

## ORDINANCE NO. 08-01-2019

**AN ORDINANCE AMENDING SANTAQUIN CITY CODE RELATED TO FENCING IN MULTI-FAMILY DEVELOPMENTS, 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 City Council has specific authority pursuant to Title 10, Chapter 9a Utah Code Ann. (1953 as amended) 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; and

**WHEREAS**, the City Council desires to amend Santaquin City Code Title 10 Chapter 6 Section 6C5 and amend Title 10 Chapter 7M Section 11I regarding fencing requirements in multi-family developments; and

**WHEREAS**, the Santaquin City Planning Commission held a public hearing on July 23, 2019, 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 a 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 recommendation to the City Council;

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

### **Section I. Amendments**

**Title 10 Chapter 6 Section 6C5 is amended as follows:** (underlined text is added, stricken text is deleted)

5. Fences And Walls: Developments shall install a decorative wall, to be reviewed and approved by the Architectural Review Committee (ARC), constructed of stone, masonry, or concrete along the perimeter of the development. The ARC may grant exceptions to this requirement on a case-by-case basis if it finds that the exception is in the best interest of Santaquin City. ~~Perimeter fencing and landscaping~~ must be in accordance with the city adopted buffering standards. Chainlink is not allowed as a fencing material in front yards.

**Title 10 Chapter 19 Section 3 is amended as follows:** (underlined text is added, stricken text is deleted)

I. Fences And Walls: Developments shall install a decorative wall, to be reviewed and approved by the Architectural Review Committee (ARC), constructed of stone, masonry, or concrete along the

perimeter of the development. The ARC may grant exceptions to this requirement on a case-by-case basis if it finds that the exception is in the best interest of Santaquin City. Pperimeter fencing and landscaping must be in accordance with the city adopted buffering standards. Chainlink is not allowed as a fencing material in front yards.

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

**Section III. Contrary Provisions Repealed**

Any and all other provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

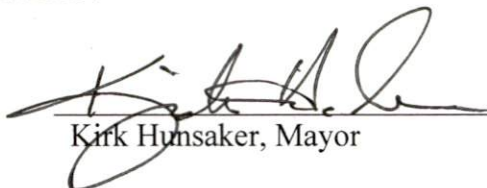
**Section IV. Codification, Inclusion in the Code, and Scrivener's Errors**

It is the intent of the City Council that the provisions of this ordinance be made part of the Santaquin City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, and 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. 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. Posting and Effective Date**

This ordinance shall become effective at 5:00 p.m. on Wednesday, August 7, 2019. Prior to that time, the Deputy 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 6<sup>th</sup> day of August 2019.

  
Kirk Hunsaker, Mayor

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

ATTEST:

  
Kira Petersen, Deputy City Recorder