

SANTAQUIN CITY
ORDINANCE 10-01-2021

AN ORDINANCE AMENDING PROVISIONS RELATED TO USE OF THE CITY'S CULINARY AND SEWER COLLECTION SYSTEMS, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS the City of Santaquin is a fourth-class city of the State of Utah; and

WHEREAS, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City to pass ordinances which are reasonably and appropriately related to the objectives of that power, i.e. providing for the public safety, health, morals, and welfare; and

WHEREAS, the state legislature has also granted power to local municipalities to provide water and sewer collection systems necessary to provide and promote general public safety, health and welfare; and

WHEREAS, Santaquin City has a culinary system and sewer system with various laws, rules, and regulations adopted within the Santaquin City Code pertaining to their use and maintenance, which need to be updated and clarified from time to time; and

WHEREAS the City Council held a public hearing on October 5, 2021, after proper notice and pursuant to the provisions of Utah Code Ann. § 10-8-15(7), providing for public comment regarding the proposed amendments to title 8 of the Santaquin City Code;

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

SECTION I. Title 8, Utilities Amendments

1. **Title 8.04.020 Water System; Control and Jurisdiction is amended as follows:** (underlined text is added)

Under the authority of Utah Code § 10-8-15, as amended, the city hereby exercises a municipality's extraterritorial jurisdiction to protect its culinary water system and its sources from exposure to underground percolation from any ecological injury, pollution or contamination of the watershed or exposure of the system and water polluting underground percolations influencing the culinary waterworks source. The City, under the authority of Utah Code § 10-8-15, as amended, further declares that all lands (whether inside or outside the incorporated municipal boundaries) within three hundred feet (300') on either side of the transmission or interceptor lines and the inlet facilities of each and all of the collection, interception and inlet facilities or one or any combination of the same (the "system") are a part of the culinary water facilities of Santaquin City and shall be subject to all culinary water source preservation and protection regulations of Santaquin City.

The water system constructed or otherwise acquired by the city to supply culinary water is the property of the city and shall be under the sole and exclusive control and jurisdiction of the city. The superintendent may, and at the direction of the city council shall, make alterations and repairs to said

system. The city council may also from time to time by resolution make such rules and regulations as it deems necessary for the operation and control of said system.

2. Title 8.04.140 Unlawful Acts paragraph C is amended as follows: (underlined text is added, stricken text is deleted)

C. Separation Of Utilities: It shall be unlawful for any person to place any utility within ten feet (10') of a water system line in a public right-of-way, except for right angle crossings, without first obtaining approval from the City ~~Council~~Engineer. All right-angle crossings of water system lines shall be approved by the Superintendent of the Water Department, who shall establish the conditions and standards under which such crossings may take place.

3. Title 8.08.040.D Form of Application for Sewer Connection is amended as follows: (underlined text is added, stricken text is deleted)

D. Form Of Application: ~~Each person owning, occupying or having an interest in any structure in the city, the property line of which is within three hundred feet (300') of the sewer line shall connect to the sewer system upon a~~An application for connection to the city sanitary system shall be in such form as is on file in the city office.

Section II. Notice to Affected Entities.

The City Recorder shall deliver a copy of this ordinance to each “affected entity” as that term is defined in Utah Code Ann. § 10-8-15(1), on or before the third business day after the effective date set forth below. The Santaquin Engineering Department shall include a copy of this ordinance in the city’s drinking water source protection plan.

Section III. Contrary Provisions Repealed.

All provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

SECTION IV. Codification, Inclusion in the Code, and Scrivener’s Errors

It is the intent of the City Council that the provisions of this ordinance be made part of the City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Sections of the ordinance may be re-numbered or re-lettered. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

SECTION V. Severability.

If any part of this ordinance or the application 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

AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, K. AARON SHIRLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that I posted in three (3) public places the ordinance, which is attached hereto on the 5th day of October, 2021.

The three places are as follows:

1. Zions Bank
2. Post Office
3. City Office

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.



K. AARON SHIRLEY
Santaquin City Recorder

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by K. AARON SHIRLEY.

Notary Public

section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

SECTION VI. Effective Date.

This ordinance shall become effective at 5:00 p.m. on Wednesday, October 6th, 2021. Prior to that time, the City Recorder shall deposit a copy of this ordinance in the official records of the City and place a copy of this ordinance in three places within the City.

PASSED AND ADOPTED this 5th day of October, 2021.



A handwritten signature in black ink, appearing to read "Kirk Hunsaker", written over a horizontal line.

Kirk Hunsaker, Mayor

Councilmember Nick Miller	Voted <u>yes</u>
Councilmember Elizabeth Montoya	Voted <u>Yes</u>
Councilmember Lynn Mecham	Voted <u>YES</u>
Councilmember Jennifer Bowman	Voted <u>Absent</u>
Councilmember David Hathaway	Voted <u>Absent</u>

ATTEST:

K. Aaron Shirley, City Recorder