

AN ORDINANCE OF THE CITY COUNCIL OF LAVERKIN CITY, UTAH,  
AMENDING THE CITY'S NUISANCE REGULATIONS TO PROVIDE AN EXEMPTION  
FOR CRITICAL INFRASTRUCTURE MATERIALS OPERATIONS AS PROVIDED UNDER  
UTAH CODE SECTION 17-41-430

WHEREAS, LaVerkin City has adopted ordinances defining and regulating nuisances within the City to promote the health, safety, and welfare of its residents; and

WHEREAS, Utah Code §17-41-430 provides that a critical infrastructure materials operation, conducted in accordance with applicable law, may not be considered a public or private nuisance under certain circumstances; and

WHEREAS, the City Council desires to align its nuisance regulations with state law and provide an express exemption consistent with Utah Code §17-41-430;

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

Section 1. Amendment to Nuisance Regulations. LaVerkin City Code Chapter 4-1-1 et. seq. is hereby amended to add the following provision as 4-1-3-8:

4-1-3-8: Exemption for Critical Infrastructure Materials Operations:

1. **Exemption.** Notwithstanding any other provision of this Chapter, any critical infrastructure materials operation that is operated in compliance with all applicable state and federal laws, rules and regulations shall not be considered a public or private nuisance and shall be exempt from the prohibitions of this Chapter, unless such operation bears a direct relationship to public health or safety.
2. **Definition.** For purposes of this section, the term “critical infrastructure materials operation” shall mean any operation for the extraction, excavation, processing, or reprocessing of sand, gravel and rock aggregate.
3. **Limitations.** Nothing in this section shall exempt a critical infrastructure materials operator from compliance with all applicable state or federal environmental, safety, or operational standards, or from liability for negligence, unlawful conduct, or operations conducted outside the protections afforded by Utah Code §17-41-430.

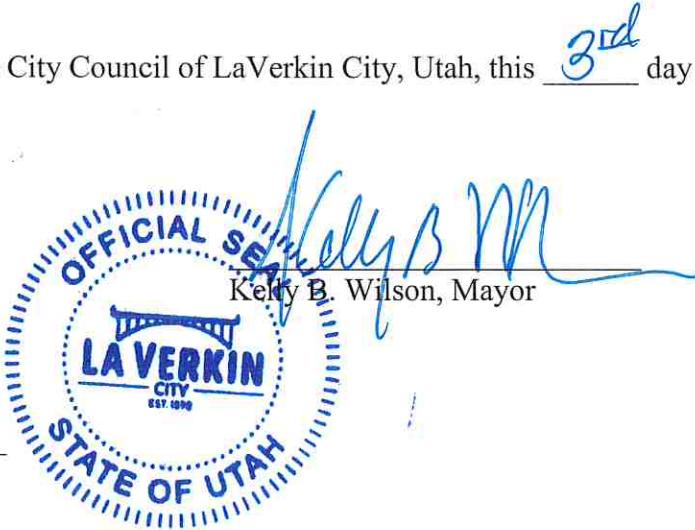
Section 2. Codification. The City Recorder is authorized to codify this ordinance as part of the LaVerkin City Code.

Section 3. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 4. Effective Date. This ordinance shall take effect immediately upon posting as required by law.

PASSED AND ADOPTED by the City Council of LaVerkin City, Utah, this 3<sup>rd</sup> day of September, 2025.

ATTEST:  
Nancy Cline  
Nancy Cline, City Recorder



The foregoing Ordinance was presented at a regular meeting of the LaVerkin City Council held in the LaVerkin City Council Chambers, located at 111 South Main Street, LaVerkin, Utah, on the 3<sup>rd</sup> day of September, 2025, whereupon a motion to adopt said Ordinance was made by Patricia Wise and seconded by Blair Gubler.

A roll call vote was then taken with the following results:

NAME	VOTE
<u>Blair Gubler</u>	<u>Yes</u>
<u>Patricia Wise</u>	<u>Yes</u>
<u>Richard Hirschi</u>	<u>Yes</u>
<u>Darren Prince</u>	<u>Yes</u>
<u>Micah Gubler</u>	<u>Yes</u>

Nancy Cline  
Nancy Cline, City Recorder