

ORDINANCE NO: 25-04-03 B

AN ORDINANCE OF HINCKLEY TOWN ESTABLISHING AND ADOPTING A MORATORIUM ON RECEIVING OR PROCESSING APPLICATIONS FOR WATER AND SEWER SERVICES AND CERTAIN LAND DEVELOPMENT AND USES FOR SIX MONTHS AFTER PASSAGE OF THIS ORDINANCE FOR ANY AREA WITHIN THE TOWN.

The Town Council of the Town of Hinckley, Utah (referred to herein as the "Town Council"), recites the following as the basis for enacting this Ordinance:

- A. The Town Council finds that in conformance with Utah Code Ann. §§ 10-3-717, and 10-3-701, the governing body of the Town may exercise all administrative and legislative powers by resolution or ordinance;
- B. The "Municipal Land Use, Development, and Management Act", Utah Code Ann. § 10-91-101 et seq., as amended (the "Act"), provides that each municipality of the State of Utah may enact a land use ordinance and a zoning map establishing regulations for land use and development within the municipality;
- C. The Town Council finds there is a compelling need to update and revise the antiquated and inadequate Town Ordinances and Zoning Regulations;
- D. The Town Council finds that it is in the best interest of the Town to not consider utility applications and certain land use applications until an ordinance update of Hinckley Town Code, Title 8, Water & Sewer, Title 9, Building Regulations, Title 10, Zoning Regulations is completed;
- E. The Town Council finds that the management and administration of the applications regarding the land uses referenced in this Ordinance are an integral part of planning and zoning within the Town;
- F. The Town Council finds that it is necessary to review the Town's Water and Sewer Services, Building Regulations, Zoning and Subdivision Ordinances relating to land uses referenced in this Ordinance as those land use regulations apply throughout the Town;
- G. The Town Council finds that Utah Code Ann. § 10-9a-504 provides, in part, that the Town Council may, without prior consideration of or recommendation from the planning commission, enact an ordinance establishing a temporary land use regulation ("moratorium") for any part or all of the area within the municipality;
- H. The Town Council finds that there is an urgency to this matter and that such a

moratorium should be effective immediately;

- I. The Town Council finds that the public convenience and necessity, public safety, health and welfare requires that the procedures and policies related to management of planning, zoning and development administration be fully evaluated as contemplated.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Hinckley, Utah:

Section 1. Moratorium of Certain Development Practices. There is imposed an immediate moratorium on the receipt and processing of applications regarding the following land use activities within Hinckley Town:

- a) The receipt of, consideration of, or granting of any application for a water or sewer service connection.
- b) The receipt of, consideration of, or granting consideration of any building permit application.
- c) The receipt of, consideration of, or granting of Preliminary Plats for the Subdivision of Land under Title 10 of the Hinckley Town Code, meaning that the Town would consider approval of a final plat that is part of a preliminary plat that was approved by the Town prior to the passage of this moratorium;
- d) The receipt of, consideration of, or granting consideration of any application to amend the Zoning Map of Hinckley Town
- e) The receipt of, consideration of, or granting any permit for the placement of any Mobile Home, Modular Home, Modular Structure, Mobile Home Park, or Recreational Vehicle Park.

Section 2. Moratorium for 6 Months. This moratorium shall last six (6) months from April 3, 2025, or until repealed, whichever is sooner.

Section 3. Effective Date. This ordinance shall become effective upon publication.

Section 4. Publication. Pursuant to Utah Code Ann. § 10-3-711, this ordinance, or a summary thereof, is ordered published as a class A notice under Section 63G-30-102.

Section 5. Severability. In the event that any provision of this ordinance less than the entire ordinance is held invalid by a court of competent jurisdiction, this

ordinance shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this ordinance.

Section 6. Repeal of Conflicting Ordinances. To the extent that any ordinances, resolutions or policies of the Town of Hinckley conflict with the provisions of this ordinance, it is hereby amended to be in accordance with the provisions hereof.

PASSED AND ADOPTED by the Town Council of the Town of Hinckley, State of Utah on the ____ day of April, 2025, by the following Vote:

	Aye	Nay	Abstain	Absent
Mayor Brian Florang	_____	_____	_____	_____
Council Members:				
Donald Brown	_____	_____	_____	_____
Chris Mork	_____	_____	_____	_____
Skip Taylor	_____	_____	_____	_____
Ray Searle	_____	_____	_____	_____

BRIAN FLORANG
MAYOR

ATTEST

TRESA TAYLOR
TOWN CLERK

