

ORDINANCE NO. 2017-20

AN ORDINANCE ENACTING CHAPTER 8.04 OF THE CENTERVILLE MUNICIPAL CODE REGARDING THE WHITAKER MUSEUM PROPERTY

WHEREAS, the City Council has previously adopted Title 8 of the Centerville Municipal Code regarding Public Property, including parks, playgrounds, the cemetery, and other public property within the City; and

WHEREAS, the City Council desires to enact a new Chapter 8.04 of the Centerville Municipal Code to add the Whitaker Museum Property as public property and to set forth certain rules and regulations regarding its management and operation; and

WHEREAS, the City Council finds that the proposed enactment of Chapter 8.04 of the Centerville Municipal Code regarding the Whitaker Museum Property as more particularly set forth herein is in the best interest of the public and will provide clarity regarding the operation and management of such public asset.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Enactment. Chapter 8.04 of the Centerville Municipal Code regarding the Whitaker Museum Property is hereby enacted to read in its entirety as set forth in **Exhibit A**, attached and incorporated herein by reference.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting, or thirty (30) days after passage, which occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH, THIS 18th DAY OF JULY, 2017.

CENTERVILLE CITY

ATTEST:


Marsha L. Morrow, City Recorder

By: 
Mayor Paul A. Cutler



Voting by the City Council:

	"AYE"	"NAY"
Councilmember Fillmore	<u>X</u>	_____
Councilmember Ince	<u>X</u>	_____
Councilmember Ivie	<u>X</u>	_____
Councilmember McEwan	<u>X</u>	_____
Councilmember Mecham	<u>X</u>	_____

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB's Gas Station, on the foregoing referenced dates.

Marsha L. Morrow
MARSHA L. MORROW, City Recorder

DATE: July 20, 2017

RECORDED this 20 day of July, 2017.

PUBLISHED OR POSTED this 20 of July, 2017.

Exhibit A

Chapter 8.04 (Whitaker Museum)

TITLE 8
PUBLIC PROPERTY

CHAPTER 8.01.	GENERAL PROVISIONS
CHAPTER 8.02.	PARKS AND PLAYGROUNDS
CHAPTER 8.03.	CEMETERY REGULATIONS
CHAPTER 8.04.	WHITAKER MUSEUM

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CHAPTER 8.04. WHITAKER MUSEUM

8.04.010.	Purpose.
8.04.020.	Legislative Authority.
8.04.030.	Administration.
8.04.040.	Regulations and Fees.
8.04.050.	Museum Hours.
8.04.060.	Prohibited Conduct.
8.04.070.	Animals.
8.04.080.	Injury to Property.

8.04.010. Purpose.

It is the purpose of this Chapter to set forth applicable provisions and regulations for the operation and maintenance of "The Whitaker" Centerville's Heritage Museum located at 168 North Main Street in Centerville City ("The Whitaker" or "Museum").

8.04.020. Legislative Authority.

Pursuant to the provisions of *Utah Code Ann. § 10-8-85.9*, as amended, the City is authorized to expend public funds to acquire, preserve, protect, or enhance an historical area or site for the benefit of its citizens.

8.04.030. Administration.

The Whitaker is owned by the City and operated and administered by a variety of personnel. The administration and operational duties are set forth as follows:

(a) The Museum Director manages the basic operations and programs of the Museum under the direct supervision of the Museum Board and the general supervision of the City Manager, in accordance with provisions of Centerville Municipal Code § 3.03.070.

(b) The Museum Board is responsible for the management and operation of the Museum and Museum programs in accordance with provisions of Centerville Municipal Code § 3.03.070 and any policies, guidelines and procedures regarding the use, administration and operation of The Whitaker as adopted by the City.

(c) The general upkeep of the grounds of the Museum is the responsibility of the Parks Department under the general supervision of the Parks and Recreation Director.

8.04.040. Regulations and Fees.

The City may promulgate rules and regulations relating to The Whitaker and may amend such rules and regulations from time to time. Fees for use of the Museum facilities shall be adopted by the City and set forth in the City Fee Schedule.

8.04.050. Museum Hours.

The hours of operation for The Whitaker shall be set forth in applicable policies, guidelines and procedures adopted by the Museum Board and approved by the City Manager and/or City Council, as applicable.

8.04.060. Prohibited Conduct.

No person shall engage in fighting or indulge in riotous, boisterous, intoxicated, threatening, promiscuous or indecent conduct or use any abusive, threatening, profane or indecent language in the Museum or within the grounds of the Museum. No person shall engage in any activities or conduct on public property prohibited by law.

8.04.070. Animals.

Animals shall not be allowed in The Whitaker, except animals considered "working animals" accompanying and aiding an individual with a disability. Subject to applicable Zoning Code provisions, Farm animals may be permitted for specific events in the Museum yard for educational purposes upon prior permission from the Museum Director and the Parks and Recreation Director.

8.04.080. Injury to Property.

It shall be unlawful for any person to injure, deface, break, destroy or remove any property of the Museum or Museum grounds unless such an act is within the legal duties of fulfilling one's job and such duties are permitted or have been requested by the City.