

**CENTERVILLE CITY
ORDINANCE 2026-08**

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE CENTERVILLE
MUNICIPAL CODE REGARDING PROFESSIONAL SERVICES FEES AND
DEPOSITS REQUIRED FOR APPLICATIONS AND ELIMINATING A
REQUIRED PROFESSIONAL SERVICES FEES DEPOSIT**

WHEREAS, the City Council desires to make changes to the Centerville Municipal Code and Centerville Fee Schedule to eliminate the professional services fees deposit and to add such amount collected for professional services, such as engineering, legal, and consulting services, incurred by the City in association with various permits and applications; and

WHEREAS, the City Council finds the proposed changes to the Centerville Municipal Code, as provided herein, are in the best interest of the public by collecting reasonable fees for services and covering the City's actual costs for professional services.

NOW THEREFORE, be it ordained by the City Council of Centerville City, in the State of Utah, as follows:

SECTION 1: AMENDMENT “10.04.170 Deferral Of Public Improvements” of the Centerville Municipal Code is hereby *amended* as follows:

AMENDMENT

10.04.170 Deferral Of Public Improvements

- (a) Request for Deferral. In limited circumstance, upon request of the applicant, the City may defer or waive the installation of any required public improvements when deemed appropriate in accordance with the provisions of this Section. The applicant must submit a written request for deferral of public improvements with the Public Works Director. Such written request must include the following:
 - (1) Summary of the evidence in support of the request and analysis of the factors required to qualify for the deferral as set forth in Subsection (f);
 - (2) Name and address of applicant;
 - (3) Address, legal description, and parcel number of subject property;
 - (4) Aerial view of subject property and adjacent properties showing existing infrastructure; and
 - (5) Application fee ~~and professional services deposit~~ for deferral agreements as set forth in the City Fee Schedule.
- (b) Public Works Director Review. The Public Works Director shall review the request for deferral of public improvements and confer with other departments or officials as deemed necessary. The Public Works Director shall thereafter prepare a Staff Report and recommendation to the City Council regarding the request.
- (c) City Council Review. The City Council shall review and approve or deny the requested deferral of public improvements based on the factors set forth in Subsection (f).
- (d) Payment of Costs or Deferral Agreement. If the deferral is approved by the City Council, the applicant shall pay his or her share of the costs of such future

improvements according to the reasonable estimate of the City Engineer, or may enter into a Deferral Agreement satisfactory to the City assuring completion of said improvements upon the demand of the City. No permit shall be issued until the appropriate costs required herein are deposited with the City or a Deferral Agreement has been executed between the parties and recorded against the property assuring the completion of such improvements upon demand of the City.

- (e) No Temporary Certificate of Occupancy Required. No Temporary Certificate of Occupancy shall be required when the appropriate costs required herein are deposited with the City or a Deferral Agreement has been executed between the parties and recorded against the property for the deferral of specified public improvements.
- (f) Required Factors for Deferral. In order to qualify for the deferral of public improvements, the City Council must determine that there is good cause for the deferral and that the application complies with the following requirements:
 - (1) The property is a legally conforming lot or parcel as defined and regulated by the Centerville Zoning Code and applicable provisions of CMC 15 (Subdivisions);
 - (2) The lot or parcel has frontage on a public street;
 - (3) No street improvements exist on the same side of the street contiguous to the lot or parcel in one or both directions, unless otherwise approved by the City Council based on good cause, or the lot or parcel is in an area of the City specifically designated as an area where sidewalks are not required; and
 - (4) The lot or parcel is not within a recorded subdivision, unless otherwise approved by the City Council based on good cause; provided, no deferral of improvements shall be allowed as part of a new subdivision development.
- (g) Veterans and First Responder Expedited Application Procedure. A veteran or service member of the armed forces or any public safety first responder that sustains a service connected disability that requires adjustment to his or her primary residence as a result of the service connected disability, shall be eligible for an expedited review and approval process for any request for deferral application as provided herein. The veteran, service member or first responder shall provide sufficient evidence of applicable employment status, service connected disability, property ownership and primary residence status with the written request for deferral application.
 - (1) For purposes of this Section, "veteran or service member of the armed forces" shall include any veteran or service member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, or the reserve component of any such forces. For purposes of this Section, "public safety first responder" shall include any law enforcement officer or fire safety personnel of any city, county, local district, or other governmental agency.
 - (2) In order to qualify for this expedited process, the veteran, service member, or first responder applying for the deferral agreement must have sustained a service connected permanent disability. The home or residence must be in the veteran, service member or first responder's name and must be his or her "primary residence" defined as the principal place where one actually lives.
 - (3) Any veteran or service member of the armed forces or any public safety first responder that sustains a service connected disability that requires adjustment to his or her primary residence as a result of the service connected disability, shall be eligible for an expedited review and approval process for deferral agreement applications allowing for final approval of such application by the City Manager (rather than having to go to the City Council for final approval). All other application requirements and procedures set forth in this

Section shall apply. The Public Works Director shall still conduct the applicable review of the application and provide a recommendation to the City Manager in accordance with the provisions of Subsection (b). The City Manager shall thereafter conduct the final review and approval of the application based on the factors set forth in Subsection (f) and shall be authorized to enter into the deferral agreement on behalf of the City.

- (4) Any veteran, service member, or first responder adversely affected by a final decision of the City Manager under this Subsection (g) regarding the approval or denial of a deferral agreement application may appeal such decision to the City Council by filing a written appeal to the City Recorder within 30 days from the date of the City Manager's decision. The appeal to the City Council shall be expedited to the extent feasible.

SECTION 2: **AMENDMENT** "11.01.057 Franchise Application Fees" of the Centerville Municipal Code is hereby *amended* as follows:

AMENDMENT

11.01.057 Franchise Application Fees

In order to offset the costs to the City to review any application for a franchise or other acceptable rights-of-way use or license agreement as required under CMC 11.01.055, the applicant shall be required to submit at the time of application the applicable franchise application fees as adopted by the City and set forth in the City Fee Schedule, which application fees shall be nonrefundable. An application fee shall also be paid when an amendment, renewal or transfer of such franchise is requested. The applicant shall also be required to pay reasonable costs and expenses for professional services, such as engineering and legal fees, incurred by the City in connection with any application, ~~including a professional services deposit as adopted by the City and set forth in the City Fee Schedule.~~

SECTION 3: **AMENDMENT** "17.03.010 Compensation" of the Centerville Municipal Code is hereby *amended* as follows:

AMENDMENT

17.03.010 Compensation

As fair and reasonable compensation for any Franchise granted pursuant to this Title, a Provider shall have the following obligations:

- (a) Application Fee. In order to offset the cost to the City to review an Application for a Franchise and in addition to all other fees, permits or charges, a Provider shall pay to the City, at the time of Application, a non-refundable Application fee set forth in the City Fee Schedule. The Application fee shall also be paid when an amendment, renewal or transfer of an Application is filed with the City. Applicants shall also be required to pay reasonable costs and expenses for professional services, such as

engineering and legal fees, incurred by the City in connection with any application, ~~including a professional services deposit as adopted by the City and set forth in the City Fee Schedule.~~

- (b) Franchise Fees. The Franchise fee, if any, shall be set forth in the Franchise Agreement. The obligation to pay a Franchise fee shall commence on the Completion Date. The Franchise fee is offset by any business license tax or fee enacted by the City.
- (c) Excavation Permits. The Provider shall also pay fees required for an excavation permit as provided in the Excavation Permit Ordinance set forth in CMC 11.04 (Excavation Permits).

SECTION 4: **AMENDMENT** “18.02.030 Application Fees” of the Centerville Municipal Code is hereby *amended* as follows:

AMENDMENT

18.02.030 Application Fees

Applicants shall be required to submit at the time of application for Franchise, the applicable application fees as adopted by the City and set forth in the City Fee Schedule, which application fees shall be nonrefundable. An application fee shall also be paid when an amendment, renewal or transfer of a Franchise is filed. Applicants shall also be required to pay reasonable costs and expenses for professional services, such as engineering and legal fees, incurred by the City in connection with any application, ~~including a professional services deposit as adopted by the City and set forth in the City Fee Schedule.~~ Such application fees and costs shall be limited to the reasonable cost of processing the application and shall be subject to the limitations set forth in 47 U.S.C. § 542.

SECTION 5: **REPEALER CLAUSE** All ordinances, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 6: **SEVERABILITY CLAUSE** If any section, part, or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect.

SECTION 7: **EFFECTIVE DATE** This Ordinance shall become effective immediately upon publication or posting or 30 days after passage by the City Council, whichever comes first.

SECTION 8: **PUBLICATION** The City Recorder shall cause this Ordinance to be recorded in the Centerville book of ordinances and posted or published in accordance with Utah law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE CITY,
STATE OF UTAH, THIS 7th DAY OF APRIL, 2026.

ATTEST:

CENTERVILLE CITY

Jennifer Robison
Jennifer Robison, City Recorder

By: Clark A. Wilkinson
Mayor Clark A. Wilkinson

Voting by the City Council:

	Aye	Nay	Absent	Abstain
Councilmember Bangerter	<u>X</u>			
Councilmember Hayman	<u>X</u>			
Councilmember Hirst	<u>X</u>			
Councilmember Meham	<u>X</u>			
Councilmember Plummer	<u>X</u>			

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the Utah Code § 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 as required by law.

Jennifer Robison
JENNIFER ROBISON, City Recorder

DATE: 4/17/2026

RECORDED this 17th day of April, 2026.

PUBLISHED OR POSTED this 17th of April, 2026.

