

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
3 **September 14, 2010** beginning at 7:00 p.m. in the Lindon City Center, City Council  
4 Chambers, 100 North State Street, Lindon, Utah.

5 Conducting: Gary Godfrey, Chairperson

6 Invocation: Gary Godfrey

7 Pledge of Allegiance

8 **PRESENT**

**ABSENT**

10 Gary Godfrey, Chairperson

Ron Anderson, Commissioner

12 Matt Bean, Commissioner

13 Chris Burton, Commissioner

14 Sharon Call, Commissioner

15 Mark Johnson, Commissioner

16 Angie Neuwirth, Commissioner

17 Adam Cowie, Planning Director

18 Woodworth Mataele, Assistant Planner

19 Debra Cullimore, City Recorder

20 The meeting was called to order at 7:03 p.m.

22 **APPROVAL OF MINUTES** – The minutes of the meeting of August 24, 2010 were  
24 reviewed.

26 COMMISSIONER CALL MOVED TO APPROVE THE MINUTES OF THE  
27 MEETING OF AUGUST 24, 2010. COMMISSIONER NEUWIRTH SECONDED THE  
28 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

30 **PUBLIC COMMENT** –

32 Chairperson Godfrey called for comments from any audience member who  
33 wished to address an issue not listed as an agenda item. There was no public comment.

34 **CURRENT BUSINESS** –

- 36 1. **Ordinance Amendments** – *City Initiated – Lindon City Code – Ordinance*  
38 *Violations.* This is a review of proposed updates to the following Lindon City  
39 Code chapters and sections regarding ordinance violations and associated  
40 penalties: CHAPTER 1.16 Penalties (new Section, 1.16.20- Misdemeanor Penalties),  
41 Section 1.18.010 Assessment of Cost, Section 1.18.020 Notice, Section 1.18.030  
42 Collection, CHAPTER 2.08 City Council (new Section 2.08.110- Failure to  
43 Comply with Subpoena), Section 2.28.100 Use of office for personal benefit  
44 prohibited, Section 2.32.090 Unlawful interference penalty, Section 2.32.140 Defective  
45 structures, Section 2.32.170 Causing a fire, Section 2.32.190 Apparatus-Interference-  
46 penalty, Section 2.32.200 False alarms-Penalty, Section 2.32.210 Violation-Penalty,

2 Section 2.38.030 Commission duties, Section 2.42.080 Prohibited activities, Section  
2.44.080 Campaign Finance Disclosure, CHAPTER 3.04 Sales and Use Tax (new  
4 Section 3.04.060- Attorneys Fee), Section 3.04.050 Penalties, CHAPTER 3.06  
6 Transient Room Tax (new Section 3.04.070- Attorneys Fees), Section 3.06.060  
Penalties and interest, CHAPTER 3.09 Municipal Energy Sales And Use Tax (new  
8 Section 3.09.090- Penalty and Interest and Section 3.09.100- Attorneys Fees),  
Section 3.10.070 Penalty and interest, CHAPTER 3.12 Telecommunication License  
10 Tax (new Section 3.12.090- Penalties and Interest, Section 3.12.100 Attorney fees and  
cost of collection), CHAPTER 4.08 Penalties (new Section 4.08.050- Acts  
12 Constituting Separate Offenses), Section 6.04.070 Hindering and obstructing  
enforcement unlawful, Section 6.04.1000 Violation—Penalty, Section 6.08.050  
14 Removal and disposition of dead animals, Section 6.12.180 Violation-penalty,  
CHAPTER 8.04 Health Department (new Section 8.04.050-Penalties), CHAPTER  
16 8.12 Food Regulations (new Section 8.12.030- Penalties), Section 8.16.240  
Violation—Penalty, Section 8.20.180 Nuisance Unlawful- Violation-  
18 Penalty, Section 8.28.100 Violation—Penalty, Section 8.32.340 Violation  
misdemeanor, (new Section 9.16.020 Disorderly Houses), Section 9.20.050 Violation of  
20 Section 9.20.040—Penalty, Section 9.22.030 Encouragement - Abuse- Violation –  
Penalty, Section 9.29.010 Schools—Alcoholic beverages, Section 9.29.020 School—  
22 Dangerous materials, Section 9.29.040 School property-- Criminal trespass, Section  
9.32.030 Flooding streets and sidewalks, Section 9.32.080 Posting bills without  
24 permission, Section 9.32.090 Failure to remove election signs, Section 9.32.100  
Failure to keep guest register, Section 10.08.040 Violation—Penalty, Section  
26 11.08.140 Penalty Provision, CHAPTER 12.12 Meetings, Assemblies and Parades  
(new Section 12.12.150- Violations), Section 13.04.080 Violation—Penalty,  
28 Section 12.08.010 Depositing material prohibited, Section 12.16.070 Violation—  
Penalty, Section 12.20.270 Violation—Penalty, Section 15.04.050 Violation–Penalty,  
Section 17.04.410 Violation --Notice--Penalty. Recommendations will be forwarded  
30 to the City Council for final action.

32 Mr. Cowie explained that proposed amendments to a number of code sections  
affect misdemeanor violations of City ordinance and associated penalties. New language  
34 establishes a separate violation for each day of non-compliance following a specified 28  
day warning period. The current practice and policy of the City in relation to code  
36 violations will be codified with the new ordinance. Current policy is notify property  
owners of certain code violations by mail, followed by a 10-14 day period to allow the  
38 property to come into compliance. If the violation continues, a second letter is sent  
notifying the property owner of penalties imposed by the ordinance if the situation is not  
40 addressed. The 28 day warning period will begin three days after the second letter is  
mailed to the property owner. A \$200 penalty will be imposed per day of non-  
42 compliance in residential zones, with a \$400 penalty per day in commercial zones.

44 Commissioner Call inquired as to the reason for a higher penalty in commercial  
zones than residential zones. Mr. Cowie explained that one business owner who received  
a citation and fine for a violation commented that the cost of the fine was acceptable to  
him, and that he would continue to violate the ordinance and pay the fine as a cost of

2 doing business. The intent of the higher penalty in commercial zones is to discourage  
3 this type of continued violation.

4 Commissioner Neuwirth noted that if the violation is a structure, it may be  
5 difficult for a property owner to come into compliance with the ordinance in only 28  
6 days. Mr. Cowie explained that the ordinance gives the City some flexibility in granting  
7 extensions of time if property owners are making an effort to come into compliance.

8 Chairperson Godfrey expressed concern regarding language found in Section  
9 15.04.050- (c) which specifies that “The burden to prove any defense shall be upon the  
10 person raising such defense.” He felt that this section sets a standard that violators are  
11 guilty until proven innocent. Mr. Cowie observed that violations are typically very  
12 apparent, but that he will discuss this particular section with the City attorney to see if a  
13 language change would be appropriate. Mr. Cowie will relay the concern, as well as the  
14 outcome of his discussion with Mr. Haws, to the City Council during review of the  
15 ordinance.

16 Chairperson Godfrey expressed concern regarding some violations listed in  
17 various ordinance sections which could be subject to penalties, such as playing baseball  
18 in a location without a baseball diamond. Mr. Cowie explained that there are a number of  
19 outdated sections in the code which will be dealt with individually, but that the intent of  
20 these revisions is simply to specify a daily penalty per violation. He explained that  
21 outdated code sections would not be actively enforced, but that the proposed revisions  
22 give the City the necessary tools to address problematic situations.

23 The Commission went on to discuss several typographical errors in the draft  
24 ordinance, and concerns regarding specific penalties associated with Class B and Class C  
25 misdemeanors.

26 Mr. Cowie explained that the Commission is making a recommendation to the  
27 City Council on section 17.52 only, as this is the only land use section which will be  
28 amended based on the ordinance. The Commission requested that Mr. Cowie relay  
29 concerns to the Council regarding penalties for specific violations which are outdated,  
30 such as the baseball issue discussed earlier, and a requirement for hotels to maintain a  
31 written guest register. Mr. Cowie observed that a Public Hearing needs to be opened to  
32 take comment on the proposed ordinance. Chairperson Godfrey called for a motion to  
33 open a Public Hearing.

34 COMMISSIONER BEAN MOVED TO OPEN THE PUBLIC HEARING.  
35 COMMISSIONER JOHNSON SECONDED THE MOTION. ALL PRESENT VOTED  
36 IN FAVOR. THE MOTION CARRIED.

38 Chairperson Godfrey called for public comment. There was no public comment.  
39 Commissioner Johnson noted that the ordinance outlines specific penalties by zone rather  
40 than by use. He suggested that use be specified in the ordinance in addition to specific  
41 zone penalties to address situations which may arise with residential uses in commercial  
42 zones, or vice versa. Mr. Cowie will forward this recommendation to the City Council  
43 for their consideration.

44 COMMISSIONER BEAN MOVED TO APPROVE PROPOSED ORDINANCE  
45 AMENDMENTS TO LCC SECTION 17.52 WITH CHANGES AS DISCUSSED, AND  
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2 RECOMMEND APPROVAL TO THE CITY COUNCIL. COMMISSIONER CALL  
3 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION  
4 CARRIED.

6 **NEW BUSINESS** – Reports by Commissioners

8 Commissioner Neuwirth inquired as to the status of clean up of a trail section she  
9 reported to Mr. Cowie previously. Mr. Cowie stated that he forwarded the information to  
10 the Parks and Recreation Direction, Dan Seder, for follow-up. Commissioner Johnson  
11 suggested the possibility of implementing an “adopt a trail section” program which would  
12 allow individuals or organization to take responsibility for maintenance of trail sections.

13 Chairperson Godfrey inquired as to whether there would be an opportunity for  
14 citizens to participate on any type of committee relative to the Murdock Canal enclosure  
15 project. Mr. Cowie explained that the enclosure is not a City project, but that  
16 representatives have met with the City Council and staff to discuss plans for the project.  
17 He noted that a number of open houses will be held to take public comment during the  
18 construction process. Chairperson Godfrey expressed a desire to serve on a committee if  
19 the opportunity arises.

20 **PLANNING DIRECTOR’S REPORT** –

22 Mr. Cowie reported on the following items:

- 23 1. Several billboards in the T-zone will be relocated as a result of the I-15 Core  
24 project. The relocations are governed by state law rather than local ordinance  
25 due to the fact that they are associated with a federal highway project. All  
26 relocations will be issued permits if they comply with state requirements.
- 27 2. The City Council recently reviewed preliminary General Plan revision  
28 recommendations. 400 General Plan Surveys have been completed to date.

30 **ADJOURN** –

32 COMMISSIONER BURTON MOVED TO ADJOURN THE MEETING AT 7:52  
33 P.M. COMMISSIONER NEUWIRTH SECONDED THE MOTION. ALL PRESENT  
34 VOTED IN FAVOR. THE MOTION CARRIED.

36 Approved – September 28, 2010

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41 Gary Godfrey, Chairperson

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44 Adam Cowie, Planning Director