political and campaign signs may be displayed during election periods.

Discussion: June 4, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

The City is currently considering updates to the sign ordinance pertaining to political signs. One of the proposed updates recommends that political or campaign signs be allowed on certain City-owned or controlled properties, but that the specific properties be identified in a resolution to be approved by the City Council. Therefore, pursuant to, and pending approval of, the proposed updates to the City's sign ordinance, staff proposes the attached resolution to allow political signage on the following properties:

- City property located at 5 North 200 East and identified as Parcel No. H-131-B.
- City property located at the intersection of 700 West and 400 South, identified as Parcel No. H-3-2-3-4110, which shall include the small park area at this location north of Gould Wash.
- City property located at the intersection of 700 West and 2060 South, identified as Parcel No. H-3-2-10-3201.
- City-controlled property at Dixie Springs Park, 2939 South 3680 West, identified as Parcel No. H-4-2-13-223, with signs located north of the drive lanes and parking areas only.
- City property and detention basin area located at the intersection of Regional Park Road and 800 South.

Findings: N/A

Recommendation: Staff recommends that the resolution be approved.

A RESOLUTION OF THE CITY COUNCIL OF HURRICANE, UTAH, DESIGNATING CITY-OWNED OR CONTROLLED PROPERTIES WHERE POLITICAL AND CAMPAIGN SIGNS MAY BE DISPLAYED DURING ELECTION PERIODS

WHEREAS, Hurricane City Ordinance 2026-10, Section 10-36-3(J)(4), provides that political or campaign signs may be allowed on certain City-owned or controlled properties if identified in a resolution approved by the Hurricane City Council; and

WHEREAS, the City Council desires to provide designated spaces for the exercise of content-neutral political expression while maintaining public safety, preventing traffic hazards, and preserving the aesthetic character of the City; and

WHEREAS, the City Council deems it necessary to establish these specific locations and the corresponding timeframes for sign placement and removal.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF HURRICANE, UTAH, THAT:

SECTION 1: Designated Locations. In accordance with Section 10-36-3(J)(4) of the Hurricane City Code, the following City-owned or controlled properties are hereby designated as approved locations for the placement of political or campaign signs:

- City property located at 5 North 200 East, identified as Parcel No. H-131-B.
- City property located at the intersection of 700 West and 400 South, identified as Parcel No. H-3-2-3-4110, which shall include the small park area at this location north of Gould Wash.
- City property located at the intersection of 700 West and 2060 South, identified as Parcel No. H-3-2-10-3201.
- City-controlled property at Dixie Springs Park, 2939 South 3680 West, identified as Parcel No. H-4-2-13-223, with signs located north of the drive lanes and parking areas only.
- City property and detention basin area located at the intersection of Regional Park Road and 800 South.
- Subject to the approval of the Utah Department of Transportation ("UDOT"), property located on the south side of 3400 West and State Street.
- Subject to the approval of UDOT, the UDOT right of way just north of SR-9 and south of parcel H-3-1-33-448.
- Subject to the approval of UDOT, the UDOT right of way east of the intersection of State Street and 5300 West, south of mile post 3 sign, and north of parcel H-4-2-3-1202, provided that no signage may be affixed to the adjoining property owner's fence.

SECTION 2: Terms and Conditions of Display. The placement of signs in the aforementioned locations is subject to the following requirements:

1. **Election Period:** Signs may only be displayed during Federal, State, or Local election periods, beginning upon the first election deadline for candidates to file a declaration of candidacy for the applicable election.
2. **Removal Deadlines:** Signs must be removed within five (5) business days after the general election or the defeat of the candidate or ballot proposition, whichever occurs first. Signs regarding candidates defeated in a primary election must be removed within five (5) business days after said primary.
3. **Prohibited Attachments:** Signs shall not be attached to utility poles, light poles, electric utility boxes, traffic signs, street signs, mailboxes, traffic control devices, or any railroad sign or signal.
4. **Safety and Nuisance:** Signs must not constitute a traffic, pedestrian, line-of-sight, or other safety hazard or nuisance.
5. **Polling Places:** No sign may be located within 150 feet of a building serving as a polling place on an election day.
6. **Compliance:** All signs must comply with Utah State Law and Hurricane City sign regulations. Non-compliant signs are subject to removal, abatement, and disposal pursuant to applicable state laws and city ordinances.

SECTION 3: Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED THIS 4th day of June, 2026.

Clark Fawcett, Mayor

ATTEST:

Cindy Beteag, Recorder

The foregoing Resolution was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 4th day of June 2026. Whereupon a motion to adopt and approve said Resolution was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

	Yea		Nay		Abstain		Absent
Drew Ellerman	_____	_____	_____	_____	_____	_____	_____
Joseph Prete	_____	_____	_____	_____	_____	_____	_____
Dave Imlay	_____	_____	_____	_____	_____	_____	_____
Lynn Excell	_____	_____	_____	_____	_____	_____	_____
Amy Werrett	_____	_____	_____	_____	_____	_____	_____

Cindy Beteag, Recorder



STAFF COMMENTS

Item: Consideration and possible approval of Chapters 6-8 of the Hurricane City Employee Policy.

Discussion: Chapter Six (6)

Summary

The City's Personnel Policy Manual provides a comprehensive framework for the fair, safe, and effective management of our workforce. These policies support consistent hiring practices, employee well-being, compliance with state and federal law, and the overall operational integrity of the organization. The following summary highlights key areas of oversight and governance.

Recruitment, Selection, and Employment Practices

- Establishes standardized processes for recruitment, selection, background checks, and onboarding.
- Ensures hiring practices are equitable, non-discriminatory, and aligned with organizational needs.
- Includes policies on nepotism, conflicting relationships, and outside employment to avoid bias or conflicts of interest.

Workplace Conduct, Safety, and Compliance

- Defines expectations for professional behavior, including policies on harassment, workplace violence, social media use, and speech/expression.
- Provides guidance on grievance procedures, personnel investigations, and disciplinary actions.
- Includes drug- and alcohol-free workplace requirements, smoking and tobacco use guidelines, and illness and injury prevention and reporting.

Employee Support, Benefits, and Work Conditions

- Covers compensation, classification, payroll administration, and overtime.
- Outlines group insurance benefits, retirement, longevity bonuses, tuition aid, and miscellaneous benefits.

- Provides policies regarding temporary modified-duty assignments, workplace accommodations, lactation breaks, and meal and rest periods.

Performance Management and Separation Processes

- Establishes standards for employee performance evaluations to promote development and accountability.
- Details procedures for discipline, separation from employment, and recognition programs such as years-of-service and retirement awards.

Ethics, Integrity, and Organizational Accountability

- Includes conflict of interest guidelines and requirements for reporting fraud, waste, or abuse.
- Supports transparent operations and reinforces ethical responsibility throughout the organization.

Chapter Seven (7)

Summary

The City's leave policies are designed to support employees through personal, medical, family, and civic obligations while ensuring continuity of services to the community. These policies provide structure, fairness, and legal compliance across a wide range of situations in which time away from work is needed.

Family and Medical Leave

Provides eligible employees with job-protected leave for serious health conditions, family care responsibilities, and the birth, adoption, or fostering of a child. This ensures individuals can address major life events without jeopardizing their employment.

Sick Leave

Allows employees to take paid time off for their own illness, medical appointments, or to care for immediate family members. This policy promotes employee health and reduces workplace exposure to illness.

Leave Donation Program

Enables employees to voluntarily donate accrued leave to colleagues experiencing significant medical hardships. This fosters teamwork, compassion, and mutual support within the organization.

Vacation and Holiday Leave

Vacation leave provides paid time off for rest, personal needs, and work-life balance. Holiday leave recognizes designated City holidays and ensures consistent compensation and scheduling.

Military Service and Jury Duty

Supports employees performing required civic and military responsibilities. Employees receive time

away, with appropriate compensation, to fulfill mandatory service without negative impact on their employment status.

Bereavement Leave

Provides paid leave following the death of an immediate family member, allowing employees time to grieve and manage related personal responsibilities.

Administrative Leave

May be granted under specific circumstances requiring time away from work not covered by other forms of leave, while ensuring administrative and operational needs are maintained.

Leave Without Pay

Offers flexibility when employees require extended time away beyond their paid leave balances, subject to approval and operational considerations.

Together, these policies reflect the City's commitment to supporting employees through a wide range of life circumstances while maintaining consistent, transparent, and legally compliant workforce practices.

Chapter Eight (8)

Summary

The City's procedural policies outline the operational standards and detailed processes that guide employee conduct, resource management, safety practices, and administrative compliance. These procedures ensure consistency, transparency, and accountability across all departments.

Standards of Conduct for All Employees

Establishes expectations for ethical, professional, and responsible behavior. This framework supports a culture of integrity, respect, and compliance with City values and legal requirements.

Vehicle Use Procedure

Provides guidance for the safe, responsible, and authorized use of City vehicles. This includes requirements for licensing, maintenance reporting, and adherence to safety laws.

Purchasing and Physical Asset Management

Outlines standardized processes for purchasing goods and services and managing City-owned equipment and assets. These procedures ensure fiscal responsibility, proper documentation, and efficient stewardship of public resources.

Illness and Injury Prevention and Reporting

Details the steps employees and supervisors must follow to prevent workplace injuries and report incidents promptly. This procedure strengthens workplace safety and ensures compliance with regulatory standards.

Recruitment, Selection, and Background Checks

Defines the procedural steps for hiring, including advertising positions, evaluating candidates, and completing required background checks. These procedures promote equitable, consistent, and legally compliant hiring practices.

Payroll Administration Procedure

Describes the processes for time reporting, wage calculation, and payroll distribution. This ensures accuracy, accountability, and timely compensation for all employees.

Harassment, Discrimination, and Complaint Procedures

Provides clear steps for reporting, investigating, and resolving complaints of discriminatory or sexual harassment. This supports a safe and respectful workplace and ensures compliance with state and federal laws.

Investigating Fraud or Abuse

Outlines the procedures for reporting and evaluating allegations of fraud, waste, or abuse. This reinforces organizational integrity and ensures concerns are handled confidentially and objectively.

Hazard Communication Program

Ensures employees are properly informed about hazardous materials in the workplace, including labeling, training, and safety data requirements. This program promotes a safe environment and reduces risk.

Together, these procedures strengthen day-to-day operations, safeguard City assets, and ensure consistent adherence to legal and ethical standards across the organization. – Sel Lovell

Findings: N/A

Recommendation:

Recruitment and Selection

600.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements other City rules governing employment practices.

600.2 POLICY

In accordance with applicable federal, state, and local law, the City provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, political activity, opinion, or affiliation, and any other classification or status protected by law. The City does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The City will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

The City will stay in compliance with "[Ban the Box](#)" which states that a public employer may not inquire about an applicant's criminal history before the initial interview, or before a conditional offer of employment has been made.

City Manager approval is required for every appointment to City employment.

600.3 RECRUITMENT

The City Manager should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The City strives to facilitate and expedite the interview and selection process, and should periodically inform candidates of their status in the recruiting process.

600.3.1 REINSTATEMENT OF FORMER EMPLOYEES

Job applications received from former employees will be processed using the same procedures and standards that govern all other non-employee applications as well as the [accompanying procedure](#).

Employees who are reinstated may maintain their original anniversary date for seniority purposes as well as for those benefit programs governed by the anniversary date. The policy will be as follows:

- a. Layoffs: Employees who separate because of reduction in work force will maintain their original anniversary date for seniority purposes if they are re-employed by the City within one year of date of separation.
- b. Voluntary resignations: Employees who voluntarily separate from employment may maintain their original anniversary date, subject to City Manager or the assigned designee's approval, if they are re-employed by the City within six months of date of termination.

Recruitment and Selection

600.4 SELECTION PROCESS

The City should actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the City should employ a comprehensive screening, background investigation, and selection process that assesses the candidates' aptitude for the position and includes review and verification of the following as necessary:

- a. A comprehensive application for employment (including previous employment, references, current and prior addresses, education, and military record) in accordance with the [accompanying procedure](#)
- b. Relevant examinations in accordance with the [accompanying procedure](#)
- c. Driving record (if applicable to the position)
- d. Interviews in accordance with the [accompanying procedure](#).
- e. Reference checks in accordance with the [accompanying procedure](#).
- f. Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes
- g. Information obtained from public internet sites
- h. Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- i. Local, state, and federal criminal history record checks
- j. Medical and/or psychological examination, as applicable and legally permissible (may only be given after a conditional offer of employment) in accordance with the
- k. Drug and alcohol screening in accordance with the [accompanying procedure](#).
- l. Review board or selection committee assessment

An applicant may be disqualified in accordance with the [accompanying procedure](#).

600.4.1 VETERAN PREFERENCE

The City will provide any veteran preference required by law.

600.4.2 NEPOTISM

The City complies with the state's anti-nepotism law ([Utah Code Ann. Section 52-3-1](#)) regarding hiring.

600.4.3 AGE RESTRICTIONS

The City does not hire anyone under the age of 14 for any position. Additional age restrictions and guidance are provided in the [accompanying procedure](#).

600.5 BACKGROUND INVESTIGATION

Please refer to policy [Hurricane City Policy Manual: 601.8 INVESTIGATION](#)

600.6 EMPLOYMENT STANDARDS

Recruitment and Selection

All candidates shall meet any minimum standards required by state and local law. Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the City and the community.

Validated, job-related, and nondiscriminatory employment standards should be established and maintained for each job classification and should minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner.

600.7 JOB DESCRIPTIONS

The City Manager or the authorized designee should maintain a current job description for each position in the City.

600.8 JOB OFFER LETTER

After a job applicant has accepted an offer of employment from the City, the applicant shall be provided with a job offer letter in accordance with the [accompanying procedure](#).

600.8.1 JOB REJECTION NOTICE

Within five working days after the job offer has been accepted, non-selected job applicants may be notified. Human Resources or an assigned designee will send a job rejection notice to each job applicant who was not selected for a job opening.

600.9 ONBOARDING

The Human Resources department is responsible for ensuring that new employees fill out all pre-employment forms, benefit applications, enrollment forms and providing basic information on the City's policies concerning pay, vacation, holidays, and sick leave, benefits, parking and work hours prior to the employee's first day of work. Additional recommendations and requirements can be found in the [accompanying procedure](#).

600.10 PROBATIONARY PERIODS

The City Manager or the authorized designee should coordinate with supervisors to identify positions subject to probationary periods and procedures for:

- a. Appraising performance during probation.
- b. Assessing the level of performance required to complete probation.
- c. Extending probation.
- d. Documenting successful or unsuccessful completion of probation.

All new employees are subject to a minimum six (6) months probationary period with the exception of police officers who are subject to a twelve (12) month probationary period.

Background Checks

601.1 PURPOSE

The purpose of this policy is to establish procedures for screening Hurricane City employees. Screening will be accomplished by means of criminal background checks, review of sexual abuse registries, and other effective appropriate methods.

601.2 POLICY

It is the policy of Hurricane City that all employees (full time and part time) and other volunteers working with vulnerable populations including, but not limited to, children, senior citizens, and persons with disabilities, to be screened for criminal histories involving abuse or neglect of such vulnerable populations and other criminal background history which might create a risk of abuse or neglect of such populations, including screening through existing sex abuser registries. All employees (full time and part time) and other volunteers may be required to have a criminal background screening performed every two years from the date of the last criminal background screening, or as determined by the City Manager. All employees shall sign the "Right of Access Provider Waiver" upon request.

601.3 DEFINITIONS

For purposes of this policy the following terms are defined as set forth below:

- "Criminal Background Check" means a Utah Criminal Database search of criminal history to be conducted for all applicable job applicants and regular volunteers. This search will include a Social Security Verification and Address History Trace along with a National Sex Offender Registry Search.
- "Vulnerable Populations" means any individual under the age of 18, senior citizens aged 60 or older, and persons of any age with physical or mental disabilities, but not including employees and volunteers of Hurricane City while they are serving in those capacities.
- "Regular Volunteer" means a person who is committing to a regular, generally long-term commitment to volunteer on behalf of City programs or programs funded by the City. Examples of regular volunteers are: coaches and other youth sports officials and team leaders working with children and youth; volunteers working with senior citizens, and any other long-term volunteer who is permitted to work independently with participants falling within the category of "vulnerable populations" as defined.
- "Periodic or One-time Volunteer" means a person who has made only a short-term, or one-time commitment, to provide volunteer services working with vulnerable populations.
- "Sanctioned" means convicted by a court of law, or punished through a means of pretrial diversion, or received first offender treatment or sentenced in connection with a plea of nolo contendere as adult, or entry of a plea in abeyance. "Sanctioned" also includes juvenile court dispositions and offenses for applicants under the age of 22.
- "Employee or Volunteer Working with Vulnerable Populations" means an employee or volunteer who, as part of their employment or volunteer position, will be or may be in the presence of vulnerable populations who are unaccompanied by parents, guardians, custodians, teachers, supervisors, or caretakers of such vulnerable populations.

Background Checks

601.4 APPLICATION

Any current or prospective employee or regular volunteer who is assigned to work or seeks approval to work with vulnerable populations on behalf of the City (hereinafter "Applicant"), shall complete a Hurricane City application with identifying information for the purposes of a Criminal Background Check and Residency Verification. Applicant may also be required to provide documentation for Residency Verification and execute a release authorizing the City to access applicant's personal information as necessary to complete the Criminal Background Check and Residency Verification.

601.5 REVIEW OF APPLICATION

Hurricane City utilizes the Hurricane City Police Department to conduct our background checks. The Hurricane City Police Department shall initially review all Criminal Background Checks and make recommendations to the HR department or assigned designee regarding qualifications of applicant to work with vulnerable populations. Final determination of qualifications of applicant shall be made by the HR department or the assigned designee and the respective department head.

601.6 CONFIDENTIALITY

Completed applications and results of Criminal Background Checks shall not be disseminated generally, and access to such documents shall be limited consistent with City policy to maximize confidentiality and comply with applicable law and administrative rules.

601.7 RIGHT OF ACCESS WAIVER

A right of access waiver must be completed by the applicant before any type of background investigation is conducted. This is in compliance with the Fair Credit Reporting Act (FCRA) which requires all employers to have written consent from a candidate before they can conduct a background check on them.

[Right of Access Provider Waiver .01.pdf](#)

601.8 INVESTIGATION

All offers of employment at Hurricane City are contingent upon clear results of a thorough background check. Background checks will be conducted on candidates who have received a conditional offer of employment within the City and on all employees who are promoted, as deemed necessary.

Prior to hiring and as a condition of hiring, the Human Resource office in conjunction with the Hurricane Police Department will conduct a criminal background investigation. Refusal to submit to the background investigation shall be grounds for rejection of the applicant for employment.

As a condition of hiring into a position requiring driving of a City or personal motor vehicle, the candidate shall have a valid driver license and shall provide the City a copy of the driver license. For all employees whose job description requires operation of heavy equipment, as determined by the State of Utah, shall be required to provide a copy of an eligible Commercial Driver's License (CDL) and medical card.

Background Checks

Background checks will include:

Social Security Verification: validates the applicant's Social Security number, date of birth and former addresses.

Prior Employment Verification: confirms applicant's employment with the listed companies, including dates of employment, position held and additional information available pertaining to performance rating, reason for departure and eligibility for rehire. This verification will be run on the past two employers or the previous five years, whichever comes first.

Personal and Professional References: calls may be placed to individuals listed as references by the applicant.

Educational Verification: confirms the applicant's claimed educational institution, including the years attended and the degree/diploma received.

Criminal History: includes review of criminal convictions and probation. The following factors will be considered for applicants with a criminal history:

- The nature of the crime and its relationship to the position.
- The time since the conviction.
- The number (if more than one) of convictions.
- Whether hiring, transferring or promoting the applicant would pose an unreasonable risk to the business, its employees or its customers and vendors.

The following additional background searches will be required if applicable to the position:

Motor Vehicle Records: provides a report on an individual's driving history in the state requested. This search will be run when driving is an essential requirement of the position.

Credit History: confirms candidate's credit history. This search will be run for positions that involve management of Hurricane City funds and/or handling of cash or credit cards.

Applicants will be provided a copy of the above described records upon request.

601.9 NOTICES

Background investigators should ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and applicable state law (15 USC § 1681d).

601.10 REVIEW OF SOCIAL MEDIA SITES

Background Checks

Due to the potential for accessing unsubstantiated, private, or protected information, the City should not require candidates to provide passwords, account information, or access to password-protected social media accounts.

The City may utilize the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

The legal rights of candidates are protected.

Material and information to be considered are verified, accurate, and validated.

The City fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the City Manager or the authorized designee should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

601.11 RECORDS RETENTION

The background summary received should be maintained in accordance with the established records retention schedule.

601.12 DOCUMENTING AND REPORTING

The background investigator should summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report should not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The summary should be included in the candidate's personnel file.

Performance Evaluations

602.1 PURPOSE AND SCOPE

This policy provides guidelines for the City performance evaluation system.

602.2 POLICY

It is the policy of Hurricane City that employee evaluations be conducted in a manner, which will ensure fair treatment and an objective evaluation of employee performance.

The City shall use a performance evaluation system to measure, document, and recognize work performance. The performance evaluation will serve as an objective guide for the recognition of good work and the development of a process for improvement.

The City evaluates employees in a nondiscriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

602.3 TYPES OF EVALUATIONS

The City shall use the following types of evaluations:

Evaluation - An evaluation will be completed once per year by the employee's immediate supervisor.

When an employee transfers to a different assignment in the middle of an evaluation period and less than six months has transpired since the transfer, the evaluation should be completed by the current supervisor with input from the previous supervisor.

Special - An evaluation that may be completed at any time if the supervisor and City Manager or the authorized designee determine an evaluation is necessary to address less than standard performance. The evaluation may include a plan for follow-up action (e.g., performance improvement plan (PIP), remedial training, retraining).

602.3.1 RATINGS

When completing an evaluation, the supervisor will identify the rating category that best describes the employee's performance. The definition of each rating category is as follows:

Excellent - Performance is well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

Very Good - Performance is better than demonstrated by a competent employee. It is performance superior to what is required, but is not of such nature to warrant a rating of excellent.

Performance Evaluations

Satisfactory - Performance of a competent employee. It is satisfactory performance that meets the standards required of the position.

Fair - Performance is less than the standards required of the position. A fair rating shall be thoroughly discussed with the employee.

Unsatisfactory - Performance is inferior to the standards required of the position. It is inadequate or undesirable performance that cannot be allowed to continue.

Supervisor comments need to be included in the evaluation to document the employee's strengths, weaknesses, and requirements for improvement. Any job dimension rating marked as unsatisfactory or outstanding shall be substantiated with supervisor comments.

602.4 EVALUATION PROCESS

Supervisors should meet with the employees they supervise at the beginning of the evaluation period to discuss expectations and establish performance standards. Each supervisor should discuss the tasks of the position, standards of expected performance, and the evaluation criteria with each employee.

Performance evaluations cover a specific period and should be based upon documented performance dimensions that are applicable to the duties and authorities granted to the employee during that period. Evaluations should be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the evaluating supervisor for input.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise and to acknowledge good work. Periodic discussions with the employee during the course of the evaluation period are encouraged. Supervisors should document all discussions in the prescribed manner.

Non-probationary employees demonstrating substandard performance shall be notified in writing as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days' written notice prior to the end of the evaluation period.

Performance evaluations will consist of a review between the supervisor and the employee using the City's Performance Evaluation Form.

- a. The form may be adapted by department supervisor to represent the job and duties performed in the department.
- b. The supervisor may have two or more sets of evaluation criteria depending on the variety of jobs performed within each department.
- c. The format however should be followed by each department; any variation of the format must be approved by the city manager.

Performance Evaluations

Goal-setting is critical for the development of performance plans and standards. Goals define in broad terms the underlying purpose of a given activity or set of activities. Objectives specify what should be achieved during an employee's employment with the City. There are certain fundamental principles which govern the establishment of goals, objectives, and performance standards:

- a. **Participatory Goal Setting** - In setting goals and objectives of employees, supervisors should seek to involve employees in the process.
- b. **Outline Results to be Achieved** - There should be room for flexibility. The supervisor should discuss with the employee how much will be done, when it should be completed, and the resources required.
- c. **Relate to Organizational Objectives and Goals** - In the process of initially formulating performance plans, each employee should be provided with the larger picture and how their work contributes to the organization. This is the responsibility of each supervisor.
- d. **Define Objectives** - Objectives must be clearly defined and understood by both employees and their supervisors. There must be clear agreement on the available resources, periodic reviews and other related control activities.
- e. **Give Support** - Employees should understand that they will be fully supported by their supervisors in pursuing the achievement of the mutually agreed upon objectives and standards.

All supervisors shall receive training on performance evaluations within one year of a supervisory appointment.

602.4.1 PERFORMANCE IMPROVEMENT PLAN

Employees who receive an unsatisfactory rating may be subject to a PIP. The PIP shall delineate areas that need improvement, any improvement measures, and a timetable in which to demonstrate improvement. The issuing supervisor shall meet with the employee to review the employee's performance and the status of the PIP at least monthly.

602.5 EVALUATION FREQUENCY

Supervisors shall evaluate all employees they supervise once a year.

Those employees who are required to successfully complete a probationary period should be evaluated prior to the completion of probation. Probation may be extended as necessary.

602.6 EVALUATION INTERVIEW

When the supervisor has completed an evaluation, a private discussion of the evaluation should be scheduled with the employee. The supervisor should discuss the evaluation ratings and respond to any questions the employee may have. The supervisor should provide relevant counseling regarding advancement, specialty positions, and training opportunities. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified and discussed. If the employee has reasonable objections to any of the ratings, the supervisor may make appropriate adjustments to the evaluation. The reason for such adjustments shall be documented.

Performance Evaluations

Employees may write comments in an identified section of the evaluation. The supervisor and employee will sign and date the evaluation.

602.7 APPEAL

An employee who disagrees with an evaluation may provide a formal written response that will be attached to the evaluation, or may request an appeal.

To request an appeal, the employee shall forward a written memorandum within three days to the City Manager or the authorized designee. The memorandum shall identify the specific basis for the appeal and include any relevant information for the reviewer to consider.

602.8 CHAIN OF REVIEW

The signed performance evaluation and any employee attachment should be forwarded to the City Manager or the authorized designee. The City Manager or the authorized designee shall review the evaluation for fairness, impartiality, uniformity, and consistency, and shall consider any written response or appeal made by the employee.

The City Manager or the authorized designee should evaluate the supervisor on the quality of ratings given.

602.9 RETENTION AND DISTRIBUTION

The original performance evaluation and any original correspondence related to an appeal shall be maintained in accordance with the Personnel Records Policy.

A copy of the evaluation and any documentation of a related appeal shall be provided to the employee.

Discriminatory Harassment and Sexual Harassment

603.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent city employees from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by federal, state, or local discrimination and harassment laws and regulations.

603.2 POLICY

The City is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation on and off duty. The City will not tolerate discrimination against an employee in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The City will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The anti-discrimination policies of the City may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject an employee to discipline.

Hurricane City strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment of the City should be characterized by mutual trust and the absence of intimidation, oppression, and exploitation. Hurricane City will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, Hurricane City will seek to prevent, correct, and discipline behavior which violates this policy.

All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination of employment.

603.3 DEFINITIONS

Sexual Harassment - According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature... when... submission to or rejection of such conduct is used as the basis for employment decisions... or such conduct has the purpose or effect of... creating an intimidating, hostile or offensive working environment."

603.3.1 DISCRIMINATION AND HARASSMENT

Discrimination

The City prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or employee and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory Harassment and Sexual Harassment

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or city equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to city policy and to a work environment that is free of discrimination.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967 and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Harassment

Hurricane City prohibits harassment of any kind, including sexual harassment, and will take appropriate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker, or any person working for or on behalf of Hurricane City.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's national origin, race, color, religion, age, sex, sexual orientation, pregnancy, appearance, disability, gender identity or expression, marital status or other protected status, including epithets, slurs, and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital status or other protected status.

603.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination, participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

Retaliation is an additional and separate disciplinary offense. Retaliation may consist of, but is not limited to, any of the following:

- a. Open hostility.
- b. Exclusion or ostracism.

Discriminatory Harassment and Sexual Harassment

- c. Special or more closely monitored attention to work performance.
- d. Assignment to demeaning duties not otherwise performed during the regular course of the employee's duties.

603.3.3 SEXUAL HARASSMENT

The City prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under Hurricane City's discriminatory harassment policy.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.
- b. Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the employee.
- c. Such conduct has the purpose or effect of substantially interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment includes creating a hostile or unwelcome work environment, which can occur through any or all of the following general means:

- a. Sex role stereotyping:
 - 1. Assignments made or denied solely on the traditional historic perceptions regarding the types of jobs that specific gender may/should perform.
 - 2. Comments, photographs, or written material reinforcing traditional historic perceptions regarding gender.
- b. Gender harassment/discrimination:
 - 1. Intentional or unintentional behavior/conduct of a visual or verbal nature directed at a specific gender, which is demeaning, ridiculing, or derisive.
 - 2. Creating an environment that demonstrates a demeaning, ridiculing, or derisive attitude toward a specific gender.
- c. Targeted or individual harassment:
 - 1. Intentional behavior predicated on gender or expressing sexuality, which is directed at a specific group or individual.
 - 2. Offensive conduct may be verbal, visual, or physical, including unwanted touching of a non-criminal nature.
- d. Criminal touching:
 - 1. The intentional unwanted touching of the breasts, buttocks, or genitals of another.
 - 2. Forcible sexual abuse.

Discriminatory Harassment and Sexual Harassment

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, tweets and Internet postings; or other forms of communication that are sexual in nature and offensive.

Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant, non-coercive interactions between employees that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

603.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- a. Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and any related state agency guidelines.
- b. Bona fide requests or demands by a supervisor that an employee improve work quality or output, that the employee report to the job site on time, that the employee comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

603.4 RESPONSIBILITIES

This policy applies to all city employees, who shall follow the intent of these guidelines in a manner that reflects city policy, professional standards, and the best interest of the City and its mission.

Employees are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any employee who is not comfortable with reporting violations of this policy to an immediate supervisor may make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the City Manager or assigned designee.

Discriminatory Harassment and Sexual Harassment

Any employee who believes, in good faith, that the employee has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with a resolution as stated below.

False or bad faith claims regarding sexual or gender harassment may result in disciplinary action, up to and including termination, against the accuser.

603.4.1 QUESTIONS OR CLARIFICATION

Employees with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, or the Human Resources department for further information, direction, or clarification.

603.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- a. Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- b. Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- c. Ensuring that their subordinates understand their responsibilities under this policy.
- d. Ensuring that employees who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- e. Making a timely determination regarding the substance of any allegation based upon all available facts.
- f. Notifying the Human Resources department in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

603.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- a. Behavior of supervisors and managers should represent the values of the City and professional standards.
- b. False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent employees.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining assignments, evaluating or counseling employees, or issuing discipline in a manner that is consistent with established procedures.

603.5 INVESTIGATION OF COMPLAINTS

Discriminatory Harassment and Sexual Harassment

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved employee should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. All complaints of discrimination, retaliation, or harassment should be fully documented and promptly and thoroughly investigated. Individuals reporting alleged harassment shall not be required to confront the accused outside of a formal proceeding. The accused shall not contact the reporting individual regarding the alleged harassment. Participants in any harassment proceeding/investigation shall treat all information related to that proceeding/investigation as confidential.

603.5.1 SUPERVISORY RESOLUTION

Employees who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional, or inappropriate. However, if the employee feels uncomfortable or threatened or has difficulty expressing the employee's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

The [accompanying procedure](#) provides guidance on making such notifications.

603.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted by the HR department. The individual reporting the alleged harassment shall be provided with a reasonable amount of time to prepare a formal complaint.

The HR department will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any employees involved. No influence will be used to suppress any complaint and no employee will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Employees who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to file a complaint with their immediate supervisor but may also file a complaint with the next higher level supervisor. In some cases, the next higher level supervisor may be the City Manager or the City Attorney.

The [accompanying procedure](#) provides guidance on making a formal complaint.

603.6 DOCUMENTATION OF COMPLAINTS

Discriminatory Harassment and Sexual Harassment

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the City Manager. The outcome and consequences of all reports shall be approved by the City Manager. All reports shall be maintained in accordance with the established records retention schedule.

Records and proceedings of harassment claims, investigations, or resolutions are confidential and shall be maintained separate and apart from the employee's personnel file. Information related to any harassment complaint, proceeding, or resolution shall be maintained in a separate and confidential harassment complaint file. This information shall not be placed or maintained in an employee's personnel file. Information contained in the harassment complaint files shall be released only with the written authorization of the individual who filed the complaint and the City Manager, City Attorney, or designee.

603.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

603.7 TRAINING

All employees shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

Romantic, Sexual, and Dating Relationships

604.1 POLICY

It is not Hurricane City's desire to discourage friendship among employees; however, it is recognized that "romantic", sexual, and/or dating relationships between Hurricane City employees/volunteers could lead to actual or perceived conflicts of interest, favoritism, or sexual harassment. The purpose of this policy is to protect employees from coercive or hostile relationships that may damage morale or reduce productivity because of bias, favoritism, or harassment.

Hurricane City strongly believes that a work environment where employees maintain clear boundaries between employee personal and business interactions is necessary for effective business operations. Although this policy does not prevent the development of friendships or romantic relationships between co-workers, it does establish boundaries as to how relationships are conducted during working hours and within the working environment.

Individuals in supervisory or managerial roles and those with authority over others' terms and conditions of employment are subject to more stringent requirements under this policy due to their status as role models, their access to sensitive information, and their ability to affect the employment of individuals in subordinate positions.

This policy does not preclude or interfere with the rights of employees protected by the National Labor Relations Act or any other applicable statute concerning the employment relationship.

Any time there is a romantic, sexual, or dating relationship between city employees, the attached form must be filled out and signed by all parties involved and submitted to the department head or HR for review. ().

604.2 GUIDELINES

- During working time and in working areas, employees are expected to conduct themselves in an appropriate workplace manner that does not interfere with others or with overall productivity.
- During non-working time, such as lunches, breaks, and before and after work periods, employees engaging in personal exchanges in non-work areas should observe an appropriate workplace manner to avoid offending other workers or putting others in an uncomfortable position.
- Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate in the workplace by a reasonable person while anywhere on City premises, whether during working hours or not.
- Employees who allow personal relationships with co-workers to adversely affect the work environment will be subject to Hurricane City's disciplinary policy, including counseling for minor problems. Failure to change behavior and maintain expected work responsibilities is viewed as a serious disciplinary matter.
- Employee off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace. An exception to this principle, however, is romantic or sexual relationships between supervisors and subordinates.

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Romantic, Sexual, and Dating Relationships

- Any supervisor, manager, executive, or other City official in a sensitive or influential position with Hurricane City must disclose the existence of a romantic or sexual relationship with another co-worker. Disclosure shall be made to the individual's immediate supervisor and the director of HR. Hurricane City will review the circumstances to determine whether any conflict of interest exists.
- When a "romantic", sexual, or dating relationship develops or occurs with another Hurricane City employee /volunteer, each employee/volunteer must notify their department head (if not a party to the relationship), the Human Resources Director, or the City Attorney. The notification must be given even if the individuals involved do not work/volunteer within the same department or same office for Hurricane City.
- A department head must immediately notify the Human Resources Director or the City Attorney upon obtaining knowledge of a relationship of the type described above. This action is required even when the individuals involved are employed or volunteer in different departments.
- The department head, Human Resources, and the City Attorney will work together to determine appropriate protective measures, including preventing individuals involved in a "romantic", sexual, or dating relationship for Hurricane City.
- Persons should not be hired, promoted, transferred, or otherwise change status into a position where a romantic, sexual, or dating relationship exists.
- Persons should not be hired, promoted, transferred, or otherwise changed into a position where the supervisor and subordinate have had such a relationship within the last five years. Where such a relationship existed prior to five years ago, the Department Head, the Human Resources Director, and the City Attorney, will review the specific circumstances to determine whether or not to proceed with an employment action. Employment action can consist of shift change, interdepartmental transfer, interagency transfer or termination. This list is not all inclusive.
- Employees or volunteers entering a "romantic", sexual or dating relationship, will be required to complete and submit a Consensual Relationship Agreement form to their Department Head which will then be forwarded to the Human Resource Office for submission in their personnel file.
- When a conflict-of-interest or potential risk is identified due to a City official's relationship with a co-worker, Hurricane City will work with the parties involved to consider options for resolving the problem. The initial solution may be to make sure the parties no longer work together on matters where one is able to influence the other or take action for the other. Matters such as hiring, firing, promotions, performance management, compensation decisions and financial transactions are examples of situations that may require reallocation of duties to avoid any actual or perceived reward or disadvantage. In some cases, other measures may be necessary, such as transfer of one or both parties to other positions or departments. If one or both parties refuse to accept a reasonable solution, such refusal will be deemed a voluntary resignation.
- Failure to cooperate with Hurricane City to resolve a conflict or problem caused by a romantic or sexual relationship between co-workers or among managers, supervisors or others in positions of authority in a mutually agreeable fashion may be deemed insubordination and result in disciplinary action up to and including termination.
- Where doubts exist as to the specific meaning of the terms used above, employees should make judgments based on the overall spirit and intent of this policy.

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Custody Policy

Romantic, Sexual, and Dating Relationships

- This policy shall apply without regard to gender and/or sexual orientation of the participants involved in a relationship of the kind described above.
- Any concerns about the administration of this policy should be addressed to the director of HR.

Grievances

605.1 PURPOSE

The purpose of this policy is to provide guidelines for the City grievance system. The grievance system is intended to facilitate communication and to promptly and equitably address employee grievances in the workplace.

605.2 SCOPE

The City, at the City's sole discretion, may choose to consider additional issues raised during the grievance investigation process. If the City does not exercise its discretion, only the issues presented in the original grievance will be considered throughout the grievance process. If the employee wishes additional issues to be considered, it is the employee's responsibility to file a new grievance detailing the additional information pursuant to the deadlines contained in this Policy.

605.2.1 GRIEVANCE DEFINED

A grievance is any difference of opinion regarding terms or conditions of employment or a dispute involving the interpretation or application of either of the following documents by the person affected:

- This Policy Manual
- City rules and regulations governing personnel practices or working conditions

Grievances may be brought by an individually affected person or by a group representative.

Specifically outside the category of grievances are:

- Complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy.
- Personnel complaints regarding any allegation of misconduct or improper job performance against any city employee that, if true, would constitute a violation of city policy or federal, state, or local law.
- Allegations involving property-right discipline.

605.3 POLICY

It is the policy of the City to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint, or retaliation against any employee who submits or is otherwise involved in a grievance.

605.4 PROCEDURAL REQUIREMENTS

Grievances

605.4.1 Process

Except as otherwise required under current employment agreements, if an employee wishes to initiate a grievance as defined above, that employee shall:

- a. Attempt to resolve the issue through informal discussion with the employee's immediate supervisor.
- b. If after a reasonable amount of time, generally seven days, the grievance cannot be settled by the immediate supervisor, the employee may request an interview with the head of the department.
- c. If a successful resolution is not found with the head of the department, the employee may request a meeting with the City Manager.
- d. If the employee and the City Manager are unable to arrive at a mutual solution, the employee may proceed as follows:
 1. Submit a written statement of the grievance to the City Manager and provide a copy to the employee's immediate supervisor.
 2. Include the following information in the written statement:
 - a. Name of the employee.
 - b. Date the occurrence or action underlying the grievance occurred.
 - c. Nature and basis for the grievance.
 - d. A allegation of any specific wrongful act and the harm done.
 - e. Any historical information related to the grievance.
 - f. Specific policies, rules, or regulations at issue.
 - g. The remedy or goal being sought by the grievance.
 - h. Signature of the employee filing the grievance and date filed.
 - i. Witnesses or corroboratory information when appropriate.
 - j. The immediate supervisor shall provide the employee with a signed acknowledgment of the grievance that shall include the date and time of receipt.
- e. The [CM_CA] should review the grievance and respond to the employee within 14 calendar days.
 1. The response will be in writing, and will affirm or deny allegations.
 2. The response shall include any remedies, if appropriate.
 3. The decision of the [CM_CA] is considered final with the following exceptions:
 - a. If the [CM_CA] is the subject of the grievance, then it must be filed with the Mayor.
 - b. if a [CUSTOM:DH] is the subject of a grievance, then it must be filed with the [CM_CA] and an appeal may be filed with the Mayor.
 1. Any such appeal must be filed in writing within 30 calendar days of the City Manager's decision.

605.4.2 Time Limitations and Required Procedure

Grievances

A written statement of the grievance must be submitted to the City Manager pursuant to Section 605.4.1(d)(1) within sixty (60) days of the occurrence or event giving rise to the grievance, or within sixty (60) days of the employee's acquiring knowledge of the occurrence or event giving rise to the grievance. If the employee fails to file a timely grievance, the employee waives their right to file a grievance.

Employees who perceive that they have a grievance against the City must exhaust the administrative procedure set forth in this section before addressing their grievance through any other forum.

605.5 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process.

605.6 GRIEVANCE RECORDS

All documents pertaining to the grievance process shall be private data under the Government Records Access Management Act of the State of Utah and at the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the City Manager or the authorized designee for inclusion in a secure file for all written grievances. The City Manager may declare the grievance records to be confidential and/or order the entire record or any part of it, sealed.

605.7 GRIEVANCE AUDITS

The City Manager should designate an employee to perform an annual audit of all grievances filed the previous calendar year to evaluate whether any change in policy, procedure, or training may be appropriate to avoid future grievances. The evaluation should be documented in a confidential memorandum to the City Manager without including any identifying information about any individual grievance.

Reporting Fraud or Abuse

606.1 PURPOSE AND SCOPE

This policy provides guidance on reporting fraud; waste or misuse of public funds, property, or manpower; violations of a law, rule, or regulation; gross mismanagement; abuse of authority; and unethical conduct. This policy also prohibits retaliation against employees who identify such issues.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit employees' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of an employee pursuant to any applicable federal law, provision of the U.S. Constitution, state and local law, ordinance, or current employment agreement.

606.1.1 DEFINITIONS

Improper governmental action - any action by a City employee:

- a. That is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and
- b. That is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety or is a gross waste of public funds.

606.2 POLICY

The City has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation employees who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All good faith complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

606.3 REPORTING FRAUD OR ABUSE

Employees who become aware of improper governmental actions should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the City Manager or such other person as may be designated by the City Manager to receive reports of improper governmental action.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate department with responsibility for investigating the improper action.

Reporting Fraud or Abuse

The City Manager or designee shall take prompt action to assist the City in properly investigating the report of improper governmental action. City officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

City employees who fail to make a good-faith attempt to follow procedures in reporting improper governmental action shall not receive the protections provided by the City in these procedures.

606.4 INVESTIGATION OF COMPLAINTS

Complaints regarding fraud; waste or misuse of public funds, property, or manpower; violations of a law, rule, or regulation; gross mismanagement; abuse of authority; and unethical conduct should be investigated in accordance with the [accompanying procedure](#).

606.5 RETALIATION PROHIBITED

No employee may retaliate against any person for engaging in lawful or otherwise permitted behavior; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because the person has engaged in protected activity.

606.6 COMPLAINTS OF RETALIATION

Any employee who feels retaliated against in violation of this policy should promptly report the matter to any supervisor, or the City Manager or the authorized designee.

Employees shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Employees shall not report or state an intention to report information or an allegation knowing it to be false or with willful or reckless disregard for the truth or falsity of the information, or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting employee is known, thereby allowing investigators to obtain additional information from the reporting employee. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting employee's identity. However,

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confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the employee are part of the investigative process.

606.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

- a. Ensuring complaints of retaliation are investigated.
- b. Receiving all complaints in a fair and impartial manner.
- c. Documenting the complaint and any steps taken to resolve the problem.
- d. Acknowledging receipt of the complaint, notifying the City Manager or the authorized designee, and explaining to the employee how the complaint will be handled.
- e. Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- f. Monitoring the work environment to ensure that any employee making a complaint is not subject to any retaliation.
- g. Periodic follow-up with the complainant to ensure that retaliation is not occurring.
- h. Not interfering with or denying the right of an employee to make any complaint.
- i. Taking reasonable steps to accommodate requests for assignment or schedule changes made by an employee who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

606.8 COMPLAINT PROCESS

The City Manager should communicate to the supervisor(s) involved in the complaint the prohibition against retaliation.

Supervisors shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

- a. Communicating to all employees the prohibition against retaliation.
- b. The timely review of complaint investigations.
- c. Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- d. The timely communication of the outcome to the complainant.

606.9 WHISTLE-BLOWING

Employees who believe they have been the subject of retaliation for engaging in protected behaviors should promptly report it to a supervisor or Human Resources, unless the supervisor or Human Resources is the subject of the complaint, in which case the report should be to the City Manager. Supervisors should refer the complaint to the Human Resources or the authorized designee for investigation.

606.10 RECORDS RETENTION AND RELEASE

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Documentation of investigations shall be maintained in accordance with the established records retention schedules.

Drug and Alcohol Free Workplace

607.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

607.1.1 DEFINITIONS

Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol in methyl and isopropyl alcohol no matter how packaged or in what form the alcohol is stored, utilized or found.

Controlled Substances - Marijuana (THC), cocaine, phencyclidine (PCP), opiates, and amphetamines (including methamphetamine) or other substances, which may only be legally obtained and used pursuant to a physician's prescription.

Positive Test - Any test result showing a blood alcohol content (BAC) of 0.02 or greater or the presence of any controlled substance in the test subject.

Refusal to Submit to Testing - Failure to provide an adequate breath or urine sample without a valid and verified medical explanation, after the employee has received notice that he is being tested and a breath or urine sample is required, or engages in conduct that clearly obstructs the testing process.

Reasonable Suspicion - Knowledge sufficient to induce an ordinarily prudent and cautious man under the circumstances to believe that a prohibited activity is occurring.

Safety Sensitive Duties - Any duties requiring a Commercial Driver's License (CDL), Police Duties, any other duties or positions deemed safety sensitive.

607.2 POLICY

It is the policy of the City to provide a drug and alcohol free workplace for all employees.

607.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on city time can endanger the health and safety of city employees and the public.

Employees who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for work. Affected employees shall notify an appropriate supervisor as soon as they are aware of an inability to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the employee is adversely affected while at work, the employee shall be immediately removed and released from work (see the Work Restrictions section in this policy).

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No employee shall be impaired by alcohol, illegal drugs, or medication during on call hours. No employee shall represent the City in an official capacity while impaired by alcohol, illegal drugs, or medication. No employee using medication that may impair performance shall operate a motor vehicle or engage in safety sensitive functions while on duty for the City.

Employees shall be subject to random drug and alcohol screening tests.

607.3.1 USE OF MEDICATIONS

Employees should not use any medications that will impair their ability to safely and completely perform their work. Any employee who is medically required or has a need to take any such medication shall report that need to an immediate supervisor prior to commencing any work.

No employee shall be permitted to work or drive a vehicle owned or leased by the City while taking any medication which has the potential to impair his/her abilities.

607.3.2 MEDICAL CANNABIS

Possession, use, or being under the influence of medical cannabis during work hours is prohibited and may lead to disciplinary action.

Medical cannabis is classified as controlled prescriptions. If an employee test comes back as positive, the employee will need to show their prescription/recommendation card from a licensed medical provider pursuant to Utah State law. Those with a CDL will still have to meet the federal and state regulations in regards to medical cannabis.

607.4 EMPLOYEE RESPONSIBILITIES

Employees shall report for work in an appropriate mental and physical condition. Employees are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on city premises or on city time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition. Employees shall not use, be under the influence of (.02 BAC), or be in possession of alcohol while on duty, on City premises or while in City vehicles. No employee shall consume alcoholic beverages immediately before work, during work hours, while on call, or while at work during breaks or lunches.

Employees shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow employee is impaired during work hours due to drug or alcohol use.

Employees are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

607.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the City Manager or the authorized designee, their insurance providers,

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or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

607.6 WORK RESTRICTIONS

If an employee informs a supervisor of having consumed any alcohol, drug, or medication that could interfere with a safe and efficient job performance, the employee may be required to obtain clearance from a physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that an employee is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the employee from continuing work and shall ensure that the employee is safely transported away from the workplace.

607.7 SCREENING TESTS

To achieve a drug-free work place, employees in, and applicants for, Safety Sensitive Positions shall be required to participate in alcohol and controlled substances testing. In addition, a supervisor shall require, and employees shall submit, to a screening under any of the following circumstances:

- a. The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform work safely and efficiently.
- b. The employee uses property owned or approved by the City in a manner that results in injury, death, or substantial property damage.
- c. The employee drives a motor vehicle in the performance of the employee's work and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.
- d. On a random basis for Safety Sensitive positions.
- e. As a follow-up to employment related drug or alcohol violations.

607.7.1 DISCIPLINE

An employee may be subject to disciplinary action up to termination if the employee

- a. Fails or refuses to submit to a screening test.
- b. After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, of having taken the controlled substance as directed prior to the screening, pursuant to a current and lawful prescription issued in the employee's name.

Employees who have violated this policy and continue to work for the city shall be subject to follow up drug/alcohol testing for a period of not less than one year. Employees subject to follow up testing will be tested a minimum of six (6) times in the first twelve (12) months following their return to duty. Follow-up testing beyond one year shall be based on a need assessment provided by a substance abuse professional.

607.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

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No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving an employee, the City will take appropriate disciplinary action, up to and including dismissal, and/or requiring the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

607.9 CONFIDENTIALITY

The City recognizes the confidentiality and privacy due to its employees. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the employee's confidential medical file in accordance with the Personnel Records Policy.

Smoking and Tobacco Use

608.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by employees and others during work hours or while in city facilities or vehicles.

For the purpose of this policy, smoking and tobacco use includes but is not limited to any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches, and chewing tobacco, as well as any device that is intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

608.2 POLICY

The City recognizes that smoking and tobacco use is a health risk and can be offensive to others. All forms of smoking and tobacco use also present an unprofessional image for the City and its employees. Therefore, all forms of smoking and tobacco use are prohibited by employees and visitors in all city facilities, buildings, and vehicles, and as is further outlined in this policy and in compliance with the Utah Indoor Clean Air Act (Utah Code 26-38).

608.3 SMOKING AND TOBACCO USE

It is the responsibility of employees to ensure that no person under their supervision or control smokes or uses any tobacco product inside city facilities and vehicles.

No employee shall smoke or vape near any entrance, window, or other location where other persons may be subject to breathing smoke or vapor.

608.4 POSTING

Signs or other notices should be posted at appropriate locations to notify employees and the public where smoking and tobacco use is prohibited.

Meal Periods and Breaks

609.1 PURPOSE AND SCOPE

This policy provides general guidance regarding meal periods and breaks for employees.

609.2 POLICY

It is the policy of the City to provide meal periods and breaks to employees in accordance with the law and any employment agreements.

609.3 MEAL PERIODS

Employees shall take meal periods at times approved by their supervisors to ensure continuity of work flow. Meal periods are one or one-half hour unpaid lunch period during a standard workday. The time spent for meal periods shall not exceed the authorized time allowed.

Emergency response employees shall remain on-duty subject to call during meal periods. All other employees are not on-duty during meal periods unless directed otherwise by a supervisor.

609.4 BREAKS

Breaks should be taken near the midpoint of each four-hour work period. Only one break should be taken during each four hours of work. No breaks should be taken during the first or last hour of an employee's shift unless approved by a supervisor. Breaks cannot be used to extend the lunch period or shorten an employee's work hours. If employees choose to work through their paid breaks, it is their decision to do so and no extra compensation will be given for the extra time worked.

Emergency response employees shall remain on-duty subject to call during breaks. All other employees are not on-duty during breaks unless directed otherwise by a supervisor.

609.5 PART TIME EMPLOYEES

Part-time employees take meal periods and breaks as directed by a supervisor.

Lactation Breaks

610.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating employees.

610.2 POLICY

It is the policy of the City to provide, in compliance with federal law, reasonable accommodations for lactating employees. This includes break time and appropriate facilities to accommodate any employee desiring to express breast milk for a nursing child for up to one year after the child's birth (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3).

610.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt city operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

610.4 PRIVATE LOCATION

The City will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

610.5 STORAGE OF EXPRESSED MILK

Lactation Breaks

Any employee storing expressed milk in any authorized refrigerated area shall clearly label it as such and shall remove it when the employee's workday ends.

Payroll Administration

611.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of city employees who are eligible for the payment of wages.

611.2 POLICY

The City maintains timely and accurate payroll records. The Fair Labor Standards Act (FLSA) requires that Hurricane City pay an employee at least the minimum wage as a gross wage/salary, minus the legally required pay deductions.

611.3 RESPONSIBILITIES

Employees are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Time cards will be signed and dated by the employee, reviewed and signed by their immediate supervisor and forwarded to the payroll coordinator for review and payment. Time cards may be signed and submitted electronically.

Time cards should be submitted to the appropriate supervisor each week on the Monday following the end of the payroll period, and all time cards should be submitted to payroll no later than 12:00 pm on the same day.

611.4 SUPERVISOR RESPONSIBILITIES

Supervisor's should ensure all employee time cards are correctly filled out before submitting them to payroll.

Supervisor's are responsible in ensuring part-time employees do not work more than 1508 hours in a calendar year so the City stays in compliance with all IRS regulations pertaining to part-time employment.

611.5 TIME REQUIREMENTS

Employees who are eligible for the payment of wages are paid on a biweekly basis, generally on the same day or date each period, with certain exceptions, such as holidays. Time card periods run from Sunday morning to Saturday night. The payroll period consists of two consecutive workweeks.

Payroll records shall be completed and submitted as established by the city payroll procedures.

611.5.1 WORK WEEK

The work week for City employees:

- a. Begins on Sunday morning at 12:01 a.m. (Midnight).
- b. Ends on Saturday evening at 12:00 p.m. (Midnight).

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- c. Is determined by the Department Head for employees engaged in public safety activities such as law enforcement.

611.5.2 WORK DAYS

Work days for City employees are:

- a. Full Time: Monday - Friday, Saturday as needed.
- b. Part Time: As directed by the Department Head.
- c. Determined by the Department Head for employees engaged in public safety activities such as law enforcement.

611.5.3 WORK HOURS

Work hours for City employees are:

- a. Full Time Office Personnel: Monday – Thursday 8:00 a.m. - 5:00 p.m. and Friday - 8:00 a.m. – 3:00 p.m.
- b. Full Time Utility Crews: Monday – Friday 7:00 a.m.-3:30 p.m.
- c. Part Time: As directed by the Department Head.
- d. Determined by the Department Head for employees engaged in public safety activities such as law enforcement.

Work hours may be changed from time to time by the Department Head, with the express written approval of the City Manager, to meet the needs of the citizens and the department.

611.6 PAY DEDUCTIONS

Hurricane City makes deductions in accordance with the [accompanying procedure](#).

611.7 RECORDS

The City shall maintain accurate and timely payroll records as required by 29 CFR 516.2, as amended. Annual records of leave accrued and taken are kept in accordance with the [accompanying procedure](#).

611.8 TIPS

All Hurricane City employees who receive tips should follow the IRS guidelines when reporting tips received. ([IRS Guidelines on Tips](#)).

611.9 ERRORS ON PAYSTUBS; PAY ADJUSTMENTS

Hurricane City strives to ensure the timely and accurate payment of wages to all employees. Employees are responsible for reviewing their pay stubs and timecards regularly to ensure accuracy.

Employees must report any suspected wage discrepancies (including but not limited to underpayments, overpayments, or missing hours) to the Payroll Clerk within **30 calendar days** from the check issue date the wages were paid.

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If a wage discrepancy is not reported within this 30-day period, Hurricane City is not obligated to retroactively adjust pay, unless the error is determined to be the result of an employer-side error that can be verified through available records.

Employer side errors may be corrected and reconciled if the error is identified within four (4) years of the error.

Overtime Compensation

612.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.).

612.2 POLICY

The City will compensate non-exempt employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Employees who are salary exempt from FLSA are not compensated for overtime worked. It is the policy of the City to keep the cost of overtime to a minimum. Overtime is to be worked only for the benefit of the City. It is not part of the employee's compensation package. The hours worked and the time granted off is at the will of the City.

612.3 COMPENSATION

Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(o)(1)).

Nonexempt employees are generally entitled to overtime pay or accrual of compensatory time for work over 40 hours in a given workweek (29 USC § 207). Non-exempt employees working a shift schedule (e.g., first responders) should consult with their Department Head for information about hours of work for which overtime pay or compensatory time is required.

When a nonexempt employee works in more than one position with different hourly rates during the same workweek and works more than 40 total hours, overtime will be calculated using the rate-in-effect approach under section 207 (g)(2) of the Fair Labor Standards Act as permitted by the applicable wage and hour law. Therefore, overtime rates will be calculated based on the work actually performed during the overtime hours. Overtime will be paid at one and one-half the regular hourly rate assigned to the position being worked during the overtime hours.

Exempt employees may be eligible for administrative leave, which may be granted at the discretion of the exempt employee's immediate supervisor.

612.3.1 COMPENSATION CONTINUED

For employees not engaged in public safety activities; overtime pay would apply for over 40 hours worked in a work week, and shall be compensated at the rate of one and one-half the regular hourly rate of the employee. For employees not engaged in public safety activities, if a holiday, vacation, or sick day falls within a workweek, the employee must work 40 hours over and above these hours before overtime must be paid. If an employee works on a holiday because of an emergency situation, they will:

- a. Take the Holiday off at a later date approved by the Department Head within the same pay period, or
- b. With approval of the Department Head, receive straight-time pay, plus overtime pay, for the time worked.

Overtime Compensation

For public safety employees, overtime pay would apply for over 80 hours worked in a pay period, and shall be compensated at the rate of one and one-half the regular hourly rate of the employee. For employees engaged in public safety activities, if a holiday, vacation, or sick day falls within a pay period, the employee must work 80 hours over and above these hours before regular overtime (time & a half) must be paid.

Public safety employees with the power of arrest (non-civilian employees) are not eligible to accrue compensation time.

Civilian employees of the Police Department—defined as employees who do not possess powers of arrest—are eligible to accrue compensatory time in accordance with the standard opt#in provisions applicable to all civilian personnel. Eligibility to accrue compensatory time is limited to the first one (1) year of employment. Upon completion of twelve (12) months from the employee's hire date, the employee shall no longer be permitted to earn additional compensatory time. Any compensatory time accrued during the eligible period shall remain on the employee's balance and may be used in accordance with city policy.

612.4 REQUESTS FOR OVERTIME COMPENSATION

612.4.1 EMPLOYEE RESPONSIBILITIES

Generally, no employee is authorized to work overtime without the prior approval of a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Non-exempt employees shall:

- a. Obtain supervisory approval, verbal or written.
- b. Record the actual time worked in an overtime status using the city-approved form or method. Informal notations on reports, logs, or other forms not approved for overtime recording are not acceptable.
- c. Submit the request for overtime compensation pursuant to city payroll procedures.

612.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors should plan the work so that normal daily work, training, and meetings do not create overtime.

When considering approval of overtime, supervisors should consider the need for the overtime and the possible options to deal with the extra hours worked. The following alternatives should be considered:

- a. Adjusting the work schedule to allow for time off during the week to keep the hours to 40.
 1. Scheduling planned work in advance to give the employee time off on another day during the week to keep the hours to 40.
 2. Considering use of call outs so the employee can be sent home on Friday.

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3. Completing a job where an extra hour or two on the same day will save hours over stopping and starting the job again the next day. The employee can come in late the following day or take hours off in another day during the week to compensate for the extra hours worked.
 4. Figuring events and meetings into the schedule for the week and taking time off in advance so the event hours do not create overtime.
- b. Considering use of comp time instead of paid overtime.
 1. Comp time still costs the city extra time off and is still a cost.
 2. An employee should not be allowed to work overtime hours just to build up their comp time.
 - c. Using a part time employee instead of a full time employee.

Supervisors shall:

- a. Prior to authorizing an employee to work overtime, evaluate the need for the overtime.
 1. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of city resources.
- b. Upon receipt of a request for overtime compensation, confirm that the overtime was authorized and then verify the actual time worked.
 1. Supervisors identifying any unauthorized overtime or discrepancy shall initiate an internal investigation.
- c. After verifying and approving the overtime amount, promptly forward the request for compensation to the employee's department director for final approval.

Supervisors may not authorize or approve their own overtime.

612.5 VARIATION IN TIME REPORTED

When two or more employees are assigned to the same activity and the amount of time for which overtime compensation is requested varies among the employees, the City Manager, authorized designee, or other approving supervisor may require each employee to include the reason for the variation on the overtime compensation request.

612.6 REQUESTING USE OF COMPENSATORY TIME

Employees who have accrued compensatory time shall be allowed to use that time for time off within a reasonable period after making a request, if the request does not unduly disrupt city operations (29 USC § 207(o)). Requests to use compensatory time shall be requested and approved in the same manner as vacation time. Supervisors may make exceptions in unusual or extraordinary circumstances.

Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR 553.25).

612.6.1 MAXIMUM COMPENSATORY ACCRUAL

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The City allows each non-exempt employee to accrue up to 40 hours of comp time before overtime is paid. Exceptions must be approved by the Department Head and the City Manager. Under no circumstances will the accrual exceed the maximums set by the Federal Labor Law.

Public safety and exempt employees do not accrue compensatory time.

Temporary Modified-Duty Assignments

613.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, city rules, or applicable employment agreements. For example, nothing in this policy affects the obligation of the City to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

613.2 POLICY

Subject to operational and business considerations, the City may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the City with a productive employee during the temporary period.

613.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or state law shall be treated equally, without regard to any preference for a work-related injury.

No position should be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational and business needs of the City. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational and business needs and the employee's ability to perform in a modified-duty assignment.

The City Manager or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, operating a city vehicle, or engaging in outside employment.

Temporary modified-duty assignments should generally not exceed a cumulative total of 1,040 hours in any one-year period.

Employees who refuse a temporary modified-duty assignment offer are permitted to use available approved leave, if eligible.

613.4 PROCESS

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Temporary Modified-Duty Assignments

Employees seeking a temporary modified-duty assignment should submit a written request to their immediate supervisors or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- a. An assessment of the nature and probable duration of the illness or injury.
- b. The prognosis for recovery.
- c. The nature and scope of limitations and/or work restrictions.
- d. A statement regarding any required workplace accommodations, mobility aids, or medical devices.
- e. A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

Supervisors will make a recommendation to the City Manager or the authorized designee regarding temporary modified-duty assignments that may be available based on the needs of the City and the limitations of the employee.

Requests for a temporary modified-duty assignment of less than 40 hours per per week actually worked may be approved and facilitated by the supervisor, with notice to the City Manager or the authorized designee.

613.5 ACCOUNTABILITY

Written notification of assignments, work schedules, and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate city operations and the employee's medical appointments, as mutually agreed upon by the employee and the employee's supervisor.

613.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty include but are not limited to:

- a. Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- b. Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- c. Communicating a status update to their supervisors no less than once every week while assigned to temporary modified duty.
- d. Submitting a written status report to the City Manager or the authorized designee that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

613.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor should monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors include but are not limited to:

- a. Periodically apprising the City Manager or the authorized designee of the status and performance of employees assigned to temporary modified duty.

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- b. Notifying the City Manager or the authorized designee and ensuring that the required documentation facilitating the employee's return to full duty is received from the employee.
- c. Ensuring that employees returning to full duty have completed any required training and certification.

613.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The City may require a fitness-for-duty examination prior to returning an employee to full-duty status.

613.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

If notified by an employee or the employee's representative regarding a limitation related to pregnancy, childbirth, or related medical conditions, the City should make reasonable efforts to provide an accommodation for the employee in accordance with federal law and any applicable state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4).

Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under state law.

613.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the city's personnel rules and regulations regarding family and medical care leave.

613.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

613.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties, provided that the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training, or qualifications.

Speech, Expression, and Social Networking

614.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites and provides guidelines for the regulation and balancing of employee speech and expression with the needs of the City.

This policy applies to all forms of communication, including but not limited to film, video, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of an employee group, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

614.2 POLICY

Employees of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the City. Due to the nature of the work and influence associated with local government employees, it is necessary that city personnel be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the City will carefully balance the individual employee's rights against the needs and interests of the City when exercising a reasonable degree of control over its employees' speech and expression.

614.3 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

Employees should demonstrate sound judgment in speech, expression, and conduct that relates to or affects the City. In order to meet the safety, performance, and public-trust needs of the City, the following are prohibited unless the speech is otherwise protected (e.g., an employee is speaking as a private citizen, including acting as an authorized member of an employee group, on a matter of public concern):

- a. Speech or expression that is disruptive to the work environment, undermines authority, and is destructive to close working relationships.
- b. Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the City or its employees.
- c. Knowingly or recklessly false speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the City and tends to compromise or damage the mission, function, reputation, or professionalism of the City or its employees. Examples may include:

Speech, Expression, and Social Networking

1. Making a false accusation of wrongdoing without exercising reasonable caution to verify the truth of the matter.
 2. Intentionally misrepresenting on social media actions taken by the City that would damage the city's reputation.
- d. Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of city employees. Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment or appointment with the City for financial or personal gain, or any disclosure of such materials without the express authorization of the City Manager or the authorized designee.
- e. Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of city logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the City on any personal or social networking or other website or web page, without the express authorization of the City Manager or the authorized designee.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

614.3.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of employee groups, employees may not represent the City or identify themselves in any way that could be reasonably perceived as representing the City in order to do any of the following, unless specifically authorized by the City Manager or the authorized designee:

- a. Endorse, support, oppose, or contradict any political campaign or initiative.
- b. Endorse, support, oppose, or contradict any social issue, cause, or religion.
- c. Endorse, support, or oppose any product, service, company, or other commercial entity.
- d. Appear in any commercial, social, or nonprofit publication; in any motion picture, film, video, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that an employee, acting in an individual capacity or through an outside group or organization, including as an authorized member of an employee group, is affiliated with this city, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the City.

Employees retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of employee groups on political subjects and candidates at all times during non-work hours. However, employees may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

Speech, Expression, and Social Networking

An officer or employee may not attempt to make another officer's or employee's employment status dependent on the officers or employee's support or lack of support of a political party, affiliation, opinion, committee, organization, agency, or person engaged in political activity. No officer or employee shall promise any appointment to any position as a reward for any political activity.

614.4 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook, Twitter, LinkedIn) that is accessed, transmitted, received, or reviewed on any city technology system (see the Information Technology Use Policy for additional guidance).

However, the City may not require an employee to disclose a personal username or password or to open a personal social website, except when legally permitted and relevant to the investigation of allegations of work-related misconduct.

614.5 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the City Manager or the authorized designee should consider include:

- a. Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- b. Whether the speech or conduct would be contrary to the good order of the City or the efficiency or morale of its employees.
- c. Whether the speech or conduct would reflect unfavorably upon the City.
- d. Whether the speech or conduct would negatively affect the appearance of impartiality in the performance of the employee's duties.
- e. Whether similar speech or conduct has been previously authorized.
- f. Whether the speech or conduct may be protected and outweighs any interest of the City.

614.6 TRAINING

Subject to available resources, the City should provide training regarding the limitations on speech, expression, and use of social networking to all employees.

Illness and Injury Prevention and Reporting

615.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for employees of the City and to provide guidance regarding timely reporting of work-related conditions such as a physical injury or an occupational illness.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, each department within the City may set its own related policies or procedures that do not conflict with this policy.

615.1.1 DEFINITIONS

Definitions related to this policy include:

Work-related condition - Any significant medical or mental condition suspected to have been caused by an employee's service to the City. Any condition that would reasonably require some form of treatment should be considered significant.

615.2 POLICY

The City is committed to providing a safe environment for its employees and to minimizing the incidence of work-related illness and injuries. The City should establish and maintain an illness and injury prevention plan and provide tools, training, and safeguards designed to reduce the potential for accidents, injuries, and illness. It is the intent of the City to comply with all laws and regulations related to occupational safety.

The City will address work-related conditions and will comply with applicable state workers' compensation requirements. All employees are covered by workers' compensation that provides medical reimbursement and disability benefits for job-related illness or injury.

615.3 ILLNESS AND INJURY PREVENTION PLAN

The City Manager or the authorized designee is responsible for developing an illness and injury prevention plan that may include:

- a. Workplace safety and health training programs.
- b. Review of city workplace safety policies and procedures of each department.
- c. Regularly scheduled safety meetings.
- d. Posted or distributed safety information.
 1. City staff will post all required UOSHA notices in conspicuous places (such as employee bulletin boards or where similar notices are usually posted).
- e. Establishment of a safety and health committee that will:
 1. Meet regularly.
 2. Should include representation from each department.

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3. Prepare a written record of safety and health committee meetings.
 4. Review the results of periodic scheduled inspections.
 5. Review investigations of accidents and exposures.
 6. Make suggestions to supervisors for the prevention of future incidents.
 7. Review investigations of alleged hazardous conditions.
 8. Submit recommendations to assist in the evaluation of employee safety suggestions.
 9. Assess the effectiveness of efforts made by the City to meet applicable standards.
- f. Establishing a process to ensure illnesses and injuries are reported as required under state law.

615.4 MANAGER/ADMINISTRATOR RESPONSIBILITIES

The responsibilities of Human Resources or the authorized designee include but are not limited to:

- a. Managing and implementing a plan to reduce the incidence of employee illness and injury.
- b. Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and employees. This system shall include:
 1. New employee orientation that includes a discussion of safety and health policies and procedures.
 2. Regular employee review of the illness and injury prevention plan.
- c. Ensuring that all safety and health policies and procedures are available to all employees.
- d. Taking reasonable steps to ensure that all employees comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
 1. Informing employees of the illness and injury prevention guidelines.
 2. Recognizing employees who perform safe work practices.
 3. Ensuring that the employee evaluation process includes employee safety performance.
 4. Ensuring compliance with any applicable safety standards related to:
 - a. Communicable diseases
 - b. Personal Protective Equipment (PPE) (see the Personal Protective Equipment Policy)
 - c. Emergency Action Plan
 - d. Walking-working surfaces
- e. Making available a form to document inspections, unsafe conditions or unsafe work practices, and actions taken to correct unsafe conditions and work practices.
- f. Making available a form to document individual incidents or accidents.
- g. Making available a form to document the safety and health training of each employee. This form will include the employee's name or other identifier, training dates, type of training, and training providers.
- h. Conducting and documenting a regular review of the illness and injury prevention plan.
- i. Providing safeguards required by State and Federal Safety Orders in all situations.

615.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include but are not limited to:

- a. Ensuring employee compliance with illness and injury prevention guidelines and answering questions from employees about this policy.

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- b. Training, counseling, instructing, or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate.
- c. Establishing and maintaining communication with employees on health and safety issues. This is essential for an injury-free, productive workplace.
- d. Completing required forms and reports relating to illness and injury prevention and submitting such forms and reports to Human Resources.
- e. Notifying the City Manager or the authorized designee when:
 - 1. New substances, processes, procedures, or equipment that present potential new hazards are introduced into the work environment.
 - 2. New, previously unidentified hazards are recognized.
 - 3. Work-related illnesses and injuries occur.
 - 4. New and/or permanent or intermittent employees are hired or reassigned to processes, operations, or tasks for which a hazard evaluation has not been previously conducted.
 - 5. Workplace conditions warrant an inspection.

615.6 HAZARDS

All employees should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices, or procedures in a timely manner. Employees should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering employees or property, supervisors should protect or remove all exposed employees from the area or item, except those necessary to correct the existing condition.

Employees who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the City Manager or the authorized designee.

The City Manager or the authorized designee will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

615.7 CONFINED SPACE ENTRY

When required, a written confined space entry policy shall include at least the following:

- a. Annual training on confined space issues.
- b. A review of potential confined spaces.
- c. A permitting system for entering permit-required confined spaces.
- d. A rescue plan for managing confined space incidents.
- e. Protocols for managing contractors doing work in the City's confined spaces.

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- f. A list of the appropriate personal protective equipment and hardware (hoists, winches, gas monitors, respirators, and ventilation gear) required for safe entry and exit.

615.8 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The City Manager or the authorized designee should ensure that the appropriate documentation is completed for each inspection.

615.8.1 EQUIPMENT

Employees are charged with daily inspections of their assigned equipment or work environment, as applicable, prior to beginning their workday. Proper licensing and extreme caution are required by all employees operating any type of power equipment.

615.8.2 UOSH INSPECTION PROCEDURES

All employees should follow the procedures listed below in the event an inspector from UOSH (Utah Occupational Safety and Health) presents himself or herself on the job site.

- a. If an inspector arrives on the job site, an employee should understand that they are not authorized to offer any information requested by the inspector.
- b. The employee will contact the City Manager, Department Head, or designee, who will accompany the inspector during any inspection.
- c. The City Manager should make sure that all employees know who they are required to contact, including all alternates, in the event an UOSH inspector shows up on the job site.
- d. If the UOSH inspector does not reveal the appropriate credentials at the outset of the inspection, the City Manager or Department Head should ask the inspector for their credentials and examine them before allowing an inspection of the job site.
- e. The City Manager or Department Head should not refuse an inspection of the job site when the credentialed inspector does not have a warrant to inspect.
- f. If the credentials are appropriate, and before beginning the inspection, the City Manager, or Department Head, should ask the inspector the reason for the inspection.
 1. If it is routine, no further requests are required.
 2. If the inspection was due to an employee complaint, the City Manager, or Department Head should request a copy of the complaint.
 - a. This will help the City correct any safety problems.
 - b. Under no circumstances should the information received on an employee complaint be used for disciplinary action toward an employee as this type of action is prohibited by law.
- g. The City Manager or Department Head should accompany the inspector during the entire inspection of the job site.
- h. The City Manager or Department Head should take notes throughout the entire inspection.

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1. The City Manager or Department Head should note every comment and observation made by those participating in the inspection.
2. The City Manager or Department Head accompanying the inspector should not volunteer any unsolicited information.

Employees may obtain additional information from their Department Head or immediate supervisor when they have questions about any of the standards provided under UOSH.

615.9 PRESENCE OF NON-EMPLOYEES

Due to the potential risk of serious injury or death, employees are prohibited from entertaining, or caring for, guests or family members in or around inherently dangerous work areas. These areas include, but are not limited to:

- a. Road repair
- b. Construction areas
- c. Vehicle maintenance areas
- d. Swimming pools
- e. Animal control
- f. Power plants
- g. Sewers

615.10 INJURIES AND INVESTIGATIONS

Any employee sustaining any work-related illness or injury, as well as any employee who is involved in any work-related accident or hazardous substance exposure, shall report such event immediately to a supervisor. Employees observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- a. A visit to the accident scene as soon as possible.
- b. An interview of the injured employee and witnesses.
- c. An examination of the workplace for factors associated with the accident/exposure.
- d. Determination of the cause of the accident/exposure.
- e. Corrective action to prevent the accident/exposure from reoccurring.
- f. Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report a work-related injury, as required under the Work-Related Illness and Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

615.10.1 EMPLOYEE RESPONSIBILITIES

Illness and Injury Prevention and Reporting

Employees shall report work-related injuries immediately to a supervisor and seek medical care when appropriate in accordance with the [accompanying procedure](#).

Employees who do not and/or will not accept qualified medical attention when directed by the City Manager or designee shall be subject to disciplinary action, up to and including termination of employment.

615.10.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related injury should:

- a. Ensure the employee receives medical care as appropriate.
- b. Review the incident report for accuracy and determine whether the work-related condition is required to be reported to the state or workers' compensation entity and whether any additional action should be taken. The documentation must be completed and turned in to the Human Resources Office as soon as practicable, but within 24 hours.
- c. Forward the report to Human Resources to be maintained in the employee's confidential medical file.

615.10.3 HUMAN RESOURCES DIRECTOR RESPONSIBILITIES

Human Resources will send the appropriate documentation to the insurance carrier and to the Industrial Commission within three days of the date of injury.

615.10.4 HUMAN RESOURCES DIRECTOR RESPONSIBILITIES

Human Resources will:

- a. Contact UOSH within 12 hours of the occurrence of any job related death, disabling, serious or significant injury, and/or any occupational disease.
- b. File the required report with UOSH within seven days after first knowledge or notification of an injury or occupational disease resulting in medical treatment, loss of consciousness, loss of work, restriction of work, or transfer to another job.
 1. Minor injuries such as scratches and cuts do not need to be reported to UOSH if they require only minor first-aid treatment.
- c. File a report with UOSH within seven days of notification of a death of an employee who dies as a result of work related injury.
- d. Keep a copy of the UOSHA report in their UOSH File.
- e. Give the employee a copy of the UOSH report and explain the employee's rights and responsibilities concerning the work related injury or occupational disease.

615.11 COMPENSATION

Employees receive compensation from workers' compensation during the time they are off work due to injury. As an alternative, employees may elect to use accrued leave time while on workers' compensation and receive their full pay from the City. A full day of leave time must be taken for each day off on workers' compensation. Employees electing the alternative listed above agree to endorse their workers' compensation check over to the City in exchange for receiving their full City pay.

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An employee does not accrue leave benefits while receiving workers' compensation payments. An employee who is using their own accrued leave time shall continue to accrue such time.

615.12 OTHER ILLNESS OR INJURY

Work-related conditions that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the City Manager or the authorized designee.

Unless the injury is extremely minor, the affected employee shall sign the form indicating no desire for medical treatment. Signing the form does not preclude the employee's ability to later seek medical attention.

615.13 OFF THE JOB REPORTING AND RETURN TO WORK

While on leave due to an on-the-job injury or illness, an employee must contact their supervisor to report on their condition. Failure to provide the required medical status reports may result in revocation of the leave and/or immediate termination of employment.

All employees must return to work after the approval of the attending physician. A statement from the attending physician stating the employee is able to resume normal duties will be required before returning to work. Failure to return to work when directed to either light or normal duties may result in immediate termination of employment. An employee who is able to return to work in light duty status may be required to work in a different department and perform duties not contained within their current job classification.

At the time of final release or settlement of a workers' compensation claim, if no vacancy exists and a reasonable effort, which has proven unsuccessful, has been made to place the employee in another position they may be terminated and paid any accrued benefits due them.

615.14 THIRD PARTY SETTLEMENT OFFERS

When an employee experiences a work-related condition that is caused by another person and is subsequently contacted by that person, that person's agent, an insurance company, or an attorney and offered a settlement, the employee shall take no action other than to submit a written report of this contact to a supervisor as soon as possible.

615.14.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to a work-related condition, the employee shall provide the City Manager or the authorized designee with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing written notice to the City Manager or the authorized designee. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the work-related condition, and to protect the City's right of subrogation, while ensuring that the employee's right to receive compensation is not affected.

Illness and Injury Prevention and Reporting

615.15 TRAINING

Employees, including supervisors, should be provided with training on general and job-specific workplace safety and health practices. Training should be provided:

- a. To supervisors to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed.
- b. To all employees with respect to hazards specific to each employee's job assignment.
- c. To all employees given new job assignments for which training has not previously been provided.
- d. Whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard.
- e. Whenever the City is made aware of a new or previously unrecognized hazard.

615.15.1 TRAINING TOPICS

Training topics should include, as applicable:

- a. Reporting unsafe conditions, work practices, and injuries, and informing a supervisor when additional instruction is needed.
- b. Use of appropriate clothing, including gloves and footwear.
- c. Use of respiratory equipment.
- d. Availability of toilet, hand-washing, and drinking-water facilities.
- e. Provisions for medical services and first aid.
- f. Handling of bloodborne pathogens and other biological hazards.
- g. Prevention of heat and cold stress.
- h. Identification and handling of hazardous materials, including chemical hazards to which employees could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- i. Mitigation of physical hazards.
- j. Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- k. Annual training on confined spaced issues.
 - l. Back exercises/stretchers and proper lifting techniques.
- m. Avoidance of slips and falls.
- n. Good housekeeping and fire prevention.
- o. Other job-specific safety concerns.

615.16 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

Workplace Violence

616.1 PURPOSE AND SCOPE

The purpose of this policy is to make clear that the City does not tolerate any direct or implied threats of violence or violent behavior in the workplace or any act or behavior that is or can be perceived as threatening, hostile, and/or violent.

616.2 POLICY

It is the policy of the City to provide and maintain a safe work environment for its employees, volunteers, and members of the public.

In responding to any violent behavior in the workplace, the City is committed to providing protection to all involved parties, including protection from future physical and/or mental harm and the protection of the legal rights of victims, witnesses, and those instigating the harm.

616.3 PROHIBITED BEHAVIOR

No employee shall engage in, encourage, or promote violent behavior toward any person while conducting city business or on city property.

616.4 REPORTING AND INVESTIGATING

616.4.1 EMPLOYEE RESPONSIBILITY

Employees who experience, observe, or have knowledge of prohibited behaviors and actions in the workplace have a responsibility to report the situation as soon as practicable to a supervisor, a manager, or a human resources representative and to the local police department, if a threat has been made or a crime has occurred.

616.4.2 SUPERVISOR AND MANAGER/ADMINISTRATOR RESPONSIBILITIES

Upon receipt of a report of potential or actual workplace violence, supervisors shall gather as much information as possible to assess and determine the severity and potential of the situation. If the report is found to be credible, the City Manager or the authorized designee shall be notified as soon as practicable and appropriate action taken.

Local law enforcement personnel shall be notified immediately of all threatening or violent behavior.

616.4.3 INVESTIGATION

The City Manager or the authorized designee will promptly, impartially, and with as much confidentiality as practicable coordinate the investigation of all reports of violent behavior.

City employees are required to cooperate in any investigation. A timely resolution of each report should be reached and communicated to all parties involved as quickly as possible.

Workplace Violence

616.4.4 REPORTING NON-WORK-RELATED THREATENING OR VIOLENT BEHAVIOR

City employees who are victims of domestic violence or other threatening behavior outside of the workplace, or who believe they are potential victims of such behavior and fear it may enter the workplace, are encouraged to report the situation as soon as possible to their supervisors.

Supervisors receiving any such report shall contact the City Manager or the authorized designee as soon as practicable so that any appropriate safety measures or plans may be developed.

616.5 RETALIATION PROHIBITED

Any form of retaliation against an employee for making a report concerning violent behavior in the workplace is prohibited.

Any employee who becomes aware of any retaliation or threatened retaliation shall immediately notify a supervisor.

616.6 RESTRAINING ORDERS OR PROTECTIVE ORDERS

Employees who obtain a restraining or protective order listing their workplace, person, or the City property as a protected area must provide a copy of the restraining or protective order to their immediate supervisor or the City Manager or the authorized designee. The City needs this information in order to provide a safe workplace.

616.7 FOLLOW-UP ACTION

Any employee reported to have exhibited violent or potentially violent behavior will be afforded all rights provided by law and applicable employment agreements before the City takes any disciplinary action.

Actions that may be taken when an employee has been found to have violated this policy include but are not limited to the following:

- Mandatory participation in counseling
- Placing the employee on paid administrative leave pending investigation into an alleged threat or act
- Corrective/disciplinary action up to and including termination
- Criminal arrest and prosecution
- Special procedures, such as job relocation or initiation of a court order

If, upon investigation, it is determined that an allegation is false or was made maliciously, the employee who provided the false information will be subject to disciplinary action, up to and including termination, as well as possible criminal arrest and prosecution.

616.8 LEGAL ACTION

The City Manager or the authorized designee, in consultation with legal counsel, will determine if a temporary restraining order or injunction should be sought on behalf of the City to reduce future or threatened violent behavior in the workplace.

Workplace Violence

616.9 CORRECTIVE ACTIONS

At the completion of the investigation and a review of the incident, or in the case of a threat of violence, non-disciplinary corrective actions should be implemented or requested to ensure overall workplace safety. These actions may include but are not limited to:

- Placing the involved employee on administrative leave pending further review and determination of permanent action.
- Administrative leave would be unpaid in the case of a volunteer.
- Reassigning the employee to a different work location.
- Referring the employee to conflict resolution training sessions.
- Referring the employee to the employee assistance program (EAP).
- Modifying workstation designs and office traffic flow patterns.
- Requiring the employee to attend a fitness-for-duty evaluation.
- Developing specific workplace violence procedures for incident response, prevention, and corrective actions.

616.10 WORKPLACE VIOLENCE PREVENTION

All city employees are responsible for assisting in the prevention of violence in the workplace.

In the event a violent incident occurs in the workplace, the City Manager or the authorized designee is responsible for ensuring that all responsibilities have been met and actions carried out, as detailed in this policy, and shall review the results of any investigation and ensure appropriate action is taken. Information gathered during an investigation should be used for the continuous improvement of policies and procedures to prevent workplace violence.

Outside Employment

617.1 PURPOSE AND SCOPE

This policy provides guidelines for city employees who seek to engage in authorized outside employment.

617.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - Duties or services performed by employees of the City for another employer, organization, or individual when wages, compensation, or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those employees who are self-employed and receive compensation or other consideration for services, products, or benefits rendered.

617.2 POLICY

Hurricane City shall be full-time employees' primary employment. Outside employment must not be of a type that would reasonably give rise to criticism. City employees shall obtain written approval from their Department Head prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Department Head and City Manager in accordance with the provisions of this policy. Failure to obtain prior written approval for outside employment, or engaging in outside employment that is prohibited by this policy, may lead to disciplinary action.

617.3 OUTSIDE EMPLOYMENT

An employee who is elected to an office with the City shall terminate regular employment prior to being sworn in to the elected office.

617.3.1 REQUEST AND APPROVAL

Employees must submit a written request to engage in outside employment to their Department Head. The request should include:

- a. The secondary employer's name, business name, and business address.
- b. A general overview of the type of business engaged in by the secondary employer.
- c. The specific duties engaged in by the employee at their secondary employment.

The request will be reviewed by the Department Head in consultation with the City Manager and then forwarded to Human Resources if approved by the Department Head.

If approved, the employee will be provided with a written notification of approval by the Department Head.

617.3.2 DENIAL

Any employee whose request for outside employment has been denied should be provided with a written notification of the reason at the time of the denial.

Outside Employment

617.3.3 REVOCATION

Any employee whose approval for outside employment is revoked or suspended should be provided with a written notification of the reason for revocation or suspension.

Approval for outside employment may be revoked or suspended:

- a. When a supervisor determines the employee's performance is failing to meet standards and the outside employment may be related to the deficient performance.
 1. Approval for the outside employment may be re-established when the employee's performance has reached a satisfactory level and with a supervisor's authorization.
- b. When an employee's conduct or outside employment conflicts with city policy or any law.
- c. When the outside employment creates an actual or apparent conflict of interest with the City.

617.3.4 APPEAL

If an employee's request for outside employment is denied or if previous approval is revoked or suspended, the employee may file a written notice of appeal with the City Manager or the authorized designee within 10 business days of receiving notice of the denial, revocation, or suspension.

A revocation or suspension will only be implemented after the employee has completed the appeal process.

If the employee's appeal is denied, the employee may file a grievance as provided in the Grievances Policy.

617.4 REQUIREMENTS

617.4.1 PROHIBITED OUTSIDE EMPLOYMENT

The City reserves the right to deny any request for outside employment that involves:

- a. The use of city time, facilities, equipment, or supplies.
- b. The use of any city badge, uniform, or influence for private gain or advantage.
- c. The employee's receipt or acceptance of any money or other consideration for the performance of duties or services required or expected of the employee in the normal course of employment or appointment.
- d. The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other employee of the City.
- e. Demands upon the employee's time that would render the employee's work performance for the City deficient or substandard.
- f. Activities that may conflict with any other policy or rule of the City.
- g. Employment that would reasonably give rise to criticism.

617.4.2 LOCAL GOVERNMENT RESOURCES

Employees are prohibited from using any city equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition against employees using their position with the City to gain access to official records or databases.

Outside Employment

617.4.3 CHANGES IN OUTSIDE EMPLOYMENT STATUS

Employees who terminate their outside employment shall submit written notification of such termination to their Department Head within five business days. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through the procedures set forth in this policy.

Employees shall also promptly submit in writing to their immediate supervisor any material changes in outside employment, including any change in the number of hours, type of work, or the demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

617.4.4 LEAVE OR RESTRICTED DUTY STATUS

Any employee who is placed on leave or other restricted duty status in their employment with Hurricane City shall inform their Department Head in writing within five business days as to whether they intend to continue their outside employment while on such leave or restricted status. Human Resources shall review the duties of the outside employment, along with any related orders (e.g., administrative, medical), and make a recommendation to the Department Head regarding whether such employment should continue.

In the event that the Department Head determines that the outside employment should be discontinued, or if the employee fails to notify their Department Head of the employee's intention regarding outside employment, a notice revoking approval of the outside employment will be forwarded to the employee and a copy attached to the original outside employment request.

Criteria for revoking approval due to leave or restricted duty status include but are not limited to:

- a. The outside employment is medically detrimental to the total recovery of the employee.
- b. The outside employment requires performance of the same or similar physical ability as would be required in the employee's city job.
- c. The employee fails to give timely notice of intent regarding outside employment to an immediate supervisor.

When the employee returns to full duty with the City, a written request may be submitted to the Department Head to approve the outside employment request.

Personal Appearance Standards and Dress Code

618.1 PURPOSE AND SCOPE

This policy provides personal appearance and dress code guidelines for city employees.

618.2 POLICY

City employees shall maintain their personal hygiene and appearance to project a professional image that is appropriate for public service and for the department in which they work. Personal appearance standards are primarily based on safety requirements, appearance conformity, and the social norms of the community served, while considering matters important to city employees.

618.3 GROOMING

The following appearance standards shall apply to all employees unless the employee's supervisor has granted an exception.

618.3.1 PERSONAL HYGIENE

All employees must maintain proper personal hygiene. Examples of improper personal hygiene include but are not limited to dirty fingernails, bad breath, body odor, and dirty or unkempt hair.

Employees should adhere to the following general guidelines in their personal appearance when presenting to work. Employees may be subject to additional personal hygiene standards set forth in supplemental policies established by each department.

- a. Hair shall be neatly trimmed or arranged. Long hair will be properly secured when operating machinery.
- b. Facial hair (e.g., beards, sideburns, mustaches, eyebrows) must be clean and well-groomed. Facial hair for certain employees may be prohibited if it creates a safety hazard (i.e., facial hair for employees who regularly wear certain types of respirators).
- c. Fingernails should be clean and neatly trimmed to a length that does not present a safety concern.

618.4 APPEARANCE

In general, the City requires an employee's clothing and overall appearance be in good taste and appropriate in accordance with the working conditions of the employee's position.

618.4.1 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the employee or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

618.4.2 TATTOOS

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At no time while an employee is representing the City in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

618.4.3 BODY ALTERATION

Body alteration to any area of the body that is visible while representing the City in any official capacity, that is a deviation from normal anatomical features, and that is not medically required, is prohibited. Such body alteration includes but is not limited to:

- a. Tongue splitting or piercing.
- b. The complete or transdermal implantation of any material other than hair replacement (i.e., foreign objects inserted under the skin to create a design or pattern).
- c. Extreme abnormal shaping of the ears, eyes, nose, or teeth.
- d. Branding, scarification, or burning to create a design or pattern.

618.4.4 DENTAL ORNAMENTATION

Dental ornamentation that is for decorative purposes and that is not medically required is prohibited while representing the City in any official capacity. Such ornamentation includes but is not limited to:

- a. Objects that are bonded to front teeth.
- b. Gold, platinum, or other veneers or caps used for decorative purposes.

618.4.5 GLASSES AND CONTACT LENSES

Eyeglasses and sunglasses shall present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited during work hours and while representing the City in any official capacity.

618.4.6 COSMETICS AND FRAGRANCES

Cosmetics and fragrances shall present a professional image.

618.5 WORK ATTIRE FOR NON-UNIFORMED EMPLOYEES

Non-uniformed employees shall dress in a manner appropriate for their position and any department-specific standards. The following guidelines apply to all non-uniformed employees:

- a. Clothing shall fit properly, be clean and free of stains, and not be damaged or excessively worn.
- b. Employees assigned primarily to an office environment, including management, administrative, and support positions, shall wear business casual attire.
- c. Variations from this policy are allowed at the discretion of the employee's immediate supervisor or the head of the department based upon the employee's assigned job duties.

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- d. No item of civilian attire that would adversely affect the reputation of the City or employee morale may be worn during work hours.
- e. The following items shall not be worn during work hours or when representing the City in any official capacity:
 - 1. Clothing that reveals cleavage, the back, chest, stomach, or buttocks
 - 2. T-shirt alone or exposed undergarments
 - 3. Tank tops, spaghetti straps, tube tops, or halter tops
 - 4. Sweatshirts, sweatpants, or similar exercise clothing
 - 5. Shorts or swimsuits unless allowed by department policy
 - 6. Clothing, buttons, or pins displaying racial, sexual, discriminatory, gang-related, or obscene language
 - 7. Ragged clothing, clothing with holes, and poorly maintained clothing

Employees will avoid wearing loose-fitting clothing and jewelry when working on or near equipment and machines.

618.6 UNIFORMS

The City will provide uniforms for all employees who are required to wear them in the manner, quantity, and frequency respective of each employee's department. The City may provide other employees with uniforms at the direction of the City Manager.

The City Manager or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by employees as needed. Uniforms shall be worn as described therein and as specified in this policy and any supplemental department policies.

The following shall apply to those employees assigned to wear city-issued uniforms:

- a. Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed, as necessary for the position.
- b. Uniforms shall be worn in compliance with any applicable city specifications.
- c. Uniforms are only to be worn during work hours, at official city functions or events, while in transit to or from work, or when authorized by the City Manager or the authorized designee.
- d. Employees are not to purchase or drink alcoholic beverages while wearing any part of city-issued uniforms.
- e. Supervisors shall monitor employee compliance with this policy through periodic inspections of employees within their department who wear a city-issued uniform.

Employees will avoid wearing loose-fitting clothing and jewelry when working on or near equipment and machines.

All uniforms and equipment issued to city employees shall be returned to the City upon termination or resignation.

618.6.1 UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES

City employees may not wear any uniform item, accessory, or attachment unless specifically authorized by the City Manager or the Department Head.

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Employees may not use or carry any safety item, tool, or other piece of equipment unless specifically authorized by the City Manager or the Department Head.

618.7 EXEMPTIONS

City employees may request exemptions from portions of this policy when application would affect a disability, a religious practice or belief, or other protected characteristics. Requests for exemptions should be addressed to the City Manager or the authorized designee. The City Manager should be advised any time a request for accommodation is denied.

Disciplinary Action

619.1 PURPOSE AND SCOPE

This policy provides information about the City's disciplinary action process. The City has the option of deviating from these steps when circumstances dictate.

619.2 POLICY

Except in cases of serious offenses, which may result in termination without prior progressive discipline, the City generally uses a progressive disciplinary action procedure to resolve employee performance problems.

All disciplinary actions, except terminations, are intended to result in compliance with policies, procedures, standards of conduct, and expected job performance standards. For discipline to be effective, the discipline should be presented to the employee as soon as practical after the improper action occurred, or the City first learned of the improper action. An employee should be advised in writing of discipline to be taken against them.

619.3 ADMINISTRATION OF DISCIPLINE

Discussions regarding discipline should be on a need-to-know basis. Interviews should be conducted in a quiet area separate from coworkers.

A fact-finding meeting will generally be held with the employee and Department Head or designee to discuss allegations prior to disciplinary action being taken. Disciplinary action must be documented in writing and may include the steps set out below. Depending on the seriousness of the offense, the City may elect to proceed directly to a written warning or a pre-discipline meeting.

Employees may be given administrative leave with pay to allow management time to investigate any alleged serious misconduct. If this happens, the employee's supervisor will notify the employee of the results of the investigation and of the action to be taken.

619.4 INITIAL DISCIPLINE

Initial discipline includes verbal and written warnings.

619.4.1 VERBAL WARNING

A verbal warning is an informal warning, presented in a private meeting with a supervisor, and documented in writing and placed in the employee's permanent file in Human Resources. A copy of the documentation of the warning is given to the employee. The document provides the consequences if further performance problems continue. The verbal warning and pertinent documentation are kept in the the employee's Human Resources file. Whenever appropriate, sufficient time for improvement should precede any further disciplinary action.

619.4.2 WRITTEN WARNING

Disciplinary Action

Should further discipline be required after a verbal warning or without a verbal warning due to the seriousness of the conduct, a Department Head or supervisor may issue a formal written warning. A written warning must specify the problem and the improvement required. The employee will be asked to read and acknowledge the warning in writing. If the employee refuses to sign the form, the supervisor or Department Head, will so state. A copy of the warning will be placed in the employee's personnel file in Human Resources along with supporting documentation and any associated verbal warning,

If an employee is subjected to further disciplinary action for any reason, the existence of a prior verbal or written warning may justify increasing the level of disciplinary action for any subsequent misconduct. In addition, the City may consider written or verbal warnings from prior years in determining disciplinary action for misconduct in subsequent years if it appears that the employee has engaged in a pattern of inappropriate conduct or poor work performance over time.

The written warning serves as notification that if the problem is not corrected, the consequences will result in additional disciplinary action up to and including termination.

619.5 DISCIPLINARY ACTION

619.5.1 Suspension of Two days or less

A Department Head may suspend an employee for two days or less without pay. On or before the effective date to the suspension, the City Manager or Department Head will provide the employee with a written Employee Suspension Notification providing the reason(s) for the suspension. A copy of the Employee Suspension Notification, signed by the Department Head and the employee, shall be placed permanently in the employee's personnel file. If the employee refuses to sign the form, the Department Head, will so state. An employee on suspension shall be responsible for making full contributions to their employee medical insurance benefits.

619.5.2 Severe Disciplinary Action

If an employee does not show improvement in their performance, they may be subjected to severe disciplinary action, which includes:

- Suspension (without pay) of more than two days
- Disciplinary demotion
- Termination

619.5.3 Pre-Discipline Meeting

Disciplinary Action

Prior to initiating any suspension or severe disciplinary action, it is the responsibility of the Department Head and Human Resources to conduct a pre-discipline meeting. Only non-probationary regular full-time employees are entitled to a pre-discipline meeting. As outlined in Utah Code Ann. §10-3-1105, part-time, probationary, seasonal, and temporary employees are not entitled to due process in the form of a pre-discipline meeting. The purpose of the meeting is to present information regarding allegations of misconduct to the subject employee and allow the employee to present any information or evidence that they believe is relevant to the allegations of misconduct.

If a pre-discipline meeting is deemed appropriate, the Department Head shall conduct the meeting with the employee's supervisor and Human Resources present to offer input. Written notice of the disciplinary meeting shall be given to the employee at least two business days before the meeting is held. The notice shall describe the facts relating to the employee's misconduct and refer to the relevant sections of this policy manual, applicable laws, and any other policies and procedures. The employee should also be told they may bring evidence or witnesses that the employee believes relevant to the meeting. The employee is not entitled to be represented by an attorney or other counsel at the pre-discipline meeting.

The Department Head, in conjunction with Human Resources, will be responsible for maintaining a written record of the meeting. Following the pre-discipline meeting, the Department Head shall present any recommendation for discharge, suspension without pay of two or more days, or reassignment with less remuneration to the City Manager for approval. After review and upon approval of the City Manager, the final decision shall be presented to the employee by the Department Head, supervisor, and Human Resources within 14 calendar days from the date of the meeting. The Department Head may request an extension of up to 30 calendar days from the date of the meeting.

The employee will be asked to read and acknowledge the disciplinary action in writing. A copy of the disciplinary action will be given to the employee, and the original with applicable documentation is placed in the employee's file in Human Resources. The disciplinary action will stipulate that if the performance problem is not corrected, the consequences will result in termination of employment.

619.5.4 Suspension of More than Two Days & Disciplinary Demotion (Involuntary Transfer to a position with less remuneration)

Prior to the effective date of any suspension without pay for more than two days or disciplinary demotion (involuntary transfer to a position with less remuneration) an employee may request a meeting with their Department Head and/or the City Manager, as determined by the City Manager, to discuss the decision. The employee must request the meeting within five business days after receipt of the disciplinary decision from their Department Head.

619.5.5 Termination (Discharge)

Prior to the effective date of termination, an employee may request a meeting with their Department Head and/or the City Manager, as determined by the City Manager, to discuss the decision. The employee must request the meeting within five business days after receipt of the disciplinary decision from their Department Head.

Disciplinary Action

If the final pre-discipline meeting decision is to terminate the employee's employment, the Department Head shall confer with Human Resources and the City Manager prior to formulating the termination document and presenting it to the employee. Only the City Manager has the authority to terminate an employee's employment.

The disciplinary action document should set forth the reasons for termination. Human Resources shall coordinate with Payroll prior to terminating an employee to coordinate the preparation of final wage and benefit payments. Human Resources will also inform the employee of the termination appeals process.

The Department Head will conduct a termination meeting with the department supervisor, Human Resources, and/or the City Manager. If present, the employee will be asked to read and acknowledge the termination in writing and given a copy for their records. If the employee does not appear at the termination meeting, the termination letter will be mailed to that person at the current address with the City or through other appropriate means. Human Resources is responsible for maintaining a written record of the meeting.

619.6 RIGHT TO APPEAL SEVERE DISCIPLINARY ACTION

Except as otherwise provided in Utah Code Section §10-3-1105(2), as amended, any employee who is subject to severe disciplinary action has the right to appeal the decision to a Hearing Officer (Utah Code Sections 10-3-1105 and 10-3-1106, as amended). Notwithstanding the foregoing, this provision does not apply to an employee who is discharged or involuntarily transferred to a position with less remuneration if the discharge or involuntary transfer is the result of a layoff or reorganization or other non-disciplinary reason.

Pursuant to Utah Code Section § 10-3-1105(2), as amended, the Employee Transfer and Discharge appeal rights do not apply to specific positions as enumerated by statute.

Employee Transfer and Discharge appeal rights also do not apply to employees employed on an at-will basis or otherwise exempt as allowed by Utah Code Section 10-3-1105(2)(a) and (e).

Nothing in Utah Code Sections §10-3-1105 or §10-3-1106 as amended may be construed to limit a municipality's ability to define cause for an employee termination or reduction in force.

An employee to which Utah Code Section 10-3-1105 applies may not be discharged, suspended, or involuntarily transferred to a position with less remuneration because of the employee's politics or religious belief, or incident to, or through changes, either in the elective officers, governing body, or heads of department.

Appeals to the Employee Transfer and Discharge Hearing Officer shall be taken by filing written notice of the appeal with the City Recorder within 10 calendar days of the discharge, suspension without pay, or involuntary transfer.

Upon the filing of the appeal, the City Recorder shall forthwith refer a copy of the same to Human Resources and the Hearing Officer. Upon receipt of the referral from the City Recorder, the Hearing Officer shall forthwith commence their investigation, take and receive evidence and fully hear and determine the matter which relates to the cause for the discharge or transfer.

Disciplinary Action

The Hearing Officer shall have the power to subpoena witnesses and compel the production of evidence. The scope of the inquiry of the Hearing Officer shall be limited to determine if the City has proven the facts supporting the allegations made against the employee by substantial evidence and that the disciplinary sanction is proportionate to the alleged misconduct. Discovery shall be limited to that information which was considered in making the decision which is being appealed. Due to the administrative nature of the proceeding, the Hearing Officer is not required to follow the Utah Rules of Civil Procedure or the Utah Rules of Evidence.

The employee shall be entitled to appear in person and to be represented by counsel (at the expense of the employee), to have a public hearing, to confront the witness whose testimony is to be considered, and to examine the evidence to be considered by the Hearing Officer.

The decision of the Hearing Officer shall be certified to the City Recorder no later than 15 days after the day on which the hearing is held. The City Recorder shall certify the decision to Human Resources, the employee affected, and to the head of the department from whose order the appeal was taken. For good cause, the Hearing Officer may extend the 15-day period to a maximum of 60 calendar days if the employee and the City both consent.

In the event that the Hearing Officer does not uphold the discharge, or transfer, the Hearing Officer shall provide that the employee shall receive the employee's salary for the period of time which the employee is discharged or suspended without pay less any amounts the employee earned from other employment during this period of time; or any deficiency in salary for the period during which the employee was transferred to a position of less remuneration.

A final action or order of the Hearing Officer may be reviewed by the Court of Appeals by filing with that court a petition for review within 30 days after the issuance of the final action or order of the Hearing Officer. The Court of Appeals' review shall be on the record of the Hearing Officer and for the purpose of determining if the Hearing Officer abused their discretion or exceeded the Hearing Officer's authority.

619.6.1 APPEALS AUTHORITY

Hearing Officer - The appointed appeals authority shall consist of a Hearing Officer appointed by the City Manager.

Compensation - The Hearing Officer may receive compensation for services.

Term - The term of the Hearing Officer shall be for a period of three calendar years.

Eligibility for Reappointment - The Hearing Officer shall be eligible for reappointment.

Jurisdiction - The Hearing Officer shall have the right and obligation to hear appeals from discharges or disciplinary transfers of all officers and employees who are not at-will or covered under the provisions of §10-3-1106 Utah Code Annotated, or its successor provision.

Separation from Employment

620.1 PURPOSE AND SCOPE

This policy provides guidance regarding separation from employment with the City.

620.1.1 TYPES OF SEPARATION

Any involuntary termination or resignation of any employee allowed to resign in lieu of an involuntary termination should be reviewed with legal counsel before termination is pursued or a resignation accepted to ensure the employee's due process property rights are not violated.

Death - If a City employee dies, their estate receives all pay due and any earned and payable benefits (such as payment for compensation time, annual leave, and/ or sick leave) as of the date of death.

Involuntary Termination - The City Manager may conclude that an employee should be involuntarily terminated for no reason (for probationary employees and Department Heads) or for cause.

Medical - The Americans with Disabilities Act (ADA) prohibits illegal discrimination by an employer against an "otherwise qualified individual with a disability." Consequently, an employee should not be terminated for medical reasons without prior consultation with legal counsel.

Reduction in Force/Layoff - Whenever it is necessary to reduce the number of employees in the City because of lack of work or lack of funds, the City may attempt to minimize layoffs by readjustment of personnel through reassignment of duties in other work areas.

Resignation in Lieu of an Involuntary Termination - The City Manager may conclude that an employee should be involuntarily terminated for no reason (for probationary employees and Department Head(s) or for cause. If involuntary termination proceedings have begun, but have not been completed and an employee suggests that they would like to resign, the City Manager may agree to a resignation in lieu of an involuntary termination agreement.

Retirement - Voluntary termination at the end of an employee's career.

Voluntary Resignation - When an employee wishes to leave employment with the City, they will complete a notice of voluntary resignation form and present it to the Department Head and a copy to the City Manager.

620.2 POLICY

Employees separating from employment with the City may be eligible for certain benefits dependent upon the type of separation and length of service.

620.3 GENERAL PROCEDURES FOR SEPARATION

Regardless of the reason for separation, separating employees should contact Human Resources to:

- a. Ensure that all necessary forms have been completed

Separation from Employment

- b. Leave a forwarding address for the mailing of the W-2 at the end of the year
- c. Ensure that all City property has been turned in, including:
 - 1. City property includes uniforms, keys, identification tags, badges, and other issued City equipment.

620.4 INVOLUNTARY TERMINATION

Involuntary terminations or separations for cause require the City to provide their terminating employees with written notification of due process. At-will involuntary termination (for probationary employees and department heads) does not require the City to provide their terminating employees with written notification of due process.

Employees subject to involuntary termination or separation for cause shall be provided with any outstanding compensation within one working day of the last day worked.

620.5 REDUCTION IN FORCE/LAYOFF

The City may be required to follow statutory guidelines related to reduction in force/layoff. If the City is required to follow statutory guidelines, policy, procedure, and actual practice must comply with the guidelines.

If facing a possible reduction in labor force, the City should explain the situation to its employees, advising them of the possibility that reductions in force/ layoffs may become an economic necessity for the City.

In the selection of employees for the City's reduction in force/layoff, the following guidelines should be considered:

- a. Selection should be based upon the employee's ability to perform the work assignments within the affected department.
- b. Seniority should govern the selection when ability is equal.
- c. Emergency, temporary, and probationary employees should be laid off first.
- d. Permanent employees should be the last to be laid off, and when possible, in inverse order of their length of service.
- e. Recent performance evaluations will be considered in conjunction with other guidelines.
- f. Before any reduction in force/layoff, the City should determine whether it is subject to the requirements of the Worker Adjustment and Retraining Notification Act, 29 U.S.C. 2101, et seq.
- g. The City should carefully explain to the employee what the options are (such as COBRA and retirement plan options).
- h. If the City cannot give advanced notice of a reduction in force/layoff to the employee, two weeks' severance pay may be given in lieu of notice for a bona fide reduction in force/layoff.

Written reductions in force/layoffs notices should contain the following information:

- a. Statement that separation from employment is based on reduction in force/layoff.
- b. Anticipated date of layoff.
- c. Any options regarding employee placement in another position.

620.6 RESIGNATION IN LIEU OF INVOLUNTARY TERMINATION

Separation from Employment

A resignation in lieu of an involuntary termination agreement, signed by the employee and the City Manager or designee, may be utilized in negotiated terminations. A resignation in lieu of an involuntary termination agreement does not require the City to provide their terminating employees with written notification of due process.

620.7 RETIREMENT

Retiring employees are urged to provide the City with a minimum of six months' notice when they are nearing retirement. This will allow time for the processing of appropriate pension forms to ensure that any retirement benefits to which an employee may be entitled commence in a timely manner.

Human Resources should communicate the status of each employee's retirement benefits. Upon request for retirement benefits, Human Resources should notify the administrator of the retirement program and the appropriate state and federal regulatory agencies.

Upon learning of an employee's intention to retire, Human Resources should:

- a. Carefully explain to the employee what the options are (such as COBRA and Retirement Plan Options).
- b. Give the employee ample time to review the retirement plan.
- c. Have the employee sign a release, or at least a declaration statement, that they are electing retirement of their own free will.

620.8 VOLUNTARY RESIGNATION

Employees who resign should give a minimum of two weeks' notice. Otherwise, the employee may not be considered for re-employment at a future date. Such notice should be given in writing to the employee's supervisor and Department Head. This notice also allows the City enough time to calculate vacation payout, compensatory time and/or other monies to which the employee may be entitled and to include such monies in the final paycheck. Employees who voluntarily resign shall be provided with any outstanding compensation within the next regular pay period.

Employees who voluntarily resign may receive an exit interview administered by the Department Head or Human Resources.

620.9 OUTSTANDING PAY

Arrange for distribution of any paychecks that may be due the employee, including pay for any unpaid hours worked; pay for unused, accrued vacation leave (if applicable).

Under Utah State law, the required timing of the final payment at termination is:

- A Voluntary Resignation: Within the next regular pay period.
- An Involuntary Termination/Separation for Cause: Within one (1) workday of last day worked.
- The terminating employee will return any supplies or equipment that are the property of Hurricane City.

620.9.1 HIPAA

Separation from Employment

The Health Insurance Portability and Accountability Act (HIPAA) is designed to help ensure portability of health coverage for individuals and families who move from one employer health benefit plan to another, and to protect an employee's health information. The act places several significant obligations on the City and group health plan providers, including a requirement to issue a certification of credible group coverage to employees and their eligible dependents when coverage under the City's health plan ends. These certifications provide documentation of prior coverage which terminating employees and their dependents may need to reduce preexisting condition limitations when enrolling in a new health plan benefit.

620.9.2 COBRA

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) provides eligible employees and their qualified beneficiaries the opportunity to continue group insurance coverage under the City's health plan upon separation of an employee for up to 18 months. Under COBRA, the employee or beneficiary pays the full cost of coverage at the City's group rates plus an administration fee.

Coverage is subject to the terms and conditions of the group policy and applicable legal standards for extensions of insurance coverage under the law. The terms, limitations, conditions and length of extensions of coverage are specific in each individual case.

The City ensures that each eligible employee receives a written notice describing rights granted under COBRA when the employee becomes eligible for coverage. The notice contains important information about the employee's rights and obligations.

620.10 PROHIBITED CONDUCT AFTER SEPARATION

No former employee shall, during the period of one year after leaving City office or employment:

- a. Disclose or use any privileged or proprietary information gained by reason of his/her employment for his/her gain or anticipated gain, or for the gain or anticipated gain of any person, unless the information is a matter of public knowledge or is available to the public on request;
- b. Assist any person in proceedings involving an agency of the City with which he/she was previously employed, involving a matter in which he or she was officially involved, participated or acted in the course of duty;
- c. Represent any person as an advocate in any matter in which the former employee was officially involved while a City employee;
- d. Participate as a competitor in any competitive selection process for a City contract in which he or she assisted the City in determining the project or work to be done or the process to be used.

Compensation and Classification

621.1 PURPOSE AND SCOPE

Total employee compensation consists not only of salary but also the cost of various benefits such as group health and life insurance and retirement plans. This policy provides guidance regarding employee pay. Employee benefits are addressed primarily in the following policies:

- Group Insurance Benefits
- Professional Development
- Miscellaneous Benefits

621.2 POLICY

With the advice and consent of City Council, the City Manager, in conjunction with Human Resources, shall be responsible for the development and maintenance of a uniform and equitable pay plan for the City which shall consist of minimum and maximum rates of pay for each position and such intermediate steps as deemed necessary and equitable. Salaries shall be linked directly to the position classification plan and may take into consideration the following factors:

- a. Ranges of pay for other positions.
- b. Prevailing rates of pay for similar employment in both public and private organizations.
- c. Cost of living factors.
- d. Other benefits received by employees.
- e. The financial policy and economic conditions of the City.

621.3 PAY PLAN DEVELOPMENT AND ALLOCATION

The City Manager or designee shall use the online compensation survey system to conduct a study of salary levels and shall make adjustment recommendations to the City Council at least every three years. Implementation of adjustments is subject to the availability of funds.

The City Manager shall assign each position level to a pay range based upon the levels' relationship to other levels as defined in the position classification plan and by market data.

621.4 COST OF LIVING AND MERIT INCREASE

Employees at or above the pay range maximum are eligible for only a cost of living increase. An above range employee may receive a merit increase when the study shows the maximum for their position has increased. At or above range employees may be eligible for a merit increase in addition to cost of living every three years with a maximum of two increases during their employment with the city. Employees with unsatisfactory performance evaluations may not be eligible to receive a merit increase.

Compensation and Classification

A part-time employee may be eligible for a merit increase but not a cost of living increase.

621.5 SELECTIVE SALARY ADJUSTMENT

The Department Head or Human Resources may recommend a selective salary adjustment in order to mitigate an inequity caused by merit increase freeze or other similar circumstances. The Department Head or Human Resources shall submit a written rationale supporting the recommendation to the City Manager.

Any selective adjustment is subject to the availability of funds and the discretion of the City Manager.

621.6 PROMOTION

If an employee is promoted, he/she may receive an increase in pay. The supervisor will make a recommendation and submit it to the manager.

621.7 REASSIGNMENT

Except when due to a demotion or a disciplinary action, an employee who is reassigned shall be paid the same salary received prior to the reassignment.

621.8 DEMOTION

If an employee is demoted, either voluntarily or involuntarily, the City Manager may adjust the salary to the applicable pay range.

Group Insurance Benefits

622.1 PURPOSE AND SCOPE

This policy provides a brief outline of the group insurance benefit programs the City makes available to employees. The information presented here is intended to serve only as a guideline.

622.2 POLICY

It is the City's intention to provide a combination of group insurance benefits to all eligible employees. These group insurance benefits include health, dental, vision, and life insurance.

622.3 HEALTH, DENTAL, AND VISION INSURANCE

Under the City's group insurance plans, employees may receive comprehensive health, dental, and vision insurance coverage for themselves and their families, as well as other benefits, subject to the eligibility requirements and the terms, conditions, and limitations of any applicable plan documents. Upon becoming eligible to participate in these plans, employees will receive summary plan descriptions (SPDs) describing the benefits in detail.

The City generally pays the cost of health insurance for each individual full-time employee and their family. Under certain economic times it may be necessary for the City to require the employee to cover a portion of health insurance premiums.

Employees may make changes to group benefit plans:

- a. Upon appointment as a new employee
- b. Annually during open enrollment
- c. At any time based on a qualifying life event

622.3.1 NEW EMPLOYEE COVERAGE

To ensure timely and complete coverage for new employees and their dependents, it is the responsibility of each new employee to complete and return all enrollment forms and applications by the date specified by Human Resources.

622.3.2 OPEN ENROLLMENT

Open enrollment takes place annually as determined by the City.

622.3.3 QUALIFYING LIFE EVENT

It is each employee's responsibility to notify Human Resources within 30 days of any qualifying life event, such as:

- a. Marriage
- b. Birth
- c. Adoption
- d. Divorce
- e. Death

Group Insurance Benefits

Failure to notify Human Resources of a qualifying life event within 30 days of the event may result in loss of dependent coverage and/or personal financial responsibility for any claims paid for ineligible dependents.

622.4 LIFE INSURANCE

The City provides a life insurance benefit for each City employee, spouse, and dependents at no charge to any of the individuals covered by the policy.

Miscellaneous Benefits

623.1 PURPOSE AND SCOPE

This policy provides information about the City's miscellaneous benefits.

623.2 POLICY

Generally speaking, City employees are not allowed to use city vehicles or equipment for personal use. Exceptions are included in this policy.

623.3 SKY MOUNTAIN GOLF COURSE

Full-time employees are entitled to play golf for free at Sky Mountain Golf Course under the following conditions:

- a. No tee time may be established in advance.
 1. Employees should coordinate with the pro shop just prior to going to inquire about available tee times.
 2. If the course is full, then the pro shop staff may turn employees away.
- b. Pro shop staff makes the final determination if tee times are available for the employees to use.
- c. Up to three members of the employee's immediate family as defined in [policy](#) may play at no charge if they are accompanied by the employee.
- d. All rules of the golf course must be complied with.

623.4 USE OF SHOP FOR VEHICLE MAINTENANCE

Employees are permitted to use the shop to repair and maintain their own vehicles during their off-duty hours. Vehicles should not be kept in the shop overnight. The shop area is reserved for parking of City vehicles and the vehicles should be pulled back in the shop when the employee is finished. No one other than employees shall be allowed the use of the shop and no repairs on vehicles other than those owned by the employee shall be repaired at the shop. Use of wrenches and other small tools for repairs is permissible while at the shop. Any tool taken from the shop or any city supplies used constitutes theft.

Employees are required to coordinate use of the shop in advance with the appropriate Department Head.

623.5 DIRT AND TREES

When dirt or trees are removed by the City during a utility or street project, they may be used by the employees under the following conditions:

- a. If the trees or dirt are removed from private property, the property owner should be given first right to them.
 1. If the property owner does not want them, the City should have the right to use them, as needed.
 2. The supervisor determines whether the City has use for the dirt.
 - a. If the dirt is not needed by the City, it may be used by anyone requesting it.
- b. Trees or dirt should not be hauled outside the city limits and the closest location should be given first consideration.

Miscellaneous Benefits

1. The dirt may be hauled with City equipment but not spread or leveled with City equipment.

623.6 USE OF CITY OFFICE BUILDING

Subject to the approval of the City Manager and the availability of the building, employees may use the city office building to be reserved in advance on a first come, first served basis.

623.7 USE OF HURRICANE COMMUNITY CENTER BUILDING

The City has allowed for full-time employees to have the use of a room once a year within the community center for family gatherings such as birthdays, Thanksgiving, weddings, etc. This request should be made using the form. This depends on the availability of rooms and at the discretion of the City.

Employees using any room within the Hurricane Community Center are expected to abide by established housekeeping rules. Employees who misuse or damage facilities will be held responsible under the city's disciplinary procedure.

Please note: Rooms should not be requested at times when the community center will be holding major events such as: 4th of July Celebrations, Festival of Trees, Peach Days, etc. Accommodations will not be made for any employee while these events are being held.

Hurricane City reserves the right to limit dates and times at its discretion.

[HC - Use of City Property Release.pdf](#)

623.8 RECREATION BENEFITS

Youth Sports, Swim Team, Lessons, Camps, Group Fitness, Golf Camps, Theater Tickets – Full-time and permanent part-time employees and their spouses and children under 18 years of age may receive a 50% discount on these programs. In order to receive the discount the employee or family member must wait 1 week after registration begins to register. This discount does not apply to uniforms, costumes, extra t-shirts, or supplies. Competitive Sports are NOT included.

Swimming Pool – Full-time and permanent part-time employees may swim for free at the City swimming pool. Immediate family (spouse and children under 18) are entitled to half off open swim fees, family, or individual passes at the City swimming pool. This includes daily prices or punch cards but not the rental of the facility for parties. Rules of the pool must be complied with, and the pool manager will establish how the reduced pass works. If capacity is reached or paying customers are to be turned away, employees may be denied pool use at that time.

Races – Full-time and permanent part-time employees receive a 50% discount on registration fees.

Gymnasiums - Full-time and permanent part-time employees and their immediate family (spouse and children under 18 years of age) may use the City gymnasiums for free during open hours. This includes daily prices but not the rental of the facility. Gymnasium rules must be complied with, and the Recreational Director or assigned designee

Miscellaneous Benefits

will establish how the reduced passes work. If capacity is reached or paying customers are to be turned away, employees may be denied gym use at that time.

Summer Camps

Programs that have a revenue split: full-time and permanent part-time employees pay 65% of program cost that share revenue with the instructor.

Programs that do not have a revenue split: full-time and permanent part-time employees pay 50% of program cost that do not share revenue with the instructor, but the camp must have adequate participation as determined by the City.

Tumbling, Karate, Tennis, Dance, Art – full-time and permanent part-time employees pay 65% of program cost that share revenue with the instructor.

Theater Tickets - Upon request, full-time and permanent part-time employees of Hurricane City will be given two (2) complimentary tickets per show as they are presented by the Fine Arts Department of the City. Complimentary tickets are not redeemable for cash, has no cash value, and should not be sold. **Disclaimer: Hurricane City reserves the right to limit these tickets based on seating availability.**

623.9 ICE

Many City buildings and shops have an ice machine provided for the use of the employees in their normal course of duty. Employees may obtain and use ice from these machines for personal use on a limited basis. Use in ice chests for camping trips, in coolers for parties, etc. are permitted. Courtesy should be given to the amount taken always remembering the needs of the City first.

623.10 CITY DUMPSTER

Employees may use the City dumpster to dispose of household and yard trash. Items such as tires, batteries and other hazardous items, as well as construction materials should not be placed in the dumpster. Employees should not dump items on the ground. Employees should be mindful of the city's need when using city dumpsters. Dumpsters should not be filled completely.

623.11 USED POWER POLES AND CROSS ARMS

The Power Department regularly replaces power poles and cross arms. These are considered unsafe for sale and because of liability concerns to the City, are provided free to anyone. City employees are entitled to the same privilege when it comes to use of these poles. Employees may not use City equipment to haul them or load them as this service is not provided to other citizens.

623.12 TABLES AND CHAIRS

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Miscellaneous Benefits

The City has a number of portable tables and folding chairs. These may be used for family gatherings such as Thanksgiving, weddings, etc. Any request should be approved by the appropriate Department Head. The tables and chairs should be returned promptly and in good condition.

Longevity Bonus Policy

624.1 PURPOSE AND SCOPE

This policy provides information on the Longevity Bonus Policy Program for full- time employees.

624.2 POLICY

Hurricane City recognizes the importance of having a benefit package which is beneficial to its employees and of the need to reward employees for their years of service. The policy will recognize employees at all levels who have developed tenure with the City.

624.3 DEFINITIONS

Continuously Employed: An employee is continuously employed when the employee does not have any lapse during his/her employment or service to Hurricane City, except as permitted under Hurricane City policies as outlined in its "Employee Policies and Procedures Manual" such as (administrative leave, bereavement leave, family and medical leave, holiday leave, jury leave, military leave, sick leave, and vacation leave.

Full-time Employee: a full-time employee is, for a calendar month, an employee employed on average at least 30 hours of service per week, or 130 hours of service per month.

624.4 PROCEDURE

1. The Longevity Bonus is a bonus to be paid to an employee of Hurricane City once the employee reaches each bench mark as outlined below.
2. The employee must be actively employed at the time the employee is eligible for the Longevity Bonus and at the time the bonus is distributed.
3. The longevity bonus is based on years of service with a cut off date of November 30th.

Example:

Wage: \$50,000

Start Date: June 29th 2009

$\$50,000 \times 1.3\% (0.13) = \650

Longevity Bonus: \$650

4. The Longevity Bonus will be paid out in the first pay period in the month of December or the employee will have the option of placing the bonus received into their 401k account through URS.

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Please note: if the bonus is received on an employee's paycheck, it will be liable to be taxed. If the employee chooses to have the bonus put into a tax deferred retirement savings account (401K or 457), Federal and State taxes will not calculate on the bonus. Social Security and Medicare taxes will calculate on the bonus regardless if the amount is paid into a tax deferred retirement savings account or is paid on the employee's paycheck. Employees may not split the bonus amount between being paid out and paying into a retirement savings account.

624.5 LONGEVITY PAYOUT OR RETIREMENT CONTRIBUTION

It is the employee's responsibility to notify the payroll department if the employee would like their longevity bonus placed into their URS retirement account before the bonus is paid. By default the longevity bonus is scheduled to be placed on the employee's paycheck in the first week of December. If no effort is made to contact payroll on the direction of the allocation of the said bonus, payroll will refer to the default and place the amount on the employee's paycheck.

Please note: Any amount allocated to an employee's retirement will be subject to Social Security and Medicare withholdings.

624.6 BONUS CALCULATIONS IN REGARDS TO YEARS OF SERVICE

This applies to full- time employees. The percentages below will be received based upon the continuous years of service of the employee.

Years of Service	% of Bonus
1	0.2500%
2	0.3125%
3	0.3750%
4	0.4375%
5	0.5000%

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6	0.6000%
7	0.7000%
8	0.8000%
9	0.9000%
10	1.0000%
11	1.1000%
12	1.2000%
13	1.3000%
14	1.4000%
15	1.5000%
16	1.6000%
17	1.7000%
18	1.8000%
19	1.9000%

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20	2.0000%
21	2.1000%
22	2.2000%
23	2.3000%
24	2.4000%
25	2.5000%
26	2.6000%
27	2.7000%
28	2.8000%
29	2.9000%
30+	3.0000%

As can be seen from the table above, with each year of service, the employee's percentage bonus will increase. Please refer to section 623.4 in the current policy on how the bonus is calculated and paid out.

624.7 IMPORTANT NOTE

This incentive program is contingent upon an annual review of the City_County's finances and the availability of funds.

Retirement

625.1 PURPOSE AND SCOPE

This policy provides information about the retirement package which is provided by the City to its employees.

625.2 COST

The City pays for the full cost of this program in accordance with the rules of the Utah State Retirement System.

625.3 FULL-TIME EMPLOYEES

All full-time Hurricane City employees are covered by the Utah State Retirement Systems, unless otherwise authorized by the City Council according to State Law. A full-time employee is one employed in a position requiring at least forty (40) hours of service per week for a minimum of ten (10) consecutive months.

625.4 PART-TIME EMPLOYEES

Part-time Hurricane City employees are not eligible to participate in the benefit system due to not having any benefits provided to them based on their status.

However, part-time employees are eligible to participate in the individual savings plan (401k, 457, IRAs) regardless of their eligibility for the employer paid benefits as per the Secure Act Section 112.

625.5 ELECTED OFFICIALS

In accordance with the policies of the Utah Retirement Systems, any elected or appointed official in a paid position with Hurricane City must be determined as eligible or ineligible for retirement benefit coverage. The position must be designated whether it is eligible for exemption from retirement coverage. Elected or appointed officials with a hire date prior to July 01, 2011 (or those with prior qualifying service in the URS system) are classified as Tier 1 employees. Eligibility for retirement benefit coverage for these employees is determined by the minimum monthly earning requirements established by the Utah Retirement Systems. Elected or appointed officials with a hire date on or after July 01, 2011 who do not have prior qualifying service in the URS system are classified as Tier 2 employees. Hurricane City has determined the following eligibility status for Tier 2 elected or appointed officials:

- City Council Member - Part-Time, Ineligible
- City Manager - Full-Time, Eligible
- City Recorder - Full-Time, Eligible
- Justice Court Judge - Full-Time, Eligible
- Mayor - Part-Time, Ineligible
- Treasurer - Full-Time, Eligible

Retirement

Part-time Hurricane City elected officials are not eligible to participate in the benefit system due to not having any benefits provided to them based on their status.

However, all elected officials are eligible to participate in the individual savings plan (401k, 457, IRA's) regardless of their eligibility for the employer paid benefits as per the Secure Act Section 112.

Exemption from participation in the Utah Retirement Systems.

The following positions **may** be exempted from participation in the Utah Retirement Systems:

- Elected Officials: Mayor and City Council Members
- Appointed Officials: City Manager, City Recorder, Treasurer

625.6 ADDITIONAL SICK LEAVE TIME ACCRUED

Upon retirement an employee may be eligible for payment for some of their unused sick leave. Under the sick leave policy an employee can accrue up to 960 hours of sick leave. After 960 hours are accrued, the employee will not accrue any more hours unless some have been used in the previous month. The hours not accrued (the hours which should have been accrued but are not since the employee has met their maximum accrual of 960) will be calculated and carried forward to be paid at retirement. This total amount of hours will be paid out at $\frac{1}{4}$ of the employees final hourly pay and be included in the final paycheck. At the employee's option this amount may be applied to COBRA coverage or placed into a 401K.

Tuition Aid Policy

626.1 PURPOSE AND SCOPE

To aid in the reimbursement of employees who complete degrees, courses, or certificates from eligible institutions that further their professional development at Hurricane City.

626.2 POLICY

The purpose of this policy is to provide educational assistance in the form of Tuition Aid to eligible employees for course work taken at an accredited or approved institution, when funds are available, in order to enhance the abilities of the City work force. It is the intent of this policy to benefit the individual and to benefit the City through the utilization of the employee's newly acquired skills and knowledge. This policy and the Tuition Aid provided herein is not intended to train employees for opportunities with other employers or to provide reimbursement for professional training.

626.3 FUNDS

The City shall allocate in its annual budget funds deemed appropriate for Tuition Aid. All Tuition Aid shall be contingent upon sufficient funds allocated by the City

626.4 ELIGIBILITY

In order to be eligible for Tuition Aid, employees must:

- Be active employees of the City in good standing.
- Completed their probationary period of employment with the City.
- Be employed with the City for twelve (12) months and work a minimum of thirty (30) hours per week.

626.5 STANDARDS

Job Related - All classes, courses, or degrees must be pre-approved by the City and must be reasonably related to the employee's present job or determined by the City to be related to the employee's probable future work with the City. In determining whether the course work is "job related," the City shall consider the knowledge, skills, and abilities required by the employee's current job description.

Accredited Institution - Course work must be offered at a college, university, or accredited educational institution or other institution approved by the City Manager. <https://ope.ed.gov/dapip/#/home>

Credit - Course work must be taken for credit and completed. No reimbursement shall be made for audits, incomplete, or withdrawals. Any tuition reimbursement of the course(s) are granted on the condition that the course (s) are completed with a satisfactory grade of "C" or better, or "Pass" for courses that can only be taken "Pass/Fail."

Tuition Aid Policy

Time - Course work must be taken on the employee's own unpaid time. Exceptions may be approved by the City Manager based upon a written statement of the Department Head that unusual circumstances exist.

Job Performance - An employee's outside educational activities should not interfere with the employee's work and the employee's job performance must remain satisfactory. Unsatisfactory job performance during enrollment may result in denial or forfeiture of education assistance in addition to disciplinary action.

Repayment - Eligible employees must sign a Tuition Aid Repayment Agreement agreeing to repay the City the entire amount of Tuition Aid in the event the employee voluntarily leaves employment with the City or is terminated for reasons other than reduction in force or job elimination in accordance with the limitations set forth. Eligible employees shall also agree that the total refund required to be made to the City hereunder may be deducted from the employee's final paycheck from the City. Employees who are terminated during enrollment because of a reduction in force or job elimination will be reimbursed for the amount of the approved costs incurred up to the effective date of termination.

Employees will not be required to repay the City for Tuition Aid received if they remain employed with the City for seven (7) additional years or if the employee retires.

Please note: Seminars, workshops, and certificate programs relating to a professional designation, or prep classes for these designations, are not included in this program. These opportunities should be discussed between the employee and his/her supervisor and should be expensed through departmental training budgets.

626.6 PROCEDURE

APPLICATION

Any eligible employee desiring to obtain Tuition Aid shall file a Tuition Aid Application with his or her Department Head. The Tuition Aid Application shall be filed prior to the commencement of the course.

REVIEW

The employee's Department Head shall review the Tuition Aid Application based upon the standards set forth in this policy including review of the employee's eligibility for assistance. The Department Head shall thereafter recommend approval or denial of the Tuition Aid Application to the City Manager and/or Human Resources. The City Manager and/or Human Resources shall review the Tuition Aid Application based upon the standards set forth herein, verify available funds for the request and approve or deny the Tuition Aid Application. Tuition Aid requests by the City Manager shall be forwarded to the City Council for review and approval in accordance with the provisions of this chapter. In such instances of City Council review, any references herein to City Manager shall refer to the City Council.

APPROVAL OR DENIAL OF APPLICATION

Once a decision has been made about the Tuition Aid application which was submitted, the employee will be notified by the City Manager or Human Resources.

Tuition Aid Policy

REIMBURSEMENT

Upon satisfactory completion of the approved course work, a portion of the employee's tuition expenses, fees and books may be reimbursed to the employee. The employee has thirty (30) days to give a copy of the following to their department head:

- A fee statement or tuition receipt showing the cost of the course(s).
- A receipt showing the cost of textbook(s), if applicable.
- The grade slip or transcript. If using a transcript, highlight the classes for which reimbursement is requested.

Please note: Department Heads are to please submit the above documents to the City Manager and/or Human Resources once received.

626.7 LIMITATIONS

Funds - All Tuition Aid is contingent upon sufficient funds available in the City budget and shall be distributed on a first come basis as determined by the date of final approval of the Tuition Aid Application by the City Manager or assigned designee.

Annual Maximum - Eligible employees are limited to a maximum reimbursement of \$2,500.00 per employee during any fiscal year (July 1st to June 30th) for tuition, fees, and books.

Other Sources - Reimbursement is limited by the amount of financial aid the employee receives from other sources such as grants or scholarships, i.e., the employee is only eligible for reimbursement from the City for the appropriate percentage of the employee's total out of pocket costs after the grant or scholarship has been deducted.

626.8 COMPLIANCE

Failure to comply with this policy will result in disapproval of the Tuition Aid Application and/or nonpayment of the reimbursement as determined appropriate is the sole discretion of the City Manager. Failure to comply may also result in disciplinary action, up to and including termination.

626.9 RECORDS

A copy of Tuition Aid records shall be retained by the City in accordance with the Government Records Access and Management Act, as set forth in Utah Code Ann. §§ 63-2-101, et seq., as amended.

Nepotism and Conflicting Relationships

627.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or other actual or potential conflicts of interest by or between members of the City. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

627.1.1 DEFINITIONS

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the City employee's annual interest, compensation, investment or obligation is greater than \$250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a City employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee who is vested with authority by law, rule or regulation, or to whom authority has been delegated.

Relative - A father, mother, spouse, domestic partner, significant other, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

627.2 RESTRICTED DUTIES AND ASSIGNMENTS

The City will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply.

- a. Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

Nepotism and Conflicting Relationships

1. If circumstances require that such a supervisor/subordinate relationship exists temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
 2. When personnel and circumstances permit, the City will attempt to make every reasonable effort to avoid placing employees in such supervisor/ subordinate situations. The City, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.
- b. Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

627.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify the City Manager or Human Resources to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

627.2.2 SUPERVISOR RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the City Manager or Human Resources of such actual or potential violations, through the Department Head.

Conflict of Interest

628.1 OVERVIEW

City Employees and Elected/Appointed Officials (hereafter referred collectively as Employees) individually commit themselves in their official capacity to ethical, businesslike, and lawful conduct, including appropriate use of their authority and decorum at all times. Employees must avoid even the appearance of impropriety to ensure and maintain public confidence in the City. Employees owe a fiduciary duty to the City and must not act in a manner that is contrary to that duty or to the interest of the City. Employees must place the interests of the City over their own personal interests with respect to the governance, policy, strategic direction and operations of the City.

628.2 POLICY

It is the intent of the City to meet and exceed those protections against conflicts of interest contained in State law. Under this policy, a conflict of interest arises when an employee has a personal interest in a matter that is or may be in conflict with or contrary to the City's interests and objectives to such an extent that the employee is or may not be able to exercise independent and objective judgment within the context of the best interest of the City. For the purposes of this policy, an employee's "personal interest" includes those of the employee's relatives, business associates, or other persons or organizations with whom he or she is closely associated.

The following provisions shall serve as a guide to employees with respect to the affairs of the City:

- City employees shall not receive, accept, take or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor from a person or entity if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment, or be considered as part of a reward for action or inaction. Employees are required to submit a report to the City of the actual or estimated value of any gifts or casual entertainment received as an officer that exceeds \$50.00.
- The complete confidentiality of proprietary business information must be respected at all times. Employees are prohibited from knowingly disclosing such information, or in any way using such information for personal gain or advancement, or to the detriment of the City, or to individually conduct negotiations or make contacts or inquiries on behalf of the City unless officially designated by the Hurricane City Manager.
- Employees are prohibited from acquiring or having a financial interest in any property that the City acquires, or a direct or indirect financial interest in a supplier, contractor, consultant, or other entity with which the City does business. This does not prohibit the ownership of securities in any publicly owned company except where such ownership places the employee in a position to materially influence or affect the business relationship between the City and such publicly owned company. Any other interest in or relationship with an outside organization or individual having business dealings with the City is prohibited if this interest or

Conflict of Interest

relationship might tend to impair the ability of the employee(s) to be independent and objective in his or her service to the City.

- If members of the immediate family of an employee have a financial interest as specified above, such interest shall be fully disclosed to the City Manager who shall decide if such interest should prevent the City from entering into a particular transaction, purchase, or engagement of services. The term "immediate family" means employee's spouse, parent, dependent children, and other dependent relatives.
- When a conflict of interest exists, the employee shall publicly declare the nature of the conflict and may recuse him or herself on any official action involving the conflict.
- Employees may not realize, seek, or acquire a personal interest in a business that does business with the City.
- Employees shall complete and sign a Conflict of Interest Disclosure Form annually by the end of January. Completed Forms shall be submitted to the City Manager and made available to the public upon request.
- Nothing in this policy exempts an employee from complying with applicable state law governing conflicts of interest.

Years of Service and Retirement Recognition Awards Policy

629.1 PURPOSE

Hurricane City values the contributions, experience, and knowledge of long-term employees. To show appreciation for the dedicated services, Hurricane City recognizes employees as they reach milestone anniversaries of employment and retirement.

629.2 ELIGIBILITY

Years of service awards are presented to employees for milestone anniversaries in five (5) year increments beginning with their fifth (5) year.

629.3 PROCEDURES

The Human Resources (HR) department or an assigned administrator will keep track and award each employee who has reached the eligibility requirements for a years of service award.

Personnel Investigations

630.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of employees of the City. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment, or other routine or unplanned contact of an employee in the normal course of employment, by a supervisor or any other employee.

630.2 POLICY

The City takes seriously all complaints regarding the service provided by the City and the conduct of its employees.

The City will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state, and local law, and city personnel rules, and the requirements of any applicable employment agreements.

It is also the policy of the City to ensure that the community can report misconduct without concern for reprisal or retaliation.

630.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of city policy or federal, state, or local law or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate city policy or federal, state, or local law, or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures, or questions regarding specific interactions with the public.

630.3.1 COMPLAINT CLASSIFICATIONS

Personnel complaints shall be classified into one of the following categories:

Informal - A matter in which the Department Head or the City Manager is satisfied that appropriate action has been taken by a supervisor of the employee.

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by the Human Resources Department or referred to the Department Head or the City Manager, depending on the seriousness and complexity of the investigation.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Human Resources Department, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

Personnel Investigations

630.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

- a. Individuals from the public may make complaints in any form, including in writing, by email, in person, or by telephone.
- b. Any city employee becoming aware of alleged misconduct shall immediately notify a supervisor.
- c. Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.
- d. Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.
- e. Tort claims and lawsuits may generate a personnel complaint.

630.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

630.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of at least one city facility and be accessible through the city website.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

630.4.2 ACCEPTANCE

All complaints will be courteously accepted by any city employee and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving employee shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

630.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

Each department should establish procedures to ensure that all complaints and inquiries are documented (either electronically or on a written log) to record and track complaints. The documentation shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department Head should audit the log and send an audit report to the City Manager or the authorized designee.

Personnel Investigations

630.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

630.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the employee's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Department Head should consult with the Human Resources Department and the City Manager, as appropriate, to determine whether a claim should be investigated by another supervisor, the Human Resources Department, or by an outside investigator.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

- a. Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
 1. The original complaint form will be directed to the accused employee's immediate supervisor, who will take appropriate action and/or determine who will have responsibility for the investigation.
 2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the Department Head or the City Manager, who will initiate appropriate action.
- b. Responding to all complainants in a courteous and professional manner.
- c. Resolving those personnel complaints that can be resolved immediately.
 1. Follow-up contact with the complainant should be made within one business day of the City receiving the complaint.
 2. If the matter is resolved and no further action is required, the supervisor will note the resolution on the complaint form and forward the form to the Department Head.
- d. Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Department Head and the City Manager are notified as soon as practicable.
- e. Promptly contacting the Department Head and the Human Resources Department for direction regarding the supervisor's role in addressing a complaint that relates to harassment or discrimination.
- f. Forwarding unresolved personnel complaints to the Department Head, who will determine whether to contact the complainant or assign the complaint for investigation.
- g. Investigating a complaint as follows:
 1. Making reasonable efforts to obtain names, addresses, email addresses, and telephone numbers of witnesses.
 2. When appropriate, ensuring immediate medical attention is provided.
- h. Ensuring that the procedural rights of the accused employee are followed.
- i. Ensuring interviews of the complainant are generally conducted during reasonable hours.

630.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Personnel Investigations

The following procedures should be followed with regard to any accused employee subject to investigation by the city:

- a. Interviews of an accused employee should be conducted during reasonable hours and preferably when the employee is working. If the employee is off work, they shall be compensated as appropriate.
- b. Unless waived by the employee, interviews of an accused employee should be at the City or other reasonable and appropriate place.
- c. No more than two interviewers should ask questions of an accused employee.
- d. Before any interview, an employee should be informed of the nature of the investigation.
- e. All interviews should be for a reasonable period, and the employee's personal needs should be accommodated.
- f. No employee should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.
- g. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
 1. An employee should be given an order to answer questions in an administrative investigation that might incriminate the employee in a criminal matter only after the employee has been given a proper advisement. Administrative investigators should consider the impact that compelling a statement from the employee may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
 2. No information or evidence administratively coerced from an employee may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
- h. The interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview should be provided to the employee prior to any subsequent interview.
- i. All employees subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, to maintain the integrity of each individual's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
- j. All employees shall provide complete and truthful responses to questions posed during interviews.
- k. No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation.

630.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete, and essentially follow this format:

Introduction - Include the identity of the employees, the identity of the assigned investigators, the initial date, and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Personnel Investigations

Summary - List the allegations separately, including applicable policy sections, with a summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of employee and witness statements.

Conclusion - A recommendation regarding further action or disposition should be provided.

Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

630.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve city employees. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful, and /or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the supervisor shall take appropriate action with regard to any additional allegations.

630.6.5 COMPLETION OF INVESTIGATIONS

Every supervisor or investigator assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within a reasonable period from the date of discovery by an individual authorized to initiate an investigation.

630.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The employee conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate. If an outside investigator has been retained to conduct the investigation, a representative from the Human Resources Department should facilitate the updates.

630.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces, and other areas, including desks, offices, and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Personnel Investigations

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio, or other document or equipment.

630.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the City, the City Manager, the Department Head, or the authorized designee may temporarily assign an accused employee to administrative leave after consultation with the Human Resources Department. Any employee placed on administrative leave:

- a. May be required to relinquish any city badge, identification, and any other city equipment.
- b. Shall be required to continue to comply with all policies and lawful orders of a supervisor.
- c. May be temporarily reassigned to a different position, during the investigation. The employee may be required to remain available for contact at all times during work hours and will report as ordered.

630.9 CRIMINAL INVESTIGATION

Where an employee is accused of potential criminal conduct, the Department Head may refer the matter to the appropriate authority.

The City Manager shall be notified as soon as practicable when an employee is accused of criminal conduct.

630.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, the investigation report should be forwarded to the City Manager through the supervisory chain of command, as appropriate. The City Manager may accept or modify any classification or recommendation for disciplinary action.

630.10.1 DISCIPLINARY RECOMMENDATIONS

The employee conducting the investigation should forward the investigation report to the appropriate position tasked with recommending discipline (e.g., Department Head, Human Resources Department representative, mid-level supervisor), who shall review the entire investigative file, the employee's personnel file, and any other relevant materials and make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed in accordance with the Discipline Policy.

Before forwarding recommendations to the City Manager, the employee making the recommendation may return the entire investigation to the assigned investigator for further investigation or action.

If an outside investigator has been retained to conduct the investigation, a representative from the Human Resources Department should facilitate the receipt and forwarding of the investigation report to the appropriate position for a disciplinary recommendation.

630.10.2 RESPONSIBILITIES OF CITY MANAGER

Personnel Investigations

Upon receipt of any written recommendation for disciplinary action, the City Manager shall review the recommendation and all accompanying materials. The City Manager may modify any recommendation and/or may return the file to the investigator for further investigation or action.

Once the City Manager is satisfied that no further investigation or action is required by staff, the City Manager shall determine the amount of discipline, if any, that should be imposed in accordance with the Discipline Policy. If disciplinary action is proposed, the City Manager shall provide the employee with a written notice and the following:

- a. Access to all materials considered by the City Manager in recommending the proposed discipline.
- b. An opportunity to respond orally or in writing to the City Manager within five business days of receiving the notice.
 1. Upon a showing of good cause by the employee, the City Manager may grant a reasonable extension of time for the employee to respond.
 2. If the employee elects to respond orally, the presentation shall be recorded by the City. Upon request, the employee shall be provided with a copy of the recording.

Once the employee has completed their response, or if the employee has elected to waive any such response, the City Manager shall consider all information received regarding the recommended discipline. The City Manager shall render a timely written decision to the employee and specify the grounds and reasons for discipline and the effective date of the discipline. Once the City Manager has issued a written decision, the discipline shall become effective.

630.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The City Manager should ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint consistent with any applicable state laws.

630.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the City Manager after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

- a. The response is not intended to be an adversarial or formal hearing.
- b. Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.
- c. The employee may suggest that further investigation could be conducted, or the employee may offer any additional information or mitigating factors for the City Manager to consider.
- d. If the City Manager elects to conduct further investigation, the employee shall be provided with the results prior to the imposition of any discipline.
- e. The employee may thereafter have the opportunity to further respond orally or in writing to the City Manager on the limited issues of information raised in any subsequent materials.

630.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

Personnel Investigations

If an employee tenders a written resignation or notice of retirement before the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

630.13 PROBATIONARY EMPLOYEES

At-will and probationary employees may be disciplined and/or released from employment without adherence to any of the procedures set out in this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct may be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the City Manager, Department Head, or the authorized designee.

In cases where an individual on probation has been absent for more than a week or when additional time to review the individual is considered to be appropriate, the probationary period may be extended at the discretion of the Department Head.

630.14 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

Discipline

631.1 PURPOSE AND SCOPE

This purpose of this policy is to provide a framework for applying discipline to address conduct issues.

Informal coaching, counseling, or training are non-disciplinary options that may be used when appropriate.

Performance issues are addressed in the Performance Evaluations Policy.

631.2 POLICY

It is the policy of the City to address employee conduct issues through corrective action that is fair, consistent, and appropriate to the circumstances, treating employees equitably and addressing similar conduct in a similar manner. Corrective action is intended to be constructive, and to encourage improvement in behavior.

The City will address conduct issues in accordance with this policy and applicable federal, state, and local law, city personnel rules, and the requirements of any applicable employment agreements.

631.3 GROUNDS FOR DISCIPLINE

Employees may be subject to discipline for violations of federal, state, and local law, city personnel rules, and city policy (see the Standards of Conduct for All Employees Policy).

631.4 LEVELS OF DISCIPLINE

Discipline may include:

- a. Verbal warning.
- b. Written warning.
- c. Suspension.
- d. Demotion or reassignment.
- e. Termination.

631.4.1 FACTORS

Factors that may be considered when determining the level of discipline include but are not limited to:

- The seriousness of the offense.
- Prior discipline imposed for similar conduct by other employees.
- The employee's work history and length of service.
- The risk or potential risk created by the conduct (e.g., violence, threats).
- A pattern of misconduct, including repeated violations of the same nature or multiple violations involving different types of misconduct.

Discipline

631.5 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, or termination from employment. The employee has the right to appeal using the procedures established by any applicable employment agreements, other city personnel rules, and/or an applicable civil service board or commission.

631.6 PROBATIONARY EMPLOYEES

At-will and probationary employees may be disciplined and/or released from employment without adherence to this policy, and without notice or cause at any time. These individuals are not entitled to any rights under this policy. However, any of these individuals released for misconduct may be afforded an opportunity solely to clear their names through a liberty interest hearing, which shall be limited to a single appearance before the City Manager, the Department Head, or the authorized designee.

631.7 BENEFITS AFTER DISMISSAL

If the discipline issued is dismissal, the employee shall be provided written notice regarding the status of their employee and retirement benefits after dismissal.

631.8 RECORDS

All disciplinary actions shall be documented in writing and, if applicable, in accordance with the Personnel Investigations Policy. Records shall be placed in the employee's personnel file and maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

Chapter 7 - Leave

Family and Medical Leave

700.1 PURPOSE AND SCOPE

The purpose of this policy is to provide general guidance for managing unpaid leave for eligible employees for qualified medical and family reasons, including (29 USC § 2612):

- The birth, adoption, or foster care placement of a child.
- To care for an immediate family member (spouse, child, or parent) with a serious health condition.
- When an employee is unable to work because of the employee's own serious health condition.
- To care for a spouse, son, daughter, parent, or next of kin who is a service member of the United States Armed Forces and who has a serious injury or illness incurred in the line of duty.

This policy does not address all possible situations and circumstances that may arise when an employee requests leave for family or medical reasons. As these leave situations arise, supervisors should consult with the City Manager or authorized designee to obtain specific guidance regarding leave rights and obligations.

Nothing in this policy supersedes any provision of any employment agreement, civil service or other local rule, or any law that provides greater family or medical leave rights.

700.1.1 DEFINITIONS

Definitions related to this policy include:

Child - A child under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability (29 USC § 2611; 29 CFR 825.102; 29 CFR 825.122). An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, or foster child; stepchild; or a child for whom the employee is standing in loco parentis (in place of a parent).

FMLA - The federal Family and Medical Leave Act (29 USC § 2601 et seq.).

Qualified health care professional - A physician, surgeon, doctor of osteopathy, podiatrist, dentist, psychologist, optometrist, nurse practitioner, nurse midwife, clinical social worker, or physician assistant duly licensed and authorized to practice medicine; chiropractors for some purposes; any health care provider from whom the city benefits plan will accept certification of the existence of a serious health condition to substantiate a claim for benefits (29 CFR 825.125).

Spouse - The person with whom an employee has entered into a marriage defined or recognized by the location in which the marriage was entered into (29 USC § 2611(13); 29 CFR 825.102; 29 CFR 825.122).

700.2 POLICY

Family and Medical Leave

It is the policy of the City to manage unpaid leave for eligible employees for qualified medical and family reasons in compliance with federal law and any applicable employment agreement.

700.3 ELIGIBLE EMPLOYEES

Employees are eligible for FMLA after working for the City for at least one year and completing 1,250 hours over the 12 months prior to the commencement of the leave (29 USC § 2611; 29 CFR 825.110). Employees may not be eligible for leave if there are fewer than 50 other employees within 75 miles of the employee's work site.

700.4 TYPE AND DURATION OF LEAVE

Generally, eligible employees are entitled under FMLA to 12 work weeks of unpaid leave during a 12-month period (29 USC § 2612; 29 CFR 825.100). Up to 26 weeks of unpaid leave during a single 12-month period may be available to care for certain injured military service members. The 12-month period is measured backward from the date leave is taken and continuously with each additional leave day taken.

700.4.1 SERIOUS HEALTH CONDITIONS

Eligible employees may take up to 12 weeks of leave to care for a spouse, child, or parent with a serious health condition or when the employee is unable to work because of the employee's own serious health condition (29 USC § 2612(a)(1); 29 CFR 825.200).

If both spouses are employed by the City, the combined number of workweeks to care for a sick parent is limited to 12 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.201).

Generally, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves (29 USC § 2611; 29 CFR 825.113):

- An overnight stay in a hospital, hospice, or residential medical care facility (29 CFR 825.114).
- Continuing treatment by a qualified health care professional due to a serious health condition of more than three full consecutive calendar days (29 CFR 825.115(a)).
- Any period of incapacity due to pregnancy complications or prenatal care (29 CFR 825.115(b)).
- A chronic condition that requires treatment (29 CFR 825.115(c)).
- A permanent condition for which treatment may not be effective (such as Alzheimer's or the terminal stages of a disease) (29 CFR 825.115(d)).
- Any period of absence to receive multiple treatments, including any recovery period, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days without medical intervention or treatment (such as cancer chemotherapy or physical therapy for arthritis) (29 CFR 825.115(e)).

700.4.2 BIRTH OR PLACEMENT OF A CHILD

Family and Medical Leave

Eligible employees may take up to 12 weeks of leave for the birth, adoption, or foster care placement of a child of the employee (29 USC § 2612; 29 CFR 825.200). The leave must be concluded within one year of the birth or placement of the child (29 CFR 825.120; 29 CFR 825.121).

If both parents are employed by the City, the combined number of workweeks of leave is limited to 12 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.120; 29 CFR 825.121).

700.4.3 MILITARY EXIGENCY LEAVE

Eligible employees may take service member leave of up to 12 weeks for qualifying exigencies occurring because a spouse, child, or parent is on covered active duty or has been notified of an impending order to active duty (29 USC § 2612(a)(1)(E); 29 CFR 825.200). This type of leave is available to a family member of a person in the National Guard, Reserves, or members of the regular Armed Forces deployed to a foreign country. Qualifying exigencies include (29 CFR 825.126):

- Addressing issues that arise from a short notice (seven or less days) deployment.
- Attending military events related to the active duty or call to duty.
- Attending family support or assistance programs.
- Making child care or educational arrangements or attending school activities arising from active duty or a call to active duty.
- Making financial and legal arrangements.
- Spending time with a military member who is on short-term rest-and-recuperation leave during a period of deployment.
- Attending post-deployment activities.
- Addressing issues that arise from the death of a military member, such as making funeral arrangements.
- Caring for a military member's parent who is incapable of self-care, such as providing care on an immediate-need basis or arranging for alternative care.

700.4.4 MILITARY CAREGIVER LEAVE

Eligible employees may take up to 26 weeks of leave in a single 12-month period to care for a spouse, son, daughter, parent, or next of kin who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, provided that such injury or illness may render the family member medically unfit to perform work (29 USC § 2612; 29 CFR 825.200).

Military caregiver leave is also available to family members of covered veterans who were members of the Armed Forces, including the National Guard or Reserves, at any point in the five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy (29 USC § 2612; 29 CFR 825.127).

During the single 12-month period, employees are entitled to no more than a combined total of 26 weeks of FMLA leave. In any case in which both spouses are employed by the City, the combined number of workweeks of leave is limited to 26 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.127).

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Service member FMLA leave runs concurrent with other leave entitlements provided under federal, state, and local law. Where FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

700.4.5 INTERMITTENT LEAVE

An employee may take leave for the employee's own serious health condition, for the serious health condition of the employee's spouse, child, or parent, or to care for a covered service member with a serious injury or illness, intermittently or on a reduced schedule if medically necessary, and if that medical need can best be accommodated by an intermittent schedule as defined in federal law (29 USC § 2612(b); 29 CFR 825.202; 29 CFR 825.124).

Leave due to a military exigency may be taken on an intermittent or reduced leave schedule (29 CFR 825.202).

Intermittent leave for the birth, adoption, or foster care placement of a child is only available if granted at the discretion of the City Manager, unless the employee has a serious health condition in connection with the birth or if the newborn child has a serious health condition (29 CFR 825.120; 29 CFR 825.121).

Intermittent leave for any employee shall be tracked and calculated.

Intermittent leave is leave that is not taken consecutively.

A reduced leave schedule is a leave schedule that reduces the usual number of hours per workweek or hours per work day.

700.4.6 PREGNANCY DISABILITY LEAVE

Pregnant employees who are disabled by pregnancy may be entitled to a disability leave in addition to any FMLA leave. The duration of leave is dependent on the circumstances. The City Manager shall defer to a pregnant employee's qualified health care professional in assessing the employee's ability to work.

700.5 EMPLOYMENT BENEFITS WHILE ON LEAVE

While on leave, employees will continue to be covered by any group health insurance to the same extent that coverage is provided while the employee is on the job (29 USC § 2614(c); 29 CFR 825.209). However, employees will not continue to be covered under non-health benefit plans.

Employees are responsible for any health plan employee contributions while on leave (29 CFR 825.210). Employee contribution rates are subject to any change in rates that occurs while the employee is on leave. If an employee fails to return to work after the leave entitlement has been exhausted or expires, the City may recover its share of health plan premiums for the entire leave period unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member that would entitle the employee to leave, or because of circumstances beyond the employee's control (29 CFR 825.213). The City may recover premiums through deduction from any sums (e.g., unpaid wages, vacation pay).

Employees may not earn additional time off while on unpaid leave.

Family and Medical Leave

700.6 SUBSTITUTION OF PAID ACCRUED LEAVES

Subject to applicable employment agreements and civil service rules, employees are required to exhaust all applicable paid accrued leave before taking unpaid leave. Paid accrued leave includes vacation leave, sick leave, personal leave, and compensatory time earned in lieu of overtime, pursuant to the Fair Labor Standards Act, during FMLA leave. Employees may not use paid accrued leave to extend FMLA leave beyond 12 workweeks per year.

700.7 USE OF FMLA LEAVE

If an employee takes a leave of absence for any reason that is FMLA qualifying, the City may designate that non-FMLA leave as running concurrently with the employee's 12-week FMLA leave entitlement.

700.8 PROCEDURES

The following procedures will apply for all employees requesting leave under FMLA:

- a. When a leave is requested for a medical or other FMLA-related treatment appointment, the employee must make a reasonable effort to schedule the appointment at a time that minimizes disruption to city operations (29 USC § 2612; 29 CFR 825.302).
- b. An employee who wishes to take FMLA leave must provide the employee's supervisor with 30 days' advanced notice when the leave is foreseeable or as soon as practicable if the need for leave is not foreseeable (29 USC § 2612; 29 CFR 825.302; 29 CFR 825.303).
- c. At the time of the request, the employee must complete an FMLA request form.

Requests for medical leave shall be accompanied by a qualified health care professional statement, including the date on which the serious health condition began and the estimated date of return to work (29 USC § 2613; 29 CFR 825.302).

Once the leave is requested or designated by the City, the supervisor should forward the request and any medical certifications to the City Manager or the authorized designee and ensure the employee is provided the necessary forms and FMLA information and required notices within five business days (29 CFR 825.300).

Employees are required to provide medical certification of a qualified health care professional or military documentation, if requested (29 CFR 825.305; 29 CFR 825.308; 29 CFR 825.309; 29 CFR 825.310).

Employees shall be required to periodically report on their status and intent to return to work (29 USC § 2614; 29 CFR 825.311). This may assist in avoiding a delay in reinstatement when the employee is ready to return to work.

Employees returning from a medical leave for the employee's own serious health condition will be required to present medical verification from a qualified health care professional of the employee's ability to return to work and a list of any restrictions that need to be accommodated (29 USC § 2614; 29 CFR 825.100; 29 CFR 825.312).

700.9 REINSTATEMENT FOLLOWING LEAVE

Generally, employees returning from FMLA leave within the qualified period will be restored to their original job or to an equivalent job with equivalent pay and benefits (but not seniority), unless the employee would not otherwise

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have been employed at the time reinstatement is requested (e.g., in the case of a layoff) (29 USC § 2614; 29 CFR 825.214; 29 CFR 825.216).

If the same position is no longer available, such as in a layoff, the employee will be entitled to a position that is comparable in pay, job content, and promotional opportunities and geographic location, if such a comparable position exists.

If upon return from leave an employee is unable to perform the essential functions of the job because of a physical or mental disability, the supervisor should work with the City Manager or the authorized designee to engage in an interactive process with the employee to identify a potential reasonable accommodation.

After exhausting paid FMLA leave, non-paid leave will continue until the conclusion of the protected 12- or 26-week time limit. Following the protected leave, the City Manager or the authorized designee in consultation with the legal counsel will determine whether non-FMLA leave should apply.

700.10 RESPONSIBILITY

The responsibilities of the City Manager or the authorized designee include but are not limited to (29 CFR 825.108; 29 CFR 825.110; 29 CFR 825.112; 29 CFR 825.300; 29 CFR 825.301):

- a. Attempting to determine whether an employee absence of four or more days may qualify as FMLA leave.
- b. Determining if an employee is eligible for FMLA leave.
- c. Determining if leave is for an FMLA-qualifying reason.
- d. Granting or denying a request for FMLA leave and providing designation notice to the employee within five business days of designation.
- e. Providing eligibility notice to the employee within five business days of the request for FMLA leave or when acquiring knowledge that an employee's leave may be for FMLA.
 1. If the employee is not eligible for FMLA leave, the notice must state at least one reason why the employee is not eligible.
- f. Providing a written rights and responsibilities notice each time the eligibility notice is provided to an employee.

The City Manager or the authorized designee should work with legal counsel regarding questions relating to leave or reinstatement from leave under this policy.

700.10.1 STATE FAMILY AND MEDICAL LEAVE CONSIDERATIONS

The City will comply with the requirements of any applicable state-specific laws providing for family and medical leave. The City Manager or the authorized designee is also responsible for establishing a process for implementing applicable family and medical leave requirements, including consideration of whether an employee is eligible for paid family or medical leave under state law, if applicable.

700.11 RECORDS

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The City will maintain leave-related records as required by 29 CFR 825.500 for at least three years and in compliance with the city's established records retention schedule.

Records and documents related to doctor certifications and other medical information created for purposes of complying with FMLA and this policy shall be maintained as confidential medical records in separate files from employee personnel files.

700.12 NOTICE TO EMPLOYEES

The City Manager or the authorized designee should ensure that a notice explaining the FMLA's provisions and procedures is prominently posted in conspicuous places in the City where it can be readily seen by all employees and applicants for employment. Electronic posting is sufficient as long as the other posting requirements have been met as provided by 29 CFR 825.300 (29 CFR 825.300).

700.13 FMLA FORMS

The following links are the forms associated with the Family Medical Leave Act.

[General FMLA Form WH-381](#)

[Employee FMLA Form WH-380 E](#)

[Family FMLA Form WH-380 F](#)

The Human Resources Department can be contacted for more details.

Sick Leave

701.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. Additional terms for the use of sick leave for eligible employees may be covered in another applicable city policy or employment agreement.

This policy is not intended to cover all types of sick leave. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as addressed in the Family and Medical Leave Policy.

701.2 POLICY

It is the policy of the city to provide eligible employees with a sick leave benefit.

701.3 ELIGIBILITY

Sick leave shall not be considered as a privilege, which an employee may use at their discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee or immediate family of the employee.

701.4 ACCRUAL

All full-time employees accrue sick leave immediately upon being hired by the City at the rate of eight hours per month (96 hours per year). The maximum amount of sick leave an employee may accrue is 960 hours.

Seasonal, part-time, provisional, temporary, and emergency employees are not eligible for sick leave.

Sick leave shall not accrue if an employee is in a leave-without-pay status.

701.5 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave shall not be considered as a privilege, which an employee may use at their discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee or immediate family of the employee. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Sick leave may be used at any time with approval of the employee's immediate supervisor:

- a. When the employee is unable to perform their regular duties or other temporary work to which they may be assigned.
- b. For visits to hospitals, clinics, doctor's and dentists' offices for diagnosis or treatment of illness or injury or examination.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Sick Leave

Qualified appointments should be scheduled during an employee's non-working hours when it is reasonable to do so.

Sick leave shall not result in nor count as overtime. For example, if an employee has worked thirty-six (36) regular hours in a week, the employee should only use four (4) hours of sick leave time to get them at the needed forty hours (40) for the work week and not eight (8) hours.

The Fair Labor Standards Act (FLSA) requires employers to pay non-exempt employees, time and a half of their regular rate of pay for every hour worked over forty (40) in a work week.

Sick leave hours do not count as worked hours as they are not actually worked and is not counted towards overtime. Please note that sick leave hours are under the statutory exclusions of the FLSA.

Please see the following links for more information:

[FLSA Section 207 \(e\) pg. 19](#)

[29 CFR 778.218 of FLSA](#)

[29 CFR 778.219 of FLSA](#)

701.5.1 NOTIFICATION

All employees shall notify the appropriate supervisor as soon as they are aware that they will not be able to report to work. This notification shall take place no less than one hour prior to the start of the employee's scheduled shift. If, due to an emergency, an employee is unable to contact the supervisor, every effort should be made to have a representative for the employee contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the employee shall, whenever possible and practicable, provide the City with no less than 10 days' notice of impending absence.

Upon return to work, employees are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

701.6 EXTENDED ABSENCE

Employees absent from work for more than three consecutive days may be required to furnish a statement from a health care provider or verification supporting the need to be absent and/or the ability to return to work as determined by the employee's Department Head. Employees on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Sick Leave

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

- a. Monitoring and regularly reviewing the attendance of employees to ensure that the use of sick leave and absences is consistent with this policy.
- b. Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the City Manager as appropriate.
- c. Addressing absences and sick leave use in the employee's performance evaluation when excessive or unusual use has:
 1. Negatively affected the employee's performance or ability to complete assigned tasks.
 2. Negatively affected city operations.
- d. When appropriate, counseling employees regarding excessive absences and/or inappropriate use of sick leave.
- e. Referring eligible employees to an available employee assistance program when appropriate.

701.8 LOST SICK HOURS PAYOUT

Upon retirement, an employee may be eligible to receive payment for their lost sick hours.

Employees accrue 8 hours of sick leave on the first paycheck of each month, up to a maximum of 960 hours. If an employee has already reached the 960-hour maximum when 8 hours would normally be added, those hours will not accrue and are considered "lost".

Hours that would have been accrued but were not due to reaching the maximum (referred to as "lost sick hours") will be tracked and carried forward. If the employee retires from Hurricane City, the total of these lost hours will be paid at one-quarter (¼) of the employee's final hourly rate and included in the final paycheck.

At the employee's discretion, this payout may instead be applied toward COBRA coverage or deposited into a 401(k) or 457(b) account with Utah Retirement Systems, if eligible.

Leave Donation

702.1 PURPOSE AND SCOPE

This policy provides information about the City's leave donation program.

702.1.1 DEFINITIONS

Immediate family member - Spouse, partner, daughter, son, mother, father, or others as approved by the City Manager.

702.2 POLICY

Employees may voluntarily and anonymously donate accumulated unused leave (vacation or sick leave) hours to the sick leave bank of the City to be used by a permanent full-time employee or immediate family member who has suffered an incapacitating major illness or injury, or family emergency, which has exhausted the employee's regular sick leave, vacation, and compensatory time accounts.

The leave donation policy is designed to assist those employees who have responsibly managed their vacation and sick leave but who nevertheless find themselves facing a serious illness or medical condition with no accrued leave left. Employees who have abused or misused the City's sick leave program are not eligible to receive donated leave.

702.3 REQUESTING LEAVE DONATIONS

In order to receive donated sick leave, City employees must:

- a. Have been employed with the City for at least one year
- b. Exhaust their existing leave benefits (sick leave, vacation, and comp time)
- c. File for FMLA leave if applicable
- d. File for Long-term Disability if applicable
 1. During the time an employee receives Worker's Compensation, or disability, they are not eligible to receive any donated leave.
- e. File a leave donation request with the City Manager, to include:
 1. Employee's name
 2. Employee's department
 3. If deemed necessary by the City Manager, a certificate from a licensed medical professional describing the major illness or serious medical condition, and an estimate of when the employee may reasonably expect to return to work, and
 4. Total number of donated hours requested

All requests must be approved by the employee's Department Head, Human Resources, and the City Manager. All donations are made on a confidential basis. Each case will be considered separately based upon the merits of the situation.

Leave Donation

The maximum amount of donated leave an employee may receive in any calendar year is 12 weeks. If the number of hours donated exceed the requested number or 12 weeks, the remaining hours will not be transferred and will remain with the donating employee. The use of donated leave ends once the employee returns to work or the conditions of the original sick leave request are no longer applicable. No sick leave benefits will accrue during the extended leave, however vacation leave will continue to accrue.

702.4 DONATING LEAVE

To donate leave to an eligible recipient, the donor employee must:

- a. Complete a leave donation form indicating the intended recipient and the amount and type of leave donated
- b. Have 240 hours of sick leave in order to donate sick leave
- c. Donate no more than 32 hours sick leave per event, and
- d. Donate any amount of vacation desired
- e. Donate up to 40 hours of comp time

All leave donations are voluntary and confidential.

Vacation Leave

703.1 PURPOSE AND SCOPE

This policy provides information about paid vacation leave provided to eligible employees by the City.

703.2 POLICY

The City provides vacation leave to permanent full-time employees for the purpose of providing employees the opportunity to take paid time off from their job responsibilities in order to maintain a higher standard of mental, emotional and physical conditioning. This policy is intended to provide a benefit to City employees as well as to the City as an employer by fostering a healthy and productive workforce. Vacation is meant to be utilized as time away from work, not for an accumulated cash out program.

Part-time, emergency, seasonal, temporary, and contract employees are not eligible to accrue or use annual vacation leave.

703.3 VACATION ACCRUAL

Qualifying employees earn vacation based upon the following accrual schedule:

Time in Service	Vacation Leave
Zero (0) to Six (6) Months Probationary	0 hours
Six (6) Months to One (1) Year	40 hours
One (1) Year to Five (5) Years	80 hours
Six (6) Years to Eleven (11)	120 hours
Twelve (12) Years and Beyond	160 hours per year

Vacation leave is awarded annually on an employee's anniversary date. Employees may carry forward up to 80 hours of unused vacation leave from one anniversary year to the next.

Vacation Leave

Employees are provided a grace period to use any excess vacation leave. Accrued vacation leave exceeding 80 hours must be used by the end of the first pay period of the month following the employee's anniversary date. Any remaining excess leave after this grace period will be forfeited.

If an employee has passed their anniversary date but has not yet reached their accrual date (the date on which newly awarded vacation hours are posted following the grace period) and wishes to use their newly accrued vacation hours, the employee must notify Payroll. Payroll will then manually process the vacation hours earned as of the employee's anniversary date prior to the normal accrual date. Employees must notify Payroll each year after they pass their anniversary date if they wish to receive and use their newly awarded vacation hours prior to their accrual date.

If an employee separates from employment—whether voluntarily or involuntarily—during the grace period, the separation will be treated as if the grace period had ended. In such cases, the employee will be paid for up to 80 hours of carried-over vacation leave, plus any new vacation leave earned as of their most recent anniversary date. Any unused vacation leave in excess of 80 hours will be forfeited and not included in the final payout.

If an employee retires from Hurricane City, the employee will receive, in addition to the remaining vacation, a prorated vacation amount based on the number of months worked since their most recent anniversary date.

For example, if an employee normally earns 160 hours of vacation per year, and they had 75.00 hours remaining in their vacation bank, and the employee retires six months after their anniversary date, their vacation payout will include 75.00 hours of remaining vacation plus the prorated amount ($160 \text{ hours} \div 12 \text{ months} = 13.33 \text{ hours per month} \times 6 \text{ months} = 79.98 \text{ hours}$, rounded to 80.00 hours) totaling $75.00 + 80.00 = 155.00$ hours paid out upon retirement.

New employees may be appointed at a higher accrual rate based on experience and other relevant qualifications. Upon hire, new employees will progress based on the above accrual schedule.

703.4 VACATION USE

Vacation may only be taken after an employee has completed the six (6) months of employment. Vacation leave shall be requested and pre-approved by the employee's Department Head. All annual vacation leave requests should be submitted in a reasonable time in advance of the desired time off to the Department Head. If too many employees

Vacation Leave

request annual vacation leave for the same time period, annual vacation leave shall be granted in order of application (first-come-first-served) at the discretion of the Department Head. If two requests are made at the same time, the vacation time will be given to the employee with seniority.

If a documented illness that would justify use of sick leave occurs while an employee is on vacation, that time may be counted against any accumulated sick leave if requested by the employee.

A holiday that falls during an employee's vacation leave shall be counted as a paid holiday.

Vacation Leave shall not result in nor count as overtime. For example, if an employee has worked a thirty-four (34) regular hours in a week, the employee should only use six (6) hours of vacation leave to get them at the needed forty (40) hours for the work week and not eight (8) hours.

The Fair Labor Standards Act (FLSA) requires employers to pay non-exempt employees, time and a half of their regular rate of pay for every hour worked over forty (40) hours in a work week.

Vacation Leave hours do not count as worked hours as they are not actually worked and is not counted towards overtime. Please note that vacation leave hours are under the statutory exclusions of the FLSA. Please see the following links for more information:

[FLSA Section 207 \(e\) pg. 19](#)

[29 CFR 778.218 of FLSA](#)

[29 CFR 778.219 of FLSA](#)

703.5 VACATION PAY

An employee who works for the City less than six (6) months is not eligible for vacation pay.

703.6 VACATION CASH OUT

Payment for all accrued vacation shall be made upon separation from employment.

Holiday Leave

704.1 PURPOSE AND SCOPE

This policy provides information about paid holidays provided to eligible employees by the City.

704.2 POLICY

Full-time, permanent employees may be paid for the following holidays:

<u>Holiday</u>	<u>Occurrence</u>
New Year's Day	January 1
Martin Luther King Jr. Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Pioneer Day	July 24
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veterans' Day	November 11
Thanksgiving	Fourth Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas Eve	December 24
Christmas Day	December 25

Any other Day designated by the Governor as a State Holiday will be observed.

If a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday. If a holiday falls on a Sunday, the following Monday shall be observed as the holiday.

Part-time, emergency, seasonal, temporary, and contract employees are not eligible to receive holiday benefits.

704.3 HOLIDAY HOURS FOR SPECIFIC ASSIGNMENTS

Holiday Leave

In departments where scheduling may require employees to work on holidays observed by the City, full-time employees will accrue the full balance of holiday hours for the year each January. This policy will apply to employees in the following departments:

- Police (except administrative office staff): 112 hours
- Golf Maintenance: 112 hours
- Golf Pro Shop: 112 hours
- Recreation Department (Full-time employees only): 112 hours

The above hours may be used as approved by the employee's supervisor throughout the year. Employees are expected to use these hours by December 31st each year. In the event an employee is unable to use their full balance of holiday leave by the end of the year, the City Manager may approve a pay-out for the balance of holiday leave up to a maximum of 24 hours.

Should an employee in one of the specific assignments listed above leave employment, the employee shall only be entitled to the hours for those holidays that have occurred through the employee's last day of employment. Hours for any holidays that have not yet occurred are considered unearned and the employee will not be paid for those hours. In the event that the employee has used more holiday hours than have been earned through the last day of employment, the unearned hours will be deducted either from other leave time or from the employee's wage on the final check.

Military Service

705.1 PURPOSE AND SCOPE

This policy provides information about military leave provided to eligible employees by the City.

705.2 POLICY

The City recognizes the sacrifice of employees who serve in the military through benefits provided in this policy including those mandated by federal law.

705.3 PAID MILITARY LEAVE

Up to 15 days per year of paid military leave is provided for annual training or other non-deployment activity. This leave shall be in addition to annual vacation leave with pay. A copy of orders will be required for salary payment.

705.4 MILITARY PAY DIFFERENTIAL

All employees who are or shall become members of a reserve component shall be allowed full pay equal to the difference between military pay and City pay, when military pay is less than City pay, spent on duty with military units of the United States and the State of Utah in an "activated or deployment" status. Any compensation, including travel and expense allowance, received by the employee from military pay must be turned in to the City when the employee elects to be compensated by the City.

705.5 USERRA

The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects civilian job rights and benefits for veterans and members of reserve components.

705.5.1 MILITARY LEAVE OF ABSENCE

Service members are able (but are not required) to use accrued vacation or other qualifying leave while performing military duty that exceeds 15 days annually.

705.5.2 RE-EMPLOYMENT DEADLINES

The period an individual has to make application for reemployment or report back to work after military service is based on time spent on military duty. For service of:

- a. **30 days or less** - The service member must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an eight-hour rest period.
- b. **31-180 days** - The service member must submit an application for reemployment within 14 days of release from service.
- c. **181 days of more** - An application for reemployment must be submitted within 90 days of release from service.

Military Service

705.5.3 RE-EMPLOYMENT RIGHTS

Under the terms of the federal USERRA, a person who leaves a civilian job to enter active duty is entitled to return to their civilian job after discharge or release from active duty (38 U.S.C. § 4301-4335). An employee must meet all of the basic eligibility criteria under federal law. The employee must:

- a. Ensure that the City receives advance written or verbal notice of the employee's service;
- b. Have five years or less of cumulative service in the uniformed services while with the City;
- c. Return to work or apply for reemployment in a timely manner after conclusion of service; and
- d. Have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If the employee is eligible to be reemployed, the employee must be restored to the job and benefits they would have attained if the employee had not been absent due to military service or, in some cases, a comparable job.

705.6 POSITION WITH THE CITY

While on approved military leave, an employee's vacated position may be temporarily filled and the employee will return to service with the City in either the same position or a similar position within the same pay grade and scope of responsibility if the employee meets the requirements of federal law.

During the time of absence, the employee will continue to build seniority; the employee will not lose seniority obtained prior to obtaining military leave. No officer or employee shall be subjected to any loss or decrease of vacation or holiday privilege or be prejudiced by reason of such absence with reference to promotion or continuances in office, employment, reappointment to office, or reemployment.

An employee reinstated under the foregoing provisions shall not be discharged from their position within one year after the reinstatement unless there is just cause for the discharge or a reduction in force.

705.6.1 CITY BENEFIT PROGRAMS

Employees serving on active duty with the armed forces pursuant to a leave of absence under this section may participate for up to 24 months following separation from City employment in City-sponsored employee group health, dental and vision insurance plan for themselves and dependents, if they make the required timely premium payments pursuant to federal law.

Upon reinstatement to City employment, the employee shall be entitled to participate in the retirement insurance and other benefit programs offered by the City pursuant to the established laws, rules, and practices related to persons on leave of absence in effect at the time the reinstated employee commenced such active military service. The employee serving on active duty with the military has the right to convert the City employees' group term life insurance containing a "war exclusion" provision, which would prevent payment of the double indemnity for accidental death.

This section shall not be construed to retain, in office or in the employment of the City, any person elected or appointed for a definite term of office, or any person appointed by or serving under a person elected or appointed for a definite term of the person by whom they were appointed or under whom they were serving whose term shall otherwise expire in operation of law.

Military Service

705.6.2 RETIREMENT SERVICE CREDIT

Active duty service in the armed forces may qualify for service credit, which may qualify and/ or increase the retirement benefits an employee might receive from the retirement program administered by the Utah State Retirement System, as provided by law. It is the employee's responsibility to contact the State Retirement Office for further information. The City will not make the employer-paid contributions and the employee-paid contributions, if any, otherwise paid by the City on behalf of the employee, or for former employees serving on active military duty.

For those employees whose employment with the City is reinstated following separation from active military service, the City will make the contribution adjustment representing the employer's contribution for the period of military service upon the following conditions:

- a. The reinstated employee requests the City to make the contribution adjustment payment to the Utah State Retirement System.
- b. The reinstated employee makes the contribution adjustment payment to the Utah State Retirement System as required by law.
- c. The reinstated employee meets all of the criteria for eligibility for the service credit, as provided by state and /or federal law.
- d. Active duty service in the armed forces will be used in calculating the "length of service" for "leave" (vacation) for a reinstated employee, pursuant to this Policy

Jury Duty

706.1 PURPOSE AND SCOPE

This policy provides guidance about jury duty for eligible employees of the City.

706.2 POLICY

The City recognizes the duty of every employee, as a citizen of the United States, to perform jury duty or serve as a witness on behalf of the City in any municipal, county, state, or federal court, or before an administrative tribunal. Paid leave will not be granted when the employee is serving as his own witness in financial and related suits he or she has initiated.

706.3 PROCEDURE

If the jury or witness service is completed during regular work hours, an employee is expected to return to work upon completion of the service. The employee shall receive their regular pay when performing jury and witness duty provided money received for jury or witness service is returned to the City within one week of receipt. Verification of jury and witness duty will be required.

Bereavement Leave

707.1 PURPOSE AND SCOPE

This policy provides guidance about bereavement leave provided to eligible employees by the City.

707.1.1 DEFINITIONS

Immediate family member - Father, stepfather, father-in-law, mother, stepmother, mother-in-law, brother, stepbrother, half-brother, brother-in-law, sister, stepsister, half-sister, sister-in-law, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, grandparents-in-law, grandparents, step-grandparents, grandchildren, step-grandchildren, and spouse.

707.2 POLICY

Full-time, permanent employees are eligible to receive up to three days of bereavement leave. Bereavement leave is for making arrangements for and attendance at funeral services upon the death of an employee's current immediate family member.

707.3 PROCEDURE

Bereavement leave is paid and will not be charged to either earned sick leave or annual leave. Bereavement leave will not accrue to the employee's benefit if not used for the intended purpose. Leave for attendance at funerals other than those covered above will be considered leave without pay, personal leave, or vacation. Employees may be required to provide verification of the death (obituary) and their attendance at the funeral (funeral program).

Bereavement leave should be listed under regular hours with bereavement leave noted in the comments. Bereavement leave should be pre-approved by the City Manager.

Please note: If an employee is attending the funeral of an individual not listed as an immediate family member, the employee must use comp or vacation time. Sick time is not to be used to cover the time used. Please see Hurricane City Policy Manual: 701.5 USE OF SICK LEAVE for proper use of sick leave.

Administrative Leave

708.1 POLICY

Administrative leave with pay may be granted with prior approval of the City Manager or designee under the following circumstances:

- a. To perform authorized duties in connection with City business, attend trade or professional meetings which relate to official duties, participate in recognized and authorized training programs, or facilitate the needs of the City.
- b. Pending the outcome of an investigation to determine possible disciplinary action against the employee.
 1. Any employee placed on administrative leave with pay must be available and responsive to their supervisor or Department Head during regular business hours.

Leave without Pay

709.1 PURPOSE AND SCOPE

The purpose of this policy is to provide general guidance for managing unpaid leaves of absence, for eligible employees.

709.2 POLICY

The City Manager may grant an employee leave without pay for a specified period of time, not to exceed one year. Failure of the employee to return to work at the expiration of leave without pay shall be considered a voluntary resignation of their position and employment without notice.

Leave without pay may be granted:

- a. For education purposes when the employee's course of study will be of direct benefit to the City, if:
 1. The employee's absence will not be a hardship for their department, and
 2. The employee agrees to return to work at the end of the leave without pay period.
- b. To attend funerals not covered by the Bereavement Leave Policy.
- c. To attend to an ill or injured member of the employee's immediate family when the absence is not covered by the Family Medical Leave Act Policy.
- d. To an employee who has filed a declaration of candidacy for the period between the primary election and the general election.
 1. Neither the filing of a declaration of candidacy nor a leave of absence under this section may be used as the basis for an adverse employment action, including discipline and termination, against the employee.

709.3 PROCEDURE

Eligible employees interested in an unpaid leave of absence must submit a written request to their Department Head detailing the nature of the leave. Requests for leave of absence will be considered based on criteria such as:

- a. The nature of the request
- b. The impact to the organization, and
- c. The benefit to the employee and/or the City.

The City may not grant a leave of absence without pay unless the employee will return to City employment at the end of the leave. Prior written approval must be obtained from the employee's Department Head, Human Resources, and the City Manager.

709.4 BENEFITS

Accrued leave must be used during an approved leave in order to maintain City-provided benefits. If an employee has no accrued leave and is on approved unpaid leave, all benefits including vacation, sick leave, holiday leave, and

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retirement will be discontinued until the employee returns to work unless provided for under state or federal guidelines. Insurance benefits may be continued under approved unpaid leave if the full premium is paid by the employee.

The City may terminate group insurance benefits during any leave without pay exceeding one full pay period. Vacation time and sick leave will be prorated based on the hours worked for the pay period when leave without pay is used.

Chapter 8 - Procedure

Standards of Conduct for All Employees

800.1 EFFICIENCY

Employee information (any change in number of dependents, marital status, address, telephone number, etc.) should be updated by completing an Employee Information/Change of Status Form. The employee should provide the completed form to Human Resources.

800.2 USE OF OFFICIAL POSITION

No employee or officer shall:

- a. Use his or her official position for a purpose that is, or would to a reasonable person appear to be primarily for the private benefit of the employee, rather than primarily for the benefit of the City; or to achieve a private gain or an exemption from duty or responsibility for the employee or any other person;
- b. Use or permit the use of any person, funds, or property under his or her official control, direction, or custody, or of any City funds or property, for a purpose which is, or to a reasonable person would appear to be, for something other than a legitimate purpose.
- c. Except in the course of official duties, assist any person in any transaction where the employee's assistance is, or to a reasonable person would appear to be, enhanced by that employee's position with the City; provided that this subsection shall not apply to: any employee appearing on his or her own behalf or representing himself or herself as to any matter in which he or she has a proprietary interest, if not otherwise prohibited by ordinance;
- d. Regardless of prior disclosure thereof, have a financial interest, direct or indirect, personally or through a member of his or her immediate family, in a business entity doing or seeking to do business with the City, and influence or attempt to influence the selection of, or the conduct of business with that business or entity.

800.3 ACCEPTANCE OF GIFTS OR LOANS

No employee or officer shall ask for or receive, directly or indirectly, any compensation, gift, gratuity, or thing of value, or promise thereof, for performing or for omitting or deferring the performance of any official duty; except that the following shall be allowed:

- a. Unsolicited flowers, plants, and floral arrangements;
- b. Unsolicited advertising or promotional items of nominal value, such as pens and notepads;
- c. Unsolicited token or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
- d. Unsolicited food items given to a department when the contents are shared among employees and the public;
- e. Unsolicited items received for the purpose of evaluation or review provided the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the City;
- f. Information material, publications, or subscriptions related to the recipient's performance of official duties;
- g. Food and beverages consumed at hosted receptions where attendance is related to official duties;

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- h. Meals, beverages, and lodging associated with retreats or other meetings where the official serves as a representative, designee or is otherwise assigned to another organization or entity from the City;
- i. Travel costs, lodging, and tuition costs associated with City sanctioned training or education when not provided by a private entity under contract with the City;
- j. Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization and other officials or employees of similar agencies are in attendance;
- k. Unsolicited gifts from dignitaries from another entity or other jurisdiction that are intended to be personal in nature;
- l. Campaign contributions; and
- m. Unsolicited gifts with an aggregate economic value of \$50.00 or less from a single source in a calendar year received either directly or indirectly by the official or employee.

800.4 DISQUALIFICATION FROM ACTING ON CITY BUSINESS

No employee or officer shall:

- a. Engage in any transaction or activity, which is, or would to a reasonable person appear to be, in conflict with or incompatible with the proper discharge of official duties, or which impairs, or would to a reasonable person appear to impair, the employee's independence of judgment or action in the performance of official duties and fail to disqualify him or herself from official action in those instances where conflict occurs;
- b. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any matter upon which the employee is required to act in the discharge of his or her official duties, and fail to disqualify him or herself from acting or participating;
- c. Fail to disqualify him or herself from acting on any transaction which involves the City and any person who is, or at any time within the preceding 12 month period has been a private client of his or hers, or of his or her firm or partnership;
- d. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any contract or transaction to which the City may be a party, and fails to disclose such interest to the appropriate authority prior to the formation of the contract or the time the City enters into the transaction; provided, that this paragraph shall not apply to any contract awarded through the public bid process in accordance with applicable law.

Vehicle Use Procedure

801.1 TAKE-HOME VEHICLE COMPENSATION AND TAXATION

According to the IRS regulations, miles driven between home and work are classified as commuting. Commuting miles are not deductible as a tax expense and commuting provided by an employer is a taxable benefit to the employees.

Any employee, including an employee who takes a vehicle home as part of their on-call duties, must have the value of the commuting miles added to his/her wages any time the employee takes a City vehicle home. The City will follow the IRS's commuting rule and add a value of \$3.00 per day or \$1.50 one way. Employees will include with the timecard submitted each pay period the number of days commuting they received during the period. This will be entered in the timecard as .5 for a one-way commute and 1.0 for commuting in both directions.

Police employees are exempt from this policy by IRS regulations. Any City employee taking a vehicle home on an irregular basis (once a month or less) is also exempt from this requirement.

Purchasing

802.1 PURCHASING PROCEDURES

Purchasing for the City is governed by [Chapter 9 of the Municipal Code](#).

802.2 PURCHASES REQUIRING PURCHASE ORDERS

Before any purchase of \$5,000 or more is made, a purchase order must be obtained from the Finance Department. The Department Head is responsible for providing the Finance Department with a completed purchase order requisition form and invoice. Approval should be obtained prior to any commitment for purchase. The Department Head's approval and the Finance Department's approval are required on the purchase requisition, signifying the funds have been budgeted and are available for this purchase. Final review and approval are required by the City Manager.

A. Required for specific types of purchases. Purchase orders are required for the following types (see definitions of types under section 1-9-4 of this chapter) of purchases:

1. "Construction projects," as defined in subsection 1-9-4(A) of this chapter, if the total cost is over \$5,000.00 but under \$25,000.00.
2. Equipment purchases for any item over \$5,000.00.
3. Supply purchases for items costing more than \$5,000.00. A blanket purchase order may be granted for certain reoccurring items and vendors, subject to approval by the purchasing agent as to length of time and budget amount. Blanket purchase order may not extend past the end of the fiscal year.
4. Services will normally be acquired by an RFP and established on a continuing relationship. Services, except for design professional services, in excess of \$5,000.00 for a specific job or project require an RFP or a purchase order.
5. Repairs and maintenance if the total estimated repairs exceed \$5,000.00.
6. Purchases made for any of the above items made with a credit card for over \$5,000.00.

B. Procedures - Before any purchase requiring a purchase order is made, as determined by subsection A of this section, a purchase order request form shall be completed. The purchase order request must include a general ledger code and be signed by the department head and purchasing agent to be valid. The purchasing agent may sign an order for a specific item, a period of time, and/or a predetermined number of items or amounts as best fits the circumstances. The purchasing agent may also require further review of state contracts for purchasing or additional prices before approving a purchase order. After the purchase order has been completed, the purchase is authorized and may be made. Emergency purchases may be made as needed with the invoices submitted as soon as possible to the purchasing agent. No purchase order will be approved unless:

1. The form is fully completed.

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2. There are sufficient funds in the GL code listed on the purchase request.

C. *Exceptions* - not requiring a purchase order. The following items will not require a purchase order if they have been approved in the budget and there are sufficient funds remaining in the budget line to cover the expenditure:

1. Utilities, phone, or internet charges.

2. Insurance.

3. Wages, payroll taxes, retirement or employee benefits.

4. Lease payments.

5. Bond payments.

6. Payment on contracts that have been approved by the City Council or have complied with the provisions of this chapter.

7. Rent

8. Interlocal cooperative payments.

9. Purchase of real property if properly approved by the City Council.

10. Payments for professional services that have been obtained through an RFP and are made pursuant to an approved contract.

11. Payments made from RAP taxes that are being made to other agencies that have been approved by the RAP tax award committee and approved by the City Council.

12. Ongoing payments for software maintenance.

802.3 PURCHASES NOT REQUIRING PURCHASE ORDERS OR BIDS

Any purchase of less than \$5,000.00 is not required to have any bids or a purchase order. No expenditures no matter the amount can be made unless it has been authorized by an approved budget.

For more information on the Purchasing Ordinance/Policy & Procedures please refer to Chapter 9 of the Municipal Code.

Physical Asset Management Procedures

803.1 RETENTION OF PURCHASE ORDERS

The Finance Department will retain a copy of the purchase order and invoice to up-date the fixed asset listing. This list will be checked against the department inventory on a periodic basis. After an asset is purchased, the serial number will be included on the fixed asset listing. If no serial or identifying number is available, a description of the asset with its value will be assigned to the asset.

Any asset with a valuation equal to or in excess \$5,000 will be tracked through the Finance Department. Assets under \$5,000 will be tracked and managed by the applicable Department Head.

803.2 SURPLUS OR OBSOLETE ASSETS

Prior to removing any asset from use, an asset removal form must be completed and filed with the Finance Department. The form identifies the asset, explains the reason for its removal from the inventory and the disposition of the asset. When the form is filed and signed by the Finance Department, the item may be removed from the inventory. Any asset taken by an employee without authorization constitutes theft.

The City Manager is authorized to dispose of assets pursuant to [Hurricane City Code 1-10-3, as amended](#).

Illness and Injury Prevention and Reporting Procedure

804.1 MEDICAL ATTENTION

An employee who sustains a bona fide, on-the-job injury will seek medical attention at WorkMed for non-life threatening injuries. The employee must tell the doctor, how, when, and where the incident occurred.

The employee should not submit doctor or hospital bills for on-the-job injuries or illness to their regular medical plan.

After the employee has been initially treated at WorkMed, the employee may request a change of physician for any follow up medical treatment for the injury.

Recruitment and Selection Procedures

805.1 RECRUITMENT PROCEDURE

City Manager approval is required to open any recruitment for a vacant and funded position.

A job opening notice may be created for any full-time job opening. Part-time and seasonal job openings may at the discretion of the Department Head and approval of the City Manager, be filled without a job notice or advertising. Each job opening notice should contain a statement indicating that the City is an equal opportunity employer.

All job opening notices must specify the location and the office of the person from whom job applications are to be obtained, and when completed applications are to be returned, and the deadline for filing an application.

805.2 JOB APPLICATIONS

All applications and resumes received for a job opening received by Human Resources will be forwarded to the respective Department Head for review. Upon receipt, each application and resume will be marked with the date it was received and placed in an applicant's file for at least one year.

Job applications shall be signed by the job applicant and the truth of all information contained therein shall be certified by the job applicant's signature.

805.3 EMPLOYMENT TESTS

Job applicants may be required to take tests, which the City deems necessary for a specific position. Job applicants for certain positions may require skills for which a known level of competence must exist such as mathematics or timed typing tests. When using other ability tests, the City shall make reasonable accommodations for applicants with disabilities.

805.4 INTERVIEWS

Human Resources and the respective Department Head may select applicants to interview based on applications and the successful completion of any preliminary screening tests. Job related duties and qualifications should provide the basis for initial screening of job applicants. During the interview, all job applicants should be advised that any and all of the information provided will be verified.

Individuals conducting job interviews shall only ask questions that pertain to the job position. Please refer to the attached list for questions which can and cannot be asked during an interview.

[Questions to Ask During an Interview.pdf](#)

805.5 REFERENCE CHECKS

Recruitment and Selection Procedures

In order to facilitate references checks, written permission shall be obtained from the applicant using the Applicant's Consent to Release Information Form. The City may contact the references for each job applicant and ask job-related questions, which include similar questions for each job applicant checked, using Hurricane City's Telephone and Written Reference Check Questionnaires.

805.6 MEDICAL EXAMINATION

Once the City has extended a conditional job offer to the job applicant, a medical interview or examination may be conducted by a health professional chosen by the City to determine a job applicant's ability to fulfill essential job related requirements. Only the City Manager and/or Department Head may authorize such interviews or physical examinations. All costs for required medical interviews or physical examinations will be borne by the City. The prospective employee must sign a written release of this information to the City.

805.7 DRUG SCREENING

The City requires a final applicant selected for a position with the City to undergo a drug screen test to detect the presence of any illegal drugs in the body. Refusal to take such a test shall be grounds for denial of employment. An applicant who tests positive for controlled substances shall be denied employment with the City.

805.8 BACKGROUND CHECK

Please refer to procedure [Hurricane City Policy Manual: 808.1 DISCLOSURE AND AUTHORIZATION FORM](#)

805.9 JOB APPLICANT DISQUALIFICATION

An application may be rejected for a number of reasons including, but not limited to, when the job applicant:

- a. Does not meet minimum qualifications established for the position.
- b. Is physically or mentally unable to perform the essential duties and responsibilities of the position with reasonable accommodation(s)
 1. This is determined only after a conditional offer of employment, pending the results of a medical examination, has been extended to a job applicant
- c. Has falsified a material fact or failed to complete the application.
- d. Has failed to timely file the application.
- e. Has an unsatisfactory employment history or poor work references.
- f. Has failed to attain a passing score if an examination is required.
- g. Other candidates are determined to be better suited for the position.

805.10 AGE RESTRICTIONS

Hurricane City shall keep on file an employment or age certification for each minor employed to show that the minor is the minimum age for the job.

Recruitment and Selection Procedures

- a. Minors shall be employed and scheduled in conformance with existing child labor laws and compulsory school attendance laws.
- b. Unless otherwise exempt, a minor employee must be paid according to the statutory minimum wage and overtime provisions (currently one and one half of the Fair Labor Standards Act of 1938, as amended).
- c. Employees 14 and 15 years old may not be employed:
 1. During school hours, except as provided for in work experience and career exploration programs.
 2. Before 7 a.m. or after 7 p.m., except 9 p.m. from June 1 through Labor Day (time depends on local standards)
 3. More than three hours a day on school days.
 4. More than 18 hours a week in school weeks.
 5. More than eight hours a day on non-school days.
 6. More than 40 hours a week in non-school weeks.
 7. In any occupations found and declared to be hazardous.
 8. In the operation or tending of hoisting apparatus.
 9. In the operation or tending of any power-driven machinery.
 10. Outside window washing that involves working from windowsills, and all work requiring the use of ladders, scaffolds or their substitutes.
- d. Employees 16 and 17 years old are subject to Department of Labor Orders when working in any occupations which the Secretary of labor "shall find and by order declare to be particularly hazardous or detrimental to their health and well-being" as set forth in WH Publication 1330, entitled Child Labor Requirements in Nonagricultural Occupations.

805.11 JOB DESCRIPTIONS

Job descriptions defining the essential functions of the vacant position shall be created before the vacancy is posted or otherwise advertised internally or externally.

805.12 JOB OFFER LETTER

Human Resources shall notify the successful job applicant of their selection through a written conditional job offer letter. The written conditional job offer letter shall include salary conditions and any provisional conditions of employment (i.e., successfully passing drug/alcohol tests). Additionally, the written conditional job offer letter shall clearly state that the offer is not accepted until the candidate signs the written conditional job offer letter and returns it to the City by the requested date. The original job offer letter is then filed in the employee's file and a copy is given to the new employee during orientation. Written conditional job offer letters may also include the following:

- a. The employee's starting salary in accordance with the Compensation and Classification Policy.
- b. Leave benefits including vacation accrual and use in accordance with corresponding leave policies.
- c. The employee's job title.
- d. Any relocation commitments, if applicable.
- e. A statement that the position is at-will.
- f. The employee's starting date.
- g. The length of the employee's probationary period.

Recruitment and Selection Procedures

- h. Notice that employment is contingent upon passing a background examination, drug tests, medical/physical examinations, etc.

805.13 REINSTATEMENT OF FORMER CITY EMPLOYEES

Human Resources will review the former employee's personnel records and the circumstances surrounding separation from previous employment with the City. City Manager review shall also be required. Former employees who have been terminated for cause, or who voluntarily resign while facing disciplinary action, are not eligible for rehire. Former employees who are rehired shall be required to serve a probationary period.

805.14 ONBOARDING

All new employees should do all of the following prior to their first day of work:

- a. Complete all required paperwork and receive an orientation.
- b. Complete and sign a Form W-4 Federal Withholding Statement.
- c. Receive a tour of the work place with a brief overview of company rules and benefits.
- d. Complete a New Employee Orientation Form.
- e. Receive access to this Policy Manual
 1. Employees should review and acknowledge all policies in this manual within their first 30 days of employment.

Background Checks

806.1 DISCLOSURE AND AUTHORIZATION FORM

Prior to conducting a background check, candidates who have been extended an offer of employment with Hurricane City must complete a background check disclosure and authorization form which is done at the Hurricane City Police Department. Once the offer letter is signed, the candidate is responsible for going directly to the Police Department to complete the criminal background check. The background check process will begin after the candidate has submitted all required documentation at the Police Department.

806.2 NOTICES

The City requires a final applicant selected for a position with the City to undergo a criminal background check. Refusal to have such a test being done shall be grounds for denial of employment.

[Title VII of the Civil Rights Act of 1964](#), [State Job Application Process \(Ban Box\)](#) and The [Fair Credit Reporting Act](#) (FCRA) must be carefully taken into consideration when performing a background check. Please review.

806.3 INVESTIGATION

Hurricane City Police Department will conduct the background checks.

806.4 REPORT

The Human Resources department or an assigned designee will review all background check results. The Human Resources department or an assigned designee will notify the department head regarding the results of the check. In instances where negative or incomplete information is obtained, the department head and the Human Resources Director will assess the potential risks and liabilities related to the job's requirements and determine whether the individual should be hired. If a decision not to hire or promote a candidate is made based on the results of a background check.

There may be certain additional Fair Credit Reporting Act (FCRA) requirements which will be handled by Human Resources in conjunction with the Police department (if applicable).

Background check information will be maintained in a file separate from the employee's personnel files for a minimum of one (1) year as per Equal Employment Opportunity Commission ([EEOC](#)).

Hurricane City reserves the right to modify this policy at any time without notice.

Payroll Administration Procedure

807.1 PAY DEDUCTIONS

The following is a checklist of payroll deductions:

- A. Itemized Deductions.
 - a. Mandatory Deductions
 - 1. Social Security
 - 2. Federal income tax
 - 3. State income tax
 - b. Optional Deductions
 - 1. Loans
 - 2. Savings
 - 3. Employer generated
 - 4. Garnishment
 - 5. Group insurance
 - 6. Pension fund
 - 7. Savings plan

807.2 PAYROLL RECORDS

Official records of vacation, sick leave accrual and leave usage, are kept for employees by the payroll coordinator. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled. Employees may check with the payroll coordinator, to obtain information regarding their current leave usage.

Discriminatory Harassment and Sexual Harassment Procedure

808.1 COMPLAINT PROCEDURE

Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing. The HR director may assist the complainant in completing a written statement or, in the event an employee refuses to provide information in writing, the HR director will dictate the verbal complaint.

Upon receiving a complaint or being advised by a supervisor or manager that violation of this policy may be occurring, the HR director will notify the City Manager and review the complaint with Hurricane City's legal counsel.

Notification of potential discriminatory harassment shall be in writing, signed, and submitted to the HR department.

808.2 FORMAL INVESTIGATION

The HR director will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.

The complainant and the respondent will be separated during the course of the investigation, either through internal transfer or administrative leave.

During the investigation, the HR director, together with legal counsel or other management employees, will interview the complainant, the respondent, and any witnesses to determine whether the alleged conduct occurred.

Upon conclusion of an investigation, the HR director or other person conducting the investigation will submit a written report of his or her findings to the City Manager and Department Head. If it is determined that a violation of this policy has occurred, the HR director will recommend appropriate disciplinary action. The appropriate action will depend on the following factors:

- a) the severity, frequency and pervasiveness of the conduct;
- b) prior complaints made by the complainant;
- c) prior complaints made against the respondent; and
- d) the quality of the evidence (e.g., firsthand knowledge, credible corroboration).

If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, the HR director may recommend appropriate preventive action.

Discriminatory Harassment and Sexual Harassment Procedure

The City Manager will review the investigative report and any statements submitted by the complainant or respondent, discuss results of the investigation with the HR director and other management staff as appropriate, and decide what action, if any, will be taken.

Once a final decision is made by the City Manager, the HR director will meet with the complainant and the respondent separately and notify them of the findings of the investigation. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.

808.3 CONFIDENTIALITY

All complaints and investigations are treated confidentially to the extent possible, and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation, and the HR director will take adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files within the HR department.

Investigating Fraud or Abuse

809.1 INVESTIGATION OF CLAIMS

- a. After receipt of the complaint, Human Resources will review the allegation and any evidence provided by the complainant. The list below represents some of the factors that are considered during the screening and prioritization process.
 1. Does the complaint involve actions by a person subject to the City's authority?
 2. Does the complaint pertain to improper governmental activities? Disagreements with management decisions or actions taken by elected officials that are within the law will not be investigated.
 3. Has the complainant taken appropriate steps to resolve the issue with the entity? If the entity is not responsive, the concern relates to top management, or the complainant desires anonymity, consideration will be increased.
 4. What is the timing and frequency of alleged improper activity? Allegations of improper activities that are recent and/or on-going may receive a higher priority.
 5. Should the allegation be investigated by another entity? Are there other agencies that have oversight of the complaint? Is a member of the governing body or the audit committee being accused?
 6. Can the complaint be efficiently and effectively investigated? Overly broad or vague complaints or complaints where evidence is unavailable may be declined or receive a low priority.
- b. Human Resources communicates to the City Manager:
 1. The allegation of the complaint
 2. Any facts supporting or refuting the complaint
 3. A recommendation based upon preliminary inquiry
- c. City Manager decides the appropriate next action w (if the City Manager is the subject of the complaint the appropriate action will be determined by the City Council):
 1. Discontinue the investigation
 2. Continue with the investigation
 3. Refer the investigation to another entity
- d. If the investigation proceeds, the City Manager sets the following:
 1. Time and resource budget
 2. Scope of the audit
- e. City Manager addresses any findings noted in the report.

Hazard Communication Program

810.1 PURPOSE

In order to fulfill its obligation to protect the health and safety of employees, Hurricane City has developed the following hazard communication program (HCP) to comply with Occupational Safety and Health Administration (OSHA) standards 29 CFR 1910.1200 and 29 CFR 1926.59. Hurricane City will develop hazardous-chemical lists, obtain safety data sheets (SDSs) for each hazardous material used, and provide training to our employees so they have a thorough understanding of what is required of the standard.

This written program will be available on the Human Resources webpage on the City website for review by any interested employee. The Designated Safety Officer is responsible for the administration of the Hazard Communication Program

All departments of Hurricane City are required to participate in the hazard communication program.

810.2 SCOPE

This program applies to all normal and emergency work operations, as required by local, state, and federal regulations.



STAFF COMMENTS

Item: Consideration and possible approval of amending Chapter 1 of the Hurricane City Employee Policy.

Discussion: The proposed change will give the City Manager the authority to make periodic revisions to the policy manual. – Sel Lovell

Findings:

Recommendation:

Policy Manual

100.1 PURPOSE AND SCOPE

The manual of the City is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, procedures, rules, and guidelines of this city. All employees are to conform to the provisions of this manual.

All prior and existing manuals, orders, and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders, and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

100.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to employees of this city under the circumstances reasonably available at the time.

100.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the City and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials, or its employees. Violations of any provision of any policy contained within this manual shall only form the basis for administrative action, training, or discipline. The City reserves the right to revise any policy content, in whole or in part.

100.3 AUTHORITY

The City Manager shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state, and local laws, rules, and ordinances. The City Manager or the authorized designee is authorized to issue directives, which shall modify those provisions of the manual to which they pertain. Directives from the City Manager or the authorized designee shall remain in effect until such time as they may be permanently incorporated into the manual.

100.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

Elected official - Any individual who serves in the City government based upon selection by a public vote, as well as any individual who is appointed or otherwise selected to fill such a position that has been vacated prior to the conclusion of the elected individual's term.

Policy Manual

Employee - Any person employed by the City, including:

- Full-time Employee: a full-time employee is, for a calendar month, an employee employed on average at least 30 hours of service per week, or 130 hours of service per month.
- Part-time employees: Regularly scheduled work from 16 to 32 hours per week performed by an employee as defined in 5 USC § 3401(a) through (f).
- Appointed personnel. This does not include persons appointed to fill an elected official vacancy.

Immediate Family - Father, stepfather, father-in-law, mother, stepmother, mother-in-law, brother, stepbrother, half-brother, brother-in-law, sister, stepsister, half-sister, sister-in-law, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, grandparents-in-law, grandparents, step-grandparents, grandchildren, step-grandchildren, and spouse.

Manual - Hurricane City Employee Policies and Procedures Manual.

May - Indicates a permissive, discretionary, or conditional action.

Shall or will - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other city employees, directing the work of other employees, or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank, or compensation.

100.5 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all employees on the city network for viewing and printing. No changes shall be made to the manual without authorization from the City Manager or the authorized designee.

Each employee shall acknowledge having access to and having the opportunity to review the Policy Manual and any directives issued by the City Manager or the authorized designee. Employees shall seek clarification as needed from an appropriate supervisor for any provisions they do not fully understand.

100.6 PERIODIC REVIEW OF THE POLICY MANUAL

The City Manager or authorized designee will ensure the Policy Manual is periodically reviewed and updated as necessary.

100.7 REVISIONS

Hurricane City Policy Manual

Custody Policy

Policy Manual

The City Manager is authorized to make periodic revisions to the Policy Manual. All revisions to the Policy Manual will be provided to each employee on or before the date the policy becomes effective. Each employee will be required to acknowledge having reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Employees are responsible for keeping abreast of all Policy Manual revisions.

All City employees suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their supervisors, who will consider the recommendations and forward them to the City Manager as appropriate.



STAFF COMMENTS

Consideration and possible approval of **Zone Change Ordinance No. ZC26-07** to rezone a property located at 950 W 2060 S from Residential Agricultural (RA-0.5) to Light Industrial (M-1); File No. ZC26-07; Parcel No. H-3-2-10-3401; Scott Stratton, applicant; Karl Rasmussen, agent

Discussion:

June 4, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

Background/Request

The applicant requests a zone change for approximately 1.67 acres located south of the Hurricane Fields Estates subdivision and west of the Hurricane Airport, from Residential Agriculture (RA-0.5) to Light Industrial (M-1). This property was previously approved for a three-lot residential subdivision, but the property owner's plans for the property have changed, since the applicant believes that because of proximity to the airport, along with the confluence of major roadways, such as 2060 S, 1150 W, and 2300 S, makes the property less suitable for residential-agricultural use.

Planning Commission Review

A public hearing was held at the May 28, 2026, Planning Commission meeting and no public comments or objections to the proposed zone change were received. This item was considered in conjunction with the adjacent zone change request ZC26-08. Commissioner Goodfellow expressed concern about allowing further light industrial zoning in the subject area, since a previous similar zone change ZC25-21 was recently approved. The commission discussed the desirability (or rather undesirability) of expanded industrial uses by the airport, but eventually coming to a majority consensus to support the proposed zone changes if they will be subject to similar development agreements with the same restricted uses as ZC25-21.

Property Information

Location – 950 W 2060 S

Property Size – approx. 1.67 acres

Current Zoning – RA-0.5

General Plan – Rural Residential

Existing Development – Vacant and undeveloped land.
Parcel No. H-3-2-10-3401

Findings:

Staff review of the four code-required approval standards for consideration of zone changes (See Hurricane City Code, Section 10-7-7(E)):

1. Is the proposed amendment consistent with the goals, objectives, and policies City's General Plan? The proposed zoning is not consistent with the Rural Residential General Plan designation for this area. And although staff and the Planning Commission have discussed potential locations for future industrial development, this area has not been identified as one of those locations. In fact, the City has historically been firm in its position that this part of town should remain agricultural, which aligns with the General Plan's goals for the preservation of agricultural land (p. 26). On the other hand, there is an airport in close vicinity to the site, and the General Plan also advises that housing developments should not be located near "heavy industrial land uses" (p. 42). While airports are not typically considered heavy-industrial uses, an airport does have the potential to generate similarly disruptive impacts to residential areas, raising the same kinds of use-compatibility concerns. Thus, despite planning staff's prevailing conviction that the General Plan should be adhered to firmly, this may be a situation, due to the closeness of the airport, where it would be reasonable to allow some variance to that policy in order to permit a more compatible light-industrial use next to the airport.

2. Is the proposed amendment harmonious with the overall character of existing development in the subject property's vicinity? The airport can be considered an industrial use in terms of built form since airport hangars resemble other light industrial buildings, although airport hangars are not located in the immediate vicinity of this property. Most of the other surrounding property is undeveloped, but there is a residential subdivision being constructed across the street to the north. Thus, the amendment is considered compatible with development in the immediate area.

3. Will the proposed amendment adversely affect the adjacent property? M-1 zoning allows for a variety of possible uses from storage units to light manufacturing, but staff suggests that if the uses are limited with a development agreement, the zone change will not have adverse impacts on the surrounding areas.

4. Are public facilities and services adequate to serve the subject property? Major roadway work is currently underway in the area, and the JUC did not express major concerns with utility availability.

Recommendation:

Staff recommends approval subject to a development agreement limiting the uses and subject to staff and JUC comments.

Attachments:

1. Staff Comments on ZC26-07 rezone at 950 W 2060 S

2. ZC26-07 Hawk Eye PC Staff Report
3. Copy of Narrative
4. Copy of Vicinity Map
5. Copy of Proposed Zone Map
6. Ordinance ZC26-07_Hawk Eye_H-3-2-10-3401_RA-0.5 to M-1



STAFF COMMENTS

Item: Consideration and possible approval of Zone Change Ordinance No. ZC26-07 to rezone a property located at 950 W 2060 S from Residential Agricultural (RA-0.5) to Light Industrial (M-1); File No. ZC26-07; Parcel No. H-3-2-10-3401.

Discussion: June 4, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

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Planning Commission Review

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Property Information

Location – 950 W 2060 S

Property Size – approx. 1.67 acres

Current Zoning – RA-0.5

General Plan – Rural Residential

Existing Development – Vacant and undeveloped land.

Parcel No. H-3-2-10-3401

Findings: Staff review of the four code-required approval standards for consideration of zone changes (See Hurricane City Code, Section 10-7-7(E)):

1. *Is the proposed amendment consistent with the goals, objectives, and policies City's General Plan?* The proposed zoning is not consistent with the Rural Residential General Plan designation for this area. And although staff and the Planning Commission have discussed potential locations for future industrial development, this area has not been identified as one of those locations. In fact, the City has historically been firm in its position that this part of town should remain agricultural, which aligns with the General Plan's goals for the preservation of agricultural land (p. 26). On the other hand, there is an airport in close vicinity to the site, and the General Plan also advises that housing developments should not be located near "heavy industrial land uses" (p. 42). While airports are not typically considered heavy-industrial uses, an airport does have the potential to generate similarly disruptive impacts to residential areas, raising the same kinds of use-compatibility concerns. Thus, despite planning staff's prevailing conviction that the General Plan should be adhered to firmly, this may be a situation, due to the closeness of the airport, where it would be reasonable to allow some variance to that policy in order to permit a more compatible light-industrial use next to the airport.

2. *Is the proposed amendment harmonious with the overall character of existing development in the subject property's vicinity?* The airport can be considered an industrial use in terms of built form since airport hangars resemble other light industrial buildings, although airport hangars are not located in the immediate vicinity of this property. Most of the other surrounding property is undeveloped, but there is a residential subdivision being constructed across the street to the north. Thus, the amendment is considered compatible with development in the immediate area.

3. *Will the proposed amendment adversely affect the adjacent property?* M-1 zoning allows for a variety of possible uses from storage units to light manufacturing, but staff suggests that if the uses are limited with a development agreement, the zone change will not have adverse impacts on the surrounding areas.

4. *Are public facilities and services adequate to serve the subject property?* Major roadway work is currently underway in the area, and the JUC did not express major concerns with utility availability.

Recommendation: Staff recommends approval subject to a development agreement limiting the uses and subject to staff and JUC comments.



STAFF COMMENTS

Agenda Date:	05/28/2026 - Planning Commission
Application Number:	ZC26-07
Type of Application:	Zone Change
Action Type:	Legislative
Applicant:	Scott Stratton
Agent:	Karl Rasmussen
Request:	A zone change from RA-0.5 to M-1.
Location:	950 W 2060 S
Zoning:	RA-0.5
General Plan Map:	Rural Residential
Recommendation:	Recommend approval to the City Council.
Report Prepared by:	Fred Resch III

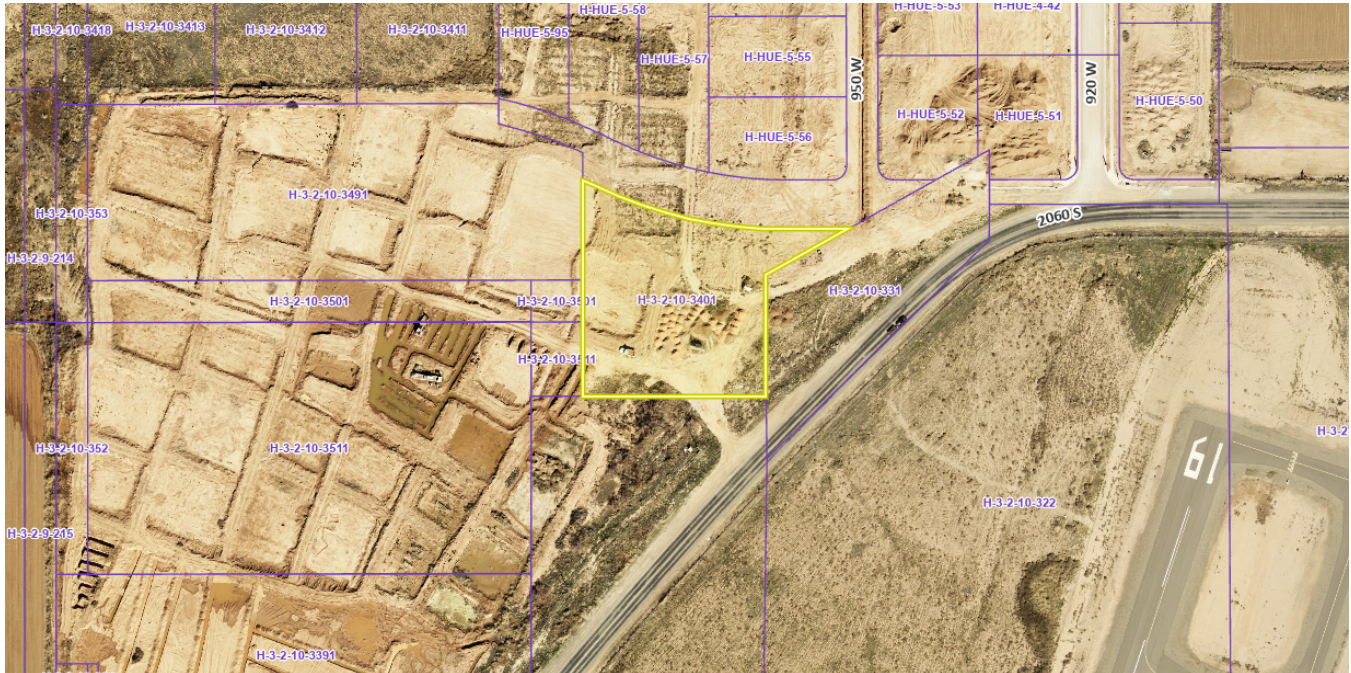
Updated Discussion 05/28/2026:

The Planning Commission tabled this item on May 14th, 2026 due to a pending zone change on the property, owned by the same applicant, to the southwest. On May 21st, 2026, the City Council approved the zone change and development agreement on the nearby property subject to a development agreement that addressed permitted industrial uses, fencing, and dedication and improvements along 1100 W and 2060 S. Staff still recommends approval of this zone change.

Discussion:

The applicant has proposed a zone change for two acres located south of the Hurricane Fields Estates subdivision and west of the Hurricane Airport, from Residential Agriculture (RA-0.5) to Light Industrial (M-1). This property was previously approved for a three lot residential subdivision, but the property owner’s plans for the property have changed. The applicant believes that proximity to the airport, along with the confluence of major roadways such as 2060 S, 1150 W, and 2300 S, makes the property less suitable for residential-agricultural use. A similar zone change for a seven-acre property located southwest of this property had a public hearing by the Planning Commission last December and is currently tabled by the City Council pending a proposed development agreement.

	Zoning	Adjacent Land Use
North	RA-0.5	Hurricane Fields Estates subdivision
East	PF	Hurricane Airport
South	PF	Hurricane Airport



Vicinity Map

To change the zoning on any parcel of land within the City of Hurricane, the following questions need to be addressed:

1. Is the proposed amendment consistent with the goals, objectives, and policies of the City's General Plan?

Response: The [General Plan Map](#) shows this area as Rural Residential, which advises:

RURAL RESIDENTIAL These areas should serve as a transition from agricultural to traditional neighborhoods or commercial uses. Appropriate residential densities for this land use include from one unit per 40 acres to RA-.5 and RA-1 (p. 84).

The proposed zoning is not consistent with the Rural Residential General Plan designation for this area. And although staff and the Planning Commission have discussed potential locations for future industrial development, this area has not been identified as one of those locations. In fact, the City has historically been firm in its position that this part of town should remain agricultural, which aligns with the General Plan's goals for the preservation of agricultural land (p. 26). On the other hand, there is an airport in close vicinity to the site, and the General Plan also advises that housing developments should not be located near "heavy industrial land uses" (p. 42). While airports are not typically considered a heavy-industrial use, an airport has the potential to generate similar disruptive impacts to residential areas, raising the same kinds of compatibility concerns. Thus, despite planning staff's prevailing conviction

¹ A zone change request on this agenda for the neighboring property to the west, also from RA-0.5 to M-1, will be under consideration with very similar discussion and analysis (see ZC26-08).

that the General Plan should be adhered to firmly, this may be a situation, due to the closeness of the airport, where it would be reasonable to allow some variance to that policy in order to permit a more compatible light-industrial use next to the airport.

2. Is the proposed amendment harmonious with the overall character of existing development in the subject property's vicinity?

Response: The airport can be considered an industrial use in terms of built form since airport hangars resemble other light industrial buildings, although airport hangars are not located in the immediate vicinity of this property. Most of the other surrounding property is undeveloped, but there is a residential subdivision being constructed across the street to the north. Thus, the amendment is considered compatible with development in the immediate area. (Similar zone changes to light industrial for neighboring properties to the west and southwest of this property, with almost identical conditions, have also been requested and are under consideration concurrently with this request.)

3. Will the proposed amendment affect the adjacent property?

Response: M-1 zoning allows for a variety of possible uses from storage units to light manufacturing. What effect this zone change has on the adjacent properties can depend heavily on what industrial uses are proposed on the property. It's important to note that if the zone change is approved, any light industrial use permitted under the M-1 zone would be allowed on the property.

4. Are public facilities and services adequate to serve the subject property?

Response: See JUC comments below. Major roadway work is currently underway in the area, and the adequacy of utilities will depend heavily on the type of light industrial use that ultimately develops. For example, warehouse or storage uses typically require significantly less water and electricity than residential development. Although a zone change could, in theory, either increase or lessen future demand, that outcome would depend entirely on the specific use proposed. Notably, some of the City's highest individual power consumers are light manufacturing operations, which would also be allowed under the requested M-1 zoning, but based on the comments received, the JUC did not express major concerns with utility availability.

JUC Comments

1. **Power:** Changing these lots from residential to light industrial will require 3-phase power to the lots. The capacity 2.0 agreement is for (6) single phase 200A meters. The developer will bear the cost for getting 3-phase distribution from the three falls substation to the requested lots.
2. **Sewer:** Approved.
3. **Streets:** Approved.
4. **Water:** Approved.
5. **Engineering:** Existing utilities can support many light industrial uses. Users that require larger capacities often understand that they need to upsize the available services. The current applicant can reasonably provided adequate public facilities for potential buyers. Ideally, the master

planned roads 2060 South & 1100 West will be connected along their final alignments concurrent with the neighboring development to the west.

6. **Fire:** Approved.
7. **Gas:** [No comments received.]
8. **WCWCD:** Washington County Water Conservancy District hereby acknowledges that based on the information provided, the project adequately mitigates interference with district facilities and property interests. The District reserves the right to rescind this acknowledgement if additional information becomes available. The district has not determined whether water will be available for this development and does not hereby make any guarantee of water availability. In addition, the development must conform with applicable district requirements, including but not limited to payment of fees.

Items to Consider:

The following are key items to consider:

- If this zone change is approved any use permitted in the M-1 zone would be permitted on this property. This includes but is not limited to:
 - *Residential Uses*
 - *Rehabilitation/treatment facility*
 - *Residential facility for troubled youth*
 - *Transitional housing facility*
 - *Commercial Uses*
 - *Vocational school*
 - *Agricultural sales and service*
 - *Business equipment rental*
 - *Convenience store and gas station*
 - *Commercial kennel*
 - *Liquor store*
 - *Vehicle repair/rentals/sales*
 - *Storage units*
 - *Industrial Uses*
 - *Manufacturing*
 - *Warehousing*

Findings:

Staff makes the following findings:

1. The proposed zone change is not compatible with the General Plan Map, but may meet some of its goals and is reasonable due to the potential compatibility/incompatibility of uses adjacent to an airport.
2. The proposed zone change is not generally in harmony with the overall residential and rural character of the properties to the north and east, but is more harmonious with the airport and presumed light industrial zoning to the south.
3. The proposed zone change has the potential for adverse impacts on the area depending on how the area develops, but none are anticipated.

4. Public services and facilities appear to be adequate for light-industrial development of the site.

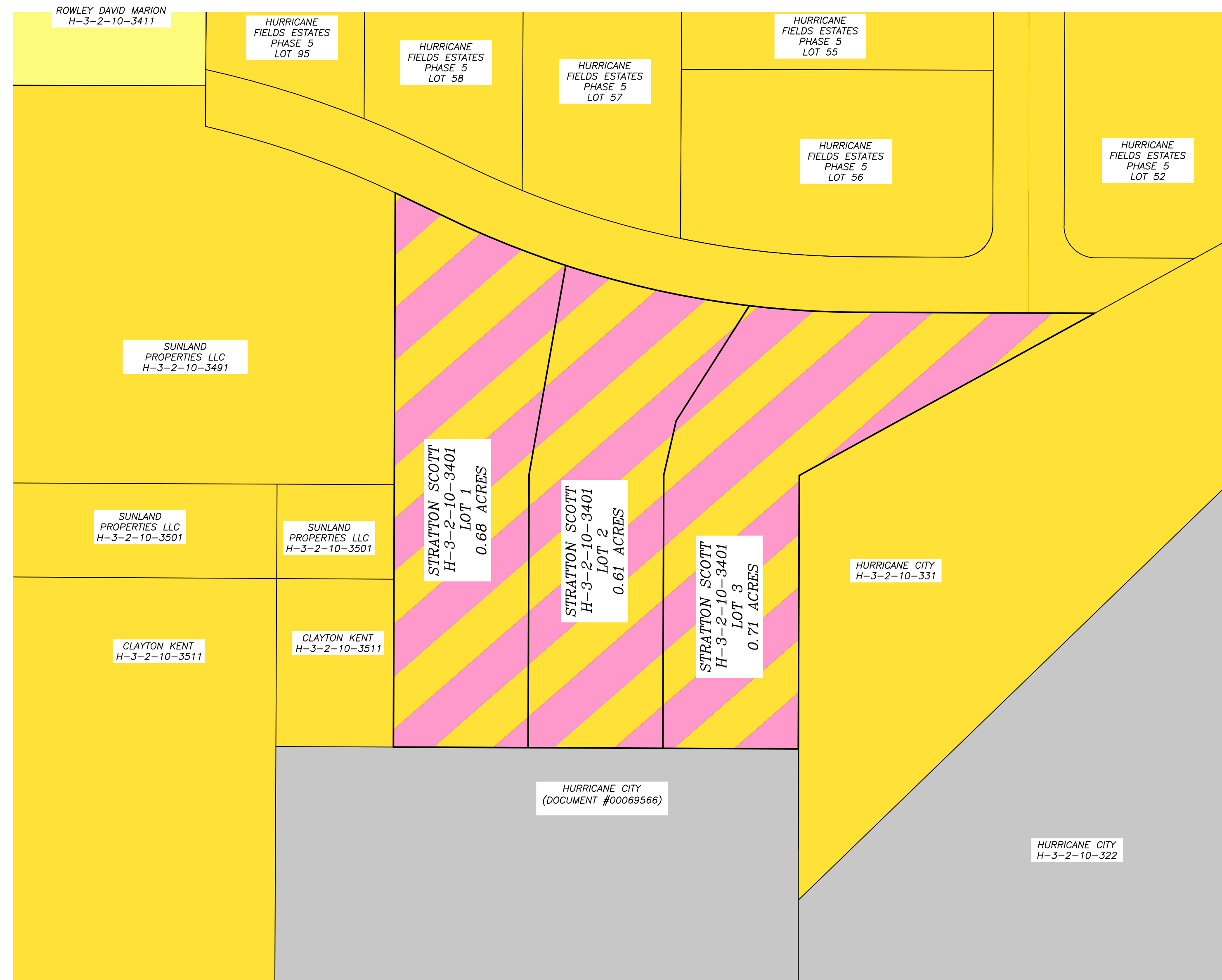
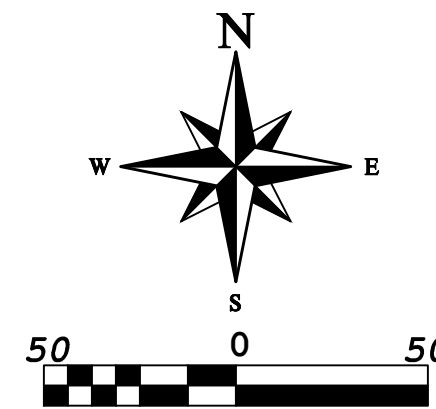
Recommendation: The Planning Commission should consider any public comments received in the public hearing and review this application based on City codes and standards. Staff recommends approval.

PARCEL H-3-2-10-3401 NARRATIVE

Scott Stratton requests that Parcel H-3-2-10-3401 be rezoned from RA-0.5: Residential Agricultural – 2 units per acres to M-1: Light Industrial.

ZONE CHANGE FOR: HAWK EYE

LOCATED IN SECTION 10, T42S, R13W, S.L.B.&M.
HURRICANE CITY, WASHINGTON COUNTY, UTAH



LEGAL DESCRIPTION

PARCEL #: H-3-2-10-3401 FROM DOCUMENT #: 20180030332

BEGINNING AT A POINT LOCATED N00°16'42"E ALONG THE WEST SECTION LINE, 1,209.30 FEET AND EAST 752.60 FEET FROM THE SOUTHWEST CORNER OF SECTION 10, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE & MERIDIAN; THENCE N00°11'19"E, 349.73 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S25°02'24.3"W, A RADIAL DISTANCE OF 600.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 0°18'27".322 FEET; THENCE S64°18'50"E, 33.82 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 600.00 FEET AND A CENTRAL ANGLE OF 25°02'54.5"; THENCE EASTERLY ALONG THE ARC, 266.29 FEET; THENCE S89°44'35"E, 150.42 FEET; THENCE S61°13'55"W, 212.49 FEET; THENCE S00°11'19"W, 172.61 FEET; THENCE N89°44'27"W, 255.50 FEET TO THE POINT OF BEGINNING.

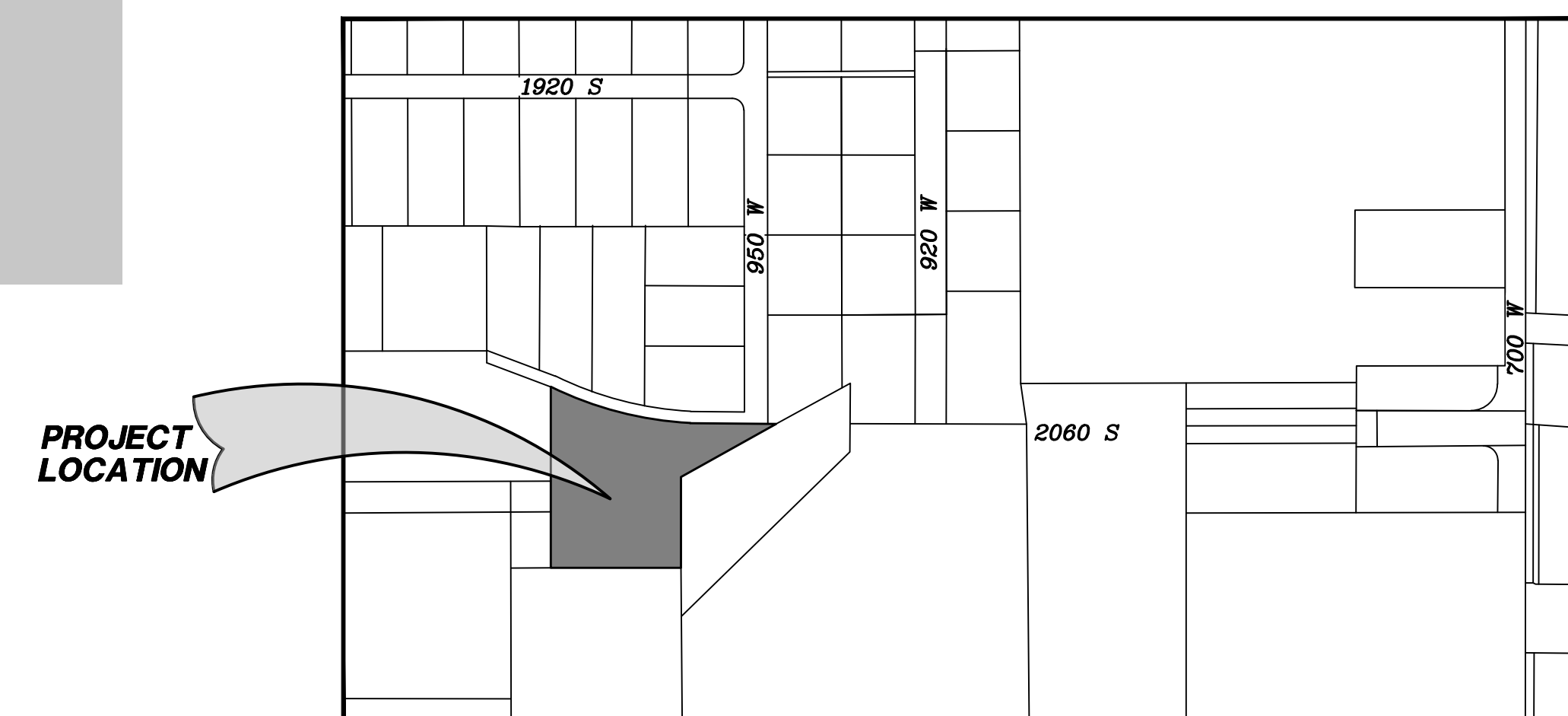
CONTAINING 87,125.35 SQUARE FEET OR 2.0001 ACRES.

LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- ZONE RA-0.5: RESIDENTIAL AGRICULTURAL - 2 UNITS PER ACRE
- ZONE RA-1: RESIDENTIAL AGRICULTURAL - 1 UNIT PER ACRE
- ZONE PF: PUBLIC FACILITIES
- ZONE M-1: LIGHT INDUSTRIAL
- ZONE CHANGE FROM RA-0.5 TO M-1

PARCEL INFORMATION

PARCEL	ACRES	OWNERSHIP
H-3-2-10-322	13.50	HURRICANE CITY
H-3-2-10-331	6.46	HURRICANE CITY
H-3-2-10-3511	5.38	CLAYTON KENT
H-3-2-10-3501	0.97	SUNLAND PROPERTIES LLC
H-3-2-10-3491	3.89	SUNLAND PROPERTIES LLC
H-3-2-10-3411	1.12	ROWLEY DAVID MARION
HURRICANE FIELDS ESTATE PHASE 5 LOT 95	0.56	SCOTT STRATTON
HURRICANE FIELDS ESTATE PHASE 5 LOT 58	0.65	SCOTT STRATTON
HURRICANE FIELDS ESTATE PHASE 5 LOT 57	0.74	SCOTT STRATTON
HURRICANE FIELDS ESTATE PHASE 5 LOT 56	0.52	SCOTT STRATTON
HURRICANE FIELDS ESTATE PHASE 5 LOT 55	0.52	SCOTT STRATTON
HURRICANE FIELDS ESTATE PHASE 5 LOT 52	0.55	SCOTT STRATTON



VICINITY MAP
N.T.S.

OWNER(S):

SCOTT STRATTON
SCOTTSTRATTON4966@GMAIL.COM
435-467-4966

C/O: OLSEN AARON
PO BOX 264
GALLATIN, MO 64640

NO	REVISIONS DESCRIPTION	DATE	BY

PROVALUE ENGINEERING, INC.
ENGINEERS - LAND SURVEYORS - LAND PLANNERS
20 South 850 West, Suite 1
Hurricane City, Utah 84737
Phone: 435-668-8307

ZONE CHANGE FOR:
HAWK EYE
LOCATED IN SECTION 10, T42S, R13W, S.L.B.&M.
HURRICANE CITY, WASHINGTON COUNTY, UTAH

DATE	4/16/2026
SCALE	1"=50'
JOB NO.	335-037
SHEET NO.	1 OF 1

335-037 HAWK EYE ZONE CHANGE DWG COPYRIGHT © 2023 PROVALUE ENGINEERING INC.

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE APPROVING THE ZONE CHANGE FOR PARCEL H-3-2-10-3401 FROM RESIDENTIAL AGRICULTURAL 0.5 (RA-0.5) TO LIGHT INDUSTRIAL (M-1)

WHEREAS, Utah Code 10-9a allows Cities to regulate land use within their boundaries; and

WHEREAS, the proposed amendment is generally compatible with the current General Plan; and

WHEREAS, the proposed amendment is generally in harmony with the overall character of the proposed surrounding development; and

WHEREAS, the proposal will not have an adverse impact on the surrounding area; and

WHEREAS, there are adequate facilities to support the proposed zone change; and

WHEREAS, the Planning Commission gave a positive recommendation on the proposed zone change.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF HURRICANE CITY THAT:

That parcel H-3-2-10-3401 is rezoned from Residential Agricultural 0.5 (RA-0.5) to Light Industrial (M-1).

PASSED AND APPROVED on this 4th day of June 2026.

Hurricane City

Clark Fawcett, Mayor

Attest:

Cindy Beteag, City Recorder

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 4th day of June 2026. Whereupon a motion to adopt and approve said Ordinance was made by _____ and seconded by _____ . A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
Joseph Prete	___	___	___	___
Drew Ellerman	___	___	___	___
Dave Imlay	___	___	___	___
Lynn Excell	___	___	___	___
Amy Werrett	___	___	___	___

Cindy Beteag, City Recorder

EXHIBIT A
ZONING MAP



STAFF COMMENTS

Consideration and possible approval of **Zone Change Ordinance No. ZC26-08** to rezone a property located at 990 W 2060 S from Residential Agricultural (RA-0.5) to Light Industrial (M-1); File No. ZC26-08; Parcel Nos. H-3-2-10-3511, H-3-2-10-3501, H-3-2-10-3491; Sunland Properties and Kent Clayton, applicant; Karl Rasmussen, agent

Discussion:

June 4, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

Background/Request

The applicant requests a zone change for approximately 10.29 acres located south of the Hurricane Fields Estates subdivision and west of the Hurricane Airport, from Residential Agriculture (RA-0.5) to Light Industrial (M-1). The applicant believes that proximity to the airport, along with the confluence of major roadways such as 2060 S, 1150 W, and 2300 S, makes the property less suitable for residential-agricultural use.

Planning Commission Review

A public hearing was held at the May 28, 2026, Planning Commission meeting and no public comments or objections to the proposed zone change were received. This item was considered in conjunction with the adjacent zone change request ZC26-07. Commissioner Goodfellow expressed concern about allowing further light industrial zoning in the subject area, since a previous similar zone change ZC25-21 was recently approved. The commission discussed the desirability (or rather undesirability) of expanded industrial uses by the airport, but eventually coming to a majority consensus to support the proposed zone changes if they will be subject to similar development agreements with the same restricted uses as ZC25-21.

Property Information

Location – 990 W 2060 S

Property Size – approx. 10 acres

Current Zoning – RA-0.5

General Plan – Rural Residential

Existing Development – Vacant and undeveloped land.

Parcel Nos. H-3-2-10-3511, H-3-2-10-3501, H-3-2-10-3491

Findings:

Staff review of the four code-required approval standards for consideration of zone changes (See Hurricane City Code, Section 10-7-7(E)):

1. Is the proposed amendment consistent with the goals, objectives, and policies City's General Plan? The proposed zoning is not consistent with the Rural Residential General Plan designation for this area. And although staff and the Planning Commission have discussed potential locations for future industrial development, this area has not been identified as one of those locations. In fact, the City has historically been firm in its position that this part of town should remain agricultural, which aligns with the General Plan's goals for the preservation of agricultural land (p. 26). On the other hand, there is an airport in close vicinity to the site, and the General Plan also advises that housing developments should not be located near "heavy industrial land uses" (p. 42). While airports are not typically considered heavy-industrial uses, an airport does have the potential to generate similarly disruptive impacts to residential areas, raising the same kinds of use-compatibility concerns. Thus, despite planning staff's prevailing conviction that the General Plan should be adhered to firmly, this may be a situation, due to the closeness of the airport, where it would be reasonable to allow some variance to that policy in order to permit a more compatible light-industrial use next to the airport.

2. Is the proposed amendment harmonious with the overall character of existing development in the subject property's vicinity? The airport can be considered an industrial use in terms of built form since airport hangars resemble other light industrial buildings, although airport hangars are not located in the immediate vicinity of this property. Most of the other surrounding property is undeveloped, but there is a residential subdivision being constructed across the street to the north. Thus, the amendment is considered compatible with development in the immediate area.

3. Will the proposed amendment adversely affect the adjacent property? M-1 zoning allows for a variety of possible uses from storage units to light manufacturing, but staff suggests that if the uses are limited with a development agreement, the zone change will not have adverse impacts on the surrounding areas.

4. Are public facilities and services adequate to serve the subject property? Major roadway work is currently underway in the area, and the JUC did not express major concerns with utility availability.

Recommendation:

Staff recommends approval subject to a development agreement limiting the uses and subject to staff and JUC comments.

Attachments:

1. Staff Comments on ZC26-08 rezone at 990 W 2060 S
2. ZC26-08 Sunland Properties and Kent Clayton PC Staff Report
3. Copy of Narrative
4. Copy of Copy of Vicinity Map

5. Copy of Proposed Zone Map
6. Ordinance ZC26-08_Sunland_H-3-2-10-3501, H-3-2-10-3511, H-3-2-10-3491_RA-0.5 to M-1



STAFF COMMENTS

Item: Consideration and possible approval of Zone Change Ordinance No. ZC26-08 to rezone a property located at 990 W 2060 S from Residential Agricultural (RA-0.5) to Light Industrial (M-1); File No. ZC26-08; Parcel Nos. H-3-2-10-3511, H-3-2-10-3501, H-3-2-10-3491.

Discussion: June 4, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

Background/Request

The applicant requests a zone change for approximately 10.29 acres located south of the Hurricane Fields Estates subdivision and west of the Hurricane Airport, from Residential Agriculture (RA-0.5) to Light Industrial (M-1). The applicant believes that proximity to the airport, along with the confluence of major roadways such as 2060 S, 1150 W, and 2300 S, makes the property less suitable for residential-agricultural use.

Planning Commission Review

A public hearing was held at the May 28, 2026, Planning Commission meeting and no public comments or objections to the proposed zone change were received. This item was considered in conjunction with the adjacent zone change request ZC26-07. Commissioner Goodfellow expressed concern about allowing further light industrial zoning in the subject area, since a previous similar zone change ZC25-21 was recently approved. The commission discussed the desirability (or rather undesirability) of expanded industrial uses by the airport, but eventually coming to a majority consensus to support the proposed zone changes if they will be subject to similar development agreements with the same restricted uses as ZC25-21.

Property Information

Location – 990 W 2060 S

Property Size – approx. 10 acres

Current Zoning – RA-0.5

General Plan – Rural Residential

Existing Development – Vacant and undeveloped land.

Parcel Nos. H-3-2-10-3511, H-3-2-10-3501, H-3-2-10-3491

Findings: Staff review of the four code-required approval standards for consideration of zone changes (See Hurricane City Code, Section 10-7-7(E)):

1. *Is the proposed amendment consistent with the goals, objectives, and policies City's General Plan?* The proposed zoning is not consistent with the Rural Residential General Plan designation for this area. And although staff and the Planning Commission have discussed potential locations for future industrial development, this area has not been identified as one of those locations. In fact, the City has historically been firm in its position that this part of town should remain agricultural, which aligns with the General Plan's goals for the preservation of agricultural land (p. 26). On the other hand, there is an airport in close vicinity to the site, and the General Plan also advises that housing developments should not be located near "heavy industrial land uses" (p. 42). While airports are not typically considered heavy-industrial uses, an airport does have the potential to generate similarly disruptive impacts to residential areas, raising the same kinds of use-compatibility concerns. Thus, despite planning staff's prevailing conviction that the General Plan should be adhered to firmly, this may be a situation, due to the closeness of the airport, where it would be reasonable to allow some variance to that policy in order to permit a more compatible light-industrial use next to the airport.

2. *Is the proposed amendment harmonious with the overall character of existing development in the subject property's vicinity?* The airport can be considered an industrial use in terms of built form since airport hangars resemble other light industrial buildings, although airport hangars are not located in the immediate vicinity of this property. Most of the other surrounding property is undeveloped, but there is a residential subdivision being constructed across the street to the north. Thus, the amendment is considered compatible with development in the immediate area.

3. *Will the proposed amendment adversely affect the adjacent property?* M-1 zoning allows for a variety of possible uses from storage units to light manufacturing, but staff suggests that if the uses are limited with a development agreement, the zone change will not have adverse impacts on the surrounding areas.

4. *Are public facilities and services adequate to serve the subject property?* Major roadway work is currently underway in the area, and the JUC did not express major concerns with utility availability.

Recommendation: Staff recommends approval subject to a development agreement limiting the uses and subject to staff and JUC comments.



STAFF COMMENTS

Agenda Date:	05/28/2026 - Planning Commission
Application Number:	ZC26-08
Type of Application:	Zone Change
Action Type:	Legislative
Applicant:	Sunland Properties and Kent Clayton
Agent:	Karl Rasmussen
Request:	A zone change from RA-0.5 to M-1.
Location:	990 W 2060 S
Zoning:	RA-0.5
General Plan Map:	Rural Residential
Recommendation:	Recommend approval to the City Council.
Report Prepared by:	Fred Resch III

Updated Discussion 05/28/2026:

The Planning Commission tabled this item on May 14th, 2026 due to a pending zone change on the property to the south. On May 21st, 2026, the City Council approved the zone change and development agreement on the nearby property subject to a development agreement that addressed permitted industrial uses, fencing, and dedication and improvements along 1100 W and 2060 S. Staff still recommends approval of this zone change.

Discussion:

The applicant has proposed a zone change for approximately 10.29 acres located south of the Hurricane Fields Estates subdivision and west of the Hurricane Airport, from Residential Agriculture (RA-0.5) to Light Industrial (M-1). The applicant believes that proximity to the airport, along with the confluence of major roadways such as 2060 S, 1150 W, and 2300 S, makes the property less suitable for residential-agricultural use. A similar zone change for a seven-acre property located south of this property had a public hearing by the Planning Commission last December and is currently tabled by the City Council pending a proposed development agreement.

	Zoning	Adjacent Land Use
North	RA-0.5	Hurricane Fields Estates subdivision
East	RA-0.5 ¹	Undeveloped Property
South	M-1	Undeveloped Property

¹ A zone change request on this agenda for the neighboring property to the east, also from RA-0.5 to M-1, will be under consideration with very similar discussion and analysis (see ZC26-07).

located near “heavy industrial land uses” (p. 42). While airports are not typically considered a heavy-industrial use, an airport has the potential to generate similar disruptive impacts to residential areas, raising the same kinds of compatibility concerns. Thus, despite planning staff’s prevailing conviction that the General Plan should be adhered to firmly, this may be a situation, due to the closeness of the airport, where it would be reasonable to allow some variance to that policy in order to permit a more compatible light-industrial use next to the airport.

2. Is the proposed amendment harmonious with the overall character of existing development in the subject property’s vicinity?

Response: The airport can be considered an industrial use in terms of built form since airport hangars resemble other light industrial buildings, although airport hangars are not located in the immediate vicinity of this property. Most of the other surrounding property is undeveloped, but there is a residential subdivision being constructed across the street to the north. Thus, the amendment is considered compatible with development in the immediate area. (Similar zone changes to light industrial for neighboring properties to the south and east of this property, with almost identical conditions, have also been requested and are under consideration concurrently with this request.)

3. Will the proposed amendment affect the adjacent property?

Response: M-1 zoning allows for a variety of possible uses from storage units to light manufacturing. What effect this zone change has on the adjacent properties can depend heavily on what industrial uses are proposed on the property. It’s important to note that if the zone change is approved, any light industrial use permitted under the M-1 zone would be allowed on the property.

4. Are public facilities and services adequate to serve the subject property?

Response: See JUC comments below. Major roadway work is currently underway in the area, and the adequacy of utilities will depend heavily on the type of light industrial use that ultimately develops. For example, warehouse or storage uses typically require significantly less water and electricity than residential development. Although a zone change could, in theory, either increase or lessen future demand, that outcome would depend entirely on the specific use proposed. Notably, some of the City’s highest individual power consumers are light manufacturing operations, which would also be allowed under the requested M-1 zoning, but based on the comments received, the JUC did not express major concerns with utility availability.

JUC Comments

1. **Power:** Changing these lots from residential to light industrial will require 3-phase power to the lots. The developer will bear the cost for getting 3-phase distribution from the three falls substation to the requested lots.
2. **Sewer:** Approved.
3. **Streets:** Approved.
4. **Water:** Approved.
5. **Engineering:** The applicant and landowners can reasonably arrange road dedications to construct water, sewer, and access needs (one of the anticipated dedications is required by the development agreement associated with parcel H-3-2-10-3391 & ZC25-21). It seems power will

approach the properties from the northwest via 1100 West; however, if power must come from 2060 South, the applicant/landowners could potentially be frustrated by parcels H-3-2-10-3411, H-3-2-10-3412, & H-3-2-10-3413. Engineering asserts that Industrial uses (and even commercial uses) are better suited for the types of roads 2060 South and 1100 West are masterplanned to be.

6. **Fire:** Approved.
7. **Gas:** [No comments received.]
8. **WCWCD:** Washington County Water Conservancy District hereby acknowledges that based on the information provided, the project adequately mitigates interference with district facilities and property interests. The District reserves the right to rescind this acknowledgement if additional information becomes available. The district has not determined whether water will be available for this development and does not hereby make any guarantee of water availability. In addition, the development must conform with applicable district requirements, including but not limited to payment of fees.

Items to Consider:

The following are key items to consider:

- If this zone change is approved, any use permitted in the M-1 zone would be allowed on this property. This includes but is not limited to:
 - *Residential Uses*
 - *Rehabilitation/treatment facility*
 - *Residential facility for troubled youth*
 - *Transitional housing facility*
 - *Commercial Uses*
 - *Vocational school*
 - *Agricultural sales and service*
 - *Business equipment rental*
 - *Convenience store and gas station*
 - *Commercial kennel*
 - *Liquor store*
 - *Vehicle repair/rentals/sales*
 - *Storage units*
 - *Industrial Uses*
 - *Manufacturing*
 - *Warehousing*

Findings:

Staff makes the following findings:

1. The proposed zone change is not compatible with the General Plan Map, but may meet some of its goals and is reasonable due to the potential compatibility/incompatibility of uses adjacent to an airport.
2. The proposed zone change is not generally in harmony with the overall residential and rural character of the properties to the north and east, but is more harmonious with the airport and presumed light industrial zoning to the south.

3. The proposed zone change has the potential for adverse impacts on the area depending on how the area develops, but none are anticipated.
4. Public services and facilities appear to be adequate for light-industrial development of the site.

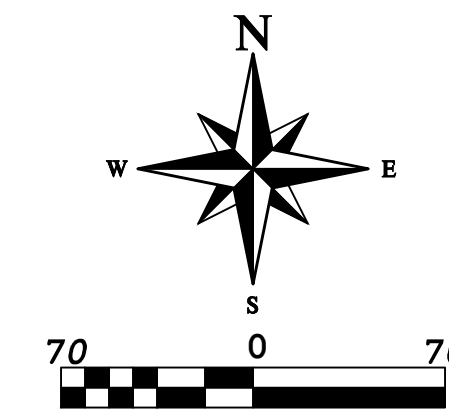
Recommendation: The Planning Commission should consider any public comments received in the public hearing and review this application based on City codes and standards. Staff recommends approval.

NARRATIVE

Kent Clayton and Sunland Properties LLC, request that Parcels H-3-2-10-3491, H-3-2-10-3501, H-3-2-10-3511 be rezoned from RA-0.5: Residential Agricultural – 2 units per acres to M-1: Light Industrial.

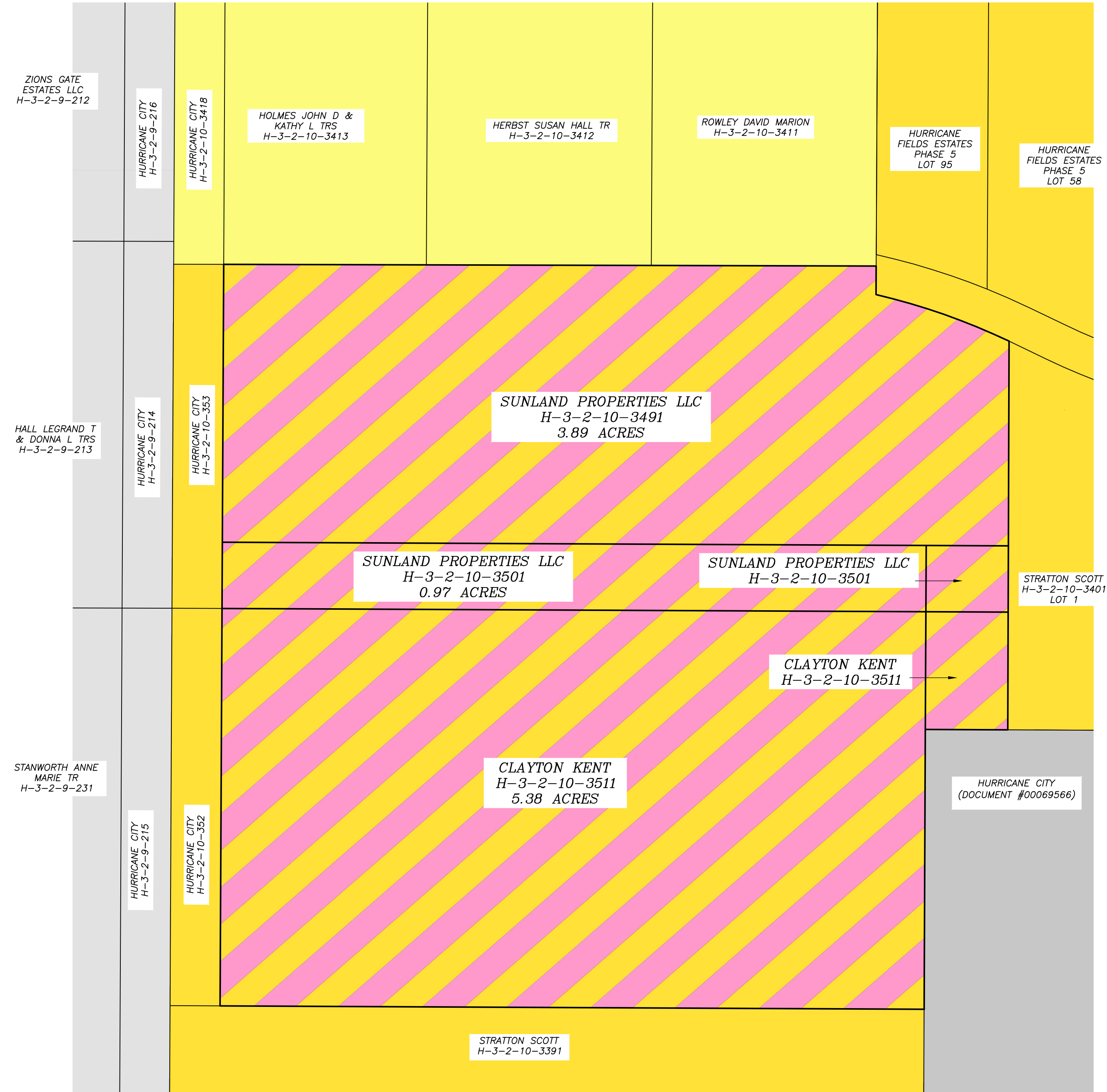
ZONE CHANGE FOR: SUNDLAND PROPERTIES & CLAYTON KENT

LOCATED IN SECTION 10, T42S, R13W, S.L.B.&M.
HURRICANE CITY, WASHINGTON COUNTY, UTAH



LEGEND

	PROPERTY LINE
	ADJACENT PROPERTY LINE
	ZONE RA-0.5: RESIDENTIAL AGRICULTURAL - 2 UNITS PER ACRE
	ZONE RA-1: RESIDENTIAL AGRICULTURAL - 1 UNIT PER ACRE
	ZONE PF: PUBLIC FACILITIES
	ZONE R1-10: SINGLE FAMILY RESIDENTIAL - 10,000 SQ FT
	ZONE M-1: LIGHT INDUSTRIAL
	ZONE CHANGE FROM RA-0.5 TO M-1



LEGAL DESCRIPTION PARCEL #H-3-2-10-3491

PARCEL #: H-3-2-10-3491 FROM DOCUMENT #: 20240002257

BEGINNING AT A POINT LOCATED N00°16'42"E ALONG THE WEST SECTION LINE, 1,378.38 FEET FROM THE SOUTHWEST CORNER OF SECTION 10, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE & MERIDIAN; THENCE CONTINUE NORTHERLY ALONG SAID LINE, 249.96 FEET; THENCE S89°50'37"E, 632.14 FEET; THENCE S00°16'51"W, 25.64 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT OF WHICH THE RADIUS POINT LIES S13°14'37"W, A RADIAL DISTANCE OF 600.00 FEET (CHORD BEARS S70°32'07"E 130.04 FEET); THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 12°26'33", 130.30 FEET; THENCE S64°18'50"E, 33.82 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 600.00 FEET (CHORD BEARS S77°01'43"E 264.11 FEET) AND A CENTRAL ANGLE OF 25°25'45"; THENCE EASTERLY ALONG THE ARC 266.29 FEET; THENCE S89°44'35"E, 150.42 FEET; THENCE S61°13'55"W, 212.49 FEET; THENCE S00°11'19"W, 6.75 FEET; THENCE N89°48'41"W, 329.47 FEET; THENCE N89°43'19"W, 678.37 FEET TO THE POINT OF BEGINNING.

LESS: BEGINNING AT A POINT LOCATED N00°16'42"E ALONG THE WEST SECTION LINE, 1,374.84 FEET AND EAST 752.34 FEET FROM THE SOUTHWEST CORNER OF SECTION 10, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE & MERIDIAN; THENCE N00°11'19"E, 184.18 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S25°22'43"W, A RADIAL DISTANCE OF 600.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 0°08'22", 3.22 FEET; THENCE S64°18'50"E, 33.82 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 600.00 FEET AND A CENTRAL ANGLE OF 25°25'45"; THENCE EASTERLY ALONG THE ARC 266.29 FEET; THENCE S89°44'35"E, 150.42 FEET; THENCE S00°11'19"W, 6.75 FEET; THENCE N89°48'41"W, 255.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 44,788.34 SQUARE FEET OR 1.0282 ACRES.

LESS: A 45.0 FOOT WIDE CORRIDOR TOGETHER WITH A 10.0 FOOT WIDE PUBLIC UTILITY EASEMENT (P.U.E.) IMMEDIATELY ADJACENT TO AND EASTERLY OF SAID CORRIDOR AS DESCRIBED BELOW: COMMENCING AT THE WEST ¼ CORNER OF SECTION 10, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN THENCE SOUTH 01°07'14" WEST 1011.02 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING.

CORRIDOR CONTAINS 13,951 SQUARE FEET OR 0.32 ACRES, MORE OR LESS.

P.U.E. CONTAINS 3,102 SQUARE FEET OR 0.07 ACRES, MORE OR LESS.

LEGAL DESCRIPTION PARCEL #H-3-2-10-3501

PARCEL #: H-3-2-10-3501 FROM DOCUMENT #: 20240002257

BEGINNING AT A POINT LOCATED N00°16'42"E ALONG THE WEST SECTION LINE, 1,318.74 FEET FROM THE SOUTHWEST CORNER OF SECTION 10, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE & MERIDIAN; THENCE CONTINUE NORTHERLY ALONG SAID LINE, 59.64 FEET; THENCE S89°43'19"E, 678.37 FEET; THENCE S00°15'33"W, 59.54 FEET; THENCE N89°43'50"W, 678.39 FEET TO THE POINT OF BEGINNING.

CONTAINING 40,425.09 SQUARE FEET OR 0.9280 ACRES

ALSO BEGINNING AT A POINT LOCATED N00°16'42"E ALONG THE WEST SECTION LINE, 1,315.55 FEET AND EAST 678.39 FEET FROM THE SOUTHWEST CORNER OF SECTION 10, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE & MERIDIAN; THENCE N00°15'33"E, 59.54 FEET; THENCE S89°48'41"E, 73.97 FEET; THENCE S00°11'19"W, 59.64 FEET; THENCE N89°43'50"W, 74.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,409.90 SQUARE FEET OR 0.1012 ACRES.

LESS: A 45.0 FOOT WIDE CORRIDOR TOGETHER WITH A 10.0 FOOT WIDE PUBLIC UTILITY EASEMENT (P.U.E.) IMMEDIATELY ADJACENT TO AND EASTERLY OF SAID CORRIDOR AS DESCRIBED BELOW: COMMENCING AT THE WEST ¼ CORNER OF SECTION 10, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN THENCE SOUTH 01°07'14" WEST 1011.02 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING AND RUNNING THENCE SOUTH 89°00'05" EAST 45.00 FEET; THENCE SOUTH 01°07'14" WEST 310.07 FEET; THENCE NORTH 88°53'18" WEST 45.00 FEET; THENCE NORTH 01°07'14" EAST 309.98 FEET TO THE POINT OF BEGINNING.

CORRIDOR CONTAINS 13,951 SQUARE FEET OR 0.32 ACRES, MORE OR LESS.

P.U.E. CONTAINS 3,102 SQUARE FEET OR 0.07 ACRES, MORE OR LESS.

LEGAL DESCRIPTION PARCEL #H-3-2-10-3511

PARCEL #: H-3-2-10-3511 FROM DOCUMENT #: 20230024475

BEGINNING AT A POINT LOCATED N00°16'42"E ALONG THE WEST SECTION LINE, 961.15 FEET FROM THE SOUTHWEST CORNER OF SECTION 10, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE & MERIDIAN; THENCE CONTINUE NORTHERLY ALONG SAID LINE, 357.58 FEET; THENCE S89°43'50"E, 678.39 FEET; THENCE S00°15'33"W, 357.64 FEET; THENCE N89°43'32"W, 678.51 FEET TO THE POINT OF BEGINNING.

ALSO: BEGINNING AT A POINT LOCATED N00°16'42"E ALONG THE WEST SECTION LINE, 1,209.63 FEET AND EAST 678.43 FEET FROM THE SOUTHWEST CORNER OF SECTION 10, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE & MERIDIAN; THENCE N00°15'33"E, 105.92 FEET; THENCE S89°43'50"E, 74.04 FEET; THENCE S00°11'19"W, 105.90 FEET; THENCE N89°44'27"W, 74.17 FEET TO THE POINT OF BEGINNING.

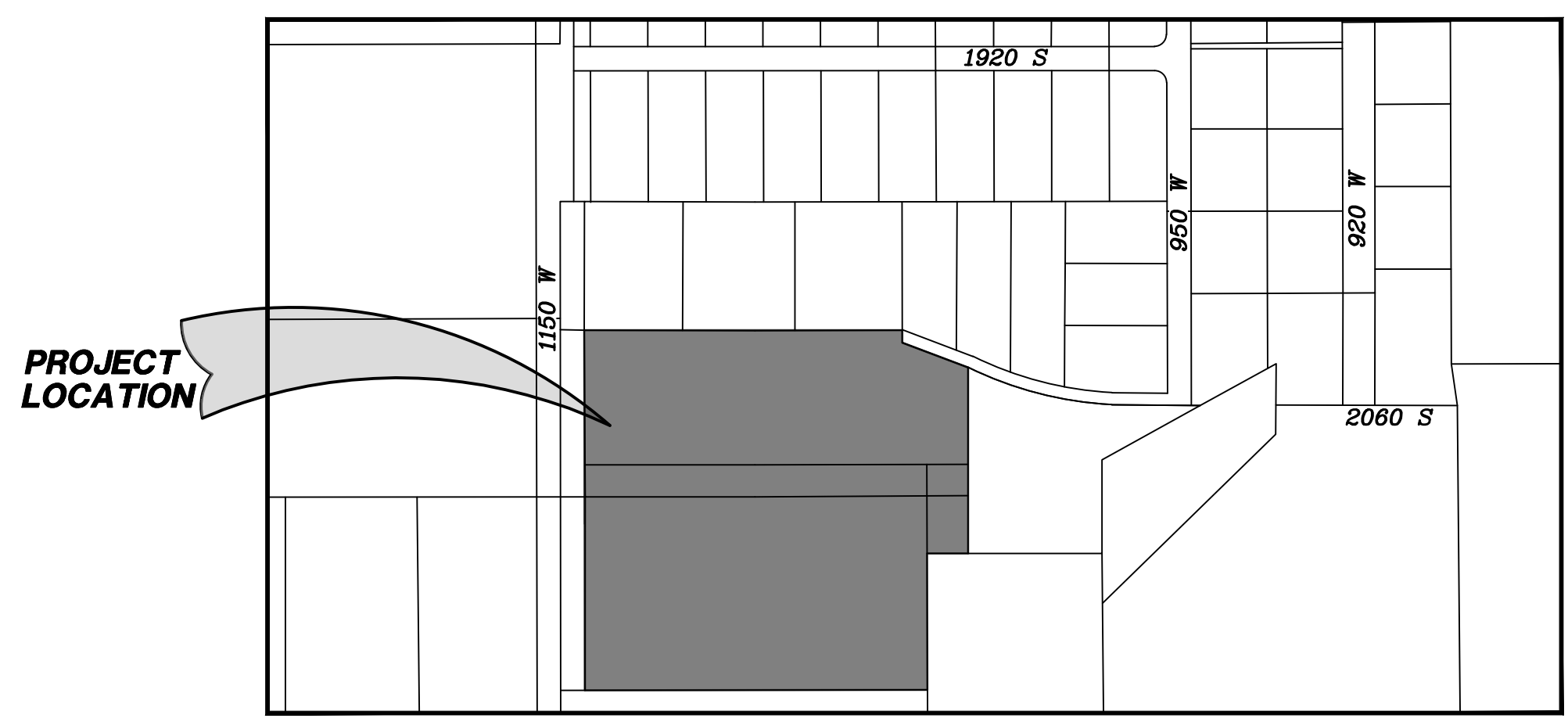
ALSO: A 45.0 FOOT WIDE CORRIDOR TOGETHER WITH A 10.0 FOOT WIDE PUBLIC UTILITY EASEMENT (P.U.E.) IMMEDIATELY ADJACENT TO AND EASTERLY OF SAID CORRIDOR AS DESCRIBED BELOW: COMMENCING AT THE SOUTHWEST CORNER OF SECTION 10, TOWNSHIP 42 SOUTH, RANGE 13 WEST, SALT LAKE BASE AND MERIDIAN THENCE NORTH 01°07'14" EAST 961.15 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING AND RUNNING THENCE NORTH 01°07'14" EAST 357.59 FEET; THENCE SOUTH 88°53'18" EAST 45.00 FEET; THENCE SOUTH 01°07'14" WEST 357.59 FEET; THENCE NORTH 88°53'00" WEST 45.00 FEET TO THE POINT OF BEGINNING.

CORRIDOR CONTAINS 16,092 SQUARE FEET OR 0.37 ACRES, MORE OR LESS.

P.U.E. CONTAINS 3,576 SQUARE FEET OR 0.08 ACRES, MORE OR LESS.

PARCEL INFORMATION

PARCEL	ACRES	OWNERSHIP
H-3-2-10-3401 LOT 1	0.68	STRATTON SCOTT
H-3-2-9-231	6.14	STANWORTH ANNE MARIE TR
H-3-2-9-213	29.42	HALL LEGRAND T & DONNA L TRS
H-3-2-9-212	14.88	ZIONS GATE ESTATES LLC
H-3-2-10-3411	1.12	ROWLEY DAVID MARION
H-3-2-10-3413	1.01	HOLMES JOHN D & KATHY L TRS
H-3-2-10-3412	1.12	HERBST SUSAN HALL TR
HURRICANE FIELDS ESTATES PHASE 5 LOT 58	0.65	SCOTT STRATTON
HURRICANE FIELDS ESTATES PHASE 5 LOT 95	0.56	SCOTT STRATTON
H-3-2-10-3391	7.27	SCOTT STRATTON
H-3-2-10-352	0.37	HURRICANE CITY
H-3-2-9-215	1.36	HURRICANE CITY
H-3-2-10-353	0.32	HURRICANE CITY
H-3-2-9-214	0.34	HURRICANE CITY
H-3-2-10-3418	0.25	HURRICANE CITY
H-3-2-9-216	0.73	HURRICANE CITY



VICINITY MAP
N.T.S.

OWNER(S):
SUNLAND PROPERTIES LLC
82 W 1070 S
HURRICANE, UT 84737

OWNER(S):
CLAYTON KENT
985 S 700 W
HURRICANE, UT 84737

NO	DESCRIPTION	DATE	BY

PROVALUE
ENGINEERING, INC.
ENGINEERS - LAND SURVEYORS - LAND PLANNERS
20 South 850 West, Suite 1
Hurricane City, Utah 84737
Phone: 435-668-6507

ZONE CHANGE FOR:
SUNDLAND PROPERTIES & CLAYTON KENT
 LOCATED IN SECTION 10, T42S, R13W, S.L.B.&M.
 HURRICANE CITY, WASHINGTON COUNTY, UTAH

DATE	4/16/2026
SCALE	1"=70'
JOB NO.	335-037
SHEET NO.	1 OF 1

335-037 SUNDLAND PROPERTIES ZONE CHANGE.DWG

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ORDINANCE NO ZC26-08

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE APPROVING THE ZONE CHANGE FOR PARCELS H-3-2-10-3501, H-3-2-10-3511, AND H-3-2-10-3491 FROM RESIDENTIAL AGRICULTURAL 0.5 (RA-0.5) TO LIGHT INDUSTRIAL (M-1)

WHEREAS, Utah Code 10-9a allows Cities to regulate land use within their boundaries; and

WHEREAS, the proposed amendment is generally compatible with the current General Plan; and

WHEREAS, the proposed amendment is generally in harmony with the overall character of the proposed surrounding development; and

WHEREAS, the proposal will not have an adverse impact on the surrounding area; and

WHEREAS, there are adequate facilities to support the proposed zone change; and

WHEREAS, the Planning Commission gave a positive recommendation on the proposed zone change.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF HURRICANE CITY THAT:

That parcels H-3-2-10-3501, H-3-2-10-3511, and H-3-2-10-3491 are rezoned from Residential Agricultural 0.5 (RA-0.5) to Light Industrial (M-1).

PASSED AND APPROVED on this 4th day of June 2026.

Hurricane City

Clark Fawcett, Mayor

Attest:

Cindy Beteag, City Recorder

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 4th day of June 2026. Whereupon a motion to adopt and approve said Ordinance was made by _____ and seconded by _____ . A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
Joseph Prete	___	___	___	___
Drew Ellerman	___	___	___	___
Dave Imlay	___	___	___	___
Lynn Excell	___	___	___	___
Amy Werrett	___	___	___	___

Cindy Beteag, City Recorder

EXHIBIT A
ZONING MAP



STAFF COMMENTS

Item: Consideration and possible approval of Zone Change Ordinance No. ZC26-09 to rezone a property located at 437 W 400 S from Single Family Residential (R1-10) to Multiple Family Residential (RM-1); File No. ZC26-09; Parcel No. H-231-L.

Discussion: June 4, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

Background/Request

The applicant is seeking a zone change from Single Family Residential R1-10, one unit per 10,000 square feet to Multiple Family RM-1 for a currently vacant 0.24-acre lot for the purpose of building a duplex on the property. The lot is located along 400 S west of 400 W. The applicant has stated they would like to build a duplex on the property.

Planning Commission Review

A public hearing was held at the May 28, 2026, Planning Commission meeting. One letter comment from Kelsey Phelps (attached) in opposition was received, and there were approximately 10 speaker comments also in opposition to the requested zone change, and there was a large audience of the public who were in opposition to the requested zone change present as well. The comments opposed the zone change because the requested multifamily zone does not comply with the General Plan. The public comments also expressed concerns regarding water use, traffic safety on 400 South, and the incompatibility of multifamily buildings within a single-family neighborhood. The Planning Commission agreed with the majority of the comments received. Commissioners Goodfellow and Smith stated, although not compliant with the General Plan, that the zone change still meets several goals and objectives of the General Plan. The other commissioners pointed out that two units could be accomplished with a single-family residence and an ADU without the need for a duplex, and that the zone change would adversely change the character of the neighborhood. The planning commission then motioned 6 to 2 to recommend denial primarily because the zone change does not meet the approval standards in the City Code, with Goodfellow and Smith voting against the motion.

Property Information

Location – 437 W 400 S

Property Size – approx. 0.24 acres

Current Zoning – R1-10

General Plan – Single Family

Existing Development – Vacant and undeveloped land.

Requested Density – 6 units per acre

Findings: Staff review of the four code-required approval standards for consideration of zone changes (See Hurricane City Code, Section 10-7-7(E)):

1. Is the proposed amendment consistent with the goals, objectives, and policies City's General Plan? The General Plan Map designates this area as “Single Family”, which advises densities consistent with R1-15, R1-10, R1-8, and R1-6. The proposed Multiple Family RM-2 zone does not comply with the general plan’s Single Family designation for the site. Rezoning the property would create an inconsistency between zoning and the general plan where consistency currently exists. Although, it is recognized that the general plan is advisory in nature and not binding, and the City Council ultimately has discretion to approve a zone change that does not conform with the general plan if they deem the degree of inconsistency to be minimal or of no consequence. Nevertheless, it is not an advisable land-use practice to create inconsistencies between zoning and the general plan. Rather, it is generally expected that zone changes be approved in cases that maintain or improve consistency.

2. Is the proposed amendment harmonious with the overall character of existing development in the subject property’s vicinity? The surrounding area is largely developed with established single-family homes on comparatively larger lots, reflecting the traditional single-family residential character of the neighborhood. While single-family residences make up the predominant land use, there are also a number of duplexes in the vicinity, some of which appear to have been established under varying circumstances and levels of compliance over time. As a result, the presence of multifamily-style housing is not entirely uncommon in the area, and a single well-designed duplex may be generally consistent with existing development patterns found within the neighborhood.

3. Will the proposed amendment adversely affect the adjacent property? Because the subject property is located within an established residential neighborhood and the existing zoning already allows for two dwelling units through the ADU ordinance, staff finds it unlikely that the proposed zone change would create adverse impacts on surrounding properties. The intensity of development would remain similar to what is already permitted, and the addition of a duplex on the lot is not expected to create substantial impacts related to traffic, density, or infrastructure.

4. Are public facilities and services adequate to serve the subject property? The Joint Utility Committee had no significant concerns with the zone change request. Adequate utility availability and public services are generally sufficient to serve the property.

Recommendation: Based on the findings that the proposed zone change does not comply with the General Plan, along with the potential for future construction of a duplex that could be out of character with the surrounding single-family homes, staff recommends denial, and recommends the applicant apply to build a single-family home with an ADU to accomplish their goals for the property.



STAFF COMMENTS

Agenda Date:	05/28/2026
Application Number:	ZC26-09
Type of Application:	Zone Change Application
Action Type:	Legislative
Applicant:	Interstate Homes
Agent:	
Request:	A Zone Change from R1-10 to RM-2
Location:	437 W 400 S
Zoning:	R1-10
General Plan Map:	Single Family
Recommendation:	Recommend denial to the City Council.
Report prepared by:	Fred Resch III

Update 05/26/2026:

The applicant contacted staff after the initial staff report was distributed and revised the request to a Multifamily RM-1 designation (see analysis below). Because the revised request is for a less intensive zoning designation, additional public notice is not required. Except where otherwise noted, the remainder of this report reflects the original application request.

Discussion:

The applicant is seeking a zone change from Single Family Residential R1-10, one unit per 10,000 sq ft, to Multiple Family RM-2 for a currently vacant 0.24-acre lot for the purpose of building a duplex on the property. The lot is located along 400 S west of 400 W. The applicant has stated they would like to build a duplex on the property. Two units on the property can be accomplished under the current zoning using the Accessory Dwelling Unit (ADU) ordinance. The applicant’s goal of a single duplex could also be accomplished by an RM-1 designation, in fact there is no difference in the number of units allowed by RM-1 versus RM-2 and either designation would only allow up to a duplex on the site due to the limiting size of the lot.

4. *The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.*

1. *Is the proposed amendment consistent with the goals, objectives, and policies of the City's General Plan?*

Response: The General Plan Map designates this area as “Single Family”, which advises densities consistent with R1-15, R1-10, R1-8, and R1-6. The proposed Multiple Family RM-2 zone does not comply with the general plan’s Single Family designation for the site. Rezoning the property would create an inconsistency between zoning and the general plan where consistency currently exists. Although, it is recognized that the general plan is advisory in nature and not binding, and the City Council ultimately has discretion to approve a zone change that does not conform with the general plan if they deem the degree of inconsistency to be minimal or of no consequence. Nevertheless, it is not an advisable land-use practice to create inconsistencies between zoning and the general plan. Rather, it is generally expected that zone changes be approved in cases that maintain or improve consistency.

Alternatively, the general plan does recommend that the City consider adding different housing types in appropriate areas:

“In recent years, the City has recognized the need to approve zoning changes and project plans that provide a wider variety of housing options for Hurricane residents. A number of new multi-family housing units have been approved in recent years and are in various stages of construction and occupation. These multi-family homes are a mixture of rental apartments, rental and owner-occupied townhomes, and duplex housing.”

Also, the 2022 Moderate Income Housing Plan recommends that the City, “*Look at areas where ‘Missing Middle Housing’ and mixed-use zones can be implemented within existing and future residential and commercial developments.*” This is an area of the City that has existing multifamily development and is along major corridors, which may justify a multifamily zoning on this site.

2. *Is the proposed amendment harmonious with the overall character of existing development in the subject property’s vicinity?*

Response: The surrounding area is largely developed with established single-family homes on comparatively larger lots, reflecting the traditional single-family residential character of the neighborhood. While single-family residences make up the predominant land use, there are also a number of duplexes in the vicinity, some of which appear to have been established under varying circumstances and levels of compliance over time. As a result, the presence of multifamily-style housing is not entirely uncommon in the area, and a single well-designed duplex may be generally consistent with existing development patterns found within the neighborhood.

3. *Will the proposed amendment adversely affect the adjacent property?*

Response: Because the subject property is located within an established residential neighborhood and the existing zoning already allows for two dwelling units through the ADU ordinance, staff finds it

unlikely that the proposed zone change would create adverse impacts on surrounding properties. The intensity of development would remain similar to what is already permitted, and the addition of a duplex on the lot is not expected to create substantial impacts related to traffic, density, or infrastructure.

4. Are public facilities and services adequate to serve the subject property?

Response: See JUC comments below. The Joint Utility Committee had no significant concerns with the zone change request.

JUC Comments:

Public Works: [No comments received.]

Sewer: An additional sewer later will need to be installed on the property.

Streets: Approved.

Power: The transformer for this site will need to be upgraded and a secondary box will need to be added. The developer will bear the costs for these upgrades.

Water: Approved

Engineering: [No comments received.]

Fire: 2 separate impact fees will have to be paid to the Fire District for a duplex.

Other Considerations:

As noted above, the property’s current R1-10 zoning designation would allow for a single-family dwelling along with an Accessory Dwelling Unit (ADU), which may satisfy some of the applicant’s stated objectives. An RM-1 zoning designation would also accomplish the applicant’s goal of constructing a duplex. Although RM-1 generally permits six units per acre, HCC 10-13-4(1) specifies that *“Duplex only permitted on first 10,000 square feet. Any additional units must meet density per acre standards.”* Because the subject parcel is slightly larger than 10,000 square feet, a duplex would be permitted under that zoning classification. Likewise, RM-2 zoning allows up to ten units per acre, but on a 0.24-acre lot this would still equate to only two dwelling units. More broadly, many cities as part of larger trends of zoning reform are starting to allow duplexes and other multifamily arrangements on larger single-family zones by-right in order to foster redevelopment and affordable housing.

Findings:

Staff makes the following findings:

1. The application does not comply with the general plan’s Single Family land-use designation of the area, and would create a new inconsistency with the General Plan.
2. The neighborhood and surrounding development is largely developed single-family homes. A single, Multiple Family RM-2 lot with a duplex may be out of character with the single-family nature of the neighborhood and vicinity.
3. The proposed amendment is unlikely to have an adverse impact on the surrounding properties, because the number of allowed units will not increase for this property.
4. Services are largely adequate to serve the area and proposed project.

Recommendation: The Planning Commission should review the requested zone change based on standards within the Hurricane City Code, and also consider any public comments. Based on the

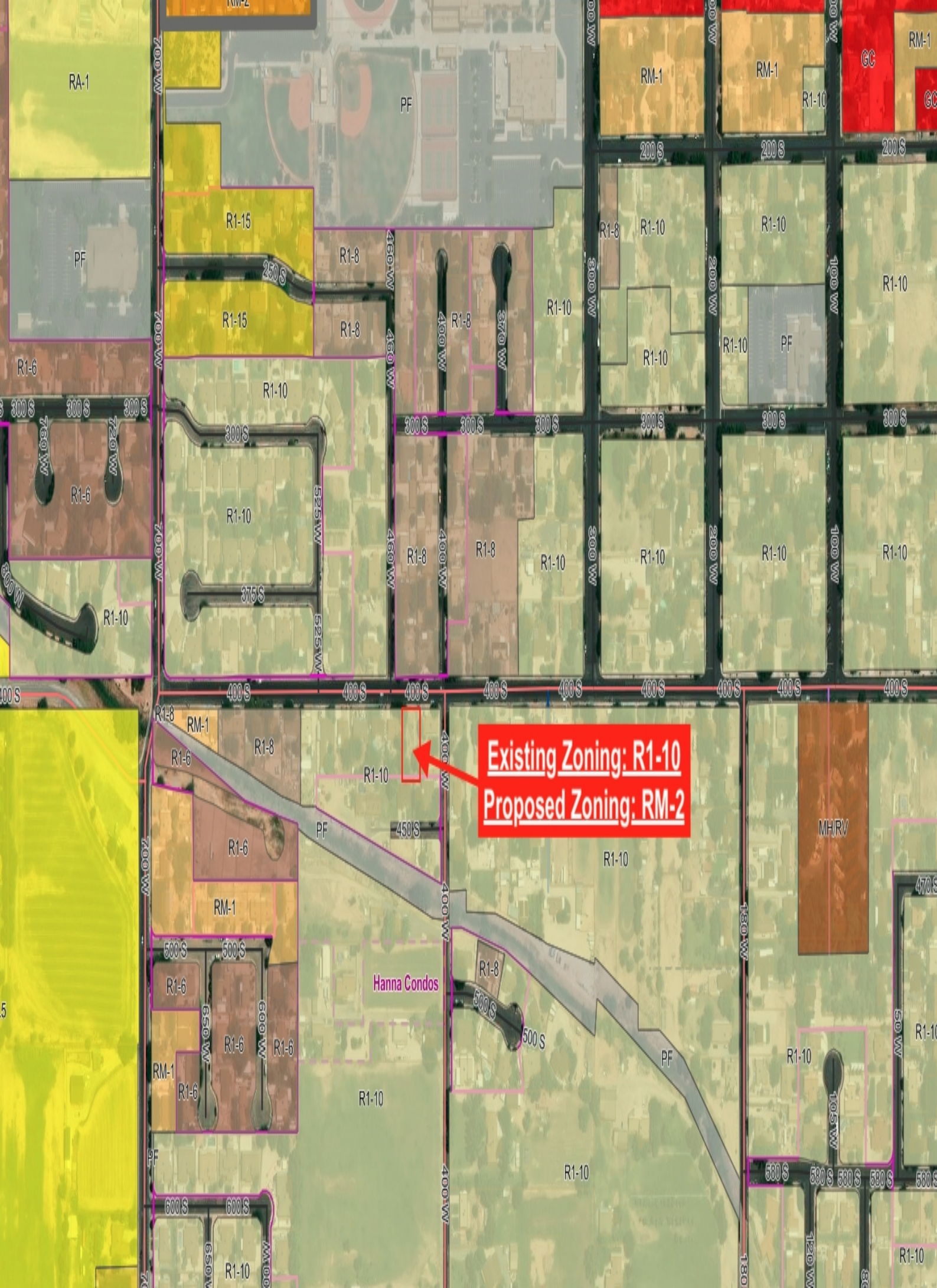
findings that the proposed zone change does not comply with the General Plan, along with the potential for future construction of a duplex that could be out of character with the surrounding single-family homes, staff recommends that the Planning Commission send a recommendation of denial to the City Council. Staff recommends the applicant apply to build a single family home with an ADU to accomplish their goals for the property. If the Planning Commission does desire to recommend approval it would be appropriate to recommend an RM-1 zoning.

Zone Change Narrative
437 W 400 S

Our application seeks approval for a zone change on the subject parcel of land. Specifically, we are requesting a change to the RM-2 zoning designation. The primary goal of this rezone is to permit the construction of an affordable, well-designed duplex unit on the property.

We firmly believe that transitioning this parcel to RM-2 represents the optimal and most responsible utilization of this land. This determination is based on a thorough analysis of the surrounding neighborhood context. Along this specific street, there is already a well-established precedent of existing and future multi-family residential units, making the proposed duplex a harmonious and complementary addition to the streetscape rather than an intrusive anomaly.

Furthermore, this proposal directly addresses the critical need for increased housing density within a highly desirable, walkable section of the city. Developing this duplex will contribute valuable new housing stock to an area that offers residents excellent access to nearby schools, businesses, public transit, and community resources, thereby supporting principles of smart growth and reducing reliance on vehicular transportation. This zone change is not only consistent with the character of the neighborhood but also serves the broader community interest by enhancing housing options and vitality in a central, accessible location.



Existing Zoning: R1-10
Proposed Zoning: RM-2

Hanna Condos

ORDINANCE NO ZC26-09

AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE APPROVING THE ZONE CHANGE FOR PARCEL H-231-L FROM SINGLE FAMILY RESIDENTIAL 10 (R1-10) TO MULTIPLE FAMILY RESIDENTIAL 1 (RM-1)

WHEREAS, Utah Code 10-9a allows Cities to regulate land use within their boundaries; and

WHEREAS, the proposed amendment is generally compatible with the current General Plan; and

WHEREAS, the proposed amendment is generally in harmony with the overall character of the proposed surrounding development; and

WHEREAS, the proposal will not have an adverse impact on the surrounding area; and

WHEREAS, there are adequate facilities to support the proposed zone change; and

WHEREAS, the Planning Commission gave a positive recommendation on the proposed zone change.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF HURRICANE CITY THAT:

That parcel H-231-L is rezoned from Single Family Residential 10 (R1-10) to Multiple Family Residential 1 (RM-1).

PASSED AND APPROVED on this 4th day of June 2026.

Hurricane City

Clark Fawcett, Mayor

Attest:

Cindy Beteag, City Recorder

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 4th day of June 2026. Whereupon a motion to adopt and approve said Ordinance was made by _____ and seconded by _____ . A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
Joseph Prete	___	___	___	___
Drew Ellerman	___	___	___	___
Dave Imlay	___	___	___	___
Lynn Excell	___	___	___	___
Amy Werrett	___	___	___	___

Cindy Beteag, City Recorder

EXHIBIT A
ZONING MAP

HURRICANE CITY PLANNING COMMISSION

PLANNING DEPARTMENT

147 N. 870 W.

Hurricane, UT 84737

May 20, 2026

Planning Director Gary Cupp
Hurricane City Planning Commission
147 N. 870 W.
Hurricane, UT 84747

Subject: Opposition to the proposed RM-2 Rezoning Request for lot H-231-L

Dear Director Cupp,

We are writing as the local residents, and nearly 30-year owners of the property located at 438 W. 450 S., which directly adjoins the lot number H-231-L, currently being considered for a Zone Map Amendment to RM-2. (Multi-Family Residential.)

We understand that the Planning Commission evaluates all legislative zone changes based upon specific legal criteria, rather than our personal preferences. We are submitting this formal Public Comment to clearly demonstrate that the proposed RM-2 amendment fails to meet the City's foundational requirements for a zoning change.

Our formal opposition is based on the four factors the Commission must consider:

1. Inconsistent with the City's General Plan Goals and Policies.

This proposed amendment is inconsistent with the General Plan's core objectives regarding orderly growth and neighborhood preservation. The General Plan emphasizes establishing predictable, step-down transitions between high-density housing and low-density residential zones. Introducing an RM-2 zone into this .24-acre location bypasses this policy, and creates an abrupt, non-sequential density spike, and contradicts the City's long-term land-use vision for a balanced community fabric.

2. Lack of Harmony with Existing Development Character

The proposed amendment is completely unharmonious with the overall character of the existing development in the immediate vicinity. The surrounding neighborhood is characterized strictly by low-density, single-family homes, including an historic residence in proximity. The architectural scale, lot sizes, and single-family footprint define the established character of this area. Introducing multi-story, multi-family complexes, townhomes, or apartments into this .24-acre interior pocket breaks the established pattern of development, and fundamentally disrupts the architectural and structural harmony of the existing neighborhood.

3. Direct Adverse Material Impact on Adjacent Properties.

The proposed RM-2 designation will create severe, unmitigable adverse impacts on directly adjacent properties. The allowance for increased height limits, up to two or three stories, creates **immediate privacy invasions**, as multi-family units will directly overlook the backyards, and views directly into the homes themselves, of adjoining single-family residents. (Not to mention an increase in lack of sense of security.) In addition, the concentrated increase in local vehicular traffic, (near an intersection already experiencing a fatality) increasing noise pollution, and overnight light pollution will substantially diminish the quiet enjoyment, utility, and market stability of the single-family residences.

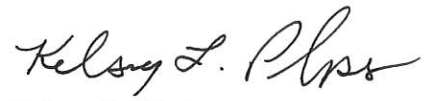
4. Inadequacy of Public Facilities and Infrastructure

The existing public facilities and infrastructure servicing this specific site are inadequate to support the high-density demands of an RM-2 classification. The local neighborhood streets feeding this parcel were originally engineered exclusively for single-family traffic flows and lack the width or capacity to safely handle the multi-family traffic generation. Additionally, the introduction of an RM-2 unit at this location adds to the already overburdened local utility networks, and includes the secondary water pressure, wastewater, and stormwater drainage management, which clearly weren't scaled for multi-family development.

Because this application lacks a sound planning basis under the city's existing four criteria for zone amendments, we respectfully request that the Planning Commission deny this RM-2 rezoning request.

We appreciate your clear efforts to maintain the historic and structural integrity of our neighborhoods, and our beloved Hurricane City. Your focus and thorough review of this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink that reads "Kelsey L. Phelps". The signature is written in a cursive style with a large, stylized "K" and "P".

Kelsey L. Phelps

A handwritten signature in black ink that reads "Debra N. Phelps". The signature is written in a cursive style with a large, stylized "D" and "P".

Debra N. Phelps

HURRICANE CITY COUNCIL

147 N. 870 W.

Hurricane, UT 84737

June 1, 2026

Hurricane City
City Council Members
147 N. 870 W.
Hurricane, UT 84747

Subject: Opposition to the proposed RM-2 Rezoning Request for lot H-231-L

Dear Members of the Hurricane City Council,

Amy Werrett, Joseph Prete, Dave Imlay, Lynn Excell, Drew Ellerman,

We are writing as local residents, and nearly 30-year owners of the property located at 438 W. 450 S., which directly adjoins the lot number H-231-L, currently being considered for a Zone Map Amendment to RM-2. (Multi-Family Residential.)

We were pleased that the City Planning Commission voted 6-2 in opposition to this proposed zoning change. We are submitting this formal Public Comment to you to clearly demonstrate that the proposed RM-2 amendment fails to meet the City's foundational requirements for a zoning change.

Our formal opposition is based on the four factors that you will consider:

1. Inconsistent with the City's General Plan Goals and Policies.

This proposed amendment is inconsistent with the General Plan's core objectives regarding orderly growth and neighborhood preservation. The General Plan emphasizes establishing predictable, step-down transitions between high-density housing and low-density residential zones. Introducing an RM-2 zone into this .24-acre location bypasses this policy, and creates an abrupt, non-sequential density spike, and contradicts the City's long-term land-use vision for a balanced community fabric.

2. **Lack of Harmony with Existing Development Character**

The proposed amendment is completely unharmonious with the overall character of the existing development in the immediate vicinity. The surrounding neighborhood is characterized strictly by low-density, single-family homes, including an historic residence in proximity. The architectural scale, lot sizes, and single-family footprint define the established character of this area. Introducing multi-story, multi-family complexes, townhomes, or apartments into this .24-acre interior pocket breaks the established pattern of development and fundamentally disrupts the architectural and structural harmony of the existing neighborhood.

3. **Direct Adverse Material Impact on Adjacent Properties.**

The proposed RM-2 designation will create severe, unmitigable adverse impacts, and significant diminution of values on directly adjacent properties, and properties in the immediate surrounding neighborhood. The allowance for increased height limits, up to two stories, creates **immediate privacy and security invasions**, as multi-family units will directly overlook the backyards, and will view directly into the homes themselves, of adjoining single-family residents. In addition, the concentrated increase in local vehicular traffic, (near an intersection already experiencing a fatality) increasing noise pollution, and overnight light pollution will substantially diminish the quiet enjoyment, utility, and market stability of the single-family residences.

4. **Inadequacy of Public Facilities and Infrastructure**

The existing public facilities and infrastructure servicing this specific site are inadequate to support the high-density demands of an RM-2 classification. The local neighborhood streets feeding this parcel were originally engineered exclusively for single-family traffic flows and lack the width or capacity to safely handle the multi-family traffic generation. Additionally, the introduction of an RM-2 unit at this location adds to the already overburdened local utility networks, and includes the secondary water pressure, wastewater, and stormwater drainage management, which clearly weren't scaled for multi-family development.

Because this application lacks a sound planning basis under the city's existing four criteria for zone amendments, we respectfully request that the Hurricane City Council follow the 6-2 recommendation of the Planning Commission to deny this RM-2 rezoning request.

We appreciate your clear efforts to maintain the historic and structural integrity of our neighborhoods, and our beloved Hurricane City. Your focus and thorough review of this matter is greatly appreciated.

Sincerely,

A handwritten signature in blue ink that reads "Kelsey L. Phelps". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kelsey L. Phelps

A handwritten signature in blue ink that reads "Debra N. Phelps". The signature is fluid and cursive, with a long horizontal stroke at the end.

Debra N. Phelps



STAFF COMMENTS

Item: Consideration and possible approval of Ordinance 2026-14 amending Title 10, Chapter 51 business license renewal and parking standards for whole-home vacation rentals and residential hosting facilities; File No. LUCA26-06.

Discussion: June 4, 2026

To: Hurricane City Council

From: Gary Cupp, Planning Director

Background/Request:

This ordinance update was prepared at the direction of the Hurricane City Council in response to two separate issues related to whole-home vacation rentals and residential hosting facilities. The first issue pertains to renewal of whole-home vacation rental business licenses. Whole-home vacation rentals are single-family homes that are not owner-occupied that are rented on a short-term basis within otherwise long-term residential neighborhoods. In December of 2023, the City Council adopted an ordinance prohibiting issuance of new whole-home vacation rental licenses, while allowing existing license holders to transfer them to new owners if the property were sold. When a license is approaching expiration, the Business License Office mails a renewal notice 45 days prior to the license expiration date, and license holders have an additional 45 days after expiration to complete renewal process before the license lapses. If an existing license holder failed to renew their license within the required timeline, staff would send the license to the City Council for revocation due to failure to renew. At a public meeting, the City Council could then terminate or reinstate the license. Over the past couple of years, there have been several whole-home vacation rental business licenses that the owners failed to renew within the timeframe required by the code, and the City Council has expressed concern about the need to bring all of these cases to a public meeting, and that permanent termination for the first renewal lapse may be overly restrictive; therefore, the Council has directed staff to prepare a code amendment to allow a one-time reinstatement option consisting of the payment of additional fees and the timely completion of the renewal process.

The second issue concerns parking regulations for whole-home vacation rentals and residential hosting facilities. Under the current ordinance, guests and visitors to these facilities are not permitted to park on public streets. Recently, there have been demands made by neighbors of some of these short-term

rental uses that the City revoke business licenses solely because of guests to the vacation rentals parking on the street. The City Council has therefore directed staff to prepare an ordinance amendment allowing on-street parking for guests and visitors to whole-home vacation rentals and residential hosting facilities, provided all other parking requirements are met. Parking of recreational vehicles and trailers on public streets would remain prohibited under the proposed amendment, and owners would still be required to provide off-street parking at a rate of one space per bedroom.

Planning Commission Review:

A public hearing was held at the May 28, 2026, Planning Commission meeting and one written public comment objecting to the code update was received (attached). The comment objected to the removal of the on-street parking prohibition citing concerns about how the unmitigated parking of large vehicles with trailers would cause significant disruptions in residential neighborhoods. The Planning Commission's discussion was mostly related to the parking aspect of this code amendment, and they largely agreed with the commenter's concerns, and recommended that instead of removing the parking prohibition that it be modified as follows for sections 10-51-13 and 10-51-14 of the City Code: (Amended language as suggested by Planning Commission in italics.)

"No tenant, guest, or other person visiting a residential hosting facility shall park on a public street **beyond the frontage of the rental property.** "

The Planning Commission unanimously recommended approval of the proposed code update with their suggested changes cited above.

Findings: N/A

Recommendation: Staff recommends approval of the land use code update.



STAFF COMMENTS

Agenda Date:	05/28/2026 - Planning Commission
Application Number:	LUCA26-06
Type of Application:	Land Use Code Amendment
Action Type:	Legislative
Applicant:	Hurricane City
Agent:	N/A
Request:	Amend Title 10, Chapter 51 regarding business licensing standards for whole house vacation rentals as well as parking regulations for residential hosting facilities and whole house vacation rentals.
Recommendation:	Recommend approval to the City Council.
Report Prepared By:	Fred Resch III

Discussion:

This ordinance update was prepared at the direction of the Hurricane City Council in response to two separate issues related to whole-home vacation rentals and residential hosting facilities.

The first issue concerns renewal of whole-home vacation rental licenses. These are single-family homes that are not owner-occupied and are rented on a short-term basis within otherwise long-term residential neighborhoods. In December 2023, the City Council adopted an ordinance prohibiting issuance of new whole-home vacation rental licenses, while allowing existing license holders to transfer licenses to new owners. As a result, if an existing license holder fails to renew their license within the required timeline, the license is permanently terminated. The Business License Office mails renewal notices 45 days prior to the license expiration date, and license holders have an additional 45 days after expiration to complete renewal before the license lapses. The City Council has expressed concern that permanent termination after this period may be overly restrictive and directed staff to prepare an amendment establishing a one-time process for reinstatement through payment of additional fees and timely completion of the renewal process.

The second issue concerns parking regulations for whole-home vacation rentals and residential hosting facilities. Under the current ordinance, guests and visitors to these facilities are not permitted to park on public streets. Following a number of complaints from neighboring residents, including requests that licenses be revoked based solely on guest vehicles parked on the street adjacent to the property, the Hurricane City Council directed staff to prepare an ordinance amendment allowing on-street parking for guests and visitors, provided all other parking requirements are met. Parking of recreational vehicles and

trailers on public streets would remain prohibited under the proposed amendment, and owners would still be required to provide off-street parking at a rate of one space per bedroom.

Recommendation:

The Planning Commission should consider the proposed ordinance amendment and any public comments received at the public hearing. Staff recommends the Planning Commission make a recommendation of approval to the City Council.

Title 3 BUSINESS AND LICENSE REGULATIONS

CHAPTER 10. TRANSIENT LODGING FACILITIES

Sec. 3-10-12. Penalty; suspension or revocation of license.

In addition to the denial, suspension, revocation or refusal to renew a license as outlined in sections [3-1-9](#) and [10-51-17](#) of this ~~title~~Code, any licensee who shall operate a transient lodging facility in violation of this chapter, and/or any person designated by the licensee as the manager or person in charge of daily operation of said facility who shall permit or allow said facility to operate in violation of this chapter, shall be guilty of an infraction and shall be punished for each offense by a fine as provided in section 1-4-1 of this Code.

(Ord. 2015-2, 2-19-2015)

Title 10 LAND USE REGULATIONS

CHAPTER 51. TRANSIENT LODGING FACILITIES

Sec. 10-51-13. Whole home vacation rentals and other short-term rental standards.

- A. *Purpose.* Regulations and restrictions imposed by this section are in recognition of the premise that short-term rentals provide lodging for a transient population that may or may not honor neighborhood mores or exhibit neighborly consideration to the same extent as permanent residents. The requirements listed in subsections D, E, and F of this section are based on a desire to maintain the overall residential character of neighborhoods and the purpose of single-family residential zones to promote safe locations for residential uses.
- B. *Business license required.* No dwelling in any permitted zone shall be occupied or used as short-term rental until such time that the owner has obtained a business license issued in accordance with the provisions of this section.
- C. *Conditions for issuance of a business license for a short-term rental.* Where a new short-term rental business is permitted, issuance of a short-term rental business license by the business license officer shall be subject to the following:
1. A complete application for a short-term rental business license shall have been submitted in accordance with section 3-1-5, and which shall also include:
 - a. The name, address, and phone number of the owner or other person designated by the owner as the property manager who shall be responsible for ensuring compliance with the rules and regulations specified in this section, and
 - b. A valid state tax number for remittance of transient lodging taxes.
 2. The dwelling unit for which the business license is sought shall be located in a permitted zone according to this title, have been built to meet building and fire codes for transient occupancy, and have been issued a certificate of occupancy.
 3. Portions of a single-family dwelling may not be used as a short-term rental unless located within a recreation resort zone or appropriately licensed as a residential hosting facility in accordance with the

regulations for that use. A whole home vacation rental and a residential hosting facility located in a residential zone may not be located in the same single-family dwelling.

4. In permitted single-family zones, the owner of a single-family dwelling for which a short-term rental business license is sought shall not hold a business license to operate another short-term rental within the City limits. For purposes of this subsection, "owner" means any individual, corporation, partnership, limited liability company, trust or other entity which has a legal or equitable ownership interest in the single-family dwelling, or any individual who has an ownership or beneficial interest in any corporation, partnership, limited liability company, trust, or other entity which has a legal or equitable ownership interest in the single-family dwelling.

D. *Prohibition of additional whole home vacation rental licenses within single-family zones as described in title 10, chapters 13 and 14 of this Code.*

1. From the effective date of this ordinance, no new or additional whole home vacation rentals shall be permitted or licensed within any single-family zones as described in title 10, chapters 13 and 14 of this Code.
2. Whole home vacation rentals with current, valid business licenses shall be permitted to continue to operate and to receive annual renewals of the business licenses, subject to the requirements and conditions of this section and all city, state, and federal rules, regulations, laws, and statutes.
3. In the event of a sale or other transfer of property for which the owner holds a current, valid business license to operate a whole home vacation rental, the purchaser or transferee of the property shall apply for a new license within 45 days of the date of purchase or transfer. ~~Except as provided in subsection (5) of this section, if~~ the purchaser or transferee fails to submit a complete business license application within 45 days of the date of purchase or transfer, or if the applicant fails to complete the licensing process within six months after submitting the application, the purchaser or transferee shall not be issued a whole home vacation rental business license.
4. ~~Except as provided in subsection (6) of this section, if~~ the revocation or non-renewal of a whole home vacation rental business license pursuant to this Code shall terminate any rights of the license holder and property owner to operate a whole home vacation rental at the property.

56. If a whole home vacation rental business license is terminated due to the non-renewal of the license, the license holder shall have the one-time option to reinstate the terminated license if all of the following conditions are met:

- a. Payment of a penalty of ~~\$10,000~~2,500;
- b. Payment of \$750 for each day that the property was rented out as a short-term rental without a valid business license after the license was terminated;
- c. Submittal of a complete application, including all associated fees within forty-five days after the license was terminated; and
- d. Completion of the licensing application process within ~~one year~~six months after the license was terminated.

67. The one-time reinstatement options outlined in subsections (5) and (6) above shall not be available to whole home vacation rentals with one or more documented code enforcement violations of this Chapter.

E. *Parking regulations.* The following parking regulations apply to property licensed as a whole home vacation rental:

1. ~~No tenant, guest, or other person visiting a whole home vacation rental shall park on a public street.~~
2. Off-street parking shall be provided on the same lot as the dwelling that is licensed as a whole home vacation rental.

3. Off-street parking shall be provided at one vehicle per bedroom. Tandem spaces on a driveway may be used.
4. No off-street parking space may be located in front of the living area of the dwelling unless there is a circular driveway.
5. The number of vehicles permitted for the occupants of a whole home vacation rental shall be restricted to the number of off-street parking spaces provided by the owner.
6. No tenant, guest, or other person visiting a whole home vacation rental shall park or allow to be parked recreational vehicles or trailers of any kind on the public street.
7. Owner shall supply a parking plan that complies with this section with the business license application.

F. *Transferee probation period and local management.*

1. *Transferee probation.* A new whole home vacation rental business license issued to a purchaser or transferee of a property pursuant to subsection (D)(3) of this section shall be subject to a six-month probation period, with the probation period beginning on the date the new license is issued. In the event of two or more violations of this ~~section~~ Chapter committed by an owner or guest, or any combination of the two, the City Planning Director shall revoke the license by issuing a written notice of revocation to the owner. The revocation of the license by the City Planning Director is an administrative decision that may be appealed to the City Appeals Board as set forth in section 10-6-5.
2. *Local management.* To ensure the proper and timely management of whole home vacation rentals, whole home vacation rental business licenses issued to a purchaser or transferee of a property pursuant to subsection (D)(3) of this section shall be managed by either:
 - a. A property management company licensed by Hurricane City with a staffed office within city limits; or
 - b. An owner who is a resident of Hurricane City.

(Ord. No. 2022-62, 2-16-2023; Ord. No. 2023-20, 12-7-2023)

Sec. 10-51-14. Residential hosting facilities.

- A. *Conformity with standards and business license required.* No residential hosting facility shall be established unless:
 1. The facility can meet the development standards of this chapter;
 2. A business license has been issued in accordance with the regulations in title 3 of this Code;
 3. Operation of a residential hosting facility without a current City business license is considered a violation and each day of operation shall be considered a separate offense.
- B. *Development standards; residential hosting facilities.* The development standards set forth in this section shall apply to all residential hosting facilities.
 1. *Location.* A residential hosting facility shall be located in a single-family residential structure deemed suitable for habitation.
 2. *Number of accessory dwelling units (ADU).* Only one ADU may be used as a residential hosting facility on any one lot, as those terms are defined in title 10, chapter 3 and chapter 41 of this Code.
 3. *Accessory dwelling units.* The use of an ADU for a residential hosting facility shall be governed by this chapter, chapter 10-41, and other applicable chapters.
 4. *Guestrooms.* Rentable guestrooms shall be limited to not more than four bedrooms in the entirety of one ADU. The total number of occupants, including an owner, owner's family, and guests occupying the

- home at one time shall be no more than ten. Maximum occupancy must be posted in each rentable guestroom.
5. *Number of bookings.* No more than one booking is allowed and no more than one party may occupy any residential hosting facility at any one time.
 6. *Current codes.* Guestrooms must meet current international residential codes for egress and be provided with smoke and CO2 detectors. A fire exiting route plan must be posted in each sleeping guestroom.
 7. *Meals.* If meals are offered, meals shall be served only to overnight guests.
 8. *Landscaping.* Landscaping shall be provided and maintained to minimize impact on neighboring properties, to retain the residential character, and to provide a visual buffer for on-site parking in relation to adjacent properties and the street.
 9. *Parking.* The following parking regulations apply to residential hosting facilities:
 - a. Two off-street parking spaces shall be provided for the owner.
 - b. One space shall be provided per guestroom.
 - c. Off-street parking shall be provided on the same lot as the residential hosting facility.
 - d. Tandem parking is permitted for one space only. Spaces that are located directly in front of the garage doors may not be counted as off-street parking.
 - e. Off-street parking may not be provided within the front yard setback other than the existing driveway.
 - f. ~~No tenant, guest, or other person visiting a residential hosting facility shall park on a public street.~~
 - fg. The number of vehicles permitted for the occupants of a residential hosting facility shall be restricted to the number of off-street parking spaces provided by the owner.
 - gh. No tenant, guest, or other person visiting a residential hosting facility shall park or allow to be parked recreational vehicles or trailers of any kind on the public street.
 - hi. Owner shall supply a parking plan that complies with this section with the business license application.
 9. *Signs.* Only one sign not larger than one foot by two foot in size may be used to advertise a residential hosting facility. The sign may not be illuminated unless by a single down facing low wattage fixture.
 10. *Street standards.* A residential hosting facility shall be located on a street that meets fire code requirements.
 11. *Structural modifications.* A valid building permit is required before any structural modifications or additions may be made to a building to be used pursuant to this chapter. A business license to operate a residential hosting facility shall not be issued for a property that was modified or added to without a valid building permit. A previously-issued business license shall be subject to revocation pursuant to title 3 of this Code upon evidence that the structure was modified or added to without a valid building permit. Provided, however, that a business license may be issued or maintained for a structure that was modified or constructed without a building permit if all applicable fines are paid and the Building Official is provided with adequate evidence to the satisfaction of the Official that the modification or construction was done in compliance with the building code and fire code.
 12. *Other regulations.* A residential hosting facility is subject to all other applicable sections of this Code, including, but not limited to, building and fire codes, transient lodging facility regulations, and transient room tax requirements.

(Ord. No. 2022-62, 2-16-2023)

May 24, 2026

City of Hurricane, Utah
Planning and Zoning Department

To Whom It May Concern:

It is my understanding that a public meeting will be held on Thursday, May 28, regarding the parking regulations for short-term rentals under Section 3-10-11 of the city ordinances. Although I am unable to attend in person, I would like to share my concerns regarding the current ordinance and any proposed changes.

If I approached the city and requested permission to build an 11-room hotel on a single lot in Dixie Springs with accommodations for 42 guests, I would likely be denied immediately. Yet there is currently a house with a casita near my home that is advertised and permitted for exactly that type of occupancy (see www.redsandsvacations.com). In practice, I see little difference between this property and a commercial hotel. In some ways, it creates even greater problems.

The property was designed as a residential home, not a commercial lodging facility, and the available parking reflects that. When large groups arrive, they bring multiple cars, trucks, trailers, vans, UTVs, and other vehicles. There have even been semi-trucks unloading UTVs that were then parked in the driveway and along the street.

On one occasion, vehicles parked on the street blocked access for the garbage truck, forcing the driver to stop and repeatedly honk until the vehicles were moved. Another time, a large motorhome parked on the street and ran its generator throughout the night. Guests often use the garage as a gathering space for parties rather than for vehicle parking.

This weekend alone, there are 11 vehicles at the property. One vehicle is parked on the street because the driveways are already full, with cars stacked three deep. This is no longer functioning as a typical residential property; it has effectively become a vacation party house.

A similar situation exists in the cul-de-sac across from my home. This weekend, five Jeeps arrived on trailers and completely filled the circle. I doubt the neighboring homeowners appreciate the disruption any more than I do.

Allowing additional street parking will only worsen these existing problems. If parking restrictions are loosened, renters will naturally choose to park more vehicles on the street rather than continue stacking them in driveways. While I understand there may be limitations on changing ordinances that are already in place, I respectfully ask that the city not make the situation worse by reducing the current parking restrictions.

Thank you for your time and consideration. Please feel free to contact me if you have any questions.

Sincerely,

Brent & Linda Clark
3834 W 2700 S
Hurricane, UT 84737
(435) 668-6023