

**NOTICE AND AGENDA  
TOWN COUNCIL  
Town Council - Regular Meeting**

Notice is given that a meeting of the Town Council of the Town of Apple Valley will be held on **Wednesday, April 1<sup>st</sup> 2020**, commencing at **6:00 PM** or shortly thereafter. This meeting will be available for live stream at [www.youtube.com](http://www.youtube.com). Search: Town of Apple Valley Utah.

Pursuant to the Executive Order issued by Governor Gary Herbert on March 18, 2020 regarding Electronic Public Meetings, please be advised that the meeting will be held electronically and broadcast via Zoom. Persons allowed to comment during the meeting may do so via Zoom. Login to the meeting by visiting <https://zoom.us/j/540799680>

To call into meeting, dial (253) 215 8782 and use Meeting ID **540 799 680**

The Agenda for the meeting is as follows:

**Call to Order / Pledge of Allegiance / Roll Call**

**Mayor's Town Update**

**Declaration of Conflicts of Interest**

**CONSENT AGENDA**

*The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Council Member wishes to remove an item from the Consent Portion of the agenda, that item becomes the first order of business on the Regular Agenda.*

- A. Approval of February 2020 Expenditure Report
- B. Approval of February Monthly Operational Budget Update

**DISCUSSION AND ACTION**

1. Discussion and possible action on zone change application for AV-1379-A-1 from Rural Estates RE-2.5 to Commercial C-2. Applicant My Living LLC, Kaiser and Mary Yusuf. Planning Commission recommended approval 5/0 conditional upon corrected affidavit.
2. Discussion and possible action on zone change application for AV-1335 from Commercial C-2 to Recreational Vehicle Park Zone. Applicant Aaron Stout. Planning Commission recommended denial 5/0.
3. Public Hearing on Vacating a Portion of Main Street
4. Discussion and possible action on Ordinance O-2020-XX Vacating a Portion of Main Street
5. Discussion and possible action on Town Lighting Ordinance O-2020-03
6. Discussion and possible action on CIB Grant approval
7. Discussion and possible action on budgetary allocations

**REPORTS, RECOMMENDATIONS, AND ANNOUNCEMENTS**

Events Committee – Tish Lisonbee/Debbie Kopp  
Planning Commission – Janet Prentice/Michael McLaughlin  
Fire Department – Chief Dave Zolg, Jr  
Big Plains Water and Sewer SSD – Denny Bass  
Code Enforcement – Rich Ososki/Paul Edwardsen

Roads and Storm Drainage –  
Mosquito Abatement- Margaret Ososki  
Council

**PUBLIC COMMENTS**

**REQUEST FOR A CLOSED SESSION**

**ADJOURNMENT**

CERTIFICATE OF POSTING: I, Ben Billingsley, as duly appointed Deputy Clerk for the Town of Apple Valley, hereby certify that this notice was posted on the Utah Public Meeting Notice website

<http://pmn.utah.gov>, and the Town Website [www.applevalleyut.gov](http://www.applevalleyut.gov) on the **28<sup>th</sup> of March, 2020**.

**Dated this 28<sup>th</sup> day of March, 2020**

Ben Billingsley

Town of Apple Valley

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS AND MEETINGS  
In compliance with the American with Disabilities Act, individuals needing special accommodations (Including  
auxiliary communicative aids and services) during this meeting should call 435-877-1190.

**Town of Apple Valley  
Check Register  
Checking - SBSU - 02/01/2020 to 02/29/2020**

Payee Name	Reference Number	Invoice Number	Invoice Ledger Date	Payment Date	Amount	Description	Ledger Account
Big Plains Water and Sewer SSD	4428	01312020	01/31/2020	02/05/2020	14,314.58	Jan20 Water Sales Receipts	102340 - Due To/Big Plains Water P
Washington County Solid Waste	4442	87189	01/31/2020	02/13/2020	3,523.40	Solid Waste	104420.460 - Solid Waste Service
Big Plains Water and Sewer SSD	4428	01312020	01/31/2020	02/05/2020	2,246.72	Jan20 Water Standby Receipts	102340 - Due To/Big Plains Water P
Century Equipment Company	4437	CP78110	02/04/2020	02/13/2020	1,449.34	Backhoe 1000hr service supplies	104410.550 - Road Equipment Main
Hinton, Burdick, Hall & Spilker, PL	4449	APPLE06	02/26/2020	02/26/2020	1,448.66	AUP Final Billing FY19	104141.340 - Admin Accounting
Big Plains Water and Sewer SSD	4428	01312020	01/31/2020	02/05/2020	1,162.00	Jan20 Bulk Meters	102340 - Due To/Big Plains Water P
Ford Motor Credit Company	02062010	22 - 2017 F550 V	02/06/2020	02/06/2020	925.28	Principal - 2017 F550 Vehicle Lease	104220.620 - Fire Principal
RDB Law, PC	4430	34	01/31/2020	02/05/2020	840.00	Prosecutor	104141.330 - Admin Legal Wages a
Diggen Rigger	4438	1217148	02/06/2020	02/13/2020	600.00	Water Tender Transport from Vegas	104410.550 - Road Equipment Main
Little Creek Station	4439	013120	01/31/2020	02/13/2020	575.29	January Road Fuel	104410.560 - Road Equipment Fuel
Blackburn Propane	4436	021488	02/04/2020	02/13/2020	533.09	286.2 Gallons Propane	104141.270 - Admin Utilities
South Central Communications	4441	020120	02/01/2020	02/13/2020	381.72	Phone and Internet	104141.280 - Admin Telephone and
Supreme Green	4450	45561	02/12/2020	02/26/2020	275.00	Fertilizer - Gateway and Park	104540.250 - Park/Rec Department
Revco Leasing	4440	557663	02/04/2020	02/13/2020	230.69	Printer Monthly Lease	104141.250 - Admin Equipment mai
AT&T	4435	020120	02/01/2020	02/13/2020	208.08	Cell Phones	104141.280 - Admin Telephone and
Fischer, Newel	4432	RFD 914.013020	01/30/2020	02/05/2020	200.00	Deposit Refund: 914 - Fischer, Newel	102330 - Customer security deposit
Ford Motor Credit Company	02062010	22 - 2017 F550 V	02/06/2020	02/06/2020	196.87	Interest - 2017 F550 Vehicle Lease	104220.610 - Fire Interest
XPress Bill Pay	CC	020520	02/03/2020	02/03/2020	191.63	Xpress Monthly Support	104141.250 - Admin Equipment mai
Kopp, Debbie	4429	013120	02/05/2020	02/05/2020	184.44	Treasurer mileage reimbursement	104111.210 - Council Travel Reimbu
Rocky Mountain Power	ACH	022620	02/26/2020	02/26/2020	182.24	Monthly Power	104141.270 - Admin Utilities
Supreme Green	4450	45561	02/12/2020	02/26/2020	170.00	Fertilizer - Gateway and Park	104415.450 - Public Works Supplies
Darger, Jennifer	4445	Refund: 860	06/13/2019	02/26/2020	119.09	Refund: 860 - Darger, Jennifer	101311 - Accounts receivable
Republic Services	ACH	021020	02/10/2020	02/10/2020	95.81	Park Portable Toilet	104415.450 - Public Works Supplies
Little Creek Station	4439	013120	01/31/2020	02/13/2020	69.60	January Fire Fuel	104220.560 - Fire Equipment Fuel
Tink's Superior Auto Parts	4444	203592703	01/31/2020	02/13/2020	53.03	Brush Truck Oil Change	104220.250 - Fire Equipment mainte
The Spectrum	4431	3144452	01/31/2020	02/05/2020	25.52	Public Notices	104141.220 - Admin Public notices
Six States Distrubutors, Inc.	4443	15356632	01/24/2020	02/13/2020	22.18	Groomer Retrofit Equipment	104410.550 - Road Equipment Main
Big Plains Water and Sewer SSD	4428	01312020	01/31/2020	02/05/2020	21.00	Jan20 Will Serve Letters	102340 - Due To/Big Plains Water P
SWRCA	4448	022420	02/24/2020	02/26/2020	20.00	2020 Membership Dues	104141.210 - Admin Dues, subs &
Buck's Ace Hardware	CC	020720	02/07/2020	02/07/2020	15.11	Unknown	101580 - Suspense
Steamroller Copies	4446	012920	02/01/2020	02/26/2020	6.00	Plans printed	104141.240 - Admin Office supplies
Big Plains Water and Sewer SSD	4428	01312020	01/31/2020	02/05/2020	-2,499.00	Jan20 Connection Fee	102340 - Due To/Big Plains Water P
					<b>\$27,787.37</b>		

**Town of Apple Valley**  
**Operational Budget Report**  
**10 General Fund - 07/01/2019 to 02/29/2020**  
**66.67% of the fiscal year has expired**

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
<b>Change In Net Position</b>					
<b>Revenue:</b>					
<b>Taxes</b>					
3110 General property taxes-current	104,185.09	0.00	108,647.87	107,216.00	101.34%
3120 Prior year's taxes-delinquent	6,526.28	3,584.61	6,554.61	6,500.00	100.84%
3130 General sales and use taxes	62,961.15	12,663.67	69,693.33	96,969.00	71.87%
3140 Energy and communication taxes	8,749.36	3,746.49	22,658.83	38,016.00	59.60%
3150 RAP Tax	6,100.91	908.67	6,647.39	9,846.00	67.51%
3160 Transient Taxes	986.38	131.97	1,130.61	1,360.00	83.13%
3170 Fee in lieu of personal property taxes	4,942.90	1,152.63	3,148.46	8,338.00	37.76%
3180 Fuel Tax Refund	119.28	0.00	0.00	0.00	0.00%
3190 Highway/Transit Tax	0.00	1,149.06	2,797.84	0.00	0.00%
<b>Total Taxes</b>	<b>194,571.35</b>	<b>23,337.10</b>	<b>221,278.94</b>	<b>268,245.00</b>	<b>82.49%</b>
<b>Licenses and permits</b>					
3210 Business licenses	2,025.00	750.00	1,975.00	3,464.00	57.02%
3221 Building Permits-Fee	27,031.68	0.00	20,477.92	38,513.00	53.17%
3222 Building Permits-Non Surcharge	3,371.70	0.00	2,843.44	6,286.00	45.23%
3223 Building permit - HCP Valuation	4,660.12	0.00	(1,732.42)	0.00	0.00%
3224 Building Permits Surcharge	229.87	0.00	0.00	0.00	0.00%
3225 Animal licenses	870.00	90.00	730.00	1,263.00	57.80%
<b>Total Licenses and permits</b>	<b>38,188.37</b>	<b>840.00</b>	<b>24,293.94</b>	<b>49,526.00</b>	<b>49.05%</b>
<b>Intergovernmental revenue</b>					
3342 Fire Dept-State Wildland Grant	0.00	0.00	0.00	10,000.00	0.00%
3356 Class "C" road allotment	54,865.36	0.00	59,031.22	78,681.00	75.03%
3358 Liquor control profits	697.45	0.00	845.23	875.00	96.60%
3370 State Grants	0.00	0.00	10,900.95	50,000.00	21.80%
<b>Total Intergovernmental revenue</b>	<b>55,562.81</b>	<b>0.00</b>	<b>70,777.40</b>	<b>139,556.00</b>	<b>50.72%</b>
<b>Charges for services</b>					
3410 Clerical services	21.25	0.00	25.00	0.00	0.00%
3416 Other Interdepartmental Charges	4,902.50	0.00	0.00	0.00	0.00%
3420 Fire Department Contracts	300.00	0.00	0.00	0.00	0.00%
3431 Zoning and subdivision fees	25,878.50	2,000.00	21,314.50	17,121.00	124.49%
3440 Solid waste	28,106.82	3,712.50	29,621.58	43,400.00	68.25%
3441 Storm Drainage	25,145.17	3,246.21	25,941.37	38,080.00	68.12%
3461 GRAMA requests	0.00	0.00	113.50	0.00	0.00%
3470 Park and recreation fees	30.00	0.00	55.00	0.00	0.00%
3615 Late charges	(438.15)	315.46	2,429.00	3,500.00	69.40%
<b>Total Charges for services</b>	<b>83,946.09</b>	<b>9,274.17</b>	<b>79,499.95</b>	<b>102,101.00</b>	<b>77.86%</b>
<b>Fines and forfeitures</b>					
3510 Fines	2,797.07	436.32	3,647.54	4,015.00	90.85%
<b>Total Fines and forfeitures</b>	<b>2,797.07</b>	<b>436.32</b>	<b>3,647.54</b>	<b>4,015.00</b>	<b>90.85%</b>
<b>Interest</b>					
3610 Interest earnings	2,466.45	534.42	4,596.45	3,226.00	142.48%
<b>Total Interest</b>	<b>2,466.45</b>	<b>534.42</b>	<b>4,596.45</b>	<b>3,226.00</b>	<b>142.48%</b>
<b>Miscellaneous revenue</b>					
3640 Sale of capital assets	650.00	0.00	0.00	0.00	0.00%
3690 Sundry revenue	0.00	0.00	120.00	0.00	0.00%
3692 Fire department fundraisers	128.00	0.00	1,200.00	1,000.00	120.00%
3697 Park department fundraisers	121.76	0.00	6,049.19	12,000.00	50.41%
3801.1 Impact fees - Fire	590.00	0.00	472.00	1,003.00	47.06%
3801.3 Impact fees - roadways	5,140.00	0.00	4,112.00	8,738.00	47.06%
3801.6 Impact fees - storm water	1,974.56	0.00	2,418.31	2,924.00	82.71%
3801.7 Impact fees - parks, trails, OS	1,410.00	0.00	1,128.00	2,397.00	47.06%
<b>Total Miscellaneous revenue</b>	<b>10,014.32</b>	<b>0.00</b>	<b>15,499.50</b>	<b>28,062.00</b>	<b>55.23%</b>
<b>Contributions and transfers</b>					
3802.7 Contributions - parks and recreation	100.00	0.00	0.00	0.00	0.00%
3890 Fund balance appropriation	0.00	0.00	0.00	57,000.00	0.00%
<b>Total Contributions and transfers</b>	<b>100.00</b>	<b>0.00</b>	<b>0.00</b>	<b>57,000.00</b>	<b>0.00%</b>
<b>Total Revenue:</b>	<b>387,646.46</b>	<b>34,422.01</b>	<b>419,593.72</b>	<b>651,731.00</b>	<b>64.38%</b>
<b>Expenditures:</b>					
<b>General government</b>					
<b>Council</b>					

**Town of Apple Valley**  
**Operational Budget Report**  
**10 General Fund - 07/01/2019 to 02/29/2020**  
**66.67% of the fiscal year has expired**

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
4111.110 Council Salaries and wages	5,310.99	300.00	3,675.00	17,400.00	21.12%
4111.130 Council Employee benefits	2,369.85	(211.07)	57.56	1,331.00	4.32%
4111.210 Council Travel Reimbursement	45.58	332.92	1,106.68	1,764.00	62.74%
4111.220 Council Training	790.00	0.00	370.00	2,800.00	13.21%
4111.610 Council Donations and discretionary spending	0.00	0.00	0.00	1,000.00	0.00%
<b>Total Council</b>	<b>8,516.42</b>	<b>421.85</b>	<b>5,209.24</b>	<b>24,295.00</b>	<b>21.44%</b>
<b>Administrative</b>					
4141.110 Admin Salaries and wages	52,226.76	5,812.23	52,691.11	86,100.00	61.20%
4141.130 Admin Employee benefits	4,099.48	503.20	4,836.13	11,800.00	40.98%
4141.140 Admin Employee Retirement - GASB 68	771.34	829.66	6,984.86	6,400.00	109.14%
4141.210 Admin Dues, subs & memberships	646.92	20.00	473.18	905.00	52.29%
4141.220 Admin Public notices	734.99	9.60	492.39	1,200.00	41.03%
4141.230 Admin Clerk training	963.64	0.00	654.00	930.00	70.32%
4141.240 Admin Office supplies	3,126.78	6.00	2,453.34	4,300.00	57.05%
4141.250 Admin Equipment maintenance	4,246.71	422.32	3,326.33	3,700.00	89.90%
4141.260 Admin Building & ground maintenance	1,026.61	0.00	400.38	1,900.00	21.07%
4141.270 Admin Utilities	4,385.33	715.33	3,165.85	4,300.00	73.62%
4141.280 Admin Telephone and Internet	13,024.61	639.80	7,266.92	9,700.00	74.92%
4141.290 Admin Postage	1,456.55	0.00	2,870.10	2,200.00	130.46%
4141.320 Admin Engineering/Professional Fees	5,325.00	0.00	22,651.90	105,000.00	21.57%
4141.330 Admin Legal Wages and Contract Labor	3,711.97	2,802.42	29,082.44	41,300.00	70.42%
4141.340 Admin Accounting	12,868.13	1,448.66	3,998.66	4,500.00	88.86%
4141.350 Building Inspector Fees	14,118.78	0.00	14,603.91	25,418.00	57.45%
4141.360 Admin Education-general	0.00	0.00	0.00	299.00	0.00%
4141.390 Admin Bank service charges	2,387.18	432.09	2,603.37	2,500.00	104.13%
4141.410 Admin Insurance	9,269.57	0.00	9,813.26	9,900.00	99.12%
4141.490 Admin Travel reimbursements	32.86	0.00	154.86	1,000.00	15.49%
4141.500 Admin Weed abatement	386.99	0.00	975.00	0.00	0.00%
4141.740 Admin Capital outlay	1,060.00	0.00	0.00	0.00	0.00%
4170 Elections	0.00	0.00	867.21	2,500.00	34.69%
<b>Total Administrative</b>	<b>135,870.20</b>	<b>13,641.31</b>	<b>170,365.20</b>	<b>325,852.00</b>	<b>52.28%</b>
<b>Total General government</b>	<b>144,386.62</b>	<b>14,063.16</b>	<b>175,574.44</b>	<b>350,147.00</b>	<b>50.14%</b>
<b>Public safety</b>					
<b>Police</b>					
4210.110 Police Salaries & wages	1,080.00	0.00	0.00	0.00	0.00%
4210.130 Police Employee benefits	82.63	0.00	0.00	0.00	0.00%
4253.250 Animal Control Supplies	62.50	0.00	62.90	70.00	89.86%
<b>Total Police</b>	<b>1,225.13</b>	<b>0.00</b>	<b>62.90</b>	<b>70.00</b>	<b>89.86%</b>
<b>Fire</b>					
4220.110 Fire Salaries & wages	13,338.54	1,569.24	13,338.54	20,400.00	65.39%
4220.130 Fire Employee Benefits	1,030.71	242.06	1,173.11	1,700.00	69.01%
4220.210 Fire Dues, subscriptions & memberships	108.90	0.00	0.00	200.00	0.00%
4220.230 Fire Travel & mileage	27.52	282.05	282.05	600.00	47.01%
4220.240 Fire Office expenses	328.96	0.00	0.00	0.00	0.00%
4220.250 Fire Equipment maintenance & repairs	105.54	0.00	209.66	6,533.00	3.21%
4220.260 Fire Rent expense	0.00	0.00	741.60	0.00	0.00%
4220.360 Fire Training	585.16	(208.08)	310.39	0.00	0.00%
4220.450 Fire Small Equip/Supplies	295.47	423.52	1,129.92	1,524.00	74.14%
4220.460 Fire Supplies-Fundraisers	273.05	0.00	0.00	0.00	0.00%
4220.465 Fire Gear	891.33	0.00	670.00	12,234.00	5.48%
4220.475 Fire Other Grant Expenditures	0.00	0.00	962.89	0.00	0.00%
4220.560 Fire Equipment Fuel	1,252.10	179.73	1,053.74	2,000.00	52.69%
4220.610 Fire Interest	0.00	196.87	1,701.52	2,497.00	68.14%
4220.620 Fire Principal	0.00	925.28	7,275.68	10,969.00	66.33%
4220.740 Fire Capital outlay	304.50	0.00	0.00	0.00	0.00%
<b>Total Fire</b>	<b>18,541.78</b>	<b>3,610.67</b>	<b>28,849.10</b>	<b>58,657.00</b>	<b>49.18%</b>
<b>Total Public safety</b>	<b>19,766.91</b>	<b>3,610.67</b>	<b>28,912.00</b>	<b>58,727.00</b>	<b>49.23%</b>
<b>Highways and public improvements</b>					
<b>Highways</b>					
4410.110 Road Wages and Contract Labor	789.00	0.00	15.00	10,000.00	0.15%
4410.130 Road Employee benefits	60.36	0.00	1.15	795.00	0.14%
4410.270 Road Flood damage	438.25	0.00	0.00	2,100.00	0.00%
4410.380 Road Department Services	0.00	0.00	350.00	0.00	0.00%
4410.450 Road Department Supplies	928.25	(157.07)	651.06	3,000.00	21.70%

**Town of Apple Valley**  
**Operational Budget Report**  
**10 General Fund - 07/01/2019 to 02/29/2020**  
**66.67% of the fiscal year has expired**

	Prior YTD	Current Period	Current YTD	Annual Budget	Percent Used
4410.550 Road Equipment Maintenance	950.98	2,049.34	3,785.84	3,600.00	105.16%
4410.560 Road Equipment Fuel	1,494.85	525.49	3,945.18	2,300.00	171.53%
4410.740 Road Capital outlay	0.00	0.00	20,185.00	20,000.00	100.93%
4410.810 Road Principal	31,000.00	0.00	38,016.76	33,027.00	115.11%
4410.820 Road Interest	32,200.00	0.00	32,451.27	41,314.00	78.55%
4415.110 Public Works Wages and Contract Labor	7,327.00	60.00	1,447.50	7,110.00	20.36%
4415.130 Public Works Employee benefits	571.97	4.59	116.51	358.00	32.54%
4415.450 Public Works Supplies	93.93	265.81	2,365.86	300.00	788.62%
4415.550 Public Works Equipment Maintenance	3,753.32	(15.00)	646.44	2,100.00	30.78%
4415.560 Public Works Equipment fuel	319.51	0.00	557.57	1,800.00	30.98%
4415.570 Public Works Travel Reimbursement	196.10	0.00	101.76	0.00	0.00%
4415.610 Public Works Storm Drainage	0.00	0.00	0.00	40,000.00	0.00%
4415.710 Public Works Interest	0.00	0.00	2,199.36	2,199.00	100.02%
4415.720 Public Works Principle	0.00	0.00	13,860.64	13,861.00	100.00%
4415.740 Public Works Capital Outlay	3,700.00	0.00	0.00	0.00	0.00%
<b>Total Highways</b>	<b>83,823.52</b>	<b>2,733.16</b>	<b>120,696.90</b>	<b>183,864.00</b>	<b>65.64%</b>
<b>Sanitation</b>					
4420.460 Solid Waste Service	26,996.40	3,603.40	32,353.50	41,000.00	78.91%
<b>Total Sanitation</b>	<b>26,996.40</b>	<b>3,603.40</b>	<b>32,353.50</b>	<b>41,000.00</b>	<b>78.91%</b>
<b>Total Highways and public improvements</b>	<b>110,819.92</b>	<b>6,336.56</b>	<b>153,050.40</b>	<b>224,864.00</b>	<b>68.06%</b>
<b>Parks, recreation, and public property</b>					
<b>Parks</b>					
4540.110 Park/Rec Wages and Contract Labor	0.00	0.00	2,465.00	0.00	0.00%
4540.250 Park/Rec Department supplies	243.08	275.00	461.76	500.00	92.35%
4540.460 Park/Rec Community events supplies	759.63	0.00	0.00	500.00	0.00%
4540.740 Parks Capital outlay	0.00	0.00	2,650.85	15,000.00	17.67%
<b>Total Parks</b>	<b>1,002.71</b>	<b>275.00</b>	<b>5,577.61</b>	<b>16,000.00</b>	<b>34.86%</b>
<b>Total Parks, recreation, and public property</b>	<b>1,002.71</b>	<b>275.00</b>	<b>5,577.61</b>	<b>16,000.00</b>	<b>34.86%</b>
<b>Debt service</b>					
4141.810 Debt service - principal	21,054.12	0.00	0.00	0.00	0.00%
4141.820 Debt service - interest	5,105.23	0.00	0.00	0.00	0.00%
<b>Total Debt service</b>	<b>26,159.35</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00%</b>
<b>Transfers</b>					
4811 Transfer to Fund Balance	0.00	0.00	0.00	1,993.00	0.00%
<b>Total Transfers</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>1,993.00</b>	<b>0.00%</b>
<b>Total Expenditures:</b>	<b>302,135.51</b>	<b>24,285.39</b>	<b>363,114.45</b>	<b>651,731.00</b>	<b>55.72%</b>
<b>Total Change In Net Position</b>	<b>85,510.95</b>	<b>10,136.62</b>	<b>56,479.27</b>	<b>0.00</b>	<b>0.00%</b>



### Town of Apple Valley

1777 N Meadowlark Dr  
 Apple Valley UT 84737  
 T: 435.877.1190 | F: 435.877.1192  
 www.applevalleyut.gov

Fee: \$500.00 + Acreage Fee	
1 – 100 Acres:	\$50.00/Acre
101 – 500 Acres:	\$25.00/Acre
501 + Acres:	\$10/Acre

## Zone Change Application

<b>Applications Must Be Submitted A Minimum of 21 Days In Advance of The Planning Commission Meeting</b>			
Name: <u>MY Living LLC / Kaiser &amp; Mary J Yusuf</u>		Phone: <u>832-315-1363 / 713-855-5631</u>	
Address: <u>5348 Vegas Dr #1350</u>		Email: <u>maryjyusufpt@aol.com</u>	
City: <u>Las Vegas</u>		State: <u>NV</u>	Zip: <u>89108</u>
Agent: (If Applicable)		Phone:	
Address/Location of Property: <u>AV-1379-A-1 Canaan Way, Apple Valley, UT 84737</u>		Parcel ID:	
Existing Zone: <u>Greenbelt</u>		Proposed Zone: <u>Commercial C-2</u>	
Reason for the request: <u>We're in the process of buying this land along Hwy 59. We plan on building a small hotel and nightly rental cottages. We would therefore want it rezoned for commercial use.</u>			

**Submittal Requirements: The zone change application shall provide the following:**

- A. The name and address of every person or company the applicant represents
- B. An accurate property map showing the existing and proposed zoning classifications
- C. All abutting properties showing present zoning classifications
- D. An accurate legal description of the property to be rezoned
- E. Stamped envelopes with the names and address's of all property owners within 500' of the boundaries of the property proposed for rezoning. Including owners along the arterial roads that may be impacted
- F. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence the applicant has control of the property

**Note:** To avoid delays in processing your Zone Change request, it is important that all applicable information noted above, along with the fee, is submitted with the application. An incomplete application will not be scheduled for the Planning Commission. Planning Commission meetings are held on the second and fourth Wednesday of each month at 6:00 pm. Submission of a completed application does not guarantee your application will be placed on the next PC meeting agenda. It may be placed on the next available PC meeting agenda.

<b>Official Use Only</b>	
Date Received: <u>1/29/20</u>	By: <u>Ben Boly</u>
Date Application Deemed Complete: <u>1/30/20</u>	By: <u>Ben Boly</u>

Proposed Future Commercial Development for AV-1379-A-1 Canaan Way  
 Request for Re-zoning from current Greenbelt to C2 Commercial Zoning

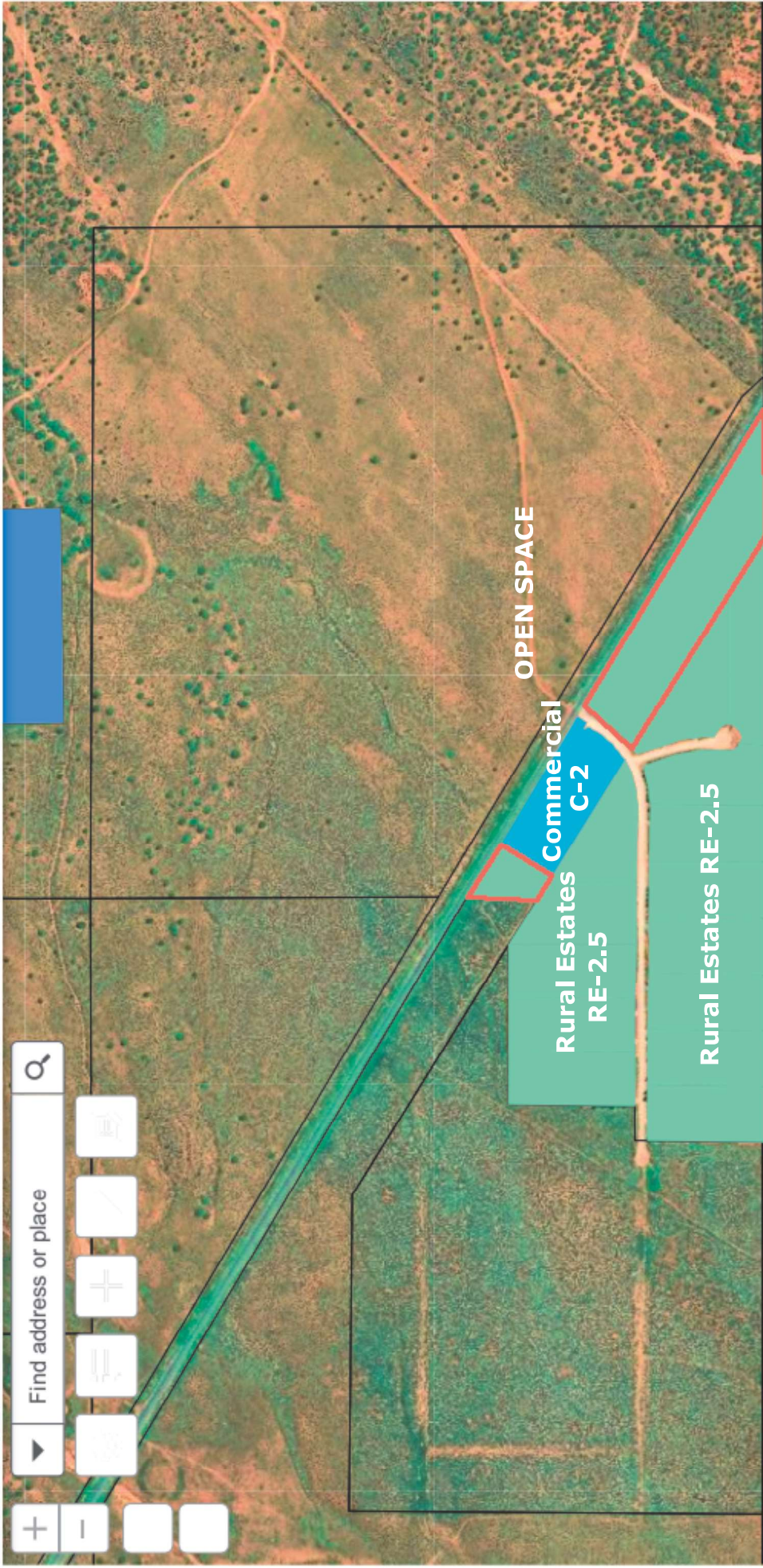
Hotel and Cottages



NOTE: The remaining less than one (1) acre land will be held for future commercial development.



Map navigation controls including zoom in (+), zoom out (-), home, and search (Find address or place) buttons.



Apple Valley Municipal Boundary  
Unincorporated County

AFFIDAVIT  
PROPERTY OWNER

STATE OF UTAH )  
 )§  
COUNTY OF WASHINGTON)

I (We) \_\_\_\_\_, being duly sworn, deposed and say that I (We) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (We) also acknowledge that I (We) have received written instructions regarding the process for which I (We) am (are) applying and the Apple Valley Town planning staff have indicated they are available to assist me in making this application.

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Property Owner

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

Residing in: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

AGENT AUTHORIZATION

I (We), Kendra Webb/Kental LLC, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Kendra Webb to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative body in the Town of Apple Valley considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Kendra Webb  
\_\_\_\_\_  
Property Owner

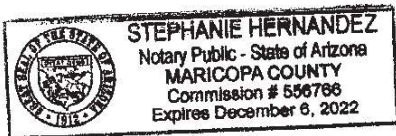
\_\_\_\_\_  
Property Owner

Subscribed and sworn to me this 30<sup>th</sup> day of January, 2020.

Stephanie Hernandez  
\_\_\_\_\_  
Notary Public

Residing in: Phoenix, AZ Maricopa County

My Commission Expires: 12.6.2022





# Yusuf 500' Mailing List



## Legend

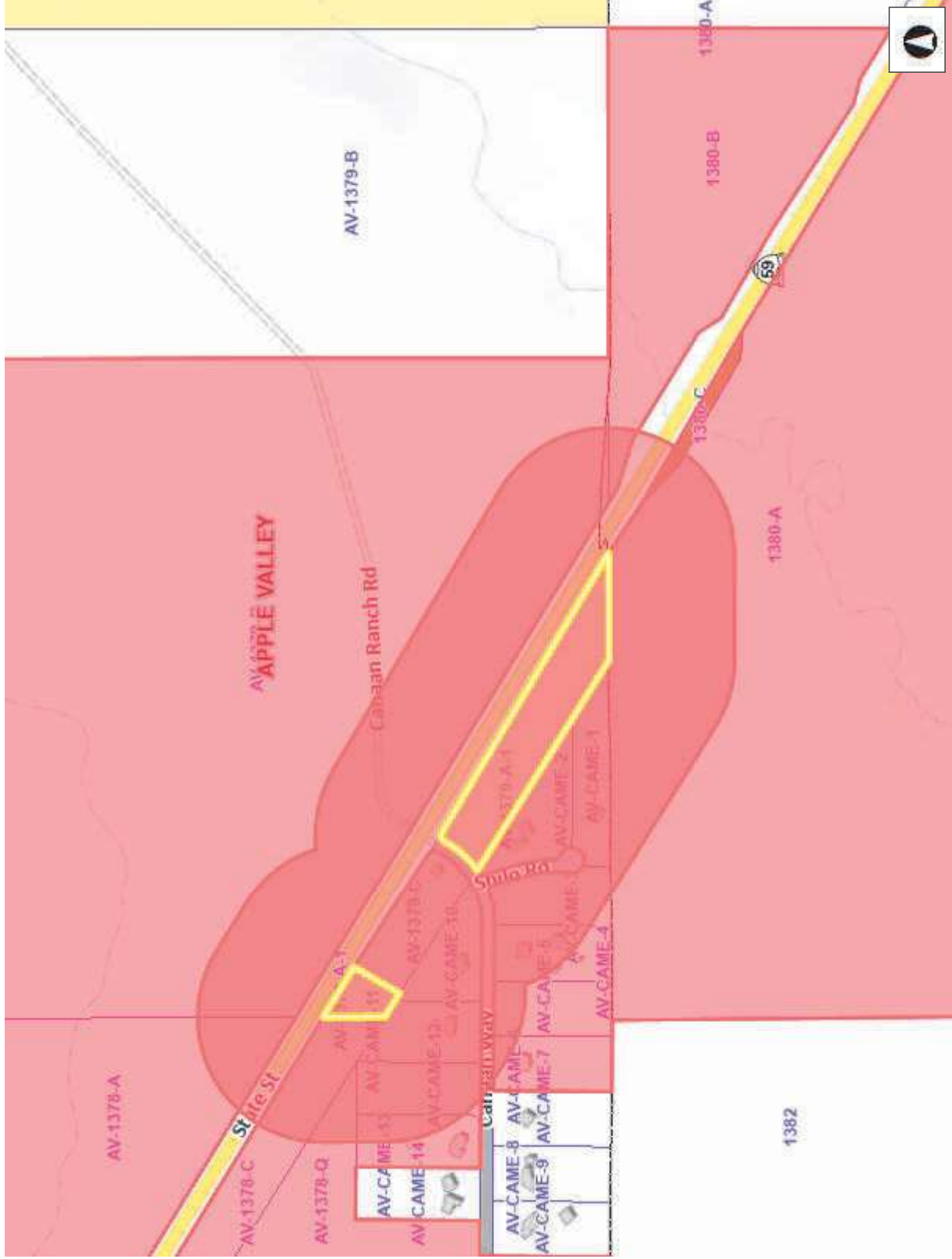
Municipalities

Parcels

### Ownership

- U.S. Forest Service
- U.S. Forest Service Wilderness
- Bureau of Land Management
- Bureau of Land Management Wild
- National Park Service
- Shivwits Reservation
- Utah Division of Wildlife Resources
- Utah Division of Transportation
- State Park
- State of Utah
- Washington County
- Municipally Owned
- School District
- Privately Owned
- Water
- Water Conservancy District
- State Assessed Oil and Gas
- Mining Claim

## Notes



1,504.7 752.33 1,504.7 Feet



DISCLAIMER: The information shown on this map was compiled from different GIS sources. The land base and facility information on this map is for display purposes only and should not be relied upon without independent verification as to its accuracy. Washington County, Utah will not be held responsible for any claims, losses or damages resulting from the use of this map.

**MACPHERSON IDA M**  
AV-CAME-13  
2357 E CANAAN WAY  
APPLE VALLEY, UT 84737-4823

**COX BRYAN**  
AV-CAME-5  
2446 E CANAAN WAY  
APPLE VALLEY, UT 84737-4840

**KENSTAL LLC**  
AV-1379-A-1  
2221 E WELDON AVE  
PHOENIX, AZ 85016

**COX A BRYAN**  
AV-CAME-4  
2446 E CANAAN WAY  
APPLE VALLEY, UT 84737-4840

**OUR KING OF KINGS LLC**  
1380-B  
PO BOX 1821  
COLORADO CITY, AZ 86021

**COX KATHRYN, ET AL**  
AV-CAME-3  
PO BOX 840579  
HILDALE, UT 84784-0579

**STEED CHARLES**  
AV-CAME-2  
2763 S SHILO RD  
HURRICANE, UT 84737

**KBGD INC**  
AV-1379-D  
71 N 150 W  
HURRICANE, UT 84737

**KENSTAL LLC**  
AV-1378-Q  
2221 E WELDON AVE  
PHOENIX, AZ 85016

**ESPLIN CATTLE CO**  
1380-A  
867 LIZZIE LN  
SAINT GEORGE, UT 84790

**YOUNGER KENNETH WILLIAM & ADELE EMILY**  
AV-CAME-11  
17764 VIA SEGUNDO  
SAN LORENZO, CA 94580

**MCM LAND & DEV LLC, ET AL**  
AV-1379-C  
PO BOX 1827  
SAINT GEORGE, UT 84771-1827

**2386 EAST CANAAN WAY LLC**  
AV-CAME-6  
3225 MCLEOD DR STE 777  
LAS VEGAS, NV 89121

**JESSOP RAYMOND L**  
AV-CAME-1  
2783 S SHILO RD  
HURRICANE, UT 84737

**KENSTAL LLC**  
AV-1378-A  
2221 E WELDON AVE  
PHOENIX, AZ 85016

**PRUITT DENNIS L & MARY CATHERINE TRS**  
AV-CAME-12  
461 LAMOILLE CANYON RD # 3  
SPRING CREEK, NV 89815

**RICHTER HYRUM**  
AV-CAME-10  
PO BOX 134  
COLORADO CITY, AZ 86021-0134

**UTAH DEPT OF TRANSPORTATION**  
1380-C  
PO BOX 141210  
SALT LAKE CITY, UT 84114-1210

**KENSTAL LLC**  
AV-1378-C  
2221 E WELDON AVE  
PHOENIX, AZ 85016

# Account 0155641

## Location

**Account Number** 0155641  
**Parcel Number** AV-1379-A-1  
**Tax District** 45 - Apple Valley Town  
**Acres** 7.88  
**Situs** 0, 0

**Legal S:** 24 T: 43S R: 11W S: 24 T: 43S R: 11W SW1/4 SEC 24 T43S R11W. LESS: LAND IN CANAAN MOUNTAIN ESTATES. LESS: BEG N 0\*00'06 E ALG SEC/L 908.07 FT & S 58\*32'58 E 102.69 FT FM SW COR SEC 24 T43S R11W THS 58\*32'58 E 545 FT TO PT ON 329.505 FT RAD CUR RAD LN BEARS N 32\*02'57 W BEING ON NLY R/W LN 50 FT RDWY; TH NELY LFTALG ARC SD CUR 152.40 FT THRU CTRL ANG 26\*30'01; TH N 31\*27'02 E 27.97 FT TO BEG OF 25 FT RAD CUR; TH NWLY LFT ALG ARCS D CUR 39.27 FT THRU CTRL ANG 90\* & PT ON SLY R/W LN HWY U-59; TH N 58\*32'58 WALG SD R/W LN 554.62 FT; TH LEAV SD R/WLN S 31\*27'02 W 200 FT TO POB. LESS AND EXCEPTING THAT PORTION OF THE LAND THAT LIES NORTH OF HIGHWAY 59.

### Parent Accounts

#### Parent Parcels

#### Child Accounts 0523202

0523210  
 0523228  
 0523236  
 0523244  
 0523293  
 0523301  
 0568777  
 0973060

#### Child Parcels CAME-1

CAME-2  
 CAME-3  
 CAME-4  
 CAME-5  
 CAME-10  
 CAME-11  
 1379-C  
 AV-1379-D

### Sibling Accounts

#### Sibling Parcels

## Transfers

### Entry Number

[00477327](#)  
[00516877](#)  
[00647207](#)  
[20090039374](#)  
[20110031703](#)  
[20110031704](#)  
[20160044334](#)  
[20190000956](#)

### Recording Date

[08/30/1994 03:48:00 PM](#)  
[12/04/1995 01:45:00 PM](#)  
[05/13/1999 12:32:00 PM](#)  
[10/14/2009 08:52:27 AM](#)  
[10/18/2011 02:16:28 PM](#)  
[10/18/2011 02:16:28 PM](#)  
[11/21/2016 02:07:54 PM](#)  
[01/09/2019 11:15:43 AM](#)

[B: 846 P: 605](#)

[B: 955 P: 282](#)

[B: 1333 P: 1960](#)

## "Tax"

### Tax Year

### Taxes

2019	\$1.39
2018	\$1.68

## Images

- [GIS](#)

## Owner

**Name** KENSTAL LLC  
 2221 E WELDON AVE  
 PHOENIX, AZ 85016

## Value

<b>Market</b> (2019)	\$39,400
<b>Taxable</b>	\$142
<b>Tax Area:</b> 45	<b>Tax Rate:</b> 0.009803
<b>Type</b>	<b>Actual</b> <b>Assessed</b> <b>Acres</b>
Farm	
Land	\$39,400 \$142 7.880
FAA	

AFFIDAVIT  
PROPERTY OWNER

STATE OF UTAH )  
 )§  
COUNTY OF WASHINGTON)

I (We) \_\_\_\_\_, being duly sworn, deposed and say that I (We) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (We) also acknowledge that I (We) have received written instructions regarding the process for which I (We) am (are) applying and the Apple Valley Town planning staff have indicated they are available to assist me in making this application.

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Property Owner

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Residing in: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

AGENT AUTHORIZATION

I (We), KENSTAL LLC, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Kaiser Yusuf to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative body in the Town of Apple Valley considering this application and to act in all respects as our agent in matters pertaining to the attached application.

KENSTAL LLC  
Property Owner

Kendra Webb *Kendra Webb*  
Property Owner MANAGER

Subscribed and sworn to me this 16<sup>th</sup> day of March, 2020



*[Signature]*  
Notary Public

Residing in: Arizona

My Commission Expires: 12.6.2022

Staff Comments  
Zone Change Request  
My Living LLC

Narrative:

My Living LLC is requesting a zone map amendment on parcel AV-1379-A-1 located on Canaan Way. The parcel is approximately 7.88 acres.

The present zoning for the parcel is RE-2.5 and the requested zoning would be Commercial C-2.

My Living LLC is proposing to build a small hotel and cabins or cottages for nightly rentals.

The Planning Commission shall hold a Public Hearing on this matter. After the Public Hearing, the Planning Commission shall pursue a "Finding of Fact" on this application.

The following criteria should be used in the "Finding of Fact".

- a. Does the zone promote safety on the streets and highways?
- b. Does the zone promote the convenience of the traveling public?
- c. Does it promote beauty in appearance of intersections and interchanges?
- d. Is the zone harmonious with its surroundings?
- e. Does the zone promote the health, safety and welfare of residents of Apple Valley?
- f. Will the zone change cause an over excessive use of land, resources and public services?
- g. Is the zone change request in harmony with the General Plan
- h. Does the zone change request meet a recognized need in the community?

It should be noted that if the zone change is granted on this parcel, the motel/hotel would be a permitted use. The cottages or cabins for nightly rental **WOULD NOT BE ALLOWED IN THIS ZONE** (section 10.10.030C (b)).



### Town of Apple Valley

1777 N Meadowlark Dr  
 Apple Valley UT 84737  
 T: 435.877.1190 | F: 435.877.1192  
 www.applevalleyut.gov

Fee: \$500.00 + Acreage Fee  
 1 – 100 Acres: \$50.00/Acre  
 101 – 500 Acres: \$25.00/Acre  
 501 + Acres: \$10/Acre

Applications Must Be Submitted A Minimum of 21 Days In Advance of The Planning Commission Meeting			
Name: <i>Aaron Stout</i>		Phone: <i>435-313-0832</i>	
Address: <i>1752 W. Plains Dr.</i>		Email: <i>Aaron.WStout@gmail.com</i>	
City: <i>Apple Valley, UT 84737</i>		State: <i>UT</i>	Zip: <i>84737</i>
Agent: (If Applicable)		Phone:	
Address/Location of Property: <i>Plains Dr. AU-1335</i>		Parcel ID: <i>AU-1335</i>	
Existing Zone: <i>Commercial</i>		Proposed Zone: <i>R.U. Park</i>	
Reason for the request <i>To seek approval of an R.U. Park on the lot.</i>			

**Submittal Requirements: The zone change application shall provide the following:**

- A. The name and address of every person or company the applicant represents
- B. An accurate property map showing the existing and proposed zoning classifications
- C. All abutting properties showing present zoning classifications
- D. An accurate legal description of the property to be rezoned
- E. Stamped envelopes with the names and address's of all property owners within 500' of the boundaries of the property proposed for rezoning. Including owners along the arterial roads that may be impacted
- F. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence the applicant has control of the property

**Note:** To avoid delays in processing your Zone Change request, it is important that all applicable information noted above, along with the fee, is submitted with the application. An incomplete application will not be scheduled for the Planning Commission. Planning Commission meetings are held on the second and fourth Wednesday of each month at 6:00 pm. Submission of a completed application does not guarantee your application will be placed on the next PC meeting agenda. It may be placed on the next available PC meeting agenda.

Official Use Only	
Date Received: <i>1/8/20</i>	By: <i>Ben Billingsley</i>
Date Application Deemed Complete:	By:





Town of Apple Valley  
 1777 N. Meadowlark Drive, Apple Valley, Utah 84737  
 Phone: (435) 877-1190 Fax: (435) 877-1192  
 www.applevalleyut.gov

**APPLICATION TO APPEAR BEFORE THE PLANNING COMMISSION**

Date of Planning Commission meeting for this agenda item to appear 1/22/20

Paperwork returned by Aaron Stout (Date) 1/8/20

Name of Applicant: Aaron Stout

Site Location: AV-1335

Mailing Address: Plains Dr. Apple Valley, UT.

Phone: 435-313-0832

Purpose of Request: To seek approval of an RV Park or RV Park and tiny Cabin Mixed Use Park on lot AV-1335.

Aaron Stout  
 Applicant Signature

1. Annexations: \$1500.00 filing fee
2. Conditional Use Permit: \$300.00 filing fee
3. Zone Changes: \$500.00 + Acreage Fee filing fee
4. Subdivisions: \$1500.00 filing fee
5. Lot Line Adjustment: \$200.00 filing fee
6. Lot Split (2 Lots): \$250.00 filing fee
7. General Plan Amendment: \$500.00 + Acreage Fee filing fee

Note: Final approval of this application is subject to all necessary paperwork being submitted. Applications requiring a public hearing may have other requirements which must be completed prior to placement on an agenda. When those applications have been approved for the agenda, they must be submitted no later than 4:00 p.m. the Wednesday three weeks prior to the expected commission meeting. All other applications must be submitted no later than 5:00 p.m. on Thursday, one week prior to the regularly scheduled Commission meeting. All plats, drawings, or other visual material must be submitted in a format viewable by public attending the meeting, as well as an email in PDF format for reproduction to meet notice requirements.

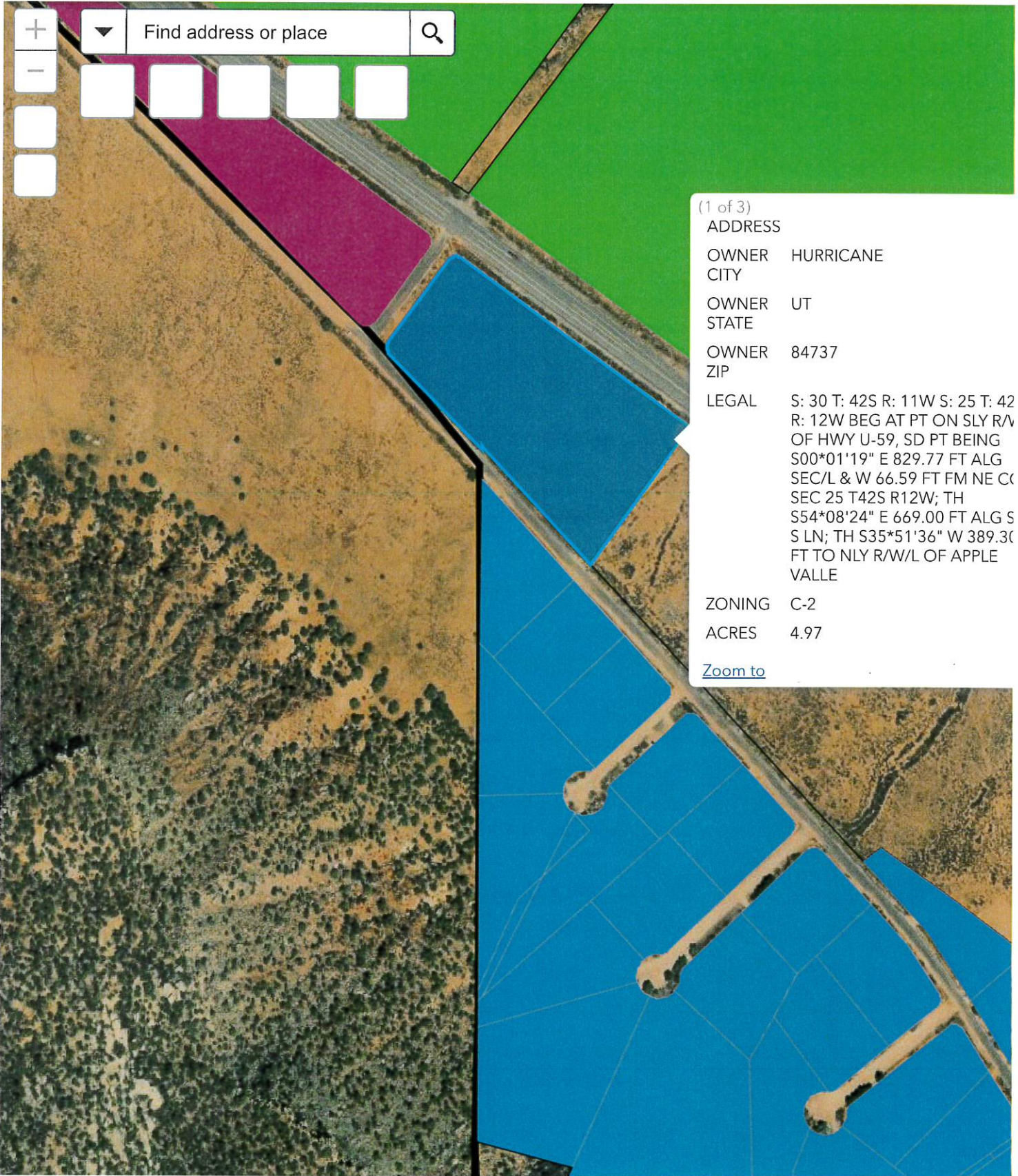
\_\_\_\_\_/\_\_\_\_\_  
 Planning Commission Chairman Date

\_\_\_\_\_/\_\_\_\_\_  
 City Administration Date



# Apple Valley Zoning (Edit)

Apple Valley, Utah



(1 of 3)

**ADDRESS**

OWNER HURRICANE  
CITY

OWNER UT  
STATE

OWNER 84737  
ZIP

**LEGAL** S: 30 T: 42S R: 11W S: 25 T: 42  
R: 12W BEG AT PT ON SLY R/W  
OF HWY U-59, SD PT BEING  
S00\*01'19" E 829.77 FT ALG  
SEC/L & W 66.59 FT FM NE CO  
SEC 25 T42S R12W; TH  
S54\*08'24" E 669.00 FT ALG S  
S LN; TH S35\*51'36" W 389.30  
FT TO NLY R/W/L OF APPLE  
VALLE

**ZONING** C-2

**ACRES** 4.97

[Zoom to](#)

300ft

-113.141 37.107 Degrees

**Account 0812244**

<u>Location</u>	<u>Owner</u>	<u>Value</u>	
<b>Account Number</b> 0812244	<b>Name</b> MERRITT HAROLD	<b>Market (2019)</b>	\$25,200
<b>Parcel Number</b> AV-1335	635 N COUGAR LN	<b>Taxable</b>	\$25,200
<b>Tax District</b> 45 - Apple Valley Town	HURRICANE, UT 84737	<b>Tax Area: 45 Tax Rate:</b> 0.009803	
<b>Acres</b> 5.03		<b>Type</b>	<b>Actual Assessed Acres</b>
<b>Situs</b> 0, 0		Non	
<b>Legal S:</b> 30 T: 42S R: 11W S: 25 T: 42S R: 12W BEG AT PT ON SLY R/W/L OF HWY U-59, SD PT BEING S00*01'19" E 829.77 FT ALG SEC/L & W 66.59 FT FM NE COR SEC 25 T42S R12W; TH S54*08'24" E 669.00 FT ALG SD S LN; TH S35*51'36" W 389.30 FT TO NLY R/W/L OF APPLE VALLEY DRIVE; TH N43*12'18" W 349.98 FT ALG SD N LN; TH N45*03'40" W 329.50 FT ALG SD N LN; TH N35*51'36" E 270.92 FT TO POB. LESS: ANY POR LYING W/I APPLE VALLEY DRIVE AS FOL: COM NE COR SEC 25 T42S R12W; TH S01*15'30" W ALG SEC/L 1059.69 FT; TH W 210.35 FT TO POB. SD PT BEING ON NELY R/W/L OF APPLE VALLEY DRIVE; TH N43*45'39" W ALG SD R/W/L 101.27 FT TO PT OF CUSP W/NON-TNGT CUR LFT RAD PT LIES N46*14'21" E RAD DIST OF 25.00 FT, TH ELY ALG ARC OF SD CUR 43.24 FT THRU CTL ANG OF 99*05'56"; TH N37*08'25" E 207.86 FT TO BEG OF CUR LFT HAV RAD OF 25.00 FEET & CTL ANG OF 89*59'47", TH NLY ALG ARC OF SD CUR 39.27 FT TO PT ON SWLY R/W/L OF ST HWY 59; TH S52*51'22" E ALG SD R/W/L 100.00 FT TO PT OF CUSP W/NON-TNGT CUR LFT, RAD PT LIES S37*08'38" W RAD DIST OF 25.00 FT, TH WLY ALG ARC OF SD CUR 39.27 FT THRU CTL ANG OF 90*00'13"; TH S37*08'25" W 223.87 FT TO BEG OF CUR LFT HAV RAD OF 25.00 FT & CTL ANG OF 80*54'04", TH SLY ALG ARC OF SD CUR 35.30 FT TO POB.		Primary	\$25,200 \$25,200 5.030
		Land	

**Parent Accounts** 0474893**Parent Parcels** AV-1334-K**Child Accounts****Child Parcels****Sibling Accounts****Sibling Parcels****Transfers**

<u>Entry Number</u>	<u>Recording Date</u>
<a href="#">20060035854</a>	<a href="#">08/09/2006 04:23:22 PM</a>
<a href="#">20090039374</a>	<a href="#">10/14/2009 08:52:27 AM</a>
<a href="#">20100002924</a>	<a href="#">01/28/2010 01:15:50 PM</a>
<a href="#">20100002925</a>	<a href="#">01/28/2010 01:15:50 PM</a>
<a href="#">20100002926</a>	<a href="#">01/28/2010 01:15:50 PM</a>
<a href="#">20110031703</a>	<a href="#">10/18/2011 02:16:28 PM</a>
<a href="#">20110031704</a>	<a href="#">10/18/2011 02:16:28 PM</a>
<a href="#">20160003450</a>	<a href="#">02/02/2016 11:12:42 AM</a>
<a href="#">20190000956</a>	<a href="#">01/09/2019 11:15:43 AM</a>

**AFFIDAVIT  
PROPERTY OWNER**

STATE OF UTAH                    )  
  )§  
COUNTY OF WASHINGTON)

I (We) \_\_\_\_\_, being duly sworn, depose and say that I (We) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (We) also acknowledge that I (We) have received written instructions regarding the process for which I (We) am (are) applying and the Apple Valley Town planning staff have indicated they are available to assist me in making this application.

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Property Owner

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

Residing in: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

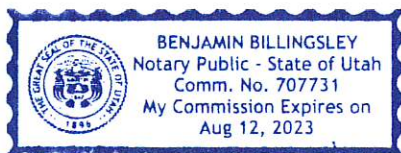
**AGENT AUTHORIZATION**

I (We), Harold Merritt + Terry Robbins the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) Aaron Stout to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative body in the Town of Apple Valley considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Harold Merritt  
\_\_\_\_\_  
Property Owner

Terry Robbins  
\_\_\_\_\_  
Property Owner

Subscribed and sworn to me this 9<sup>th</sup> day of January, 2020



Ben Billingsley  
\_\_\_\_\_  
Notary Public

Residing in: Washington County

My Commission Expires: Aug 12, 2023

- [10.26.010 Purpose](#)
- [10.26.020 Scope And Applicability](#)
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Outdoor lighting at night benefits everyone. It increases safety, enhances the Town's nighttime character, and helps provide security, as well as energy efficiency. New technologies have produced lights that are extremely powerful. If installed improperly, such lights create excessive glare, light trespass and pollute the night sky, and higher energy use which in turn may cause safety problems and increased cost for everyone. There is a need for a lighting ordinance that recognizes the benefit of the outdoors lighting and provides clear guidelines for its installation to maintain and complement the Town's character. Appropriately regulated and properly installed outdoor lighting will contribute to the safety and welfare of the residents of the town.

1. All exterior outdoor lighting installed after the effective date of this ordinance in any and all zones in the town shall conform to the requirements established by this Ordinance and other applicable ordinances unless otherwise exempted. This Ordinance does not apply to indoor lighting.
2. Law governing conflicts. Should this ordinance be found to be in conflict with any provisions of Federal, State, County, or Town statutes, codes, or other sections of the Town Ordinances, the more restrictive shall govern unless otherwise required by law.

All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of the Apple Valley Town Ordinances, including but not limited to the Building Code, the Electrical Code and the Sign Code under appropriate permit and inspection.

All public and private outdoor lighting installed in the Town of Apple Valley shall be in conformance with the requirements established by this Ordinance. Including Parking lots and Single Family Homes, All previous language in the Apple Valley Town Codes regarding outdoor lighting is replaced with this Ordinance.

1. Control of Glare / Design Factors
  1. Any luminaries with a lamp rated at a total of MORE than 18200 lumens, and all flood or spot luminaries with a lamp or lamps rates a total if MORE than 6900 lumens shall not emit any direct light above a horizontal plane and shall be shielded and pointed downward. ~~through the lowest direct light emitting part or the luminaries.~~
  2. Any luminaries with a lamp or lamps rate at a total MORE than 18200 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of MORE than 6900 lumens, shall be mounted at a height equal to or less than the value 3 feet + (D/3), where D is the distance in feet to the nearest property boundary. The maximum height of the luminaries may not exceed 25 feet. Flood or spot lights may be temporarily operated and should be equipped with a motion sensor or timer to automatically shut off; not to exceed 15 minutes of non-use.
2. Exceptions to Control of Glare

1. Any luminaries with a lamp or lamps rated at a total of ~~18~~200 lumens or LESS and all flood spots luminaries with a lamp or lamps rated at ~~9~~600 lumens or LESS may be used without restriction on light distribution or mounting heights, except that if any spot or flood luminaries rated ~~9~~600 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaries to be directed toward residential buildings or adjacent or nearby land, or creates glare perceptible to persons operating motor vehicles on public right of ways, the luminaries shall be redirected or its light output controlled as necessary to eliminate such conditions.
  2. Luminaries used for public roadway illumination may be installed at a maximum height of 34 feet and may be positioned at that height up to the edge of any bordering property.
  3. Luminaries used primarily for sign illumination and property illumination may be mounted at any height to a maximum of 25 feet, regardless of the lumen rating.
3. Outdoor Advertising
1. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of subsection B,1 Bottom-mounted outdoor advertising sign lighting shall not be used.
  2. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated for within do not require shielding. Dark backgrounds with light lettering or symbols are preferred to maximize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less than 41 watts.
  3. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this ordinance when it becomes necessary to make major repairs (NEW PERMIT) to the signage or within 10 years from date of this provision.
4. Recreational Facilities
1. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), Such as but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
    1. All fixtures used for ~~the~~ event lighting shall be fully shielded as defined in subsection ~~B~~A,1 of this Ordinance, or be designed or provided with sharp cut-off capability so as to minimize up-light, spill-light, and glare. Pole height will not exceed 25 feet.
    2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstance shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. Except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.
5. Parking Area Lighting Low pressure or high pressure sodium light sources are the only allowed light source for Parking Areas with five (5) or more spaces. Lighting fixtures affixed to buildings for the purposes of lighting Parking Areas shall be prohibited. Light levels should be designed with minimum light trespass off site by using cut off Luminaries that are Fully Shielded with no light distributed above the horizontal plane of the Luminaire.
1. Maximum Light Distribution. For uniformity in lighting and prevention of shadows, an average horizontal luminance level of two (2) Foot Candles with a 4:1 Uniformity Ratio over the Site is the Maximum allowed.
  2. Pole Height / ~~Wattage~~ Design. Luminaries mounting height must be measured from the Parking Lot or Driveway surface, in the range of twelve feet (12') to twenty feet (20') as determined by the Planning Commission. The maximum height shall only be allowed at the review and approval with specific findings. The determination shall be based on:
    1. review of the Site plan,
    2. proposed land uses,

3. surrounding land uses,
  4. Parking area size,
  5. Building mass,
  6. Location of the site with respect to other lighting sources,
  7. Impact on the adjacent properties,
  8. Topography of the site, and
  9. Other site features. Light poles higher than sixteen feet (16') are appropriate only for parking areas exceeding two hundred (200) stalls and not in close Proximity to residential areas.
3. Parking Area Wattage / Design Standard.
    1. Luminaries for twelve foot (12') to sixteen foot (16') poles must not exceed fifty (50) watts per fixture or 105 watts per pole.
    2. Luminaries for eighteen foot (18') and twenty foot (20') poles must not exceed seventy-five (75) watts per fixture or 150 watts per pole.
    3. All attempts shall be made to place the base of light poles within landscaped areas.
  4. Underground Parking Garage entryways. Light sources within the first thirty feet (30') of an open garage entryway must be high pressure sodium light sources with partially shielded fixtures.
  5. Submission Requirements. An application for Development with off street parking must contain the following.
    1. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details.
    2. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, that may include, but is not limited to, manufacture catalog cuts and drawings, including section where required.
    3. Photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may be required to determine the adequacy of the lighting over the site.
  6. Non-conformance. All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
6. Prohibitions
    1. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal plane is prohibited.
    2. Flashing, blinking, intermittent or other lights that move or give the impression of movement are prohibited.
  7. Exemptions The following shall be exempt form the requirements of this Ordinance.
    1. Holiday lighting (October 1- February 1)~~SOME COMMUNITIES SET A TIME FRAME LIKE OCT 1 - MARCH 1 YOUR CHOICE~~
    2. Traffic control signals and devices
    3. Temporary emergency lighting in use by law enforcement, fire departments, government agencies, or other emergency services, including all vehicular luminaries.
    4. All hazard warning luminaries required by federal regulatory agencies are exempt form the requirements of this ordinance, except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output required for the specific task.

8. Temporary Outdoor Lighting Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. The Planning Commission may permit Nonconforming temporary outdoor lighting after considering
  1. The public and /or private benefits that will result from the temporary lighting.
  2. Any annoyance or safety problems that result from the use of the temporary lighting
  3. The duration of the temporary nonconforming lighting.

The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the planning Commission, which shall consider the request at duly called meeting of the planning commission. Prior notice of the meeting of the planning commission shall be given to the applicant. The planning Commission shall render its decision on the temporary lighting request within two weeks of the date of the meeting.

1. This Ordinance shall take place effective immediately upon approval by the Town Council and shall supersede and replace all previous ordinances pertaining to outdoor lighting.
2. All Luminaries lawfully in place prior to the date of this Ordinance shall be nonconforming. However, any luminaries that replace nonconforming ~~159~~ luminaries, or any nonconforming luminaries that is moved, must meet the standard of this ordinance. Advertising signs that are nonconforming only for a period of ten years, as specified in AVLU 10.26.040 C,3
3. ~~This ordinance does not recognize permanent nonconforming lights.~~ All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be nonconforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit and/or fixture replacement. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
4. Nonconforming luminaries that direct light toward streets or parking lots that cause disability glare to motorist or cyclist shall be either shielded or redirected within 90 days of notification of the Property Owner, so that the luminaries do not cause a potential hazard to motorist or cyclists.

1. Submission Content: The applicant for any permit required by any provision of the laws of this jurisdiction in connection with the proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with the Ordinance. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the law of this jurisdiction upon application for the required permit.
  1. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices.
  2. Description of the illuminating devices, fixtures, lamp supports, reflectors, and other devices. Submission may include catalog cuts by manufacture and drawing.
  3. Photo data, such as the eat furnished by manufacturers, or similar data showing the angle of cut off or light emissions.
2. Additional Submission: The above required plans; descriptions and data shall be sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this ordinance will be secured. If such plans, descriptions and data cannot enable this ready determination by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall ~~160~~ additionally submit as evidence of compliance certified reports performed and certified by a recognized laboratory.
3. Subdivision Plat Certification: If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying compliance with the applicable provisions of the Town of Apple Valley Outdoor Lighting Ordinance.



4. **Lamp or Fixture Substitution:** Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the building official for approval, together with adequate information to assure compliance with this Ordinance, which must be received prior to substitution.

If after investigation, the Code Enforcement Officer finds that any provision of the ordinance is being violated, the office may elect to file notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/ or the occupant of such premises demanding the violation be abated within thirty (30) days from the date of hand delivery or date of mailing notice. If the violation is not abated within the thirty (30) day period, the Code Enforcement Officer may institute actions and proceeding, either legal or equitable, to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.

For the purpose of this Ordinance, terms used shall be defined as follows:

**Direct Light:** Light emitted directly from the lamp, off the reflector diffuser, or through the refractor or diffuser lens of the luminaries.

**Direct Glare:** The visual discomfort resulting from insufficiently shielded light source.

**Fixture:** The assembly that houses the lamp or lamps can include all or some of the following parts: housing, mounting bracket, pole socket, lamp holder, ballast, reflector, mirror, and / or a refractor lens.

**Flood or spotlight:** Any fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

**Fully Shielded Lights:** Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

**Nonconforming Luminaire:** Luminaire not conforming to this ordinance that were in place at the time this ordinance was voted into effect. When an Ordinance “grandfathers” luminaries, it means that such already-existing outdoor lighting do not need to be changed unless a specified time period is provided for adherence to the ordinance.

**Height of Luminaries:** The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaire.

**Indirect Light:** Direct light that has been reflected or has scattered off other surfaces.

**Lamp:** The component of the luminaire that produces the actual light.

**Light Trespass:** Limit the exterior lighting originating on a property to a maximum of 0.5 horizontal foot candles (HFC) at a distance of 25 feet beyond the property lines. (This specification will allow the controlled placement of lighting poles and luminaire adjacent to the property lines).

**Lumen:** A unit of luminous flux. One foot-candle is one lumen per square foot. For purposes of this Ordinance the lumen-output value shall be the INITIAL lumen output rating of a lamp.

**Luminaire:** a complete lighting system, including a lamp or lamps and fixture.

**Outdoors Electrically Powered Illuminating Devices:** ~~Huminaires~~Luminaries utilizing AC and / or DC power.

**Outdoor Lighting:** Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment. ~~the nighttime illumination of a outside area or object by any~~

~~handmade device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.~~

Outdoor lighting at night benefits everyone. It increases safety, enhances the Town's nighttime character, and helps provide security, as well as energy efficiency. New technologies have produced lights that are extremely powerful. If installed improperly, such lights create excessive glare, light trespass and pollute the night sky, and higher energy use which in turn may cause safety problems and increased cost for everyone. There is a need for a lighting ordinance that recognizes the benefit of the outdoors lighting and provides clear guidelines for its installation to maintain and complement the Town's character. Appropriately regulated and properly installed outdoor lighting will contribute to the safety and welfare of the residents of the town.

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1. Control of Glare / Design Factors
  1. Any luminaries with a lamp rated at a total of MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rates a total if MORE than 900 lumens shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part or the luminaries.
  2. Any luminaries with a lamp or lamps rate at a total MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value  $3 + (D/3)$ , where D is the distance in feet to the nearest property boundary. The maximum height of the luminaries may not exceed 25 feet.
2. Exceptions to Control of Glare
  1. Any luminaries with a lamp or lamps rated at a total of ~~1800~~1200 lumens or LESS and all flood spots luminaries with a lamp or lamps rated at 900 lumens or LESS may be used without restriction on light distribution or mounting heights, except that is any spot or flood luminaries rated ~~900~~600 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaries to be directed toward residential buildings or adjacent or nearby land, or creates glare perceptible to persons operating motor vehicles on public right of ways, the luminaries shall be redirected or its light output controlled as necessary to eliminate such conditions.
  2. Luminaries used for public roadway illumination may be installed at a maximum height of 34 feet and may be positioned at that height up to the edge of any bordering property.

3. Luminaries used primarily for sign illumination and property illumination may be mounted at any height to a maximum of 25 feet, regardless of the lumen rating.
3. Outdoor Advertising
  1. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of subsection B,1 Bottom-mounted outdoor advertising sign lighting shall not be used.
  2. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated for within do not require shielding. Dark backgrounds with light lettering or symbols are preferred to maximize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less than 41 watts.
  3. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this ordinance when it becomes necessary to make major repairs (NEW PERMIT) to the signage or within 10 years from date of this provision.
4. Recreational Facilities
  1. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), Such as but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
    1. All fixtures used for ~~the~~ event lighting shall be fully shielded as defined in subsection ~~B~~A,1 of this Ordinance, or be designed or provided with sharp cut-off capability so as to minimize up-light, spill-light, and glare. Pole height will not exceed 25 feet.
    2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstance shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. Except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.
5. Parking Area Lighting Low pressure or high pressure sodium light sources are the only allowed light source for Parking Areas with five (5) or more spaces. Lighting fixtures affixed to buildings for the purposes of lighting Parking Areas shall be prohibited. Light levels should be designed with minimum light trespass off site by using cut off Luminaries that are Fully Shielded with no light distributed above the horizontal plane of the Luminaire.
  1. Maximum Light Distribution. For uniformity in lighting and prevention of shadows, an average horizontal luminance level of two (2) Foot Candles with a 4:1 Uniformity Ratio over the Site is the Maximum allowed.
  2. Pole Height / ~~Wattage~~ / Design. Luminaries mounting height must be measured from the Parking Lot or Driveway surface, in the range of twelve feet (12') to twenty feet (20') as determined by the Planning Commission. The maximum height shall only be allowed at the review and approval with specific findings. The determination shall be based on:
    1. review of the Site plan,
    2. proposed land uses,
    3. surrounding land uses,
    4. Parking area size,
    5. Building mass,
    6. Location of the site with respect to other lighting sources,
    7. Impact on the adjacent properties,
    8. Topography of the site, and
    9. Other site features. Light poles higher than sixteen feet (16') are appropriate only for parking areas exceeding two hundred (200) stalls and not in close Proximity to residential areas.
  3. Parking Area Wattage / Design Standard.

1. Luminaries for twelve foot (12') to sixteen foot (16') poles must not exceed fifty (50) watts per fixture or 105 watts per pole.
2. Luminaries for eighteen foot (18') and twenty foot (20') poles must not exceed seventy-five (75) watts per fixture or 150 watts per pole.
3. All attempts shall be made to place the base of light poles within landscaped areas.
4. Underground Parking Garage entryways. Light sources within the first thirty feet (30') of an open garage entryway must be high pressure sodium light sources with partially shielded fixtures.
5. Submission Requirements. An application for Development with off street parking must contain the following.
  1. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details.
  2. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, that may include, but is not limited to, manufacture catalog cuts and drawings, including section where required.
  3. Photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may be required to determine the adequacy of the lighting over the site.
6. Non-conformance. All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
6. Prohibitions
  1. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal plane is prohibited.
  2. Flashing, blinking, intermittent or other lights that move or give the impression of movement are prohibited.
7. Exemptions The following shall be exempt form the requirements of this Ordinance.
  1. Holiday lighting ~~SOME COMMUNITIES SET A TIME FRAME LIKE OCT 1- MARCH 1 YOUR CHOICE~~ October 1st-February 1st
  2. Traffic control signals and devices
  3. Temporary emergency lighting in use by law enforcement, fire departments, government agencies, or other emergency services, including all vehicular luminaries.
  4. All hazard warning luminaries required by federal regulatory agencies are exempt form the requirements of this ordinance, except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output required for the specific task.
8. Temporary Outdoor Lighting Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. The Planning Commission may permit Nonconforming temporary outdoor lighting after considering
  1. The public and /or private benefits that will result from the temporary lighting.
  2. Any annoyance or safety problems that result from the use of the temporary lighting
  3. The duration of the temporary nonconforming lighting.

The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the planning Commission, which shall consider the request at duly called meeting of the planning commission. Prior notice of the meeting of the planning commission shall be given to the applicant. The planning Commission shall

render its decision on the temporary lighting request within two weeks of the date of the meeting.

1. This Ordinance shall take place effective immediately upon approval by the Town Council and shall supersede and replace all previous ordinances pertaining to outdoor lighting.
  2. All Luminaries lawfully in place prior to the date of this Ordinance shall be nonconforming. However, any luminaries that replace nonconforming ~~159~~ luminaries, or any nonconforming luminaries that is moved, must meet the standard of this ordinance. Advertising signs that are nonconforming only for a period of ten years, as specified in AVLU 10.26.040 C,3
  3. ~~This ordinance does not recognize permanent nonconforming lights.~~ All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be nonconforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit and/or fixture replacement. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
  4. Nonconforming luminaries that direct light toward streets or parking lots that cause disability glare to motorist or cyclist shall be either shielded or redirected within 90 days of notification of the Property Owner, so that the luminaries do not cause a potential hazard to motorist or cyclists.
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1. Submission Content: The applicant for any permit required by any provision of the laws of this jurisdiction in connection with the proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with the Ordinance. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the law of this jurisdiction upon application for the required permit.
    1. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices.
    2. Description of the illuminating devices, fixtures, lamp supports, reflectors, and other devices. Submission may include catalog cuts by manufacturer and drawing.
    3. Photo data, such as that furnished by manufactures, or similar data showing the angle of cut off or light emissions.
  2. Additional Submission: The above required plans; descriptions and data shall be sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this ordinance will be secured. If such plans, descriptions and data cannot enable this ready determination by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall ~~160~~ additionally submit as evidence of compliance certified reports performed and certified by a recognized laboratory.
  3. Subdivision Plat Certification: If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying compliance with the applicable provisions of the Town of Apple Valley Outdoor Lighting Ordinance.
  4. Lamp or Fixture Substitution: Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the building official for approval, together with adequate information to assure compliance with this Ordinance, which must be received prior to substitution.

If after investigation, the Code Enforcement Officer finds that any provision of the ordinance is being violated, the office may elect to file notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/ or the occupant of such premises demanding the violation be abated within thirty (30) days from the date of hand delivery or date of mailing notice. If the violation is not abated within the thirty (30) day period, the Code Enforcement Officer may institute actions and

proceeding, either legal or equitable, to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.

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**Fixture:** The assembly that houses the lamp or lamps can include all or some of the following parts: housing, mounting bracket, pole socket, lamp holder, ballast, reflector, mirror, and / or a refractor lens.

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**Lamp:** The component of the luminaire that produces the actual light.

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**Luminaire:** a complete lighting system, including a lamp or lamps and fixture.

**Outdoors Electrically Powered Illuminating Devices:** Illuminaires utilizing AC and / or DC power.

**Outdoor Lighting:** Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment.~~the nighttime illumination of a outside area or object by any handmade device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.~~

Outdoor lighting at night benefits everyone. It increases safety, enhances the Town’s nighttime character, and helps provide security, as well as energy efficiency. New technologies have produced lights that are extremely powerful. If installed improperly, such lights create excessive glare, light trespass and pollute the night sky, and higher energy use which in turn may cause safety problems and increased cost for everyone. There is a need for a lighting ordinance that recognizes the benefit of the outdoors lighting and provides clear guidelines for its installation to maintain and complement the Town’s character. Appropriately regulated and properly installed outdoor lighting will contribute to the safety and welfare of the residents of the town.

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1. Control of Glare / Design Factors

1. Any luminaries with a lamp rated at a total of MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rates a total if MORE than 900 lumens shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part or the luminaries.
2. Any luminaries with a lamp or lamps rate at a total MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value  $3 + (D/3)$ , where D is the distance in feet to the nearest property boundary. The maximum height of the luminaries may not exceed 25 feet.

2. Exceptions to Control of Glare

1. Any luminaries with a lamp or lamps rated at a total of ~~1800~~1200 lumens or LESS and all flood spots luminaries with a lamp or lamps rated at 900 lumens or LESS may be used without restriction on light distribution or mounting heights, except that is any spot or flood luminaries rated ~~900~~600 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaries to be directed toward residential buildings or adjacent or nearby land, or creates glare perceptible to persons operating motor vehicles on public right of ways, the luminaries shall be redirected or its light output controlled as necessary to eliminate such conditions.
2. Luminaries used for public roadway illumination may be installed at a maximum height of 34 feet and may be positioned at that height up to the edge of any bordering property.
3. Luminaries used primarily for sign illumination and property illumination may be mounted at any height to a maximum of 25 feet, regardless of the lumen rating.

3. Outdoor Advertising

1. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of subsection B,1 Bottom-mounted outdoor advertising sign lighting shall not be used.
2. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated for within do not require shielding. Dark backgrounds with light lettering or symbols are preferred to maximize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less that 41 watts.
3. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this ordinance when it becomes necessary to make major repairs (NEW PERMIT) to the signage or within 10 years from date of this provision.

#### 4. Recreational Facilities

1. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), Such as but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:

1. All fixtures used for ~~the~~ event lighting shall be fully shielded as defined in subsection ~~B~~A,1 of this Ordinance, or be designed or provided with sharp cut-off capability so as to minimize up-light, spill-light, and glare. Pole height will not exceed 25 feet.
2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstance shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. Except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

5. Parking Area Lighting Low pressure or high pressure sodium light sources are the only allowed light source for Parking Areas with five (5) or more spaces. Lighting fixtures affixed to buildings for the purposes of lighting Parking Areas shall be prohibited. Light levels should be designed with minimum light trespass off site by using cut off Luminaries that are Fully Shielded with no light distributed above the horizontal plane of the Luminaire.

1. Maximum Light Distribution. For uniformity in lighting and prevention of shadows, an average horizontal luminance level of two (2) Foot Candles with a 4:1 Uniformity Ratio over the Site is the Maximum allowed.
2. Pole Height / ~~Wattage~~ / Design. Luminaries mounting height must be measured from the Parking Lot or Driveway surface, in the range of twelve feet (12') to twenty feet (20') as determined by the Planning Commission. The maximum height shall only be allowed at the review and approval with specific findings. The determination shall be based on:
  1. review of the Site plan,
  2. proposed land uses,
  3. surrounding land uses,
  4. Parking area size,
  5. Building mass,
  6. Location of the site with respect to other lighting sources,
  7. Impact on the adjacent properties,
  8. Topography of the site, and
  9. Other site features. Light poles higher than sixteen feet (16') are appropriate only for parking areas exceeding two hundred (200) stalls and not in close Proximity to residential areas.
3. Parking Area Wattage / Design Standard.
  1. Luminaries for twelve foot (12') to sixteen foot (16') poles must not exceed fifty (50) watts per fixture or 105 watts per pole.
  2. Luminaries for eighteen foot (18') and twenty foot (20') poles must not exceed seventy-five (75) watts per fixture or 150 watts per pole.
  3. All attempts shall be made to place the base of light poles within landscaped areas.
4. Underground Parking Garage entryways. Light sources within the first thirty feet (30') of an open garage entryway must be high pressure sodium light sources with partially shielded fixtures.
5. Submission Requirements. An application for Development with off street parking must contain the following.
  1. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details.



2. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, that may include, but is not limited to, manufacture catalog cuts and drawings, including section where required.
3. Photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may be required to determine the adequacy of the lighting over the site.
6. Non-conformance. All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
6. Prohibitions
  1. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal plane is prohibited.
  2. Flashing, blinking, intermittent or other lights that move or give the impression of movement are prohibited.
7. Exemptions The following shall be exempt form the requirements of this Ordinance.
  1. Holiday lighting ~~SOME COMMUNITIES SET A TIME FRAME LIKE OCT 1- MARCH 1 YOUR CHOICE~~ October 1st-February 1st
  2. Traffic control signals and devices
  3. Temporary emergency lighting in use by law enforcement, fire departments, government agencies, or other emergency services, including all vehicular luminaries.
  4. All hazard warning luminaries required by federal regulatory agencies are exempt form the requirements of this ordinance, except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output required for the specific task.
8. Temporary Outdoor Lighting Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. The Planning Commission may permit Nonconforming temporary outdoor lighting after considering
  1. The public and /or private benefits that will result from the temporary lighting.
  2. Any annoyance or safety problems that result from the use of the temporary lighting
  3. The duration of the temporary nonconforming lighting.

The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the planning Commission, which shall consider the request at duly called meeting of the planning commission. Prior notice of the meeting of the planning commission shall be given to the applicant. The planning Commission shall render its decision on the temporary lighting request within two weeks of the date of the meeting.

1. This Ordinance shall take place effective immediately upon approval by the Town Council and shall supersede and replace all previous ordinances pertaining to outdoor lighting.
2. All Luminaries lawfully in place prior to the date of this Ordinance shall be nonconforming. However, any luminaries that replace nonconforming ~~159~~ luminaries, or any nonconforming luminaries that is moved, must meet the standard of this ordinance. Advertising signs that are nonconforming only for a period of ten years, as specified in AVLU 10.26.040 C,3
3. ~~This ordinance does not recognizes permanent nonconforming lights.~~ All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with

any exterior building permit and/or fixture replacement. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.

4. Nonconforming luminaries that direct light toward streets or parking lots that cause disability glare to motorist or cyclist shall be either shielded or redirected within 90 days of notification of the Property Owner, so that the luminaries do not cause a potential hazard to motorist or cyclists.
  
1. Submission Content: The applicant for any permit required by any provision of the laws of this jurisdiction in connection with the proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with the Ordinance. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the law of this jurisdiction upon application for the required permit.
  1. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices.
  2. Description of the illuminating devices, fixtures, lamp supports, reflectors, and other devices. Submission may include catalog cuts by manufacturer and drawing.
  3. Photo data, such as ~~that~~ furnished by manufacturers, or similar data showing the angle of cut off or light emissions.
2. Additional Submission: The above required plans; descriptions and data shall be sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this ordinance will be secured. If such plans, descriptions and data cannot enable this ready determination by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall ~~also~~ additionally submit as evidence of compliance certified reports performed and certified by a recognized laboratory.
3. Subdivision Plat Certification: If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying compliance with the applicable provisions of the Town of Apple Valley Outdoor Lighting Ordinance.
4. Lamp or Fixture Substitution: Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the building official for approval, together with adequate information to assure compliance with this Ordinance, which must be received prior to substitution.

If after investigation, the Code Enforcement Officer finds that any provision of the ordinance is being violated, the office may elect to file notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/ or the occupant of such premises demanding the violation be abated within thirty (30) days from the date of hand delivery or date of mailing notice. If the violation is not abated within the thirty (30) day period, the Code Enforcement Officer may institute actions and proceeding, either legal or equitable, to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.

For the purpose of this Ordinance, terms used shall be defined as follows:

**Direct Light:** Light emitted directly from the lamp, off the reflector diffuser, or through the refractor or diffuser lens of the luminaries.

**Direct Glare:** The visual discomfort resulting from insufficiently shielded light source.

**Fixture:** The assembly that houses the lamp or lamps can include all or some of the following parts: housing, mounting bracket, pole socket, lamp holder, ballast, reflector, mirror, and / or a refractor lens.

**Flood or spotlight:** Any fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

**Fully Shielded Lights:** Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

**Nonconforming Luminaire:** Luminaire not conforming to this ordinance that were in place at the time this ordinance was voted into effect. When an Ordinance “grandfathers” luminaries, it means that such already-existing outdoor lighting does not need to be changed unless a specified time period is provided for adherence to the ordinance.

**Height of Luminaries:** The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaire.

**Indirect Light:** Direct light that has been reflected or has scattered off other surfaces.

**Lamp:** The component of the luminaire that produces the actual light.

**Light Trespass:** Limit the exterior lighting originating on a property to a maximum of 0.5 horizontal foot candles (HFC) at a distance of 25 feet beyond the property lines. (This specification will allow the controlled placement of lighting poles and luminaire adjacent to the property lines).

**Lumen:** A unit of luminous flux. One foot-candle is one lumen per square foot. For purposes of this Ordinance the lumen-output value shall be the INITIAL lumen output rating of a lamp.

**Luminaire:** a complete lighting system, including a lamp or lamps and fixture.

**Outdoors Electrically Powered Illuminating Devices:** Illuminaries utilizing AC and / or DC power.

**Outdoor Lighting:** Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment. ~~the nighttime illumination of a outside area or object by any handmade device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.~~

Outdoor lighting at night benefits everyone. It increases safety, enhances the Town’s nighttime character, and helps provide security, as well as energy efficiency. New technologies have produced lights that are extremely powerful. If installed improperly, such lights create excessive glare, light trespass and pollute the night sky, and higher energy use which in turn may cause safety problems and increased cost for everyone. There is a need for a lighting ordinance that recognizes the benefit of the outdoors lighting and provides clear guidelines for its installation to maintain and complement the Town’s character. Appropriately regulated and properly installed outdoor lighting will contribute to the safety and welfare of the residents of the town.

1. All exterior outdoor lighting installed after the effective date of this ordinance in any and all zones in the town shall conform to the requirements established by this Ordinance and other applicable ordinances unless otherwise exempted. This Ordinance does not apply to indoor lighting.
2. Law governing conflicts. Should this ordinance be found to be in conflict with any provisions of Federal, State, County, or Town statutes, codes, or other sections of the Town Ordinances, the more restrictive shall govern unless otherwise required by law.

All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of the Apple Valley Town Ordinances, including but not limited to the Building Code, the Electrical Code and the Sign Code under appropriate permit and inspection.

All public and private outdoor lighting installed in the Town of Apple Valley shall be in conformance with the requirements established by this Ordinance. Including Parking lots and Single Family Homes,

All previous language in the Apple Valley Town Codes regarding outdoor lighting is replaced with this Ordinance.

1. Control of Glare / Design Factors

1. Any luminaries with a lamp rated at a total of MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rates a total if MORE than 900 lumens shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part or the luminaries.
2. Any luminaries with a lamp or lamps rate at a total MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value  $3 + (D/3)$ , where D is the distance in feet to the nearest property boundary. The maximum height of the luminaries may not exceed 25 feet.

2. Exceptions to Control of Glare

1. Any luminaries with a lamp or lamps rated at a total of ~~1800~~1200 lumens or LESS and all flood spots luminaries with a lamp or lamps rated at 900 lumens or LESS may be used without restriction on light distribution or mounting heights, except that is any spot or flood luminaries rated ~~900~~600 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaries to be directed toward residential buildings or adjacent or nearby land, or creates glare perceptible to persons operating motor vehicles on public right of ways, the luminaries shall be redirected or its light output controlled as necessary to eliminate such conditions.
2. Luminaries used for public roadway illumination may be installed at a maximum height of 34 feet and may be positioned at that height up to the edge of any bordering property.
3. Luminaries used primarily for sign illumination and property illumination may be mounted at any height to a maximum of 25 feet, regardless of the lumen rating.

3. Outdoor Advertising

1. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of subsection B,1 Bottom-mounted outdoor advertising sign lighting shall not be used.
2. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated for within do not require shielding. Dark backgrounds with light lettering or symbols are preferred to maximize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less that 41 watts.
3. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this ordinance when it becomes necessary to make major repairs (NEW PERMIT) to the signage or within 10 years from date of this provision.

4. Recreational Facilities

1. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), Such as but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
  1. All fixtures used for ~~the~~ event lighting shall be fully shielded as defined in subsection ~~B~~A,1 of this Ordinance, or be designed or provided with sharp cut-off capability so as to minimize up-light, spill-light, and glare. Pole height will not exceed 25 feet.
  2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstance shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. Except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

5. Parking Area Lighting Low pressure or high pressure sodium light sources are the only allowed light source for Parking Areas with five (5) or more spaces. Lighting fixtures affixed to buildings for the purposes of lighting Parking Areas shall be prohibited. Light levels should be designed with minimum light trespass off site by using cut off Luminaires that are Fully Shielded with no light distributed above the horizontal plane of the Luminaire.
  1. Maximum Light Distribution. For uniformity in lighting and prevention of shadows, an average horizontal luminance level of two (2) Foot Candles with a 4:1 Uniformity Ratio over the Site is the Maximum allowed.
  2. Pole Height / ~~Wattage~~ Design. Luminaires mounting height must be measured from the Parking Lot or Driveway surface, in the range of twelve feet (12') to twenty feet (20') as determined by the Planning Commission. The maximum height shall only be allowed at the review and approval with specific findings. The determination shall be based on:
    1. review of the Site plan,
    2. proposed land uses,
    3. surrounding land uses,
    4. Parking area size,
    5. Building mass,
    6. Location of the site with respect to other lighting sources,
    7. Impact on the adjacent properties,
    8. Topography of the site, and
    9. Other site features. Light poles higher than sixteen feet (16') are appropriate only for parking areas exceeding two hundred (200) stalls and not in close Proximity to residential areas.
  3. Parking Area Wattage / Design Standard.
    1. Luminaires for twelve foot (12') to sixteen foot (16') poles must not exceed fifty (50) watts per fixture or 105 watts per pole.
    2. Luminaires for eighteen foot (18') and twenty foot (20') poles must not exceed seventy-five (75) watts per fixture or 150 watts per pole.
    3. All attempts shall be made to place the base of light poles within landscaped areas.
  4. Underground Parking Garage entryways. Light sources within the first thirty feet (30') of an open garage entryway must be high pressure sodium light sources with partially shielded fixtures.
  5. Submission Requirements. An application for Development with off street parking must contain the following.
    1. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details.
    2. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, that may include, but is not limited to, manufacture catalog cuts and drawings, including section where required.
    3. Photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may be required to determine the adequacy of the lighting over the site.
  6. Non-conformance. All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
6. Prohibitions

1. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal plane is prohibited.
2. Flashing, blinking, intermittent or other lights that move or give the impression of movement are prohibited.
7. Exemptions The following shall be exempt form the requirements of this Ordinance.
  1. Holiday lighting ~~SOME COMMUNITIES SET A TIME FRAME LIKE OCT 1- MARCH 1 YOUR CHOICE~~ October 1st-February 1st
  2. Traffic control signals and devices
  3. Temporary emergency lighting in use by law enforcement, fire departments, government agencies, or other emergency services, including all vehicular luminaries.
  4. All hazard warning luminaries required by federal regulatory agencies are exempt form the requirements of this ordinance, except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output required for the specific task.
8. Temporary Outdoor Lighting Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. The Planning Commission may permit Nonconforming temporary outdoor lighting after considering
  1. The public and /or private benefits that will result from the temporary lighting.
  2. Any annoyance or safety problems that result from the use of the temporary lighting
  3. The duration of the temporary nonconforming lighting.

The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the planning Commission, which shall consider the request at duly called meeting of the planning commission. Prior notice of the meeting of the planning commission shall be given to the applicant. The planning Commission shall render its decision on the temporary lighting request within two weeks of the date of the meeting.

1. This Ordinance shall take place effective immediately upon approval by the Town Council and shall supersede and replace all previous ordinances pertaining to outdoor lighting.
  2. All Luminaries lawfully in place prior to the date of this Ordinance shall be nonconforming. However, any luminaries that replace nonconforming ~~159-~~luminaries, or any nonconforming luminaries that is moved, must meet the standard of this ordinance. Advertising signs that are nonconforming only for a period of ten years, as specified in AVLU 10.26.040 C,3
  3. ~~This ordinance does not recognizes permanent nonconforming lights.~~ All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be nonconforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit and/or fixture replacement. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
  4. Nonconforming luminaries that direct light toward streets or parking lots that cause disability glare to motorist or cyclist shall be either shielded or redirected within 90 days of notification of the Property Owner, so that the luminaries do not cause a potential hazard to motorist or cyclists.
1. Submission Content: The applicant for any permit required by any provision of the laws of this jurisdiction in connection with the proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with the Ordinance. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the law of this jurisdiction upon application for the required permit.

1. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices.
  2. Description of the illuminating devices, fixtures, lamp supports, reflectors, and other devices. Submission may include catalog cuts by manufacturer and drawing.
  3. Photo data, such as ~~that~~ furnished by manufacturers, or similar data showing the angle of cut off or light emissions.
2. Additional Submission: The above required plans; descriptions and data shall be sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this ordinance will be secured. If such plans, descriptions and data cannot enable this ready determination by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall ~~160~~ additionally submit as evidence of compliance certified reports performed and certified by a recognized laboratory.
  3. Subdivision Plat Certification: If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying compliance with the applicable provisions of the Town of Apple Valley Outdoor Lighting Ordinance.
  4. Lamp or Fixture Substitution: Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the building official for approval, together with adequate information to assure compliance with this Ordinance, which must be received prior to substitution.

If after investigation, the Code Enforcement Officer finds that any provision of the ordinance is being violated, the office may elect to file notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/ or the occupant of such premises demanding the violation be abated within thirty (30) days from the date of hand delivery or date of mailing notice. If the violation is not abated within the thirty (30) day period, the Code Enforcement Officer may institute actions and proceeding, either legal or equitable, to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.

For the purpose of this Ordinance, terms used shall be defined as follows:

**Direct Light:** Light emitted directly from the lamp, off the reflector diffuser, or through the refractor or diffuser lens of the luminaries.

**Direct Glare:** The visual discomfort resulting from insufficiently shielded light source.

**Fixture:** The assembly that houses the lamp or lamps can include all or some of the following parts: housing, mounting bracket, pole socket, lamp holder, ballast, reflector, mirror, and / or a refractor lens.

**Flood or spotlight:** Any fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

**Fully Shielded Lights:** Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

**Nonconforming Luminaire:** Luminaire not conforming to this ordinance that were in place at the time this ordinance was voted into effect. When an Ordinance “grandfathers” luminaries, it means that such already-existing outdoor lighting does not need to be changed unless a specified time period is provided for adherence to the ordinance.

**Height of Luminaries:** The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaire.

**Indirect Light:** Direct light that has been reflected or has scattered off other surfaces.

**Lamp:** The component of the luminaire that produces the actual light.

**Light Trespass:** Limit the exterior lighting originating on a property to a maximum of 0.5 horizontal foot candles (HFC) at a distance of 25 feet beyond the property lines. (This specification will allow the controlled placement of lighting poles and luminaire adjacent to the property lines).

**Lumen:** A unit of luminous flux. One foot-candle is one lumen per square foot. For purposes of this Ordinance the lumen-output value shall be the INITIAL lumen output rating of a lamp.

**Luminaire:** a complete lighting system, including a lamp or lamps and fixture.

**Outdoors Electrically Powered Illuminating Devices:** Illuminaires utilizing AC and / or DC power.

**Outdoor Lighting:** Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment. ~~the nighttime illumination of a outside area or object by any handmade device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.~~

#### **10.26.010 Purpose**

Outdoor lighting at night benefits everyone. It increases safety, enhances the Town's nighttime character, and helps provide security, as well as energy efficiency. New technologies have produced lights that are extremely powerful. If installed improperly, such lights create excessive glare, light trespass and pollute the night sky, and higher energy use which in turn may cause safety problems and increased cost for everyone. There is a need for a lighting ordinance that recognizes the benefit of the outdoors lighting and provides clear guidelines for its installation to maintain and complement the Town's character. Appropriately regulated and properly installed outdoor lighting will contribute to the safety and welfare of the residents of the town.

#### HISTORY

*Adopted by Ord. [2019-09](#) on 6/12/2019*

#### **10.26.020 Scope And Applicability**

1. All exterior outdoor lighting installed after the effective date of this ordinance in any and all zones in the town shall conform to the requirements established by this Ordinance and other applicable ordinances unless otherwise exempted. This Ordinance does not apply to indoor lighting.
2. Law governing conflicts. Should this ordinance be found to be in conflict with any provisions of Federal, State, County, or Town statutes, codes, or other sections of the Town Ordinances, the more restrictive shall govern unless otherwise required by law.

#### HISTORY

*Adopted by Ord. [2019-09](#) on 6/12/2019*

#### **10.26.030 Conformances With Applicable Codes**

All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of the Apple Valley Town Ordinances, including but not limited to the Building Code, the Electrical Code and the Sign Code under appropriate permit and inspection.

#### HISTORY

*Adopted by Ord. [2019-09](#) on 6/12/2019*

#### **10.26.040 Regulations**



All public and private outdoor lighting installed in the Town of Apple Valley shall be in conformance with the requirements established by this Ordinance. Including Parking lots and Single Family Homes, All previous language in the Apple Valley Town Codes regarding outdoor lighting is replaced with this Ordinance.

1. Control of Glare / Design Factors

1. Any luminaries with a lamp rated at a total of MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rates a total if MORE than 900 lumens shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part or the luminaries.
2. Any luminaries with a lamp or lamps rate at a total MORE than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value  $3 + (D/3)$ , where D is the distance in feet to the nearest property boundary. The maximum height of the luminaries may not exceed 25 feet.

2. Exceptions to Control of Glare

1. Any luminaries with a lamp or lamps rated at a total of ~~1800~~1200 lumens or LESS and all flood spots luminaries with a lamp or lamps rated at 900 lumens or LESS may be used without restriction on light distribution or mounting heights, except that is any spot or flood luminaries rated ~~900~~600 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaries to be directed toward residential buildings or adjacent or nearby land, or creates glare perceptible to persons operating motor vehicles on public right of ways, the luminaries shall be redirected or its light output controlled as necessary to eliminate such conditions.
2. Luminaries used for public roadway illumination may be installed at a maximum height of 34 feet and may be positioned at that height up to the edge of any bordering property.
3. Luminaries used primarily for sign illumination and property illumination may be mounted at any height to a maximum of 25 feet, regardless of the lumen rating.

3. Outdoor Advertising

1. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of subsection B,1 Bottom-mounted outdoor advertising sign lighting shall not be used.
2. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated for within do not require shielding. Dark backgrounds with light lettering or symbols are preferred to maximize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less that 41 watts.
3. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this ordinance when it becomes necessary to make major repairs (NEW PERMIT) to the signage or within 10 years from date of this provision.

4. Recreational Facilities

1. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), Such as but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
  1. All fixtures used for ~~the~~ event lighting shall be fully shielded as defined in subsection ~~B~~A,1 of this Ordinance, or be designed or provided with sharp cut-off capability so as to minimize up-light, spill-light, and glare. Pole height will not exceed 25 feet.
  2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstance shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. Except to conclude a

scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

5. Parking Area Lighting Low pressure or high pressure sodium light sources are the only allowed light source for Parking Areas with five (5) or more spaces. Lighting fixtures affixed to buildings for the purposes of lighting Parking Areas shall be prohibited. Light levels should be designed with minimum light trespass off site by using cut off Luminaries that are Fully Shielded with no light distributed above the horizontal plane of the Luminaire.
  1. Maximum Light Distribution. For uniformity in lighting and prevention of shadows, an average horizontal luminance level of two (2) Foot Candles with a 4:1 Uniformity Ratio over the Site is the Maximum allowed.
  2. Pole Height / ~~Wattage~~ Design. Luminaries mounting height must be measured from the Parking Lot or Driveway surface, in the range of twelve feet (12') to twenty feet (20') as determined by the Planning Commission. The maximum height shall only be allowed at the review and approval with specific findings. The determination shall be based on:
    1. review of the Site plan,
    2. proposed land uses,
    3. surrounding land uses,
    4. Parking area size,
    5. Building mass,
    6. Location of the site with respect to other lighting sources,
    7. Impact on the adjacent properties,
    8. Topography of the site, and
    9. Other site features. Light poles higher than sixteen feet (16') are appropriate only for parking areas exceeding two hundred (200) stalls and not in close Proximity to residential areas.
  3. Parking Area Wattage / Design Standard.
    1. Luminaries for twelve foot (12') to sixteen foot (16') poles must not exceed fifty (50) watts per fixture or 105 watts per pole.
    2. Luminaries for eighteen foot (18') and twenty foot (20') poles must not exceed seventy-five (75) watts per fixture or 150 watts per pole.
    3. All attempts shall be made to place the base of light poles within landscaped areas.
  4. Underground Parking Garage entryways. Light sources within the first thirty feet (30') of an open garage entryway must be high pressure sodium light sources with partially shielded fixtures.
  5. Submission Requirements. An application for Development with off street parking must contain the following.
    1. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details.
    2. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices, that may include, but is not limited to, manufacture catalog cuts and drawings, including section where required.
    3. Photometric data, such as that furnished by manufacturers or similar showing the angle of the cut off or light emission. A point by point light plan may be required to determine the adequacy of the lighting over the site.
  6. Non-conformance. All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
6. Prohibitions

1. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal plane is prohibited.
2. Flashing, blinking, intermittent or other lights that move or give the impression of movement are prohibited.
7. Exemptions The following shall be exempt from the requirements of this Ordinance.
  1. Holiday lighting ~~SOME COMMUNITIES SET A TIME FRAME LIKE OCT 1- MARCH 1 YOUR CHOICE~~ October 1st-February 1st
  2. Traffic control signals and devices
  3. Temporary emergency lighting in use by law enforcement, fire departments, government agencies, or other emergency services, including all vehicular luminaries.
  4. All hazard warning luminaries required by federal regulatory agencies are exempt from the requirements of this ordinance, except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output required for the specific task.
8. Temporary Outdoor Lighting Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. The Planning Commission may permit Nonconforming temporary outdoor lighting after considering
  1. The public and /or private benefits that will result from the temporary lighting.
  2. Any annoyance or safety problems that result from the use of the temporary lighting
  3. The duration of the temporary nonconforming lighting.

The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the planning Commission, which shall consider the request at duly called meeting of the planning commission. Prior notice of the meeting of the planning commission shall be given to the applicant. The planning Commission shall render its decision on the temporary lighting request within two weeks of the date of the meeting.

#### HISTORY

Adopted by Ord. [2019-09](#) on 6/12/2019

#### **10.26.050 Effective Date And Nonconforming Luminaries** Edit

1. This Ordinance shall take place effective immediately upon approval by the Town Council and shall supersede and replace all previous ordinances pertaining to outdoor lighting.
2. All Luminaries lawfully in place prior to the date of this Ordinance shall be nonconforming. However, any luminaries that replace nonconforming ~~159~~-luminaries, or any nonconforming luminaries that is moved, must meet the standard of this ordinance. Advertising signs that are nonconforming only for a period of ten years, as specified in AVLU 10.26.040 C,3
3. ~~This ordinance does not recognizes permanent nonconforming lights.~~ All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be nonconforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit and/or fixture replacement. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.
4. Nonconforming luminaries that direct light toward streets or parking lots that cause disability glare to motorist or cyclist shall be either shielded or redirected within 90 days of notification of the Property Owner, so that the luminaries do not cause a potential hazard to motorist or cyclists.

#### HISTORY

Adopted by Ord. [2019-09](#) on 6/12/2019

### **10.26.060 New Subdivision Constructions** Edit

1. Submission Content: The applicant for any permit required by any provision of the laws of this jurisdiction in connection with the proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with the Ordinance. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the law of this jurisdiction upon application for the required permit.
  1. Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices.
  2. Description of the illuminating devices, fixtures, lamp supports, reflectors, and other devices. Submission may include catalog cuts by manufacturer and drawing.
  3. Photo data, such as that furnished by manufacturers, or similar data showing the angle of cut off or light emissions.
2. Additional Submission: The above required plans; descriptions and data shall be sufficiently complete to enable the plan examiner to readily determine whether compliance with the requirements of this ordinance will be secured. If such plans, descriptions and data cannot enable this ready determination by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall ~~160~~ additionally submit as evidence of compliance certified reports performed and certified by a recognized laboratory.
3. Subdivision Plat Certification: If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying compliance with the applicable provisions of the Town of Apple Valley Outdoor Lighting Ordinance.
4. Lamp or Fixture Substitution: Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the building official for approval, together with adequate information to assure compliance with this Ordinance, which must be received prior to substitution.

#### HISTORY

Adopted by Ord. [2019-09](#) on 6/12/2019

### **10.26.070 Violations And Legal Action** Edit

If after investigation, the Code Enforcement Officer finds that any provision of the ordinance is being violated, the office may elect to file notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/ or the occupant of such premises demanding the violation be abated within thirty (30) days from the date of hand delivery or date of mailing notice. If the violation is not abated within the thirty (30) day period, the Code Enforcement Officer may institute actions and proceeding, either legal or equitable, to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.

#### HISTORY

Adopted by Ord. [2019-09](#) on 6/12/2019

### **10.26.080 Definitions** Edit

For the purpose of this Ordinance, terms used shall be defined as follows:

**Direct Light:** Light emitted directly from the lamp, off the reflector diffuser, or through the refractor or diffuser lens of the luminaries.

**Direct Glare:** The visual discomfort resulting from insufficiently shielded light source.

**Fixture:** The assembly that houses the lamp or lamps can include all or some of the following parts: housing, mounting bracket, pole socket, lamp holder, ballast, reflector, mirror, and / or a refractor lens.

**Flood or spotlight:** Any fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

**Fully Shielded Lights:** Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

**Nonconforming Luminaire:** Luminaire not conforming to this ordinance that were in place at the time this ordinance was voted into effect. When an Ordinance “grandfathers” luminaries, it means that such already-existing outdoor lighting does not need to be changed unless a specified time period is provided for adherence to the ordinance.

**Height of Luminaries:** The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaire.

**Indirect Light:** Direct light that has been reflected or has scattered off other surfaces.

**Lamp:** The component of the luminaire that produces the actual light.

**Light Trespass:** Limit the exterior lighting originating on a property to a maximum of 0.5 horizontal foot candles (HFC) at a distance of 25 feet beyond the property lines. (This specification will allow the controlled placement of lighting poles and luminaires adjacent to the property lines).

**Lumen:** A unit of luminous flux. One foot-candle is one lumen per square foot. For purposes of this Ordinance the lumen-output value shall be the INITIAL lumen output rating of a lamp.

**Luminaire:** a complete lighting system, including a lamp or lamps and fixture.

**Outdoors Electrically Powered Illuminating Devices:** Luminaires utilizing AC and / or DC power.

**Outdoor Lighting:** Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment. ~~the nighttime illumination of a outside area or object by any handmade device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.~~

# Chapter 26

## EXTERIOR LIGHTING

### 10-26-010: TITLE AND PURPOSE:

This chapter shall be known as the *TOWN OF APPLE VALLEY EXTERIOR LIGHTING ORDINANCE*. The purpose of these regulations is to protect and promote the public health, safety and welfare, the quality of life, and the ability to view the night sky, by establishing regulations and a process for review of exterior lighting. This chapter establishes standards for exterior lighting in order to accomplish the following:

- A. Provide safe roadways for motorists, cyclists and pedestrians, and ensure that sufficient lighting can be provided where needed to promote safety and security;
- B. Minimize the effects of direct glare and excessive lighting;
- C. Protect the nighttime use and enjoyment of property and curtail the degradation of the nighttime visual environment, and thereby help preserve the quality of life in the town;
- D. Prevent light trespass in all areas of the town;
- E. Promote energy efficient and cost affective lighting in all areas of the town;
- F. Allow for flexibility in the style of lighting fixtures;
- G. Define practical and effective measures by which the obtrusive aspects of outdoor light usage can be minimized, and provide lighting practices that direct appropriate amounts of light where and when it is needed;
- H. Provide nonfinancial assistance to property owners and occupants in bringing nonconforming lighting into conformance with this chapter.

### 10-26-020: APPLICABILITY:

- A. All exterior lighting, installed after the effective date hereof, shall conform to the standards established by this chapter.
- B. All existing exterior lighting, installed before the effective date hereof, shall be brought into conformance with this chapter, except subsection B1 of this section, within the following time periods:
1. All existing exterior lighting located on a subject property that is part of an application for design review approval, a conditional use permit, subdivision approval, building permit or any other kind of land use approval is required to be brought into conformance with this chapter before issuance of a certificate of occupancy, final inspection or final plat recordation, when applicable. For other permits, the applicant shall have a maximum of thirty (30) days from date of permit issuance to bring the lighting into conformance.
  2. All other existing exterior lighting on property used for residential, commercial, institutional, or any other public and semipublic use that is not in conformance with this chapter shall be brought into conformance with this chapter within eighteen (18) months from the date of adoption of this chapter.
  3. Non-conformance. All operable outdoor light fixtures lawfully installed, that do not meet these lighting requirements, are considered to be non-conforming fixtures. The applicant must bring such fixtures into compliance with the code with any exterior building permit. On residential structures, only new exterior fixtures on remodels or new additions must comply with these requirements.

## **10-26-030: DEFINITIONS:**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application:

**AREA LIGHT:** A luminaire equipped with a lamp that produces over one thousand eight hundred (1800) lumens. Area lights include, but are not limited to, streetlights, parking lot lights and yard lights.

**AVERAGE HORIZONTAL FOOT-CANDLE:** The average level of luminance for a given situation (with snow cover if that is to be expected in the given situation) measured at ground level with the light meter placed parallel to the ground.

**BUILDING OFFICIAL:** The planning and zoning administrator for the Town of Apple Valley, or any other person appointed by the Town of Apple Valley mayor, with the concurrence of the Town of Apple Valley Town Council.

**DIRECTIONAL FLOODLIGHT:** A fully shielded fixture that is angled no higher than thirty degrees (30°) from vertical and which targets a specific area to be lit.

**EIGHTY FIVE DEGREE CUTOFF TYPE OF LUMINAIRES:** Luminaires that do not allow light to escape above an eighty five degree (85°) angle measured from a vertical line from the center of the lamp extended to the ground.

**EXTERIOR LIGHTING:** Temporary or permanent outdoor lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Luminaires that are indoors that are intended to light something outside are considered exterior lighting for the purpose of this chapter.

**FLOODLIGHT:** A light fixture that produces up to one thousand twelve hundred (1200) lumens and is designed to flood a well defined area with light.

**FOOT-CANDLE (fc):** The American unit used to measure the total amount of light cast on a surface (luminance). One foot-candle is equivalent to the luminance produced by a source of one candle at a distance of one foot (1'). For example, the full moon produces 0.01 fc (fc is measured with a light meter). One foot-candle is approximately equal to ten (10) lux, the metric unit also used to measure luminance.

**FULL CUTOFF LUMINAIRES:** Luminaires designed and installed where no light is emitted at or above a horizontal plane running through the lowest point on the luminaires.

**FULLY SHIELDED:** The luminaire incorporates a solid barrier (the shield), which permits no light to escape through the barrier on the top and sides of the fixture.

**GLARE:** Stray light striking the eye that may result in: a) nuisance or annoyance glare, such as light shining into a window; b) discomfort glare, such as bright light causing squinting of the eyes; c) disabling glare, such as bright light reducing the ability of the eyes to see into shadows; or d) reduction of visual performance.

**HOLIDAY LIGHTING:** Exterior lighting consisting of strings of individual lamps, where the output per lamp is not greater than fifteen (15) lumens.

**IESNA:** Illuminating Engineering Society Of North America (IES or IESNA). The professional society of lighting engineers.

**IESNA RECOMMENDED PRACTICES:** The current publications of the IESNA setting forth luminance levels.

**ILLUMINANCE:** The amount of light falling on any point of a surface measured in foot-candles or lux. Foot-candles are measured as lumens per square foot, and lux is measured as lumens per square meter.

**LED:** Light emitting diode solid state lighting source.

**LAMP:** The generic term for an artificial light source, to be distinguished from the whole assembly (see definition of Luminaire). Commonly referred to as "bulb".

**LIGHT:** The form of radiant energy acting on the retina of the eye to make sight possible.

**LIGHT POLLUTION:** Any adverse effect of artificial night light, including, but not limited to, discomfort to the eye or diminished vision due to glare, light trespass, or any manmade light that diminishes the ability to view the night sky.

**LIGHT TRESPASS:** Light falling on the property of another or the public right of way when it is not



required to do so.

**LIGHTING:** Any or all parts of a luminaire that function to produce light.

**LIGHTING ADMINISTRATOR:** A city official designated by the city council to administer, interpret and enforce this chapter, and make recommendations thereunder.

**LUMEN:** The unit used to quantify the amount of light energy produced by a lamp at the lamp. Lumen output of most lamps is listed on the packaging.

**LUMINAIRE:** A complete lighting unit, consisting of a lamp or lamps, together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power. When used, includes ballasts and photocells. Commonly referred to as "fixture".

**LUMINANCE:** At a point and in a given direction, the luminous intensity in the given direction produced by and element of the surface surrounding the point divided by the area of the projection of the element on a plane perpendicular to the given direction. Units: Candelas per unit area. The luminance is the perceived brightness that we see the visual effect of the luminance, reflected, emitted or transmitted from a surface.

**MAINTAINED ILLUMINANCE:** The condition that occurs after two hundred (200) hours of lamp use prior to a point where luminaire cleaning is necessary. Measurements are taken at ground level with sensor parallel to the ground for horizontal luminance and measured at five feet (5') above ground with sensor perpendicular to the ground for vertical luminance.

**NONESSENTIAL LIGHTING:** Lighting that is not necessary for an intended purpose after the purpose has been served. Does not include any lighting used for safety and/or public circulation purposes.

**OPAQUE:** The effect of a part or parts of a luminaire that provides a barrier above and in some cases around the lamp, that does not allow any light to pass through.

**PARTIALLY SHIELDED:** The luminaire incorporates a translucent barrier, the "partial shield" around the lamp that allows some light to pass through the barrier of the fixture's walls while concealing the lamp from the viewer.

**PLANNING AND ZONING ADMINISTRATOR:** The Town of Apple Valley planning and zoning administrator.

**RECESSED:** When a light is built into a structure or portion of a structure such that the light is fully cut off and no part of the light extends or protrudes beyond the underside of a structure or portion of a structure.

**SHIELDED:** When the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The bulb is not visible with a shielded light fixture, and no light is emitted from the sides of the fixture. Also considered a full cutoff fixture.

**SKY GLOW:** The overhead glow from light emitted sideways and upward. Sky glow is caused by the reflection and scattering of light by dust, water vapor and other particles suspended in the atmosphere.

**TEMPORARY LIGHTING:** Lighting that is intended to be used for a special event for seven (7) days or less, and temporary construction lighting.

**TRANSLUCENT:** The effect of a part or parts of a luminaire that provides a barrier around the lamp that allows some light to pass through the barrier in a diffused manner, such that the lamp cannot be clearly distinguished.

**UNSHIELDED:** The luminaires only incorporate clear glass, which permits all light to escape.

**UPLIGHTING:** Fully shielded lighting that is directed in such a manner as to shine light rays above the horizontal plane.

**WALL WASH:** The reflectivity of artificial lighting from the exterior surface of a building or structure.

## **10-26-040: STANDARDS AND REQUIREMENTS:**

### A. General Standards:

1. Exterior Lighting: All exterior lighting shall be designed, located and lamped in order to prevent or minimize:
  - a. Overlighting;
  - b. Energy waste;
  - c. Glare;
  - d. Light trespass;
  - e. Sky glow.
2. Nonessential Lighting: All nonessential lighting on the exterior of all commercial, recreational and residential structures shall be turned off no later than eleven o'clock (11:00) P.M. Lights on a timer are encouraged. Sensor activated lights are encouraged to replace existing lighting that is desired for security purposes.
3. Canopy Lights: Canopy lights, such as service station lighting or covered entries, shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights of way or adjacent properties.
4. Area Lights: All area lights shall be a minimum eighty five degree (85°) full cutoff type luminaire.
5. Luminaires: Rocky Mountain Power shall not install any luminaires after the effective date hereof that lights the public right of way without first receiving approval for any such application by the lighting administrator.
6. Hillside, Ridgeline, And Special Cases: In certain cases (such as, but not limited to,

properties on or near ridgelines or hillsides), additional shielding may be required to mitigate glare or light trespass. The need for additional shielding will be considered as part of the building permit review process.

- a. All monopole, antenna, tower or support facility lighting not required by the federal aviation administration (FAA) or the federal communications commission (FCC) is prohibited.
- b. When lighting is required by the FAA or the FCC, such lighting shall not exceed the minimum requirements of those agencies. Collision markers should have a dual mode for day and night to minimize impact to the night sky and migrating birds.
- c. All other lighting used on the property not regulated by the FAA or FCC shall conform to this chapter.

B. Use Of Luminaires: No unshielded or clear glass luminaires shall be allowed; all exterior lighting shall use full cutoff luminaires with the light source downcast and fully shielded, with the following exceptions:

1. Luminaires: Luminaires that have a maximum output of eight hundred (800) lumens per fixture (equal to one 60-watt incandescent lamp) regardless of number of lamps, may be partially shielded, provided the luminaire has an opaque top or is under a solid overhang.
2. Floodlights: Floodlights with external shielding shall be angled; provided, that no light is directed above a thirty degree (30°) angle measured from the vertical line from the center of the light extended to the ground, and only if the luminaires do not cause glare or light to shine on adjacent property or public rights of way. Residential floodlights must be turned off by eleven o'clock (11:00) P.M.
3. Residential Holiday Lighting: Flashing holiday lights on residential properties are discouraged. Holiday lights shall be turned off by eleven o'clock (11:00) P.M.
4. Commercial Holiday Lighting: Flashing holiday lights are prohibited. Commercial holiday lights shall be turned off by eleven o'clock (11:00) P.M. or the close of business, whichever is later.
5. Sensor Activated Luminaires: Sensor activated luminaires, provided:
  - a. It is located in such a manner as to prevent glare and light trespass onto properties of others or into a public right of way;
  - b. The luminaire is set to only go on when activated and to go off within five (5) minutes after activation has ceased;
  - c. The luminaire shall not be triggered by activity off the subject property.
6. Emergency Lighting: All temporary emergency lighting needed by the fire and police departments, or other emergency services.
7. Lighting For Flags: Lighting for flags, provided the flag is a United States Of America or state of Utah official flag and the maximum lumen output is one thousand three hundred (1300) lumens. Flags may be taken down at sunset to avoid the need for lighting. The external beam

shall minimize light trespass and/or glare.

8. Uplighting: Uplighting for landscaping and/or structures shall be fully captured for approval. All uplighting shall be turned off by eleven o'clock (11:00) P.M.
9. Lighting Of Towers: Lighting of radio, communication and navigation towers, provided the owner or occupant demonstrates that the federal aviation administration (FAA) regulations can only be met through the use of lighting that does not comply with this chapter.
10. Neon Lights: See subsection [10-22-5C3](#) of this title.
11. Playing Field Luminaires: Luminaires used for playing fields and courts shall be exempt from the height restriction, provided all other provisions of this chapter are met and the light is used only while the field or court is in use. In no case shall the lights be used later than eleven o'clock (11:00) P.M. without prior approval.
12. Nonresidential Luminaires: Nonresidential luminaires may deviate from the requirements of these exterior lighting regulations only upon submitting for planning commission approval a design review application, detailing the specific reasons for the proposed deviation. Such application may be granted only if the applicant demonstrates each of the following:
  - a. The proposed deviation is appropriate to the location of the lighting and the surrounding neighborhood;
  - b. The proposed deviation will not unreasonably diminish either the health, safety or welfare of the surrounding neighborhood uses; and
  - c. The proposed deviation will not unreasonably conflict with the general intent of these exterior lighting regulations.

The planning commission may approve, deny or approve with conditions any such application submitted under this subsection.

### C. Placement And Height Of Luminaires:

1. Parking Areas: Parking area luminaires shall be no taller than seventeen feet (17') as measured from the ground to their tallest point. Parking area lights are encouraged to be greater in number, lower in height and lower in lumens, as opposed to fewer in number, higher in height and higher in lumens.
2. Private Property In Residential Zones: Freestanding luminaires on private property in residential zones shall be mounted at a height no greater than twelve feet (12') from ground level to the top of the luminaires.
3. Arterial Roads: Streetlights used on arterial roads may exceed twenty feet (20') in height, with the recommendation by the city council, and only with a finding that exceeding twenty feet (20') is necessary to protect the safety of the residents of the Town.
4. Illumination Of Rights Of Way: Lighting of public and private rights of way shall be fully shielded. In addition, lighting shall comply with source color temperature of this section.

a. Exception: Traffic signal indications.

b. Definitions: Right of way types:

**COLLECTOR ROADS:** Roadways serving traffic between major and local streets. These are streets used mainly for traffic movement within residential, commercial and industrial areas.

**EXPRESSWAY:** A divided major roadway for through traffic, with partial control of access and generally with interchanges at major crossroads.

**LOCAL ROADS:** Local streets are used primarily for direct access to residential, commercial, industrial, or other abutting property.

**MAJOR ROADS:** The part of the roadway system that serves as the principal network for the through traffic flow. The routes connect areas of principal traffic generation and important rural roadways leaving the Town.

c. Illumination Levels Of Rights Of Way: The maximum average illumination level along the entire right of way being illuminated and over the right of way area only, shall be:

(1) Expressway: 1.4 foot-candles.

(2) Major roads: 1.5 foot-candles.

(3) Collector roads: 1.0 foot-candle.

(4) Local roads: 0.4 foot-candle.

(5) Existing luminaires on local roads may be retrofitted with full cutoff luminaires with the design not to exceed 0.4 foot-candle average. The maximum maintained average illumination in the intersection area shall be two (2) times the average of the maintained foot-candles of the two (2) types of roads at the intersections.

(6) Intersections of collector and local roads shall be 1.6 foot-candles maximum and at intersections of local and local roads shall be 1.4 foot-candles maximum.

5. Playing Fields: Luminaires used for playing fields shall be exempt from the height restriction, provided all other provisions of this chapter are met and the light is used only while the field is in use.

D. Luminance And Type Of Lamp:

1. Luminance levels for parking lots, sidewalks and other walkways affected by side mounted building lights, and freestanding sidewalk lights (not streetlights) shall not exceed luminance levels listed in the most current "IESNA Recommended Practices", as amended from time to time. The Town recognizes that not every such area will require lighting.

2. Above ground parking lot lighting shall not exceed an overall average illumination of 1.5 foot-candles. Interior parking structure lighting shall not exceed the minimum security illumination levels listed in the most current "IESNA Recommended Practices", as amended from time to

time.

3. The use of lighting for exterior wall washing is limited for residences, condominiums and apartments; the use of recessed eave lighting to achieve wall washing is preferred, and wall washing should strive for uniform illumination distribution. Eave lighting used in angled gables must be shielded to prevent spill lighting effecting traffic or other neighbors. The maximum average illumination limits for wall washing are:
  - a. Dark colored exterior surfaces: 1.0 foot-candle.
  - b. Light colored exterior surfaces: 0.5 foot-candle.

Luminance measurements of indirect light creating wall wash shall be measured with a luminance meter four feet (4') from ground level with the meter held horizontally and touching the wall surface.

4. Streetlights shall be LED, unless otherwise determined that another type is more efficient and approved by the City Council. LED street lighting shall be fully shielded, and emit no light upward. Light housing shall be constructed to expel excess heat from the fixture. The correlated color temperature on all fixtures shall be three thousand Kelvin (3000 K) or warmer (lower number). LED lighting fixtures shall be installed with an adaptive control system capable of dimming and/or motion sensor control that is compatible with the current Town control system. If a light type other than LED is permitted, then the replacement fixture shall have the equivalent output as the other light type.
5. LED streetlights shall be implemented in accordance with an engineering study, specifically a photometric plan, that shall have been conducted and approved prior to installation of LED luminaires. Said photometric plan shall recommend appropriate perceived levels of illumination based upon the correlated color temperature of the proposed luminaires and the specific location and purpose of the luminaire, e.g., residential cul-de-sac, highway intersection, etc., as referenced in "IESNA Recommended Practices".

## **10-26-050: PROCEDURE FOR APPROVAL:**

- A. All applications for design review, conditional use permits, planned unit developments, subdivision approvals, applicable sign permits or building permits shall include lighting plans showing location, type, height, lumen output and luminance levels in order to verify that lighting conforms to the provisions of this chapter. The Lighting Administrator may waive the requirement for luminance level information only, if the Lighting Administrator finds that the luminance levels conform to this chapter. For all other exterior lights which must conform to the requirements of this chapter, an application shall be made to the Lighting Administrator, showing location, type, height, lumen output and luminance levels.
- B. The Lighting Administrator shall review any new exterior lighting or any existing exterior lighting on subject property that is part of an application for design review, conditional use permit, planned unit development, subdivision approval, applicable sign permits or building permits, or any other land use approval, to determine whether the exterior lighting complies with the standards of this chapter.

- C. The Lighting Administrator shall convey in writing a recommendation whether the exterior lighting complies with the standards of this chapter to the building official, the Planning Commission, or to the appropriate approving body as the case may be, before any review or hearing on a building permit, design review, conditional use permit, planned unit development, subdivision application or applicable sign permit.
- D. For all other exterior lighting which must conform to the requirements of this chapter, the Lighting Administrator shall issue a decision whether the exterior lighting complies with the standards of this chapter. All such decisions may be appealed to the Appeal Authority within thirty (30) days of the decision. (Ord. 10.08, 2-19-09)

### **10-26-060: VIOLATIONS; ENFORCEMENT:**

If the Lighting Administrator finds that any provision of this chapter is being violated, the Lighting Administrator shall give notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that the violation be abated within thirty (30) days of the date of hand delivery or of the date of mailing of the notice. The Planning Department staff shall be available to assist in working with the violator to correct said violation. If the violation is not abated within the thirty (30) day period, the Lighting Administrator may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this chapter. Such actions or proceedings shall be in addition to the enforcement and penalties provisions of [chapter 2](#) of this title.

This Ordinance shall take place effective immediately upon approval by the Town Council and shall supersede and replace all previous ordinances pertaining to outdoor lighting.



CONTRACT NO.	
CONTRACTOR:	Town of Apple Valley
VENDOR NO.	114485A
PROJECT NAME:	Stormwater FEMA Pre-Disaster Mitigation Plan -- CDO
AWARD NUMBER:	FUND5285-20
CFDA #/TITLE:	N/A
CONTRACT ORIGINATOR:	Gayle Gardner
FEDERAL AGENCY:	N/A

**CONTRACT**  
**DEPARTMENT OF WORKFORCE SERVICES**  
**HOUSING & COMMUNITY DEVELOPMENT DIVISION**  
**1385 S. State, Salt Lake City, UT 84115**

**1. PARTIES:** This contract is between the DEPARTMENT OF WORKFORCE SERVICES:  
Permanent Community Impact Fund (CIB)

(Board or Program)

Referred to as STATE, and the following CONTRACTOR  
Town of Apple Valley

Name

1777 N. Meadowlark Dr.

Address

Apple Valley

Utah

84737

City

State

Zip

Marty Lisonbee

435-877-1190

435-877-1192

Contact

Phone #

Fax #

**2. GENERAL PURPOSE OF CONTRACT:**

Stormwater FEMA Pre-Disaster Mitigation Plan

**3. CONTRACT PERIOD:** Commencing on 02/01/2020 and terminating on 01/31/2022

**4. CONTRACT COSTS:** CONTRACTOR will be paid a maximum of \$20,000.00 , pursuant to the budget attached hereto as Attachment C

**5. ATTACHMENTS:**

- ✓ ATTACHMENT A – GENERAL PROVISIONS
- ✓ ATTACHMENT B - PROGRAM GENERAL CONDITIONS
- ✓ ATTACHMENT C – BUDGET
- ✓ ATTACHMENT D – SCOPE OF WORK



**6. STATE FISCAL YEAR BILLING DEADLINE**

DWS must receive proper billing for expenditures incurred up to and including June 30 no later than **July 15** of the same year, due to the DWS fiscal year end. **Billings submitted after this date may be denied.**

**SIGNATURES AND ACKNOWLEDGEMENTS**

By signing below, the following officials acknowledge that they understand and agree to all of the terms and responsibilities set forth herein and certify that they are authorized to legally bind their respective organizations.

**CONTRACTOR**

**STATE**

**APPROVED:**

**APPROVED:**

TOWN OF APPLE VALLEY

HOUSING & COMMUNITY DEVELOPMENT DIVISION

BY:

BY:

Signature

Jonathan D. Hardy, Director

Date

Date

Print Name

Title

UTAH STATE DIVISION OF FINANCE:

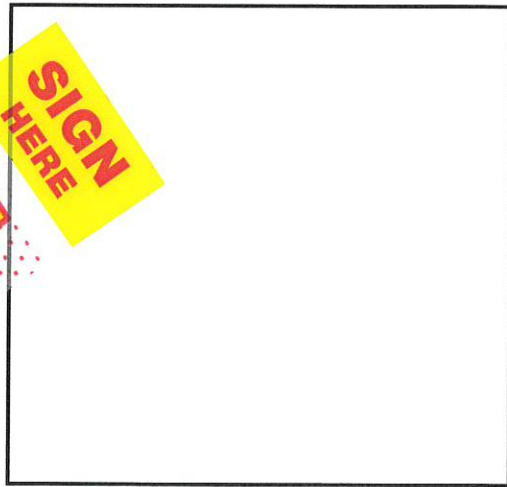
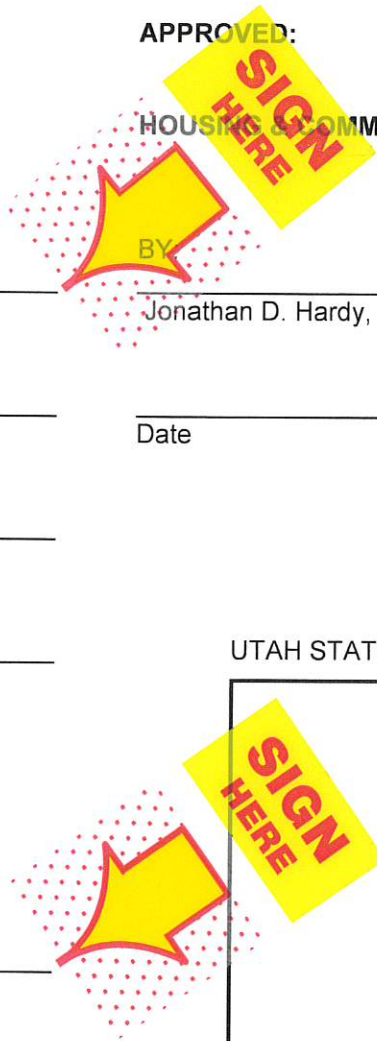
**WITNESS:**

Signature

Date

Print Name

Title



**ATTACHMENT A**  
**PROVISIONS FOR HOUSING AND COMMUNITY DEVELOPMENT DIVISION AGREEMENTS**

**1. DEFINITIONS:** The following terms shall have the meanings set forth below:

- a) "Confidential Information" means information that is classified as Private or Protected, or otherwise deemed as confidential under applicable state and federal laws, including but not limited to the Government Records Access and Management Act (GRAMA) Utah Code 63G-2-101 et seq. The State Entity reserves the right to identify, during and after this Contract, additional information that must be kept confidential under federal and state law.
- b) "Contract" means the Contract Signature Pages, attachments, and documents incorporated by reference.
- c) "Contract Signature Pages" means the State cover pages that the State Entity and Contractor sign.
- d) "Contractor" means the individual or entity identified on the Signature Page, and includes grantees, sub-recipients, loan recipients, and each of their agents, officers, employees, volunteers, contractors, and partners.
- e) "Services" means the furnishing of labor, time, and effort by Contractor pursuant to this Contract. Services include, but are not limited to, any deliverables, supplies, equipment, commodities, and professional services required in accordance with this Contract.
- f) "Proposal" means Contractor's response to the State Entity's Solicitation.
- g) "Solicitation" means the documents and process used by the State Entity to obtain Contractor's Proposal.
- h) "State Entity" means the Department, Division, Office, Bureau, Agency, Board or other organization identified on the Contract Signature Pages.
- i) "State" means the State of Utah, including its officers, employees, agents, and authorized volunteers.
- j) "Subcontractors" means a person or entity under contract with the Contractor or another subcontractor to perform any services, including Contractor's manufacturers, distributors, and suppliers.

**2. CONTRACT JURISDICTION, CHOICE OF LAW AND VENUE:** This contract is governed by the laws of the State of Utah. Any action or proceeding arising from this Contract shall be brought in a court of competent jurisdiction in the State of Utah. Exclusive venue shall be in Salt Lake City, in the Third Judicial District Court for Salt Lake County.

**3. LAWS AND REGULATIONS:** The Contractor shall ensure that all supplies, services, equipment, and construction furnished under this contract complies with all applicable Federal, State, and local laws and regulations, including obtaining applicable permits, licensure and certification requirements. Contractors receiving federal pass-through funding shall comply with applicable 2 CFR 200 (Uniform Administrative Requirements and Cost Principles).

**4. RECORDS ADMINISTRATION:** The Contractor shall maintain all records necessary to properly account for the payments made pursuant to this Contract. The records shall be retained by the Contractor for at least six years after the Contract terminates, or until all audits initiated within the six years, have been completed, whichever is later. The Contractor and any subcontractors shall allow State and Federal auditors, and State Entity Staff or their designees access to all records related to this Contract at no additional cost for audit, inspection, and monitoring of services, and shall allow interviews of any employees or others who might have information related to such records. Such access will be during normal business hours, or by appointment.

**5. FINANCIAL REPORTING:** Contractor must annually inform the State Entity in writing whether it is a nonprofit corporation and if so, whether it: (i) met or exceeded the dollar amounts listed in Utah Code 51-2a-201.5 in the previous fiscal year; and (ii) anticipates meeting or exceeding the dollar amounts listed in Utah Code: 51-2a-201.5 in the fiscal year the money is disbursed. Each nonprofit corporation and local entity shall comply with applicable provisions of Utah Code Title 51 Chapter 2a.

**6. CONFLICT OF INTEREST:** Contractor certifies that it has not offered or given any gift or compensation prohibited by the laws of the State to any officer or employee of the State or participating political subdivisions to secure favorable treatment with respect to being awarded this contract.

**7. INDEPENDENT CONTRACTOR:** The Contractor is an independent contractor and has no authorization, express or implied, to bind the State to any agreements, settlements, liability, or understanding, and shall not perform any acts as agent for the State. Persons employed by or through the Contractor shall not be deemed to be employees or agents of the State and are not entitled to the benefits associated with State employment.

**8. CONTRACTOR RESPONSIBILITY:** Contractor shall comply with all Contract terms and is the sole point of contact with the State. Contractor shall incorporate the terms of this Contract into every subcontract relating to this Contract. Contractor is responsible for Subcontractors' compliance with this Contract.

**9. INDEMNITY:** Contractor is fully liable for the acts and omissions of its agents, employees, officers, partners, and Subcontractors, and shall fully indemnify, defend, and save harmless the State Entity and the State of Utah from all claims, losses, suits, actions, damages, and costs arising out of Contractor's performance of this Contract to the extent caused by caused by any omission, intentional act or negligent act of Contractor, its agents, employees, officers, partners, volunteers, or Subcontractors, without limitation. Contractor is not required to indemnify the State for that portion of any claim, loss, or damage arising due to the sole fault of the State Entity.

**10. EMPLOYMENT PRACTICES:** The Contractor shall abide by all State and Federal anti-discrimination laws, including but not limited to Title VI and VII of the Civil Rights Act of 1964 (42 USC 2000e); Executive Order No. 11246; 45 CFR 90; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; as each may be amended.

**11. DEBARMENT:** The Contractor certifies that neither it nor its principals are presently or have ever been debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this contract, by any governmental entity. The Contractor must notify the State Entity within ten days if debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in any contract by any governmental entity during the Contract period.

**12. TERMINATION:** This contract may immediately be terminated with cause in advance of the expiration date, upon written notice being given by the other party. The party in violation may be given ten working days after notification, unless a longer cure period is authorized in writing, to correct and cease the violations, after which the Contract may immediately be terminated for cause. This Contract may be terminated without cause, in advance of the expiration date, upon thirty calendar days prior written notice being given the other party. The State Entity and the Contractor may terminate this Contract, in whole or in part, at any time, by mutual agreement in writing. Contractor's sole remedy for any claims relating to termination is payment for Services properly performed up to the date of termination.

**13. NONAPPROPRIATION OF FUNDS, OR CHANGES IN LAW:**

**13.1** Upon thirty days written notice, this Contract may be terminated in whole or in part at the sole discretion of the State, if the State determines that a change in legislation or law materially affects the ability of either party to perform under the contract.

**13.2** Upon thirty days written notice, this Contract may be terminated in whole or in part, or have the services and purchase obligations of the State proportionately reduced, at the sole discretion of the State, if the State determines that a change in available funds affects the State Entity's ability to pay under the Contract. A change of available funds includes, but is not limited to, a change in Federal or State funding as a result of a legislative act or order of the President or the Governor.

**13.3** If a notice is delivered under paragraph 13.1 or 13.2 the State will pay the Contractor for services properly performed up to the date specified in the written notice. The State is not liable for any performance, commitments, penalties, or liquidated damages that accrue after the effective date of notice. Contractor's sole remedy for any claims relating to non-appropriation is payment for Services properly performed up to the date of termination.

**14. WARRANTY:** Contractor warrants, represents and conveys full ownership and clear title to the goods provided under this Contract. Contractor warrants that: (a) all services and goods shall be provided in conformity with the requirements of this Contract by qualified personnel in accordance with generally recognized standards; (b) all goods furnished pursuant to this Contract shall be new and free from defects; (c) goods and services perform according to all claims that Contractor made in its Response; (d) goods and services are suitable for the ordinary purposes for which such goods and services are used; (e) goods and services are suitable for any special purposes identified in the Contractor's Response; (f) goods are designed and manufactured in a commercially reasonable manner; and (g) goods create no harm to persons or property. Contractor shall warrant and assume responsibility for all goods that it sells to the State under this contract for a period of one year, unless a longer period is specified elsewhere in this contract. Contractor acknowledges that all warranties granted to the buyer by the Uniform Commercial Code of the State apply to this contract. Product liability disclaimers and warranty disclaimers are not applicable to this contract. Remedies available to the State include but are not limited to: Contractor will repair or replace goods and services at no charge to the State within ten days of written notification. If the repaired or replaced goods and services are inadequate or fail their essential purpose, Contractor will refund the full amount of any payments that have been made. Nothing in this warranty will be construed to limit any rights or remedies the State may otherwise have.

**15. PAYMENT:** Payments will be made within sixty days after a correct invoice is received. The acceptance by Contractor of final payment, without a written protest filed with the State Entity within thirty days after the termination or expiration of this Contract, shall release the State from all claims and all liability to the Contractor. Notwithstanding the previous statement, no protest may be filed later than July 15 for any contract terminating or expiring June 30th. Payment for the Services shall not be deemed an acceptance of the Services and is without prejudice to any claims that the State may have against Contractor. If this Contract is funded in whole or in part by federal funds, then federal regulations supersede Attachment A to the extent of any conflict, including but not limited to completion of a pre-award risk assessment and certifications pursuant to 2 CFR 200.415. If travel expenses are permitted by the Solicitation, the authorized travel costs will be paid according to the rules and per diem rates found in the Utah Administrative Code R25-7. Invoices containing travel costs outside of these rates will be returned to Contractor for correction. Contractor is solely responsible for the payment of all applicable taxes relating to payments received from the State for the Services.

## **16. INTELLECTUAL PROPERTY:**

**16.1** The State Entity and Contractor agree that each has no right, title, interest, proprietary or otherwise in the intellectual property owned or licensed by the other. Unless agreed upon by the parties in writing, all materials not developed or licensed by Contractor prior to the execution of this Contract, but specifically created or manufactured under this contract shall be considered work made for hire, and Contractor shall transfer ownership to the State Entity.

**16.2** Contractor warrants that it does not and will not infringe on any copyrights, patents, trade secrets, or other propriety rights. Contractor will indemnify the State and hold the State harmless from and against all damages, expenses, attorney's fees, claims, judgments, liabilities, and costs in any claim brought against the State for infringement

**17. ASSIGNMENT/SUBCONTRACT:** Contractor will not assign, transfer, subcontract responsibilities under this contract, in whole or in part, without the prior written approval of the State Entity. Contractor shall require each subcontractor, transferee and assignee to agree in writing to comply with the terms of this Contract.

**18. UNUSED FUNDS:** Any funds paid by the State that are not appropriately used as authorized by this Contract must immediately be returned to the State.

**19. INELIGIBLE EXPENSES:** Contractor expenditures determined by the State Entity to be ineligible for reimbursement because they were not authorized by the Contract or are inadequately documented, and for which payment has been made shall be immediately refunded to the State. The State may withhold subsequent payments under this or other Contracts until the recoupment of overpayments is made.

**20. PUBLIC INFORMATION:** This Contract, related pricing documents, and invoices are public documents available for distribution in accordance with the Government Records Access and Management Act (GRAMA). Contractor shall comply with GRAMA (UC 63G-2-309) to request a "protected" classification for a record or portion of a record, which may be granted in the sole discretion of the State.

**21. PROCUREMENT ETHICS:** Contractor shall not give or offer any compensation, gratuity, contribution, loan, reward, or promise to any person in any official capacity relating to the procurement of this Contract. Contractor certifies that it has not offered or given any gift or compensation prohibited by the laws of the State to any officer or employee of the State or participating political subdivisions to secure favorable treatment with respect to being awarded this contract.

**22. REMEDIES:** Either of the following events constitute default: (i) Contractor's non-performance of a contractual obligation; or (ii) Contractor's breach of any term or condition of this Contract. The State Entity may issue a written notice of default providing a ten-day period in which Contractor will have an opportunity to cure. Time allowed for cure will not reduce Contractor's liability for damages. If the default remains after the cure period, the State Entity may: (i) exercise any remedy provided by law or equity; (ii) immediately terminate this Contract; (iii) impose liquidated damages, if liquidated damages are listed in this Contract; (iv) debar/suspend Contractor from receiving future Contracts from the State; and (v) demand a full refund of payments for services that do not conform to this Contract.

**23. FORCE MAJEURE:** Neither party to this contract will be held responsible for unforeseeable, unavoidable delay or default caused by natural disaster, riot, war, or similar events not caused by the party claiming force majeure. The State may terminate this Contract after determining such delay or default will prevent successful performance of the Contract..

**24. CONFLICT OF TERMS:** All Contract terms must be in writing and attached to the Contract. In the event of conflict, the order of precedence is: 1) Attachment A: Housing and Community Development Division; 2) Contract Signature Pages; 3) Attachment B: Program Terms and Conditions; 4) Budget; 5) Scope of Work; 6) Additional attachments and documents specifically incorporated by reference; and 7) Contractor's Proposal. Any provision attempting to limit the liability of Contractor or limit the rights of the State must be in writing and attached to this Contract or it is rendered null and void.

**25. AMENDMENTS:** This Contract may only be amended by the mutual written agreement of the parties in accordance with the Utah Procurement Code. Each amendment shall be attached to this Contract after execution. Automatic renewals are prohibited.

**26. INSURANCE** Contractor shall maintain:

- i. Commercial general liability insurance from an insurance company authorized to do business in the State. The limits of this insurance will be no less than one million dollars per person per occurrence and three million dollars aggregate;
- ii. Commercial automobile liability [CAL] insurance from an insurance company authorized to do business in the State if Contractor may use a vehicle in the performance of Services. The CAL insurance policy must cover bodily injury and property damage liability and be applicable to all vehicles used in your performance of Services under this Agreement whether owned, non-owned, leased, or hired. The minimum liability limit must be one million dollars per occurrence, combined single limit.

iii. Contractor shall maintain higher insurance limits and any other insurance policies as required in the Solicitation;  
iv. Workers' compensation insurance for all employees and subcontractor employees. Workers' compensation insurance shall cover full liability under the workers' compensation laws of the jurisdiction in which the service is performed; and  
v. For licensed professionals, professional liability insurance from an insurance company authorized to do business in the State. The limits of this insurance will be no less than one million dollars per person per occurrence and three million dollars aggregate;

Contractor shall add the State as an additional insured with notice of cancellation. Contractor shall submit certificates of insurance that meet the above requirements prior to performing any Services, and in no event any later than thirty days of the Contract award. Failure to maintain required insurance or to provide proof of insurance as required is a material breach of this Contract and may result in immediate termination.

**27. CERTIFY REGISTRATION AND USE OF EMPLOYMENT STATUS VERIFICATION SYSTEM:** The Status Verification System, also referred to as "E-verify", only applies to contracts issued through a Request for Proposal process, and to sole sources that are included within a Request for Proposal, and when Contractor employs any personnel in Utah. 1. Contractor certifies, under penalty of perjury, that Contractor has registered and is participating in the Status Verification System to verify the work eligibility status of Contractor's new employees that are employed in the State in accordance with applicable immigration laws. 2. Contractor shall require each of its Subcontractors to certify by affidavit, under penalty of perjury, that each Subcontractor has registered and is participating in the Status Verification System to verify the work eligibility status of Subcontractor's new employees that are employed in the State in accordance with applicable immigration laws. 3. Contractor's failure to comply with this section will be considered a material breach of this Contract.

**28. SUSPENSION OF WORK:** If the State Entity determines, in its sole discretion, to suspend Contractor's responsibilities but not terminate this Contract, it shall issue a written notice. Contractor's responsibilities will be reinstated upon written notice from the State Entity. Contractor's sole remedy in the event it objects to a suspension is to terminate the contract without cause.

**29. MONITORING:** The State Entity may, at any time, inspect the Services. If Contractor delivers nonconforming Services, the State Entity may at Contractor's expense: (i) return the Services for a full refund; (ii) require Contractor to promptly correct or re-perform the nonconforming Services subject to the terms of this Contract; or (iii) obtain replacement Services from another source, subject to Contractor being responsible for any cover costs

**30. TIME OF THE ESSENCE:** Services shall be completed by the deadlines stated in this Contract. For all Services, time is of the essence. Contractor is liable for all damages to the State Entity, the State, and anyone for whom the State may be liable as a result of Contractor's failure to timely perform the Services.

**31. EVALUATIONS:** The State Entity may conduct reviews, including but not limited to:

**31.1: PERFORMANCE EVALUATION:** A performance evaluation of Contractor's and Subcontractors' work.

**31.2: REVIEW:** The State Entity may perform plan checks, plan reviews, other reviews, and /or comment upon the Services of Contractor. Such reviews do not waive the requirement of Contractor to meet all of the terms and conditions of this Contract.

**32. STANDARD OF CARE:** Contractor and Subcontractors shall perform in accordance with the standard of care exercised by licensed members of their respective professions having substantial experience providing similar services, including the type, magnitude, and complexity of the Services. Contractor is liable for claims, liabilities, additional burdens, penalties, damages, or third-party claims, to the extent caused by the acts, errors, or omissions that do not meet this standard of care.

**33. CONFIDENTIALITY:** Contractor shall ensure that its agents, officers, employees, partners, volunteers and Subcontractors keep all Confidential Information strictly confidential. Contractor shall immediately notify the State Entity of any potential or actual misuse or misappropriation of Confidential Information. Contractor is responsible for any breach of confidentiality, including any required remedies and notifications. Upon termination or expiration of this Contract, Contractor will return all Confidential Information to the State Entity or certify, in writing, that the Confidential Information has been destroyed. This duty of confidentiality shall survive the termination or expiration of this Contract.

**34. PUBLICITY:** Contractor shall submit in writing to the State Entity for pre-approval all advertising and publicity matters relating to this Contract. It is within the State Entity's sole discretion whether to approve the advertising and publicity. The State Entity shall respond in writing.

**35. CONTRACT INFORMATION:** Contractor shall provide name and contract information regarding job vacancies to the State Department of Workforce Services in compliance with UC 35A-2-203. This information shall be provided to the Department of Workforce Services for the duration of this Contract.

**36. WAIVER:** A waiver of any right, power or privilege shall not be construed as a waiver of any subsequent right, power, or privilege. The State does not waive its sovereign or governmental immunity.

**37. ATTORNEY'S FEES:** In the event of any judicial action to enforce rights under this Contract, the prevailing party shall be entitled its costs and expenses, including reasonable attorney's fees incurred in connection with such action.

**38. DISPUTE RESOLUTION:** Prior to commencing a judicial proceeding, the parties agree to participate in the good faith negotiation or non-binding mediation of any dispute. The State Entity, after consultation with the Contractor, may appoint an expert or experts to assist in the resolution of a dispute. If the State Entity appoints any experts, the State Entity and Contractor shall cooperate in providing information and documents to the experts

**39. SURVIVAL OF TERMS:** Termination or expiration of this Contract shall not extinguish or prejudice the right to enforce this Contract with respect to any default or defect in the Services. The following provisions will survive termination or expiration of the Contract: Definitions; Contract Jurisdiction, Choice of Law and Venue; Laws and Regulations; Records Administration; Remedies, Dispute Resolution, Indemnity; Payment; Intellectual Property; Unused Funds; Ineligible Expenses; Public Information; Conflict of Terms; Confidentiality; and Publicity.

**40. SEVERABILITY:** The invalidity or unenforceability of any provision, term or condition of this Contract shall not affect the validity or enforceability of any other provision, term, or condition of this Contract, which shall remain in full force and effect.

**41. ENTIRE AGREEMENT:** This Contract constitutes the entire agreement between the parties and supersedes any and all other prior and contemporaneous agreements and understandings between the parties, whether oral or written.

**Attachment B**  
**PROGRAM TERMS AND CONDITIONS**  
**PERMANENT COMMUNITY IMPACT FUND**

1. CONTRACTOR is a recipient under the Permanent Community Impact Fund provisions contained in Utah Code 35A-8-301 et seq.
2. Project modifications are prohibited unless the Board authorizes proposed modifications by written amendment. The Contractor must submit a written request for any proposed modification to the Board-approved Project, the Scope of Work, and/or the contract amount. The Board may reject proposed changes. The Board may require Contractor to return funds if Project modifications are made without prior BOARD approval. Surplus funds shall not be expended on items not directly related to the specifically approved Project.
3. The CONTRACTOR may only submit for reimbursement those expenses authorized under the approved scope of work. The staff, representing the Board, shall reject a reimbursement request for an ineligible expense. The STATE shall re-capture, and CONTRACTOR shall repay, any funds disbursed to CONTRACTOR that CONTRACTOR did not use for the approved Project or funds used for any purpose in violation of the terms of this contract or in violation of the law.
4. In addition to the provisions on Termination in Attachment A, if the Contractor has not commenced work on the Project within 90 days of executing this Contract, then this contract may be terminated by written notice from the STATE. Work performed after the date of termination is not reimbursable.
5. The Project must be completed within the specified contract period. CONTRACTOR may submit a request in writing for an extension of up to one year, which must contain a justification for the extension, and must be submitted at least 2 weeks prior to original contract expiration. The STATE may grant the extension at the STATE's sole discretion.
6. Upon contract expiration, any remaining funds are returned to the Fund.
7. If any district, site, building, structure, or specimen included in or eligible for inclusion in the National Register of Historic Places or the State Register ("cultural/paleontological resources") is discovered during the Project the CONTRACTOR shall immediately stop all construction on the Project and notify the STATE of the discovery. The CONTRACTOR shall not proceed with the Project until it receives written approval from the STATE, which may require or result in modification of the Project. The CONTRACTOR shall notify the Utah Division of State History of the discovery and comply with all of the requirements of the Utah Division of State History, including obtaining a permit, if necessary, prior to proceeding.
8. All interest accrued and/or allocated to grant funds is deemed property of the Permanent Community Impact Fund and shall be returned to the State upon completion of this Contract.
9. The CONTRACTOR shall comply with all Permanent Community Impact Fund rules and regulations.

(Revised 2/5/20)

## ATTACHMENT C – BUDGET

Town of Apple Valley

### COST SHARING

Total Project Cost	\$	<u>40,000.00</u>
Project Revenues		
Applicant Cash	\$	<u>20,000.00</u>
Local Cash	\$	<u>0.00</u>
State Grant	\$	<u>0.00</u>
PCIFB Loan	\$	<u>0.00</u>
PCIFB Grant	\$	<u>20,000.00</u>
Total Revenues	\$	<u>40,000.00</u>

### BUDGET

1. Construction	1.	\$	0.00
2. Construction Contingency	2.		0.00
3. Engineer/Architect	3.		0.00
4. Special Studies	4.		40,000.00
5. Land/Rights-of-Way/Water Rights	5.		0.00
6. Equipment	6.		0.00
7. Administration	7.		<u>0.00</u>
TOTAL		\$	40,000.00



## **ATTACHMENT D - SCOPE OF WORK**

### Stormwater FEMA Pre-Disaster Mitigation Plan

The project consists of developing a stormwater FEMA pre-disaster mitigation plan in the hopes that this plan will qualify Apple Valley Town for potential FEMA funding. The plan will include hazard identification, cost-benefit analysis, environmental reviews, and certification documents.

Town of Apple Valley  
 FY 2020-2021 Preliminary Budget Proposals

\$	-
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	FY18	FY19	FY20 YTD	FY20 Budget	Percent Used	FY20 Proposal	FY20 Revised %	Notes
<b>Change In Net Position</b>								
<b>Revenue:</b>								
<b>Taxes</b>								
3110 General property taxes-current	\$ 70,677	\$ 105,007	\$ 108,648	\$ 107,216	101%	\$ 107,216		
3120 Prior year's taxes-delinquent	\$ 10,460	\$ 12,804	\$ 7,816	\$ 6,500	120%	\$ 6,500		
3130 General sales and use taxes	\$ 99,678	\$ 105,307	\$ 69,693	\$ 96,969	72%	\$ 96,969		
3140 Energy and communication taxes	\$ 14,771	\$ 15,889	\$ 25,347	\$ 38,016	67%	\$ 38,016		
3150 RAP Tax	\$ 10,052	\$ 10,459	\$ 7,817	\$ 9,846	79%	\$ 9,846		
3160 Transient Taxes	\$ 659	\$ 1,979	\$ 1,131	\$ 1,360	83%	\$ 1,360		
3170 Fee in lieu of personal property taxes	\$ 10,142	\$ 8,634	\$ 4,006	\$ 8,338	48%	\$ 8,338		
3180 Fuel Tax Refund	\$ -	\$ 119	\$ -	\$ -	0%	\$ -		
3190 Highway/Transit Tax	\$ -	\$ -	\$ 2,798	\$ -	0%	\$ -		
<b>Total Taxes</b>	<b>\$ 216,439</b>	<b>\$ 260,197</b>	<b>\$ 227,256</b>	<b>\$ 268,245</b>	<b>85%</b>	<b>\$ 268,245</b>		
<b>Licenses and permits</b>								
3210 Business licenses	\$ 4,113	\$ 2,775	\$ 3,475	\$ 3,464	100%	\$ 3,464		
3221 Building Permits-Fee	\$ 47,301	\$ 34,309	\$ 20,478	\$ 38,513	53%	\$ 38,513		
3222 Building Permits-Non Surcharge	\$ -	\$ 4,295	\$ 2,843	\$ 6,286	45%	\$ 6,286		
3223 Building permit - HCP Valuation	\$ 9,669	\$ 1,732	\$ (1,732)	\$ -	0%	\$ -		
3224 Building Permits Surcharge	\$ 347	\$ 1,178	\$ -	\$ -	0%	\$ -		
3225 Animal licenses	\$ 1,340	\$ 970	\$ 760	\$ 1,263	60%	\$ 1,263		
3430 Assessment fee income	\$ 2,006	\$ -	\$ -	\$ -	0%	\$ -		
<b>Total Licenses and permits</b>	<b>\$ 64,775</b>	<b>\$ 45,258</b>	<b>\$ 25,824</b>	<b>\$ 49,526</b>	<b>52%</b>	<b>\$ 49,526</b>		
<b>Intergovernmental revenue</b>								
3341 EMP Grant \$5,000/\$10,000	\$ -	\$ -	\$ -	\$ -	0%	\$ -		
3342 Fire Dept-State Wildland Grant	\$ -	\$ -	\$ -	\$ 10,000	0%	\$ 10,000		
3356 Class C" road allotment"	\$ 63,285	\$ 80,259	\$ 71,423	\$ 78,681	91%	\$ 78,681		
3358 Liquor control profits	\$ 1,171	\$ 697	\$ 845	\$ 875	97%	\$ 875		
3370 State Grants	\$ -	\$ -	\$ 10,901	\$ 50,000	22%	\$ 50,000		
3371 State Highway Grants	\$ -	\$ -	\$ -	\$ -	0%	\$ -		
3372 Federal Fire Grants	\$ -	\$ -	\$ -	\$ -	0%	\$ -		
<b>Total Intergovernmental revenue</b>	<b>\$ 64,456</b>	<b>\$ 80,956</b>	<b>\$ 83,169</b>	<b>\$ 139,556</b>	<b>60%</b>	<b>\$ 139,556</b>		
<b>Charges for services</b>								
3410 Clerical services	\$ 25,323	\$ 21	\$ 25	\$ -	0%	\$ -		
3415 SSD Payroll Services	\$ 48,566	\$ -	\$ -	\$ -	0%	\$ -		
3416 Other Interdepartmental Charges	\$ -	\$ 4,903	\$ -	\$ -	0%	\$ -		
3420 Fire Department Contracts	\$ 2,000	\$ 300	\$ -	\$ -	0%	\$ -		
3431 Zoning and subdivision fees	\$ 17,105	\$ 33,854	\$ 23,170	\$ 17,121	135%	\$ 17,121		
3440 Solid waste	\$ 40,815	\$ 42,442	\$ 29,622	\$ 43,400	68%	\$ 43,400		
3441 Storm Drainage	\$ 35,399	\$ 37,778	\$ 25,945	\$ 38,080	68%	\$ 38,080		
3461 GRAMA requests	\$ 36	\$ -	\$ 114	\$ -	0%	\$ -		
3470 Park and recreation fees	\$ 60	\$ 55	\$ 55	\$ -	0%	\$ -		
3481 Sale of cemetery lots	\$ -	\$ -	\$ -	\$ -	0%	\$ -		
3483 Opening and closing - cemetery	\$ -	\$ -	\$ -	\$ -	0%	\$ -		
3615 Late charges	\$ 21,026	\$ (2,307)	\$ 2,421	\$ 3,500	69%	\$ 3,500		
<b>Total Charges for services</b>	<b>\$ 190,330</b>	<b>\$ 117,045</b>	<b>\$ 81,350</b>	<b>\$ 102,101</b>	<b>80%</b>	<b>\$ 102,101</b>		
<b>Fines and forfeitures</b>								
3510 Fines	\$ 6,000	\$ 5,360	\$ 4,038	\$ 4,015	101%	\$ 4,015		
<b>Total Fines and forfeitures</b>	<b>\$ 6,000</b>	<b>\$ 5,360</b>	<b>\$ 4,038</b>	<b>\$ 4,015</b>	<b>101%</b>	<b>\$ 4,015</b>		
<b>Interest</b>								
3610 Interest earnings	\$ 2,676	\$ 5,493	\$ 4,657	\$ 3,226	144%	\$ 3,226		
<b>Total Interest</b>	<b>\$ 2,676</b>	<b>\$ 5,493</b>	<b>\$ 4,657</b>	<b>\$ 3,226</b>	<b>144%</b>	<b>\$ 3,226</b>		
<b>Miscellaneous revenue</b>								
3640 Sale of capital assets	\$ 26,182	\$ 650	\$ -	\$ -	0%	\$ -		
3670 Debt proceeds	\$ 77,000	\$ 48,074	\$ -	\$ -	0%	\$ -		
3690 Sundry revenue	\$ 1	\$ 420	\$ 128	\$ -	0%	\$ -		
3692 Fire department fundraisers	\$ 2,636	\$ 947	\$ 1,200	\$ 1,000	120%	\$ 1,000		
3697 Park department fundraisers	\$ 819	\$ 884	\$ 6,049	\$ 12,000	50%	\$ 12,000		
3698 Miss Apple Valley fundraisers	\$ -	\$ -	\$ -	\$ -	0%	\$ -		
3699 Miss AV scholarship fund	\$ -	\$ -	\$ -	\$ -	0%	\$ -		
3801.1 Impact fees - Fire	\$ 2,589	\$ 767	\$ 472	\$ 1,003	47%	\$ 1,003		
3801.2 Impact fees - police	\$ -	\$ -	\$ -	\$ -	0%	\$ -		
3801.3 Impact fees - roadways	\$ 10,014	\$ 6,682	\$ 4,112	\$ 8,738	47%	\$ 8,738		
3801.4 Impact fees - culinary water	\$ -	\$ -	\$ -	\$ -	0%	\$ -		
3801.5 Impact fees - wastewater	\$ -	\$ -	\$ -	\$ -	0%	\$ -		
3801.6 Impact fees - storm water	\$ 2,924	\$ 2,728	\$ 2,418	\$ 2,924	83%	\$ 2,924		
3801.7 Impact fees - parks, trails, OS	\$ 2,115	\$ 1,833	\$ 1,128	\$ 2,397	47%	\$ 2,397		
<b>Total Miscellaneous revenue</b>	<b>\$ 124,280</b>	<b>\$ 62,984</b>	<b>\$ 15,507</b>	<b>\$ 28,062</b>	<b>55%</b>	<b>\$ 28,062</b>		
<b>Contributions and transfers</b>								
3802.2 Contributions - public safety	\$ -	\$ -	\$ -	\$ -	0%	\$ -		
3802.7 Contributions - parks and recreation	\$ 594	\$ 100	\$ -	\$ -	0%	\$ -		
3880 Class C" balance appropriated"	\$ -	\$ -	\$ -	\$ -	0%	\$ -		
3890 Fund balance appropriation	\$ -	\$ -	\$ -	\$ 57,000	0%	\$ 57,000		
<b>Total Contributions and transfers</b>	<b>\$ 594</b>	<b>\$ 100</b>	<b>\$ -</b>	<b>\$ 57,000</b>	<b>0%</b>	<b>\$ 57,000</b>		
<b>Total Revenue:</b>	<b>\$ 669,550</b>	<b>\$ 577,394</b>	<b>\$ 441,802</b>	<b>\$ 651,731</b>	<b>68%</b>	<b>\$ 651,731</b>		
<b>Expenditures:</b>								
<b>General government</b>								
<b>Council</b>								
4111.110 Council Salaries and wages	\$ 17,031	\$ 8,311	\$ 3,975	\$ 17,400	23%	\$ 17,400	23%	

4111.130 Council Employee benefits	\$ 9,962	\$ 2,610	\$ 315	\$ 1,331	6%	\$ 1,331	24%
4111.210 Council Travel Reimbursement	\$ -	\$ 453	\$ 1,107	\$ 1,764	63%	\$ 1,764	63%
4111.220 Council Training	\$ -	\$ 1,630	\$ 370	\$ 2,800	13%	\$ 2,800	13%
4111.610 Council Donations and discretionar	\$ 1,344	\$ -	\$ -	\$ 1,000	0%	\$ 1,000	0%
<b>Total Council</b>	<b>\$ 28,337</b>	<b>\$ 13,004</b>	<b>\$ 5,532</b>	<b>\$ 24,295</b>	<b>23%</b>	<b>\$ 24,295</b>	

#### Administrative

4141.110 Admin Salaries and wages	\$ 87,583	\$ 91,128	\$ 58,550	\$ 86,100	68%	\$ 86,100	68%
4141.130 Admin Employee benefits	\$ 19,568	\$ 7,444	\$ 5,339	\$ 11,800	45%	\$ 7,480	71% Allocation between benefits/retirement was calculated incorrectly
4141.140 Admin Employee Retirement - GAS	\$ 6,454	\$ 4,272	\$ 7,815	\$ 6,400	122%	\$ 10,720	73%
4141.210 Admin Dues, subs & memberships	\$ 1,135	\$ 1,257	\$ 473	\$ 905	52%	\$ 905	52%
4141.220 Admin Public notices	\$ 1,251	\$ 1,290	\$ 492	\$ 1,200	41%	\$ 1,200	41%
4141.230 Admin Clerk training	\$ -	\$ 1,299	\$ 654	\$ 930	70%	\$ 930	70%
4141.231 Admin PlanComm Training	\$ -	\$ -	\$ -	\$ -	0%	\$ -	0%
4141.240 Admin Office supplies	\$ 5,126	\$ 4,688	\$ 3,053	\$ 4,300	71%	\$ 4,300	71%
4141.250 Admin Equipment maintenance	\$ 5,134	\$ 5,924	\$ 3,557	\$ 3,700	96%	\$ 5,049	70% Used 3 year average, should have used actual
4141.260 Admin Building & ground mainten	\$ 2,379	\$ 1,027	\$ 400	\$ 1,900	21%	\$ 1,900	21%
4141.270 Admin Utilities	\$ 4,365	\$ 5,987	\$ 3,166	\$ 4,300	74%	\$ 4,546	70% Minor increase to accommodate additional propane fill
4141.280 Admin Telephone and Internet	\$ 4,518	\$ 16,834	\$ 7,907	\$ 9,700	82%	\$ 11,682	68% Need to account for Municode codification license
4141.290 Admin Postage	\$ 1,149	\$ 1,899	\$ 2,870	\$ 2,200	130%	\$ 2,900	99% Purchased 14 months of stamps this year
4141.320 Admin Engineering/Professional Fe	\$ 36,457	\$ 7,975	\$ 22,877	\$ 105,000	22%	\$ 105,000	22%
4141.330 Admin Legal Wages and Contract L	\$ 13,078	\$ 5,644	\$ 31,565	\$ 41,300	76%	\$ 41,300	76%
4141.331 Admin Assessment legal fees	\$ 6	\$ -	\$ -	\$ -	0%	\$ -	0%
4141.340 Admin Accounting	\$ 7,512	\$ 12,868	\$ 3,999	\$ 4,500	89%	\$ 4,000	100% Audit billing complete
4141.350 Building Inspector Fees	\$ -	\$ 20,656	\$ 14,604	\$ 25,418	57%	\$ 25,418	57%
4141.360 Admin Education-general	\$ 1,462	\$ -	\$ -	\$ 299	0%	\$ 299	0%
4141.390 Admin Bank service charges	\$ 2,301	\$ 2,902	\$ 2,603	\$ 2,500	104%	\$ 4,403	59% This is offset by higher than budgeted 3510
4141.410 Admin Insurance	\$ 10,987	\$ 10,129	\$ 9,579	\$ 9,900	99%	\$ 9,900	97%
4141.490 Admin Travel reimbursements	\$ 5,208	\$ 760	\$ 155	\$ 1,000	15%	\$ 200	77% Not going anywhere w/ COVID
4141.500 Admin Weed abatement	\$ -	\$ 387	\$ 975	\$ -	0%	\$ -	0%
4141.540 Admin Contributions to SSD	\$ -	\$ -	\$ -	\$ -	0%	\$ -	0%
4141.610 Bad debt expense	\$ -	\$ -	\$ -	\$ -	0%	\$ -	0%
4141.740 Admin Capital outlay	\$ 2,068	\$ 1,060	\$ -	\$ -	0%	\$ -	0%
4141.741 Admin Capital outlay - Enginerr CD	\$ -	\$ -	\$ -	\$ -	0%	\$ -	0%
4170 Elections	\$ 1,885	\$ -	\$ 867	\$ 2,500	35%	\$ 900	96% County came in way lower than budgeted
<b>Total Administrative</b>	<b>\$ 219,627</b>	<b>\$ 205,429</b>	<b>\$ 181,735</b>	<b>\$ 325,852</b>	<b>56%</b>	<b>\$ 329,132</b>	

<b>Total General government</b>	<b>\$ 247,964</b>	<b>\$ 218,433</b>	<b>\$ 187,267</b>	<b>\$ 350,147</b>	<b>53%</b>		
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#### Public safety

##### Police

4210.110 Police Salaries & wages	\$ 9,522	\$ 1,080	\$ -	\$ -	0%	\$ -	0%
4210.130 Police Employee benefits	\$ 736	\$ 83	\$ -	\$ -	0%	\$ -	0%
4210.230 Police Travel & mileage	\$ 628	\$ -	\$ -	\$ -	0%	\$ -	0%
4210.250 Police Expenditures	\$ -	\$ -	\$ -	\$ -	0%	\$ -	0%
4210.470 Police Building Permits	\$ 35,999	\$ -	\$ -	\$ -	0%	\$ -	0%
4210.740 Police Capital outlay	\$ -	\$ -	\$ -	\$ -	0%	\$ -	0%
4253.250 Animal Control Supplies	\$ 64	\$ 63	\$ 63	\$ 70	90%	\$ 70	90%
<b>Total Police</b>	<b>\$ 46,949</b>	<b>\$ 1,225</b>	<b>\$ 63</b>	<b>\$ 70</b>	<b>90%</b>	<b>\$ 70</b>	

##### Fire

4220.110 Fire Salaries & wages	\$ 14,625	\$ 20,400	\$ 14,908	\$ 20,400	73%	\$ 20,400	73%
4220.130 Fire Employee Benefits	\$ 910	\$ 1,976	\$ 1,293	\$ 1,700	76%	\$ 1,700	76%
4220.140 Fire Contract Salaries & Wages	\$ -	\$ -	\$ -	\$ -	0%	\$ -	0%
4220.145 Fire Contract Benefits	\$ -	\$ -	\$ -	\$ -	0%	\$ -	0%
4220.150 Fire Contract Expense	\$ -	\$ -	\$ -	\$ -	0%	\$ -	0%
4220.210 Fire Dues, subscriptions & member	\$ 94	\$ 109	\$ -	\$ 200	0%	\$ 200	0%
4220.230 Fire Travel & mileage	\$ 271	\$ 28	\$ 282	\$ 600	47%	\$ 600	47%
4220.240 Fire Office expenses	\$ 78	\$ 329	\$ -	\$ -	0%	\$ -	0%
4220.250 Fire Equipment maintenance & rep	\$ 1,823	\$ 705	\$ 210	\$ 6,533	3%	\$ 1,533	14% Set aside tire \$ and put toward future engine?
4220.260 Fire Rent expense	\$ 720	\$ -	\$ 742	\$ -	0%	\$ -	0%
4220.360 Fire Training	\$ 440	\$ 1,248	\$ 310	\$ -	0%	\$ -	0%
4220.450 Fire Small Equip/Supplies	\$ 1,196	\$ 458	\$ 1,130	\$ 1,524	74%	\$ 1,524	74%
4220.460 Fire Supplies-Fundraisers	\$ 604	\$ 544	\$ -	\$ -	0%	\$ -	0%
4220.465 Fire Gear	\$ -	\$ 9,383	\$ 670	\$ 12,234	5%	\$ 2,234	30% Grant not received
4220.470 Fire EMPG grant expenditures	\$ -	\$ -	\$ -	\$ -	0%	\$ -	0%
4220.475 Fire Other Grant Expenditures	\$ -	\$ -	\$ 963	\$ -	0%	\$ -	0%
4220.560 Fire Equipment Fuel	\$ 1,290	\$ 2,047	\$ 1,054	\$ 2,000	53%	\$ 2,000	53%
4220.610 Fire Interest	\$ -	\$ -	\$ 1,702	\$ 2,497	68%	\$ 2,497	68%
4220.620 Fire Principal	\$ -	\$ -	\$ 7,276	\$ 10,969	66%	\$ 10,969	66%
4220.740 Fire Capital outlay	\$ 1,386	\$ 305	\$ -	\$ -	0%	\$ 5,000	0%
<b>Total Fire</b>	<b>\$ 23,436</b>	<b>\$ 37,532</b>	<b>\$ 30,538</b>	<b>\$ 58,657</b>	<b>52%</b>	<b>\$ 48,657</b>	

<b>Total Public safety</b>	<b>\$ 70,385</b>	<b>\$ 38,758</b>	<b>\$ 30,601</b>	<b>\$ 58,727</b>	<b>52%</b>		
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#### Highways and public improvements

##### Highways

4410.110 Road Wages and Contract Labor	\$ 13,037	\$ 879	\$ 15	\$ 10,000	0%	\$ 3,000	1% Volunteer labor, a lot went to fuel instead
4410.130 Road Employee benefits	\$ 5,204	\$ 67	\$ 1	\$ 795	0%	\$ 230	1%
4410.270 Road Flood damage	\$ (9,929)	\$ 9,008	\$ -	\$ 2,100	0%	\$ -	0%
4410.380 Road Department Services	\$ -	\$ -	\$ 350	\$ -	0%	\$ 350	100%
4410.450 Road Department Supplies	\$ 1,474	\$ 10,873	\$ 651	\$ 3,000	22%	\$ 3,000	22%
4410.550 Road Equipment Maintenance	\$ 11,383	\$ 19,999	\$ 3,786	\$ 3,600	105%	\$ 5,500	69%
4410.560 Road Equipment Fuel	\$ 337	\$ 2,674	\$ 3,945	\$ 2,300	172%	\$ 5,500	72%
4410.740 Road Capital outlay	\$ -	\$ 48,076	\$ 20,185	\$ 20,000	101%	\$ 20,185	100% Minor adjustment for actual
4410.810 Road Principal	\$ 35,000	\$ 31,000	\$ 38,017	\$ 33,027	115%	\$ 41,076	93% Swapped P/I
4410.820 Road Interest	\$ 32,950	\$ 32,200	\$ 32,451	\$ 41,314	79%	\$ 32,914	99%
4415.110 Public Works Wages and Contract L	\$ 56,049	\$ 10,965	\$ 1,448	\$ 7,110	20%	\$ 2,948	49%
4415.130 Public Works Employee benefits	\$ 13,391	\$ 702	\$ 117	\$ 358	33%	\$ 358	33%
4415.140 Public Works Employee Retirement	\$ 7,153	\$ -	\$ -	\$ -	0%	\$ -	0%
4415.450 Public Works Supplies	\$ 313	\$ 207	\$ 2,462	\$ 300	821%	\$ 3,012	82%

4415.550 Public Works Equipment Maintena	\$ 374	\$ 3,753	\$ 646	\$ 2,100	31%	\$ 2,100	31%
4415.560 Public Works Equipment fuel	\$ 1,881	\$ 742	\$ 558	\$ 1,800	31%	\$ 1,800	31%
4415.570 Public Works Travel Reimbursemer	\$ -	\$ 202	\$ 102	\$ -	0%	\$ -	0%
4415.610 Public Works Storm Drainage	\$ -	\$ -	\$ -	\$ 40,000	0%	\$ 40,000	0% 40k budgeted for Miner drainage
4415.710 Public Works Interest	\$ -	\$ -	\$ 2,199	\$ 2,199	100%	\$ 2,199	100%
4415.720 Public Works Principle	\$ -	\$ -	\$ 13,861	\$ 13,861	100%	\$ 13,861	100%
4415.740 Public Works Capital Outlay	\$ 84,598	\$ 3,700	\$ -	\$ -	0%	\$ -	0%
<b>Total Highways</b>	<b>\$ 253,217</b>	<b>\$ 175,048</b>	<b>\$ 120,793</b>	<b>\$ 183,864</b>	<b>66%</b>	<b>\$ 178,031</b>	
<b>Sanitation</b>							
4420.220 Solid Waste Postage	\$ 481	\$ -	\$ -	\$ -	0%	\$ -	0%
4420.240 Solid Waste Office supplies & expe	\$ -	\$ -	\$ -	\$ -	0%	\$ -	0%
4420.460 Solid Waste Service	\$ 37,436	\$ 37,475	\$ 32,354	\$ 41,000	79%	\$ 43,553	74% Didn't take into account dumpster
<b>Total Sanitation</b>	<b>\$ 37,918</b>	<b>\$ 37,475</b>	<b>\$ 32,354</b>	<b>\$ 41,000</b>	<b>79%</b>	<b>\$ 43,553</b>	
<b>Total Highways and public improvements</b>	<b>\$ 291,135</b>	<b>\$ 212,523</b>	<b>\$ 153,146</b>	<b>\$ 224,864</b>	<b>68%</b>		
<b>Parks, recreation, and public property</b>							
<b>Parks</b>							
4540.110 Park/Rec Wages and Contract Labc	\$ -	\$ -	\$ 2,465	\$ -	0%	\$ -	0%
4540.130 Park/Rec Employee benefits	\$ -	\$ -	\$ -	\$ -	0%	\$ -	0%
4540.250 Park/Rec Department supplies	\$ 325	\$ 243	\$ 462	\$ 500	92%	\$ 500	92%
4540.450 Park/Rec Miss AV-special dept supj	\$ -	\$ -	\$ -	\$ -	0%	\$ -	0%
4540.460 Park/Rec Community events suppli	\$ 1,584	\$ 760	\$ -	\$ 500	0%	\$ 500	0%
4540.740 Parks Capital outlay	\$ -	\$ -	\$ 2,651	\$ 15,000	18%	\$ 15,000	18%
<b>Total Parks</b>	<b>\$ 1,909</b>	<b>\$ 1,003</b>	<b>\$ 5,578</b>	<b>\$ 16,000</b>	<b>35%</b>	<b>\$ 16,000</b>	
<b>Cemetery</b>							
4590.250 Cemetery Maintenance	\$ -	\$ -	\$ -	\$ -	0%	\$ -	0%
4590.460 Cemetery supplies and equipment	\$ -	\$ -	\$ -	\$ -	0%	\$ -	0%
4590.470 Cemetery Capital Outlay	\$ -	\$ -	\$ -	\$ -	0%	\$ -	0%
<b>Total Cemetery</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>	<b>\$ -</b>	
<b>Total Parks, recreation, and public property</b>	<b>\$ 1,909</b>	<b>\$ 1,003</b>	<b>\$ 5,578</b>	<b>\$ 16,000</b>	<b>35%</b>		
<b>Debt service</b>							
4141.810 Debt service - principal	\$ 14,341	\$ 24,585	\$ -	\$ -	0%	\$ -	0%
4141.820 Debt service - interest	\$ 1,999	\$ 6,063	\$ -	\$ -	0%	\$ -	0%
<b>Total Debt service</b>	<b>\$ 16,340</b>	<b>\$ 30,648</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>	<b>\$ -</b>	
<b>Transfers</b>							
4810 Transfer to capital projects	\$ -	\$ -	\$ -	\$ -	0%	\$ -	0%
4811 Transfer to Fund Balance	\$ (1)	\$ -	\$ -	\$ 1,993	0%	\$ 11,993	0% Placeholder for FD Grant
<b>Total Transfers</b>	<b>\$ (1)</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,993</b>	<b>0%</b>	<b>\$ 11,993</b>	
<b>Total Expenditures:</b>	<b>\$ 627,732</b>	<b>\$ 501,364</b>	<b>\$ 376,592</b>	<b>\$ 651,731</b>	<b>58%</b>	<b>\$ 651,731</b>	<b>58%</b>
<b>Total Change In Net Position</b>	<b>\$ 41,818</b>	<b>\$ 76,030</b>	<b>\$ 65,210</b>	<b>\$ -</b>	<b>0%</b>		