ORDINANCE NO. 2017-O-14

AN ORDINANCE DEFINING AND REGULATING “AMUSEMENT HOUSE” USE IN MIDVALE CITY (SECTION 17-2-1 OF THE MIDVALE MUNICIPAL CODE); ALSO, PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Sections 10-9a-501 through 10-9a-503 Utah State Code, Midvale City (the “City”) has the authority to make and amend any regulation of or within zoning districts or any other provision of the land use ordinance to promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the municipality; and

WHEREAS, on January 2, 2002, the Midvale City Zoning Ordinance (Title 17 of the Midvale Municipal Code) became effective and may be subject to amendments from time to time; and

WHEREAS, since this effective date, the City has found a number of areas requiring amendments to the text of the ordinance in order to correct errors and omissions, clarify the intent of the language, protect its citizens, and/or include new provisions to further the vision of the City; and

WHEREAS, the City has determined a need to have a specific land use regulation regarding residential properties being used for purposes of amusement, entertainment or fright, e.g. a haunted house attraction or similar activity advertised to the public for patrons to tour or move through; and

WHEREAS, this need stems from the negative impacts on a neighborhood associated with such a use, such impacts being noise, parking, traffic and an influx of people in one location which are uncharacteristic of a residential area; and

WHEREAS, the City has further concern regarding the health and safety of participants and those adjacent to such use; and

WHEREAS, it is not the intent of the City to prohibit holiday decorations and private social gatherings associated with the holidays and other life events, or that are part of a community event within a public facility or church designed to accommodate large groups of people; and

WHEREAS, the Planning Commission held a public hearing on August 23, 2017 to review the proposed text amendment language regarding this issue, with such meeting being preceded by notice through publication in the Salt Lake Tribune and Deseret News on August 9, 2017, and the Planning Commission forwarded a recommendation with specific language and formatting to the City Council on August 23, 2017; and
WHEREAS, the City Council of Midvale City, Utah held a public hearing on September 5, 2017, which meeting was preceded by notice through publication in the Salt Lake Tribune and Deseret News on August 22, 2017; and

WHEREAS, the City Council of Midvale City, Utah, after taking into consideration citizen testimony, planning analysis, and the Planning Commission recommendation, finds it is appropriate and within the best interests of the City to make this change in the Midvale Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Midvale City, Utah as follows:

Section 1. Sections 17-2-1 “A” and 17-2-1 “E” of the Midvale Municipal Code is hereby amended as specifically shown below.

17-2-1 “A” definitions.
“Amusement house” means any house, building, premises or any other structure or portion thereof, whether temporary or permanent, designed for the purposes of amusement, entertainment or fright that:

a. is advertised to the public for patrons to tour or move through; or
b. requires a building permit under the Building Code; or
c. violates health or safety codes, including but not limited to the Fire Code.

An “amusement house” use can be for either profit or non-profit. An “amusement house” use is allowed in zones allowing an “entertainment center” use, and in residential zones if it is part of a community event within a public facility or church.

17-2-1 “E” definitions.
“Entertainment center” means an establishment or enterprise for the purpose of amusing or entertaining persons for profit or nonprofit and generally contained within a structure. Such uses include, but are not limited to, theater, playhouse, cinema, performing arts, planetarium, discovery center, museum, amusement house, or bowling alley. This use does not include “sexually oriented business entertainment.”

Section 2. If any part of this ordinance or the applications thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the
persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. This ordinance shall be effective upon publication of a summary thereof.

PASSED AND APPROVED this 19 day of September, 2017.

JoAnn B. Seghini, Mayor

ATTEST:

Rori Andreasen, MMC
City Recorder

Date of first publication: Sept. 24, 2017

Voting by City Council

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