

ORDINANCE NO. 2021-11-53

AN ORDINANCE REPEALING CHAPTER 17.10.400 RELATED TO CONNECTOR'S AGREEMENTS FOR WATER AND SEWER AND ADOPTING 17.19 RELATED TO PIONEERING/CONNECTOR'S AGREEMENTS FOR PUBLIC FACILITIES AND PROVIDING FOR THE ADOPTION AND ENFORCEMENT OF THE AMENDMENT.

WHEREAS, Chapter 17.10.400 regulates connector's agreements related to the construction of water and sewer lines within American Fork City;

WHEREAS, the City desires to clarify its intent to permit pioneering/connector's agreements for all public facilities, including water and sewer lines, roads, and related infrastructure;

WHEREAS, Chapter 17.19 clarifies the city's intent;

WHEREAS, said changes are in the best interest and general welfare of residents of American Fork;

NOW THEREFORE, be it ordained by the City of American Fork, Utah, that:

PART I TEXT OF ORDINANCE

SECTION 1. Chapter 17.10.400 is hereby repealed.

SECTION 2. Chapter 17.19 of the American Fork Municipal Code shall read as follows:

REPEAL OF 17.10.400 EXTENSION CHARGES TO BE ASSESS TO SUBSEQUENT CONNECTORS- REIMBURSEMENT PERMITTED

17.19 PIONEERING/CONNECTOR'S AGREEMENTS

17.19.100 Benefitted Parcel

Benefitted Parcel (generally): Any parcel of land which abuts a proposed public facility that will receive service from said public facility. Benefitted Parcel shall not include any such land abutting land owned by the applicant or the width of the right-of way of any existing adjacent intersecting public street.

Benefitted Parcel – Water/sewer line: Any parcel of land which abuts a water and/or sewer line, and is capable of receiving service from the line.

17.19.200 Unavailability of Adequate Public Facilities

- A. In the event that the City Engineer determines that adequate public facilities are not available and will not be available by the time of approval, so as to assure that adequate public services are available at the time of occupancy, the following alternatives may be elected, at the discretion of the City Council:
1. Allowing the developer to voluntarily construct those public facilities which are necessary to service the proposed development and provide adequate facilities as determined by the City Engineer and by entering into an appropriate form of pioneering/connector's agreement, which may include, as deemed appropriate by the City Engineer, provisions for recoupment of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or the benefit conferred upon the proposed development, and the method and conditions upon which recoupment is to be obtained. Any pioneering/connector's agreement authorized by this paragraph must be requested no less than 60 days prior to Planning Commission recommendation and/or approval of the subdivision and/or site plan, whichever occurs sooner, and shall not exceed a duration of 10 years from the date of acceptance by the City.
 2. Requiring the timing, sequencing, and phasing of the proposed development consistent with the availability of adequate public facilities.
 3. Deferring approval and the issuance of building permits until all necessary public facilities are adequate and available.
 4. Denying approval and allowing the applicant to reapply when adequate public facilities are available.
- B. In the event the City installs infrastructure improvements which benefits specific properties, it may also recover reimbursement on a pro-rata basis from the benefitted properties when they develop, on the same basis as a developer would recover reimbursement with a pioneering agreement as set forth in paragraph A, including the 10 year duration.
- C. When a pioneering agreement is granted, or the City installs infrastructure for which it will be reimbursed, the City will record a notice against the benefitted properties so that a future owner/developer will be on notice of development costs associated with that parcel. The notice is not a lien on the property. The City Engineer is designated to sign, on behalf of the City, the Notice of Development Obligations.


PART II

SECTION 1 – Conflicting Provisions. Whenever the provisions of this Ordinance conflict with the provisions of any other ordinance, resolution or part thereof, the more stringent shall prevail.

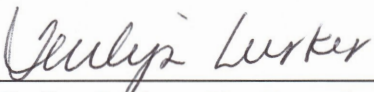
SECTION 2 – Provisions Severable. This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

SECTION 3 – Effective Date. This Ordinance shall take effect upon its passage and publication as required by law.

PASSED, by the American Fork City Council this day of 9th day of November 2021.


Bradley J. Frost, Mayor

ATTEST:



Terilyn Lurker, City Recorder

