

ORDINANCE NO. 15-?

AN ORDINANCE AMENDING THE CITY OF ELK RIDGE DEVELOPMENT CODE REGARDING SECONDARY WATER SYSTEM REQUIREMENTS, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Elk Ridge has adopted the Elk Ridge City Code TITLE 8 WATER AND SEWER, CHAPTER 1 WATER USE AND SERVICE, SECTION 19 SECONDARY WATER SERVICE; and TITLE 10 DEVELOPMENT CODE, CHAPTER 15 SUBDIVISIONS, ARTICLE C DESIGN STANDARDS AND REQUIREMENTS, SECTION 4 LOTS; DESIGN STANDARDS, SUBSECTION E WATER AND SEWER setting forth the requirements for development of secondary water system; and

WHEREAS, the Elk Ridge City Council decided on July 14, 2015 to repeal the secondary water system requirements; and

WHEREAS, the Elk Ridge City Council held a public hearing on September 8, 2015 at 6:00 p.m., for the purpose of receiving public input on the proposed amendment to TITLE 8 WATER AND SEWER, CHAPTER 1 WATER USE AND SERVICE, SECTION 19 SECONDARY WATER SERVICE; and TITLE 10 DEVELOPMENT CODE, CHAPTER 15 SUBDIVISIONS, ARTICLE C DESIGN STANDARDS AND REQUIREMENTS, SECTION 4 LOTS; DESIGN STANDARDS, SUBSECTION E WATER AND SEWER of the Elk Ridge City Code; and

WHEREAS, the public hearing was preceded by the posting of a notice of public hearing in at least three (3) public places within the City limits of Elk Ridge, along with being published in the Provo Daily Herald Newspaper, a newspaper of general circulation within the city, at least 10 days prior to the Public Hearing; and

WHEREAS, the notice of hearing, which was posted and published, by the City Council contains specific advance notice that the proposed ordinance amendment, as set forth herein, would be considered and that copies thereof were available for inspection in the city offices; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF ELK RIDGE CITY, UTAH, AS FOLLOWS:

(Underlined text is added text, ~~Strikeout~~ text is deleted text)

SECTION I AMENDMENTS.

1. REPEAL TITLE 8 WATER AND SEWER, CHAPTER 1 WATER USE AND SERVICE, SECTION 19 SECONDARY WATER SERVICE:

~~All lots within planned unit developments and large scale residential developments of at least five (5) acres in size shall be served by separate connections for a secondary irrigation water system.~~

~~Exception: The city council may approve an exception to this requirement in certain areas and developments where the installation of a secondary water system may not be deemed practical or feasible in the foreseeable future.~~

2. AMMEND TITLE 10 DEVELOPMENT CODE, CHAPTER 15 SUBDIVISIONS, ARTICLE C DESIGN STANDARDS AND REQUIREMENTS, SECTION 4 LOTS; DESIGN STANDRDS, SUBSECTION E WATER AND SEWER, TO READ AS FOLLOWS:

E. WATER AND SEWER:

1. All lots within the subdivision shall be served by a central, state approved water system (i.e., city, Goosenest, Loafer Canyon water system), providing adequate flow and pressure for both culinary and fire purposes.
2. All lots within the subdivision shall be served by the city sanitary sewer collection system.
3. ~~All lots within subdivisions of at least five (5) acres in size shall be served by separate connections for a secondary irrigation water system.~~

~~Exception: The city council may approve an exception to this requirement in certain areas and developments where the installation of a secondary water system may not be deemed practical or feasible in the foreseeable future. (Ord. 06-4, 1-10-2006, eff. 2-10-2006)~~

SECTION II. 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 City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, 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 filling a corrected or re-codified copy of the same with the City Recorder.

SECTION III. Severability. If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION II. Posting. A copy of this Ordinance shall be deposited in the office of the Elk Ridge City Recorder, and on _____, 2015, the Elk Ridge City Recorder shall certify that this Ordinance has been posted in three public places within the municipality on that date, as provided in Utah State Code Annotated § 10-3-711(1).

SECTION III. EFFECTIVE DATE. This ordinance shall become effective on December 23rd 2015.

Passed and duly adopted this ____ day of _____, 2015.

HAL SHELLEY, MAYOR

Councilmember Nelson Abbott	Voted ____
Councilmember Brian Burke	Voted ____
Councilmember Paul Squires	Voted ____
Councilmember Dale Bigler	Voted ____
Councilmember Brittany Thompson	Voted ____

ATTEST:

Royce Swensen
Elk Ridge City Deputy Recorder

STATE OF UTAH)

) ss.

COUNTY OF UTAH)

I, ROYCE SWENSEN, City Deputy Recorder of the City of Elk Ridge, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of

Ordinance # 15-?, passed by the City Council of the City of Elk Ridge, Utah, on the

____ day of _____, 2015, entitled

“AN ORDINANCE AMENDING THE CITY OF ELK RIDGE DEVELOPMENT CODE REGARDING SECONDARY WATER SYSTEM REQUIREMENTS, CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Elk Ridge City Utah this ____ day of _____, 2015.

ROYCE SWENSEN

Elk Ridge City Deputy Recorder

AFFIDAVIT OF POSTING

STATE OF UTAH)

) ss.

COUNTY OF UTAH)

I, ROYCE SWENSEN , City Recorder of the City of Elk Ridge, Utah, do hereby certify and declare that I posted in three (3) public places Ordinance # 15-?, which is attached hereto on the _____ day of _____, 2015.

The three places are as follows:

1. The Elk Ridge City Office, 80 E Park Drive
2. The pole located at Elk Ridge Drive and Goosenest Drive
3. The pole on Goosenest Drive, east of 817 West Goosenest Drive

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

ROYCE SWENSEN

Elk Ridge City Deputy Recorder

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by ROYCE SWENSEN.

My Commission Expires:

Notary Public

Residing at: Utah County