



PROVO MUNICIPAL COUNCIL

Council Meeting Agenda

5:30 PM, Tuesday, August 25, 2020

Electronic meeting: [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil)

This meeting will be conducted entirely via electronic means. The meeting will be available to the public for live broadcast and on-demand viewing at: [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil). If you do not have access to the Internet, you can join via telephone following the instructions below about making public comments.

For more information regarding the City Community Safety Plan for COVID-19 and related City facility closures, please visit: provo.org/covid19

TO MAKE A PUBLIC COMMENT:

To participate in the public comment portion(s) of the meeting, call in as an audience member as the presentation is wrapping up. Be sure to mute/silence any external audio on your end to reduce feedback (if you are viewing the live proceedings on YouTube, mute the YouTube video; you will be able to hear the meeting audio through the phone while you are on the line).

Press *9 from your phone to indicate that you would like to speak. When you are invited to speak, the meeting host will grant you speaking permission, calling on you by the last four digits of your phone number. Please begin by stating your first and last name, and city of residence for the record. After you have shared your comment, hang up. If you wish to comment on a later item, simply re-dial to rejoin the meeting for any subsequent comment period(s).

August 25 Council Meeting: Dial 346 248 7799. Enter Meeting ID 833 9604 4242 and press #. When asked for a participant ID, press #.

Decorum

The Council requests that citizens help maintain the decorum of the meeting by turning off electronic devices, being respectful to the Council and others, and refraining from applauding during the proceedings of the meeting.

Opening Ceremony

Roll Call
Prayer
Pledge of Allegiance

Action Agenda

1. Consideration of an ordinance related to COVID-19 pandemic responses, including face coverings and public gatherings. (20-118)

Adjournment

**Provo City Municipal Council
Chair's Statement re Open and Public Meetings Act**

In accordance with Utah Code 52-4-207(4)* I have determined that conducting meetings of the Municipal Council with an anchor location, such as the Municipal Council Chamber, presents a substantial risk to the health and safety of those who may be present there. These are the facts upon which I have made this determination:

- Utah has been in a declared state of emergency due to novel coronavirus disease 2019 (COVID-19) since March 6, 2020, a disease outbreak which the World Health Organization has characterized as a pandemic.
- The Centers for Disease Control and Prevention (CDC) state that COVID-19 is easily spread from person to person between people who are in close contact with one another. The spread is through respiratory droplets when an infected person coughs, sneezes, or talks, and it may be spread by people who are non-symptomatic.
- Federal, state, and local authorities have recommended that individuals limit public gatherings, wear facemasks, and follow social distancing guidelines.
- Notwithstanding that Utah generally, and Utah County specifically, have been moved to the Low Risk (Yellow) Phase, reported COVID-19 cases in Provo continue to rise at a high rate (more than 100 cases per day, 14-day average).
- Physical distancing measures will be difficult to set up and maintain in the Provo City Municipal Council Chamber.

Therefore, for the next 30 days, all meetings of the Municipal Council will be conducted entirely via electronic means:

- Council meetings are broadcast live and available later on demand at [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil).
- Agendas and support materials are available at [agendas.provo.org](https://www.agendas.provo.org).
- To make a public comment or to join a meeting via telephone, follow the instructions provided on public notices of each meeting.
- To send comments to the Council or weigh in on current issues, visit [opencityhall.provo.org](https://www.opencityhall.provo.org) or email the Council at council@provo.org.

-George Handley, Chair, August 10, 2020

I have determined that conducting meetings of the Governing Board of the Redevelopment Agency of Provo City is subject to the same risks identified above based on the facts stated herein. Therefore, I adopt the same procedures listed above for meetings of the RDA Governing Board.

-David Sewell, RDA Chair, August 10, 2020

* As amended by HB5002, *Open and Public Meetings Act Amendments*, (2020 Fifth Special Session), Utah Code Annotated (UCA) 52-4-207(4) provides that a public body may convene and conduct an electronic meeting without an anchor location if the chair of the public body:

- (a) makes a written determination that conducting the meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location;
- (b) states in the written determination described in Subsection (4)(a) the facts upon which the determination is based;
- (c) includes in the public notice for the meeting, and reads at the beginning of the meeting, the information described in Subsections (4)(a) and (b); and
- (d) includes in the public notice information on how a member of the public may view or make a comment at the meeting.

UCA 52-4-207(5) states that a written determination described in Subsections (4)(a) and (b) expires 30 days after the day on which the chair of the public body makes the determination. <https://le.utah.gov/~2020S5/bills/static/HB5002.html>

If you have a comment regarding items on the agenda, please contact Councilors at council@provo.org or using their contact information listed at: <http://provo.org/government/city-council/meet-the-council>

Materials and Agenda: agendas.provo.org

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To send comments to the Council or weigh in on current issues, visit OpenCityHall.provo.org.

The next scheduled Council Meeting will be held on 9/1/2020 5:30:00 PM. The meeting will be streamed on YouTube, unless otherwise noticed. The Work Meeting start time is to be determined (typically between 12:00 and 4:00 PM) and will be noticed at least 24 hours prior to the meeting.

Notice of Compliance with the Americans with Disabilities Act (ADA)

In compliance with the ADA, individuals needing special accommodations (including auxiliary communicative aides and services) during this meeting are invited to notify the Provo Council Office at 351 W. Center, Provo, Utah 84601, phone: (801) 852-6120 or email evanderwerken@provo.org at least three working days prior to the meeting. Council meetings are broadcast live and available for on demand viewing at youtube.com/ProvoCityCouncil. Closed-captioning is available on YouTube.

Notice of Telephonic Communications

One or more Council members may participate by telephone or Internet communication in this meeting. Telephone or Internet communications will be amplified as needed so all Council members and others attending the meeting will be able to hear the person(s) participating electronically as well as those participating in person. The meeting will be conducted using the same procedures applicable to regular Municipal Council meetings.

Notice of Compliance with Public Noticing Regulations

Pursuant to Executive Order 2020-05, certain requirements of Utah Code 52-4-202 and 52-4-207 have been waived. There will be no anchor location for this meeting; it will be conducted exclusively using online means and will be available to view on YouTube at youtube.com/ProvoCityCouncil. This meeting was noticed in compliance with Executive Order 2020-05, which supersedes some requirements listed in Utah Code 52-4-202 and Provo City Code 14.02.010. Agendas and minutes are accessible through the Provo City website at agendas.provo.org. Council meeting agendas are available through the Utah Public Meeting Notice website at utah.gov/pmn, which also offers email subscriptions to notices.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: HSALZL
Department: Council
Requested Meeting Date: 08-25-2020

SUBJECT: Consideration of an ordinance related to COVID-19 pandemic responses, including face coverings and public gatherings. (20-118)

RECOMMENDATION: If the Council would not like to vote on the resolution, a Councilor may make a motion to table the item. A Councilor may also make a motion to amend a resolution or ordinance.

BACKGROUND: This is a continuation of the discussion held on August 20, 2020.

Given the high number of cases of COVID-19 in Utah and Provo and the return of students to local universities, the Council has decided to explore legislative options to promote the wearing of face coverings in public.

In addition to a resolution encouraging face coverings in public, the Council will take some time to discuss the possibility of a mask mandate. Three cities (Bluff, Logan, Springdale) and three counties (Grand, Salt Lake, and Summit Counties) have required masks in public.

FISCAL IMPACT: TBD

PRESENTER'S NAME: Brian Jones, Council Attorney

REQUESTED DURATION OF PRESENTATION: 60 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 20-118

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WHEREAS, on August 20, 2020, the Municipal Council passed a resolution calling for more measures to be implemented to slow the transmission of COVID-19, and to encourage all of our citizens to take necessary actions to protect the health and allay the fears of our fellow citizens; and

WHEREAS, on August 20, 2020 and August 25, 2020, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council’s consideration; and

WHEREAS, after considering the facts presented to the Municipal Council, the Council finds that (i) Provo City Code should be amended as set forth below, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

Provo City Code Chapter 9.17 is hereby amended as follows:

Chapter 9.17 Civil Infractions

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9.17.030. Acts Made Civil Infractions.

The following acts are hereby declared to be civil infractions (and not criminal offenses) and within the jurisdiction of the City Civil Violations Hearing Examiner:

- (1) Violation of any of the parking regulations described in the Provo City Code;
- (2) Violations of parking laws and regulations not inconsistent with these ordinances which are described in State statutes, including benefiting disabled (handicapped) persons, which statutes are hereby adopted as a portion of the Provo City Code;
- (3) Violation of motor vehicle license plate and registration regulations when the motor vehicle is parked on public property as described in Section 9.31.100, Provo City Code.
- (4) Violation of Section 9.32.170, Provo City Code.
- [\(5\) Violation of Provo City Code Chapter 9.25.](#)

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84 **9.17.060. Fees for Infractions – Payment.**

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86 (1) Fees and other money related to civil infractions shall be paid to the Finance Department in
87 such manner, not inconsistent with this Chapter, as the Finance Director shall direct. No Hearing
88 Examiner or any subordinate thereof shall receive any fees or other money related to civil
89 infractions over which the Hearing Examiner has jurisdiction.

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91 (2) The fee for the violation of a regulation listed below shall be as shown in Subsection (8) of
92 this Section:

- 93
94 (a) All overtime restricted parking violations;
- 95
96 (b) Parking within an intersection in violation of Section 9.31.010, Provo City Code;
- 97
98 (c) Double parking in violation of Section 9.31.030, Provo City Code;
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100 (d) Parking out of stall in violation of Section 9.31.020, Provo City Code;
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102 (e) Parking in a red or yellow curbed area in violation of Section 9.31.020, Provo City
103 Code;
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105 (f) Parking across or on a sidewalk in violation of Section 9.31.010, Provo City Code;
- 106
107 (g) Parking in noncompliance with a parking sign or parallel parking requirements
108 established under Section 9.31.020, Provo City Code;
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110 (h) Parking in a crosswalk in violation of Section 9.31.010, Provo City Code;
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112 (i) Parking left side of curb in violation of Section 41-6-104, Utah Code;
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114 (j) Vehicles parked with expired registration in violation of Section 41-1a-215, Utah
115 Code;
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117 (k) Parking too close to a fire hydrant in violation of Section 9.31.010, Provo City Code,
118 or for parking in a fire access lane in violation of Section 9.32.120, Provo City Code;
- 119

120 (l) Parking or leaving a vehicle unattended over seventy-two (72) hours in violation of
121 Section 9.31.050, Provo City Code;

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123 (m) Except as specifically allowed under Chapter 9.32, Provo City Code, parking along a
124 public street or highway which obstructs or partially obstructs clear passage of vehicular
125 entrance or egress to any driveway abutting upon a public street or highway in violation
126 of Section 9.31.010, Provo City Code;

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128 (n) Parking in a disability parking space in violation of Section 41-1a-414, Utah Code;

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130 (o) Any other parking violation found in the Provo City Code or State law, but not
131 specifically mentioned in this Section; ~~and~~

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133 (p) Violations of Section 9.32.170, Provo City Code; ~~and~~

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135 (q) Violations of Provo City Code Chapter 9.25.

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138 (8) The fees established under this Section are set forth in the following table:

Violation	Paid on Time (within 10 days)¹	Paid Late (11 or more days)^{1, 2}
Disability Space – 41-1a-1306 UCA	\$175.00	\$218.75
Skateboard, etc. Violation – Section 9.32.170, Provo City Code	\$55.00	\$68.75
<u>Violation of Provo City Code Section 9.25.030(3)</u>	<u>\$500.00</u>	<u>\$625</u>
All Other Regulations Listed in Subsection (2) of this Section	\$55.00	\$68.75

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143 PART II:

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145 Provo City Code Chapter 9.25 is hereby enacted as follows:

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147 Chapter 9.25 COVID-19 Response

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149 9.25.010. Purpose.

150 9.25.020. Face Coverings.

151 9.25.030. Large Public Gatherings.

152 9.25.040. Exemptions.

153 9.25.050. Posting.

154 9.25.060. Penalties.

155 9.25.070. Expiration of this Chapter.

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157 9.25.010. Purpose.

158 The purpose of this Chapter is to ensure a coordinated implementation of
159 practices which slow the transmission of COVID-19 by requiring all individuals living or
160 working within or visiting Provo, Utah, to wear face coverings while (1) in indoor areas
161 accessible to the public, including without limitation businesses and City buildings, where social
162 distancing is not possible, reasonable, or prudent, (2) in attendance at large outdoor gatherings
163 where social distancing is not possible, reasonable, or prudent, and (3) in attendance at large
164 indoor gatherings. All provisions of this Chapter shall be interpreted to effectuate this intent.

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166 9.25.020. Face Coverings.

167 Except as otherwise provided in this Chapter, any individual within Provo shall be required to
168 wear a face covering that completely covers the nose and mouth when in indoor areas accessible
169 to the public where consistent social distancing of at least six feet from individuals not dwelling
170 in the same household is not possible, reasonable, or prudent.

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172 9.25.030. Large Public Gatherings.

173 (1) Any individual within Provo who is in attendance at an indoor public gathering of more than
174 fifty (50) individuals shall be required to wear a face covering that completely covers the nose
175 and mouth regardless of whether or not social distancing is possible.

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177 (2) Any individual within Provo who is in attendance at an outdoor public gathering of more than
178 twenty-five (25) individuals shall be required to wear a face covering that completely covers the
179 nose and mouth where consistent social distancing of at least six feet is not possible, reasonable,
180 or prudent.

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182 (3) It shall be unlawful to organize a public gathering in contravention of subsections (1) or (2)
183 and promote such as an event without requiring attendees to wear face coverings. It shall also be
184 unlawful to organize an indoor public gathering of more than fifty (50) individuals and fail to
185 provide clear notice at the public entrance or entrances to the gathering of the requirements of
186 this Section.

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9.25.040. Exemptions.

The following individuals are exempt from wearing a face covering:

- (1) Individuals under five years of age;
- (2) Individuals with a medical condition, mental health condition, or disability that prevents wearing a face covering;
- (3) Individuals who are hearing impaired, or communicating with an individual who is hearing impaired, where the ability to see the mouth is essential for communication;
- (4) Individuals for whom wearing a face covering would create a risk to the individual related to their work, as determined by local, state or federal regulators or workplace safety guidelines;
- (5) Individuals who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;
- (6) Individuals who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking; and
- (7) Individuals who are purchasing a product or receiving a service that requires identification may briefly remove a face covering, as necessary, so that the retailer or service provider can verify identity; and
- (8) Individuals engaging in strenuous physical activity where circumstances are not reasonably conducive to wearing a face covering, such as swimming, running, fitness classes, etc.

9.25.050. Posting.

- (1) All businesses open to the public where face coverings are required by this Chapter, shall post a notice in a clearly visible location at or near the public entrance or entrances to such place of business that declares that face coverings are required by law.
- (2) Organizers of indoor public gatherings larger than fifty (50) individuals shall comply with the requirements of Section 9.25.030.

9.25.060. Penalties.

Violations of this Chapter are a civil infraction and shall be subject to the provisions of Provo City Code Chapter 9.17.

9.25.070. Expiration of this Chapter.

This Chapter shall expire and be automatically repealed on November 15, 2020 unless by ordinance the Council amends this section on or by October 20, 2020.

PART III:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.

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- B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.
- C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the provisions enacted by this ordinance.
- D. This ordinance shall take effect immediately after it has been posted or published in accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.