

ORDINANCE NO. 10-02-2019

AN ORDINANCE AMENDING SANTAQUIN CITY CODE WHICH WILL PROVIDE PREDETERMINED FENCING OPTIONS THAT ARE REQUIRED 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 which will provide predetermined fencing options that are required in multi-family developments; and

WHEREAS, the Santaquin City Planning Commission held a public hearing on October 8, 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 six foot (6') 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. City suggested walls include the following:





~~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 landscaping must be in accordance with the city adopted buffering standards. Chainlink and vinyl are ~~is~~ not allowed as a fencing material ~~in front yards.~~ The Architectural Review Committee (ARC) may grant exceptions to fencing requirements on a case-by-case basis if it finds that the exception is in the best interest of Santaquin City.

Title 10 Chapter 7M Section 11I is amended as follows: (underlined text is added, stricken text is deleted)

I. Fences And Walls: Developments shall install a six foot (6') 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. City suggested walls include the following:







~~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 landscaping must be in accordance with the city adopted buffering standards. Chainlink and vinyl are ~~is~~ not allowed as a fencing material ~~in front yards.~~ The Architectural Review Committee (ARC) may grant exceptions to fencing requirements on a case-by-case basis if it finds that the exception is in the best interest of Santaquin City.

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.

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, K. AARON SHIRLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the City Council of Santaquin City, Utah, on the 15th day of October, 2019, entitled

“AN ORDINANCE AMENDING SANTAQUIN CITY CODE WHICH WILL PROVIDE PREDETERMINED FENCING OPTIONS THAT ARE REQUIRED IN MULTI-FAMILY DEVELOPMENTS, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 15th day of October, 2019.



K. Aaron Shirley
K. AARON SHIRLEY
Santaquin City Recorder

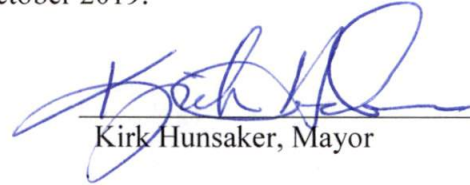
(SEAL)

Section V. Posting and Effective Date

This ordinance shall become effective at 5:00 p.m. on Wednesday, October 16, 2019. 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.

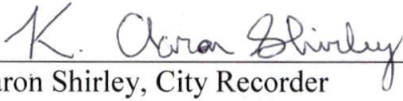
PASSED AND ADOPTED this 15th day of October 2019.




Kirk Hunsaker, Mayor

Councilmember Elizabeth Montoya	Voted <u>Aye</u>
Councilmember Lynn Mecham	Voted <u>Aye</u>
Councilmember Keith Broadhead	Voted <u>Aye</u>
Councilmember Nick Miller	Voted <u>Aye</u>
Councilmember Chelsea Rowley	Voted <u>Not present</u>

ATTEST:


K. Aaron Shirley, City Recorder

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 15th day of October, 2019.

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
K. AARON SHIRLEY
Santaquin City Recorder

The foregoing instrument was acknowledged before me this 16 day of October, 2019, by K. AARON SHIRLEY.

My Commission Expires: 11/22/21

Shannon Hoffman
Notary Public

Residing at: Utah County

