ORDINANCE NO. 02-02-2018

AN ORDINANCE AMENDING THE SANTAQUIN CITY CODE TO REPEAL LANGUAGE PERTAINING TO THE SANTAQUIN GAS COMPANY, PROVIDING SEVERABILITY AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to repeal Santaquin City Code Section 11-9-7 relating to the Santaquin Gas Company; and

WHEREAS, the Santaquin City Planning Commission held a public hearing on November 9th, 2017, which hearing was preceded by the posting of public notice in at least three public places within the City limits of Santaquin City, and which notice of public hearing was published in the Payson Chronicle Newspaper in accordance with Section 10-9a-205 of the Utah State Code; and

WHEREAS, after the noted public hearing, the Santaquin City Planning Commission forwarded a favorable recommendation to the City Council for approval of the proposed amendments,

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9a Utah Code Ann. 1953 to adopt a zoning plan including an ordinance and map which divide the municipality into districts or zones and within such districts to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures and the uses of land; 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;

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

Section I. Amendments

Section 11-9-7 is repealed as follows: (Stricken text is deleted)

~~**11-9-7: CITY GAS EXTENSIONS:**~~

~~In the event that natural gas service is available and feasible to the subdivision from the Santaquin City Natural Gas Company, and the subdivider/developer chooses to provide natural gas service from the Santaquin City Natural Gas Company, the subdivider shall coordinate with the city natural gas department for the installation of natural gas mains, laterals, and meters, as necessary. The subdivider should allow two (2) weeks for the installation of such lines for subdivisions of less than fifty (50) lots. Subdivisions of fifty (50) lots or more should coordinate with the city natural gas department for the time frame for such installation. All city gas lines shall be installed in accordance to underground utility services noted in section 11-11-3 of this title. (Ord. 05-01-2003, 5-7-2003, eff. 5-8-2003)~~
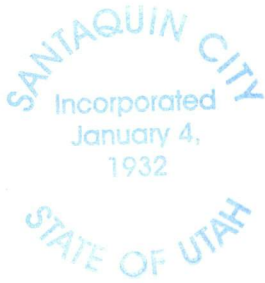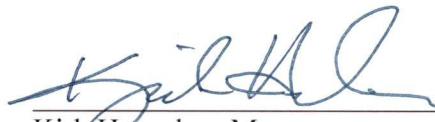
Section II. Severability

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 of 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 II. Posting and Effective Date

This ordinance shall become effective at 5:00 p.m. on Thursday, February 8, 2018. 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 7th day of February, 2018.

Kirk Hunsaker, Mayor

Councilmember Elizabeth Montoya	Voted	Aye
Councilmember Lynn Mecham	Voted	Aye
Councilmember Keith Broadhead	Voted	Aye
Councilmember Nick Miller	Voted	Aye
Councilmember Chelsea Rowley	Voted	Aye

ATTEST:

Susan Farnsworth, City Recorder