

**Mayor**  
• Robert Dandoy

**City Manager**  
• Matt Andrews



**Council Members**  
• Jan Burrell  
• Joe Paul  
• Bryon Saxton  
• Diane Wilson  
• Ann Jackson

## ROY CITY COUNCIL MEETING AGENDA -

**OCTOBER 19, 2021 – 5:30 P.M.**

**ROY CITY COUNCIL CHAMBERS 505 I S I 900 W ROY, UTAH 84067**

This meeting will be streamed live on the Roy City YouTube channel.  
<https://www.youtube.com/channel/UC6zdmDzxdOSW6veb2XpzCNA>

**A. Welcome & Roll Call**

**B. Moment of Silence**

**C. Pledge of Allegiance**

**D. Consent Items**

(These items are considered by the City Council to be routine and will be enacted by a single motion. If discussion is desired on any particular consent item, that item may be removed from the consent agenda and considered separately)

1. Approval of the August 17, 2021 Roy City Council Meeting Minutes

**E. Public Comments** *If you are unable to attend in person and would like to make a comment during this portion of our meeting on ANY topic you will need to email [admin@royutah.org](mailto:admin@royutah.org) for your comments to be shared.*

*This is an opportunity to address the Council regarding concerns or ideas on any topic. To help allow everyone attending this meeting to voice their concerns or ideas, please consider limiting the amount of time you take. We welcome all input and recognize some topics make take a little more time than others. If you feel your message is complicated and requires a lot of time to explain, then feel free to email your thoughts to [admin@royutah.org](mailto:admin@royutah.org). Your information will be forwarded to all council members and a response will be provided.*

**F. Action Items**

1. Proposed Resolution 21-22 Establishing a Red Curb Marking Policy

**G. Discussion Items**

1. Camping in the City

**H. City Manager & Council Report**

**I. Adjournment**

*In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should contact the Administration Department at (801) 774-1020 or by email: [admin@royutah.org](mailto:admin@royutah.org) at least 48 hours in advance of the meeting.*

***Pursuant to Section 52-4-7.8 (1)(e) and (3)(B)(ii) “Electronic Meetings” of the Open and Public Meetings Law, Any Councilmember may participate in the meeting via teleconference, and such electronic means will provide the public body the ability to communicate via the teleconference.***

**Certificate of Posting**

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in a public place within the Roy City limits on this 15<sup>th</sup> day of October 2021. A copy was also posted on the Roy City Website and Utah Public Notice Website on the 15<sup>th</sup> day of October 2021.

Morgan Langholf  
City Recorder

Visit the Roy City Web Site @ [www.royutah.org](http://www.royutah.org)  
Roy City Council Agenda Information – (801) 774-1020





Minutes of the Roy City Council Meeting held in the City Council Chambers and streamed on YouTube on August 17, 2021 at 5:30 p.m.

Notice of the meeting was provided to the Utah Public Notice Website at least 24 hours in advance. A copy of the agenda was posted.

The following members were in attendance:

Mayor Robert Dandoy  
Councilmember Burrell  
Councilmember Jackson  
Councilmember Paul  
Councilmember Saxton  
Councilmember Wilson

City Attorney, Andy Blackburn

Also present were Police Chief, Matt Gwynn; Fire Chief, Craig Golden; Morgan Langholf, Steve Parkinson, Kevin Homer, Glenda Moore, Randy Scadden, Sophie Paul, Byron Burnett, Leon Wilson, Deborah Terry, Pat Burns.

**A. Welcome & Roll Call**

Mayor Dandoy welcomed those in attendance and noted Councilmembers Burrell, Jackson, Paul, Saxton, Wilson was present.

**B. Moment of Silence**

Councilmember Paul invited the audience to observe a moment of silence.

**C. Pledge of Allegiance**

Councilmember Paul led the audience in reciting the Pledge of Allegiance.

**D. Consent Items**

*(These items are considered by the City Council to be routine and will be enacted by a single motion. If discussion is desired on any particular consent item, that item may be removed from the consent agenda and considered separately.)*

**1. Approval of the July 20, 2021 Roy City Council Meeting Minutes and Work Session Minutes**

**Councilmember Burrell motioned to approve the Consent Item with changes. Councilmember Wilson seconded the motion. All Councilmembers voted “Aye.” The motion carried.**

**E. Public Comments**

Mayor Dandoy opened the floor for public comments.

Leon Wilson, 4302 South 2675 West, expressed concern about the height measurement point in the train station area. He encouraged the Council to take a close look at current codes with regards to grading. He stated that the current grading code definitions were overly broad in that they did not clarify the starting point for buildings; therefore, the train station area could easily have buildings exceeding the maximum

allowable height.

Mayor Dandoy closed the floor for public comments.

**F. Action Items**

1. Swearing in of Police Sergeant Timothy Fulton

Police Chief Matthew Gwynn introduced Sergeant Fulton to the Council. Police Chief Gwynn reviewed Sergeant Fulton's qualifications, noting that he had been with the Roy City Police Department since graduating high school.

City Recorder Morgan Langholf swore in Police Sergeant Timothy Fulton.

Sergeant Fulton introduced the members of his family who were present.

2. Introduction of newest Police Department hires.

Police Chief Matthew Gwynn introduced three new officers to the Council: Tyler Cunningham, Eric Kieros, Daniela Anderson, and Brooke Kleeb.

3. Ord. No. 21-12; To amend Roy City Municipal Code, Title 10 – Zoning Regulations; Amending CH 6 - Establishment of Zoning Districts; Amending CH 10 - General Property Development Standards; Amending CH 13 - Mixed Use; Amending CH 17 - Table of Uses, Table 17-2 Non-Residential Zoning Districts
4. Ord. No. 21-13; To amend the Zoning Map from BP (Business Park), CC (Community Commercial), LM (Light Manufacturing, RE-20 (Residential Estates) to BP (Business Park), R-1-8 (Single-Family residential), S-C (Station Central), S-N (Station North) & S-S (Station - South) for multiple properties located near the Front Runner Station

City Planner, Steve Parkinson reviewed the changes that have been made to the document. He noted that Chapter 6 identified what the zones were and provided descriptions. Chapters 10 and 17 were added because the City was eliminating getting rid of the old business park zoning type and adding a new business park zone. Ordinance 21-13 was a rezoning of properties, which were illustrated on a corresponding map.

Councilmember Wilson proposed a few more modifications. In reviewing the comments shared during the Town Hall meeting, two main concerns were raised: 1) the loss of community and small-town feel, and the transiency within the City; 2) the acceptance of townhomes over other housing types. Regarding building types, she felt the City should allow business-type buildings, inclusive of large format and limited bay, in the business park.

Councilmember Wilson also proposed that general stoop buildings be omitted from the ordinance. There was additional review and discussion of the zoning map.

**Councilmember Paul motioned to approve Ordinance 21-12 with the modifications discussed. Councilmember Burrell seconded the motion. A roll call vote was taken. All Councilmembers voted “aye.” The motion carried.**

City Planner Steve Parkinson briefly reviewed the improvements made to the map corresponding to Ordinance 12-13.

**Councilmember Jackson motioned to approve Ordinance 21-13. Councilmember Saxton seconded the motion. A roll call vote was taken. All Councilmembers voted “aye.” The motion carried.**

**G. Discussion**

1. Ogden Weber Applied Technology College Scholarship

Mayor Dandoy reported that OWATC would like to extend this scholarship to one year. The college had asked a member of the Council to select a member of Roy City to be a recipient of that scholarship. Regarding the application, he asked Councilmembers if there were any changes that they wanted to be made.

The Council discussed what the interview process would entail. Councilmember Paul noted that these were not City funds that would be expended as part of the scholarship; rather, they were OWATC funds. Therefore, he wanted to know if the interview had to take place publicly. Andy Blackburn, City Attorney, said he would look into the matter.

The Council indicated they were fine with the document as it was written, and Mayor Dandoy directed staff to have it published.

**H. Reports**

2. City Manager Report

City Attorney, Andy Blackburn, provided the City Manager Report. He reviewed the following:

- 5K Run/Walk with Clinton and North Davis
- 9/11 Commemoration at the Fire Station
- Day of Service

3. Mayor and Council Report

Councilmember Paul discussed the Community Blessing Box at Memorial Park. He reported that a new one was installed and served as more of a pantry now. The old one would be repositioned at the southwest corner of Public Works. Donations were contributed by residents of the City and was a great asset to the City.

The Council commended staff on a successful Roy Days. Mayor Dandoy requested that staff sent out a memo after large events discussing what went well and what lessons were learned.

Mayor Dandoy asked City Recorder, Morgan Langholf, to provide an update on the new website. Ms. Langholf reported that the migration process was almost complete. The entire site map had to be changed and all of the departments helped with that process. Sometime in the next few weeks, the web developers would come train staff on how to make changes to website pages. From there, they will be able to launch the website.

Mayor Dandoy reviewed the park strip program, which was a collaborative effort with residents and Weber Basin.

Mayor Dandoy also noted that Roy City received a letter from the Weber Basin Water Conservancy District, and Roy City’s secondary water would be shut off on September 20<sup>th</sup>.

Mayor Dandoy announced the National Family Dinner night on September 27<sup>th</sup> at 5:30 in George Wahlen North Park. He asked the Council to assist in the event.

**H. Adjournment**

**Councilmember Burrell motioned to adjourn the City Council meeting at 6:37 p.m. Councilmember Jackson seconded the motion. All Councilmembers voted “Aye.” The motion carried.**

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Robert Dandoy  
Mayor

Attest:

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Morgan Langholf  
City Recorder

dc:

**RESOLUTION 21-22**

**A RESOLUTION OF THE ROY CITY COUNCIL ADOPTING A RED CURB MARKING POLICY**

**WHEREAS**, the Roy City Council has received numerous inquiries from residents about parking issues and requests for red curb markings; and

**WHEREAS**, the Roy City Council has tasked staff with preparing a Red Curb Marking Policy; and

**WHEREAS**, Roy City staff has prepared a Red Curb Marking Policy and the Roy City Council has reviewed the policy; and

**WHEREAS**, the Roy City Council has determined that adopting the attached Red Curb Marking Policy is in the best interest of the City of Roy

**NOW THEREFORE**, be it resolved by the Roy City Council that the Red Curb Marking Policy attached hereto and incorporated herein by reference, is hereby adopted and becomes effective immediately upon passage this \_\_\_\_ day of October, 2021.

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Robert Dandoy  
Mayor

Attest:

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Morgan Langholf  
City Recorder

Councilmember Wilson \_\_\_\_\_  
Councilmember Paul \_\_\_\_\_  
Councilmember Burrell \_\_\_\_\_  
Councilmember Jackson \_\_\_\_\_  
Councilmember Saxton \_\_\_\_\_



## **Red Curb Marking Policy and Procedures**

### **Introduction**

Each year Roy City receives requests to install red curb paint. This document summarizes the concepts contained within the City's Curb Marking Policy and Procedures document, which is available upon request.

### **Policy Objective**

The Public Works Department is responsible for installing and maintaining all curb markings in the City. Residents and business owners are not permitted to install curb markings in any area of the city. Illegal curb markings are declared to be a public nuisance and are removed by the City at the property owner's expense. Additionally, it is unlawful to remove or modify any City approved and installed curb marking. Doing so may lead to liability for those responsible and such modification will be corrected at the property owner's expense.

### **No-Parking (Red Zones)**

Red Curb - Red zones are no-parking zones, where parking is not allowed at any time. Red means no stopping, standing or parking at any time, except that a bus may stop in a red zone marked or signed as a bus zone.

### **Curb Marking Evaluation Process**

The Public Works Department will process curb marking requests on a first-come first-serve basis. Curb marking requests involving safety issues have priority over other requests.

### **Evaluation Criteria**

Every curb marking request involves a different set of circumstances. As such, each curb marking request will require a unique analysis that takes into account the particular set of circumstances involved. The following presents some of the questions that City staff will consider when evaluating a curb marking request:

- Is there evidence of a safety problem?
- Will the requested curb marking affect motorist safety?
- How much parking is removed to accommodate the request?
- Would other property owners be affected by the requested curb marking?
- Is the curb marking going to be installed in a location other than the requestor's property frontage?
- How is parking in the area affected by adjacent land uses?
- Are there similar parking zones nearby that would serve the requestor?

- How big does the requested zone need to be?
- Is there a clear need for the requested zone that is not met by existing on-street zones and off-street parking?

### **Appeal Process for a Denied Red Curb**

Staff may approve or deny the application after evaluating the request based on the criteria listed above. If staff denies a red curb marking, the applicant can request an appeal through the City Council.

- The appeal request will be placed on the agenda of an upcoming City Council meeting.
- In evaluating the request, the City Council shall consider whether the applicant has demonstrated a need for the curb space that outweighs preservation of such space for public use.

# **Point Paper on Roy City Parks and Open Spaces No Camping Ordinance**

## **ISSUE:**

Surrounding municipalities are currently experiencing issues associated with camping on public grounds, streets, parks, sidewalks, and playgrounds creating numerous problems. Roy City has no specific ordinance preventing and addressing this type of situation from occurring within the city!

## **BACKGROUND:**

A general definition of camping is the means of establishing a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, motor home or trailer, for the apparent purpose of overnight occupancy.

Surrounding cities are experiencing different degrees of camping on public grounds, streets, parks, and playgrounds (see attachment 1). Note, only a small portion of the news article information is provided in this paper in an effort to minimize page count but at the same time the quantity of the articles illustrate the volume of the news coverage. If needed, more details are available.

Salt Lake City appears to have the most challenges associated with unauthorized camping on public property or at least they are getting significant exposure within the news networks. Surprisingly, the SLC ordinance (see attachment 2) provides clear direction in their policy when dealing with this type of camping.

Current Roy City ordinances appear not to establish a clear policy on whether to allow camping on public spaces (see attachment 3). It does establish a policy for a curfew within city parks. There are provisions within Roy City ordinance that allows the city to authorize a deviation of that curfew when participating in or attending an activity sponsored by the city or allowed under a permit issued by the city. There is also a trespassing component within our ordinances, but it focuses mainly on schools and churches.

City officials, who are witnessing in other cities the trials associated with unwelcome public property camping, are strengthening their ordinance (see attachment 4).

State Code Title 76 – Utah Criminal Code doesn't provide clear direction on the legality of camping in public properties (see attachment 5). Even Chapter 8 – Offenses Against the Administration of Government / Part 4 – Offenses Against Public Property, offers no clear policy. Even after reviewing each of the Sections listed, one could not find clear guidance on this issue.

According to the "Community Assessment & Strategic Plan 2019 – Improving the Homeless Response System in Weber County" publication, the county had experienced a faster rate of homelessness. Between 2014 to 2018, homelessness in the county grew faster than in Salt Lake County and in the State of Utah as a whole (see attachment 6). The complete 135-page document is available if needed.

Many local cities have established ordinances within their municipal codes addressing camping on public property (see attachment 7).

## **DISCUSSION:**

Whether camping in public spaces occurs as an activity or necessity, it makes no difference. Regardless, if an individual simply wants to stop and pitch a tent, rest in a recreation vehicle, or just looking for a place to establish a temporary living location, all public property is not necessarily meant for that use. There are places with the county and state that are targeted and designed for camping. Certainly, public property could be interpreted as a convenient location for homeless individual(s) looking for a temporary living site.

It was not the intent of this Point Paper to address the complex issues associated with homelessness. This paper was only trying to bring attention to one of the visible symptoms associated with unfortunate groups as they struggle to meet day-to-day living conditions. As a governing body, we cannot close our eyes or

ignore the reality of homelessness and must do our part to prevent it. Previous efforts by the City Council to approve Community Reinvestment Areas (CRAs) within specific areas in the city can be a funding resource to help establish affordable housing to mitigate some of the challenges associated with the homeless. There are many other things we can do.

The purpose of this paper was to bring attention to how best to manage one of the symptoms of homelessness, specifically addressing Roy City's response to temporary living conditions or camping within our public properties. Public properties must include federal, state, and local government lands within Roy City. The city ordinances do not, in my opinion, provide clear guidance on how staff needs to address these types of conditions, when they arise. Today Roy City's sign ordinance will not allow personal or business signage on public property, yet city ordinances lack clarity on whether an individual can temporarily reside on that same property. That makes no sense!

There were reports of homeless individuals living on the Denver & Rio Grande Trail north of Roy City in West Haven and people traveling up the old Union Pacific railroad line east of the Harmon's store. I have personally witness, two individuals coming out of the thick vegetation early in the morning on the north end of the D&RG trail in Roy City. Although there is no evidence of camping on public properties within Roy City at this time, it is only a matter of time until it will happen.

Recent events in Salt Lake County and Weber County indicate that the issue of camping on public property is growing. Whether the camping occurs in parks, streets, along walking trails, or sidewalks Roy City needs to have clear policy on how best to address it. Even Salt Lake City has on the books an ordinance that addresses this issue, yet according to the KUTV article in attachment 1, the city's mayor has chosen to NOT to enforce the city's no-camping ordinance over concerns of criminalizing homelessness. I tend to agree that homelessness should not be a criminal offense, but the outward symptom of homelessness, camping on public property is not acceptable.

Certainly, other cities have taken notice to the growing or potential problem of camping and are strengthening their ordinances to provide clear direction to authorities required to manage it. On the surface one would assume State law provides the regulatory guidance on this issue, yet no information was found. Utah Criminal Code offers no relief for our police officers to address this issue unless there is proof of littering involved and/or criminal mischief. Even our current Roy City Park Curfew ordinance, 5-2-4, doesn't provide guidance on other public properties that are outside of our parks.

Clearly with homelessness growing within Roy City, we need a policy that addresses temporary housing or camping in our parks, on our streets, on all public open spaces. To suggest that current Roy City Zoning ordinances provide the necessary guidance on this camping issue is misleading. It would imply that code enforcement would need only to issue a "fix-it ticket" to address a problem. Yet, evidence from several sources including those found in attachment 7, indicate the policy needs to be located in the Law Enforcement code. To issue a code enforcement notice of violation to someone who doesn't have a permanent home address and/or doesn't know where their next meal is coming from, is not the right approach. Action to resolve camping violations are likely to involve police, public works, parks, and recreation personnel. It is reasonable to assume public health personnel may be needed to address human waste issues and drug paraphyla that sometimes accompanies homelessness. Obviously, these types of resources that are often used to address encampments, are not effectively addressed with "fix-it ticket".

#### **RECOMMENDATION:**

Therefore, under Utah Code 10-3b-104 that establishes the powers and duties of the Mayor, I recommend for consideration a request for the Roy City Council to direct city staff to draft an ordinance that effectively addresses camping in Roy City's public properties. Samples of other city's ordinance wording is provided in Attachment 7. These examples can be a template in establishing or strengthening a Roy City's no camping on public property policy. This effort need not be too extensive and could be included in Roy City Title 5 Law Enforcement / Chapter 2: Crimes and Offenses.

Whatever the City Council decision is on this issue, if it includes establishing a NO Camping on Public Property policy, staff who are expected to enforce the ordinance must have appropriate resources to

effectively manage it. To simply remove the individual and the associated camping equipment / vehicle from public property must include assistance on what options are available. Providing direction to the nearest official campground, homeless shelter and/or other applicable resources needs to be included. Often homelessness is an unwanted condition, that warrants our efforts to help mitigate or at least help minimize the impact. Directing individuals to available resources maybe the only thing we can do, but it is something we can do!

### ***Attachments***

1. News Articles
2. Salt Lake City Municipal Code
3. Roy City Municipal Code Title 5 – Law Enforcement
4. South Jordan’s Community Newspaper Article
5. Utah Code Title 76 – Utah Criminal Code
6. Weber County Publication on Homelessness
7. Sample Ordinance Codes Dealing with Camping on Public Property

(Robert Dandoy, Mayor Roy City – 8 Oct 2021)

## ***Attachment 1***

Deseret News Article Titled - **Salt Lake City is no 'Gotham City,' but Business Coalition Says Crime, Camping Has to Stop.** By Katie McKellar – Oct 21 2021

John Gardiner, whose family owns a Salt Lake City-based real estate business, didn't mince words about his frustration about the "increasingly large lawless camps occupying" Salt Lake City neighborhoods.



KUTV News Article Titled - **SLC Mayor Defends Messaging on No Camping which led to Confusion for Some Officers.** By Daniel Woodruff – August 5, 2021

In the past, Salt Lake City Mayor Erin Mendenhall has said she didn't intend to enforce the city's no-camping ordinance over concerns of criminalizing homelessness. But at a news conference Thursday, the mayor announced the city is beginning to target certain homeless camps for extra enforcement. Mendenhall said those camps had grown too large and were impacting public safety.



ABC 4 News Article Titled - **'Horrendous': Street Camping in Salt Lake City Industrial Area Leads to Garbage Pileup.** By Rick Aaron Jul 2, 2021

While many Utahns will be camping for recreation this holiday weekend, some are doing it out of desperation. ABC4 News found an area of Salt Lake City where dozens of people are living in RVs, cars, and tents right on public streets.



The Salt Lake Tribune - **Salt Lake County Camping Cleanups Come Under Scrutiny and Spark Conflict as Winter Approaches.** By Taylor Stevens Sep 11, 2020

As they prepared Wednesday afternoon for the Salt Lake County Health Department to conduct a cleanup at their encampment the next morning, the campers at Taufer Park were frustrated. In a few hours, they knew county officials would descend on the area, police in tow, and ask them to move their tents and clear up their belongings while the officials picked up garbage and searched for needles and biowaste.



Ogden Standard Examiner News Article Titled – **Ogden Homeless Scattered, but Still Out There, in Wake of Encampment Removal.** By Tim Vandenack – Feb 12, 2021

It's been two months since city officials spearheaded the dismantling of the large homeless encampment that sprouted on 33rd Street here. As many as 100 people had been living in perhaps 30 or more tents and other makeshift structures along the street east of Pacific Avenue, near the Lantern House homeless shelter. It was an atypically visible display of homelessness in Ogden.



## ***Attachment 2***

### **City Code of Salt Lake City, Utah**

#### **CHAPTER 11.12 - OFFENSES AGAINST PUBLIC ORDER**

##### **11.12.080: CAMPING ON PUBLIC GROUND S, STREETS, PARKS AND PLAYGROUNDS:**

A. It is unlawful for any person to camp, lodge, cook, make a fire or pitch a tent, fly, lean to, tarpaulin, or any other type of camping equipment on any "public grounds", as defined in subsection B of this section, upon any portion of a "street", as defined in section 1.04.010 of this code, or in any park or playground, unless allowed by section 15.08.080 of this code. It is unlawful for any person using or benefiting from the use of any of the foregoing items of camping equipment to fail to remove the same for more than five (5) minutes after being requested to do so by any police officer.

B. For the purpose of this section, the term "public grounds" means any real property owned in whole or in part by the United States Of America and its agencies, or the state of Utah or any of its political subdivisions, including Salt Lake City Corporation, upon which no camping has been authorized by the owner. (Ord. 77-12, 2012)

### ***Attachment 3***

## **Roy City Code Title 5 Law Enforcement**

### **Chapter 2: CRIMES AND OFFENSES**

#### **5-2-4: PARK CURFEW**

City parks shall not be open to the public during the hours of eleven o'clock (11:00) P.M. to six o'clock (6:00) A.M. and it shall be unlawful for any person to enter or be upon any city park between the hours of eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M., except where otherwise posted by Roy City or when participating in or attending an activity sponsored by the city or allowed under a permit issued by the city, and except for persons directly crossing or passing through a park on a regularly established walkway. A park curfew violation is a class C misdemeanor.

#### **5-2-5: CURFEW**

1. It shall be unlawful for any person under the age of eighteen (18) years to be or remain in or upon any of the streets, alleys, public places or vacant lots within the city of Roy between the hours of twelve o'clock (12:00) midnight and five o'clock (5:00) A.M. on any day except as provided below.
2. It shall be unlawful for any parent, guardian or other adult person having legal care and custody of any person under the age of eighteen (18) years to allow any person under the age of eighteen (18) years to go or be in or upon any of the streets, alleys, public places, or vacant lots in the city of Roy without their personal supervision or other adult supervision during the times provided in subsection A of this section.
3. The provisions of subsection A of this section shall not apply when any person regulated is:
  1. Accompanied by an adult having the care and custody of such person.
  2. Attending or directly returning home from an organized school or religious function which was supervised by an adult.
  3. On an emergency errand or specific business or activity directed by their parent, guardian or other adult person having legal care and custody of the person.
  4. Engaged in legitimate employment which requires their presence in public places during the prohibited hours.
4. It is unlawful for any person to assist, aid, abet, or encourage any person under the age of eighteen (18) years to violate the provisions of subsection A of this section.
5. A violation of this section is a class C misdemeanor.

#### **5-2-6: TRESPASS**

1. Any person who comes into any school or house of worship building or upon any school or house of worship ground, or street, sidewalk, or public way adjacent to any school or house of worship building or ground and whose presence or acts interfere with the peaceful conduct of the activities of any school or house of worship, or its pupils or members of school or house of worship activities, and who remains there, or who reenters or comes upon the place within seventy two (72) hours, after having been asked to leave by the chief administrative official in charge or his agent or representative, is guilty of trespass of school or house of worship.
2. Trespass, under this section is a class B misdemeanor upon the first and second conviction.

## ***Attachment 4***

South Jordan's Own Community Newspaper called The City Journals

Article Titled: **City Clarifies Code Prohibiting Camping on Public Property**, May 21, 2018, By Travis Barton

Pop those tents somewhere else. The South Jordan City Council unanimously approved an ordinance that prohibits camping on public property within the city. The change comes after months of work, according to Assistant City Manager Dustin Lewis, for a change in city code that provides definitions for "camp" and "public property," while also ensuring specific exceptions can be made. Under the previous code, code and police officers did not have "sufficient parameters" to address the situations.

In Lewis' report to the city council, code and law enforcement officers were called to investigate campsites being created on public properties in 2017. They found that these areas "were deemed to pose a threat to the health and safety of community members," according to the report. Lewis said problems persisted with these campsites where "significant debris and hazardous materials" were left behind. They even called in the Salt Lake County Health Department on several occasions for assistance.

"Lately, the demand has been so high they've been unavailable to help clean up some of these areas, so we want to prevent those from happening in the first place," he told the city council at their May 1 meeting.

Lewis also identified safety as a reason for the code change. It's not only for passersby of the affected areas but also the "people that call those home."

"That (area) can be a potential target for crime or be victims of crime themselves," he said.

A "camp" is now defined as "the use of public property as a temporary or permanent dwelling, lodging, residence, living accommodation or sleeping accommodation." It also includes storing personal belongings or laying down bedding to sleep.

"Public property" is defined in the code as "all real property owned, leased or occupied by the city" and any "governmental entity." It also includes any "easements on property granted to the city" such as public streets, parks, alleys, sidewalks and flood control channels.

This doesn't only apply to homeless, Lewis explained, but also nomads traveling the country looking for a place to stay for a night. Though over the previous eight to nine months, Lewis said they've seen an increase in the homeless population, most likely due to surrounding cities enforcing changes in their code.

"They (the homeless) have recently been the ones we mostly encountered," he said.

Under the new code and based on the situation, law enforcement would direct people violating to appropriate resources, whether it be the homeless or travelers passing through.

City officials were careful to include exceptions in the code that allows camping with written permission from property owners. If the Salt Lake County Equestrian Park wanted to hold a Scouting jamboree, or if vendors for a city function needed to set up tents overnight, those would be allowed, according to Lewis.

"We tried to think through any of the contingencies that might arise in the future," Lewis said.

Mayor Dawn Ramsey and City Attorney Ryan Loose clarified that violators would first be educated of the new city code and possibly receive an infraction or fine. Loose said it would be "like a speeding ticket."

## **Attachment 5**

### **Utah Code 76 – Utah Criminal Code**

#### **Chapter 10 – Offenses Against Public Health, Safety, Welfare, and Morals**

#### **Part 27 – Litter on Public and Private Lands and Waterways**

#### **76-10-2701. Destructive or injurious materials on parks, recreation areas, waterways, or other public or private lands -- Enforcement officers -- Litter receptacles required.**

- (1) A person may not throw, deposit, or discard, or permit to be dropped, thrown, deposited, or discarded on any park, recreation area, or other public or private land, or waterway, any glass bottle, glass, nails, tacks, wire, cans, barbed wire, boards, trash or garbage, paper or paper products, or any other substance which would or could mar or impair the scenic aspect or beauty of the land in the state whether under private, state, county, municipal, or federal ownership without the permission of the owner or person having control or custody of the land.
- (2) A person who drops, throws, deposits, or discards, or permits to be dropped, thrown, deposited, or discarded, on any park, recreation area, or other public or private land or waterway any destructive, injurious, or unsightly material shall:
  - (a) immediately remove the material or cause it to be removed; and
  - (b) deposit the material in a receptacle designed to receive the material.
- (3) A person distributing commercial handbills, leaflets, or other advertising shall take whatever measures are reasonably necessary to keep the material from littering public or private property.
- (4) A person removing a wrecked or damaged vehicle from a park, recreation area, or other public or private land shall remove any glass or other injurious substance dropped from the vehicle in the park, recreation area, or other public or private land.
- (5) A person in charge of a construction or demolition site shall take reasonable steps to prevent the accumulation of litter at the construction or demolition site.
- (6) A law enforcement officer as defined in Section 53-13-103, within the law enforcement officer's jurisdiction:
  - (a) shall enforce the provisions of this section;
  - (b) may issue citations to a person who violates any of the provisions of this section; and
  - (c) may serve and execute all warrants, citations, and other processes issued by any court in enforcing this section.
- (7) An operator of a park, campground, trailer park, drive-in restaurant, gasoline service station, shopping center, grocery store parking lot, tavern parking lot, parking lots of industrial firms, marina, boat launching area, boat moorage and fueling station, public and private pier, beach, and bathing area shall maintain sufficient litter receptacles on the premises to accommodate the litter that accumulates.
- (8) A municipality within its corporate limits and a county outside of incorporated municipalities may enact local ordinances to carry out the provisions of this section.

#### **76-10-2702. Penalty for littering on a park, recreation area, waterway, or other public or private land.**

- (1) A person who violates any of the provisions of Section 76-10-2701 is guilty of a class C misdemeanor and shall be fined not less than \$100 for each violation.
- (2) The sentencing judge may require that the offender devote at least four hours in cleaning up:
  - (a) litter caused by the offender; and
  - (b) existing litter from a safe area designated by the sentencing judge.

**Utah Code 76 – Utah Criminal Code**  
**Chapter 6 – Offenses Against Property**  
**Part 2 – Burglary and Criminal Trespass**

**76-6-206. Criminal trespass.**

- (1) As used in this section:
- (a) "Enter" means intrusion of the entire body or the entire unmanned aircraft.
  - (b) "Remain unlawfully," as that term relates to an unmanned aircraft, means remaining on or over private property when:
    - (i) the private property or any portion of the private property is not open to the public; and
    - (ii) the person operating the unmanned aircraft is not otherwise authorized to fly the unmanned aircraft over the private property or any portion of the private property.
- (2) A person is guilty of criminal trespass if, under circumstances not amounting to burglary as defined in Section 76-6-202, 76-6-203, or 76-6-204 or a violation of Section 76-10-2402 regarding commercial obstruction:
- (a) the person enters or remains unlawfully on or causes an unmanned aircraft to enter and remain unlawfully over property and:
    - (i) intends to cause annoyance or injury to any person or damage to any property, including the use of graffiti as defined in Section 76-6-107;
    - (ii) intends to commit any crime, other than theft or a felony; or
    - (iii) is reckless as to whether the person's or unmanned aircraft's presence will cause fear for the safety of another;
  - (b) knowing the person's or unmanned aircraft's entry or presence is unlawful, the person enters or remains on or causes an unmanned aircraft to enter or remain unlawfully over property to which notice against entering is given by:
    - (i) personal communication to the person by the owner or someone with apparent authority to act for the owner;
    - (ii) fencing or other enclosure obviously designed to exclude intruders; or
    - (iii) posting of signs reasonably likely to come to the attention of intruders; or
  - (c) the person enters a condominium unit in violation of Subsection 57-8-7(8).
- (3) (a) A violation of Subsection (2)(a) or (b) is a class B misdemeanor unless the violation is committed in a dwelling, in which event the violation is a class A misdemeanor.
- (b) A violation of Subsection (2)(c) is an infraction.
- (4) It is a defense to prosecution under this section that:
- (a) the property was at the time open to the public; and
  - (b) the actor complied with all lawful conditions imposed on access to or remaining on the property.

**Utah Code 76 – Utah Criminal Code**  
**Chapter 8 – Offenses Against the Administration of Government**  
**Part 4 – Offenses Against Public Property**

- Section 402 Misusing public money or public property.
- Section 403 Failure to keep and pay over public money.
- Section 404 Making profit from or misusing public money or public property --  
Disqualification from office -- Criminal penalty.

<u>Section 405</u>	Failure to pay over fine, forfeiture, or fee.
<u>Section 406</u>	Obstructing collection of revenue.
<u>Section 407</u>	Refusing to give tax assessment information or giving false information.
<u>Section 408</u>	Giving false tax receipt or failing to give receipt.
<u>Section 409</u>	Refusing to give tax assessor or tax or license collector list of, or denying access to, employees.
<u>Section 410</u>	Doing business without license.
<u>Section 411</u>	Trafficking in warrants.
<u>Section 412</u>	Stealing, destroying or mutilating public records by custodian.
<u>Section 413</u>	Stealing, destroying or mutilating public records by one not custodian.
<u>Section 414</u>	Recording false or forged instruments.
<u>Section 415</u>	Damaging or removing monuments of official surveys.
<u>Section 416</u>	Taking toll or maintaining road, bridge, or ferry without authority -- Refusal to pay lawful toll.
<u>Section 417</u>	Tampering with official notice or proclamation.
<u>Section 418</u>	Damaging jails or other places of confinement.
<u>Section 419</u>	Damaging highways or bridges.
<u>Section 420</u>	Removing or damaging road signs.

## ***Attachment 6***

Publication: **Community Assessment & Strategic Plan 2019 – Improving the Homeless Response System in Weber County** – Prepared by Ashley Barker Tolman Shuler / May 6, 2019

Major Findings - Highlights and recommendations based on community assessment

- Homelessness in Weber County is proportionately higher than homelessness in Salt Lake County and has increased at much higher rates from 2014 to 2018 (pp. 5-7).
- The gap of affordable housing for extremely-low-income households, combined with increasing rents and decreasing renter income, will likely lead to further increases in homelessness (pp. 7-9).
- The loss of a federal grant for homeless people who experience severe and persistent mental illness left a gaping hole in service that is affecting performance outcomes and will likely lead to recaptured and/or reduced funding (Appendix C, Focus Area 5, Permanent Supportive Housing).
- Without an investment in the Weber Homeless Coordinating Committee and improved access to local, homeless system-level data, Weber County will not have the basic tools needed to reverse concerning trends (Appendix C, Focus Area 1 and 2).
- Weber County needs to re-orient its system and services to a housing first philosophy and a housing-focused approach (Appendix C, Focus Area 4).
- Consistent with national trends, homeless adults without children make up the vast majority of the homeless population and are increasing at faster rates than households with children (pp.5-6).
- Of the six applicable system performance measures for Weber County, only Measure 2 (average rates of return to homelessness), moved in a positive direction in the most recent report year. This is most likely a result of the above concerns and insufficient funding (pp. 10-14).

## ***Attachment 7***

### **Sample Ordinance Codes Dealing with Camping on Public Property**

#### **Sandy City Municipal Code**

Sec. 13-11-3. - Prohibited Activities.

The following activities are prohibited in or on City recreational facilities:

13. Parking a motor vehicle or trailer overnight in a facility unless in an area where specifically allowed by posted signs;

25. Camping, lodging or remaining overnight unless in an area specifically designated for that purpose;

#### **Ogden City Municipal Code**

1930-4: DEFINITIONS:

For purposes of this policy, the following terms shall have the meanings indicated:

**CAMPING:** An act taken for the apparent purpose of establishing temporary or permanent living or sleeping accommodations and includes: the erecting of a tent or shelter of natural or synthetic material; using or preparing a sleeping bag or other bedding material, including a blanket; the storage of personal belongings; cooking or making a fire in a place that has not been established for such uses; and parking of a motor vehicle, motor home or trailer for the primary purpose of sleeping.

When a park is open to the public, camping does not mean periods of brief napping, not to exceed thirty (30) minutes, between eight thirty o'clock (8:30) A.M. and eight thirty o'clock (8:30) P.M. or the temporary use of an umbrella or shelter associated with other regular park activities, such as picnicking or sporting activities. (Eff. 9-8-2017)

7-2-15: CAMPING AND RELATED ACTIVITIES:

It is unlawful for any person to camp, lodge, sleep, cook, make a fire or pitch a tent, fly, lean to, tarpaulin, umbrella, or any other type of ground cover or shelter, or place sleeping bags, bedding or any other type of camping or sleeping equipment upon any portion of a public way, as defined herein, and it is unlawful for any person using or benefiting from the use of any of the foregoing shelter or camping or sleeping equipment to fail to remove the same from any such street for more than five (5) minutes after being requested to do so by any police officer or citizen.

#### **Salt Lake City Municipal Code**

CHAPTER 11.12 - OFFENSES AGAINST PUBLIC ORDER

11.12.080: CAMPING ON PUBLIC GROUND S, STREETS, PARKS AND PLAYGROUNDS:

A. It is unlawful for any person to camp, lodge, cook, make a fire or pitch a tent, fly, lean to, tarpaulin, or any other type of camping equipment on any "public grounds", as defined in subsection B of this section, upon any portion of a "street", as defined in section 1.04.010 of this code, or in any park or playground, unless allowed by section 15.08.080 of this code. It is unlawful for any person using or benefiting from the use of any of the foregoing items of camping equipment to fail to remove the same for more than five (5) minutes after being requested to do so by any police officer.

B. For the purpose of this section, the term "public grounds" means any real property owned in whole or in part by the United States Of America and its agencies, or the state of Utah or any of its political subdivisions, including Salt Lake City Corporation, upon which no camping has been authorized by the owner. (Ord. 77-12, 2012)

#### **South Salt Lake Municipal Code**

12.44.060 - Camping.

No person shall camp, lodge or pitch a tent, fly, lean-to, tarpaulin or any other type of camping equipment in any park or playground except in conjunction with a city-sponsored camp or except in cases of local emergency as declared by the mayor of South Salt Lake City.

12.38.070 - Camping.

No person shall camp, lodge, or pitch a tent, fly, lean-to, tarpaulin, or any other type of camping equipment in any park except in conjunction with a city-sponsored event.

**Draper Municipal Code**

13-6-020: TRESPASS BY PERSONS AND MOTOR VEHICLES:

B. Presence On Premises: It is unlawful for any person to drive or park any motor vehicle, motorcycle, or other contrivance, or to walk, lodge, camp, or sleep upon the premises of another without the permission of the owner or occupant thereof.

15-1-060: REGULATION OF RECREATIONAL ACTIVITY:

G. Camping: It shall be unlawful for any person to camp, lodge, or remain overnight at any recreation facility or open space, except in cases of local emergency as declared by the City Council.

**South Jordan Municipal Code**

8.40.010: DEFINITIONS:

CAMP: The use of public property as a temporary or permanent dwelling, lodging, residence, living accommodation, or sleeping accommodation. "Camp" includes, without limitation, the storage of personal belongings or the laying down of bedding for the purpose of sleeping.

PUBLIC PROPERTY: All real property owned, leased or occupied by the City; all real property in which the City has a possessory interest; any easement on real property granted to the City for public purposes, including, without limitation, public streets, parks, alleys, sidewalks, flood control channels; and any other real property within the City owned, leased, or occupied by any governmental entity.

8.40.020: CAMPING PROHIBITED:

A. It is unlawful for any person to camp or remain overnight on any public property except:

1. In areas specifically designated and set apart for that purpose; or
2. With the express written permission of the property owner.

8.40.030: VIOLATION:

A person who violates this chapter is guilty of an infraction.