

ORDINANCE NO. 07-01-2013

AN ORDINANCE CLARIFYING THE PUBLIC NOTICING REQUIREMENTS FOR AMENDMENTS TO ORDINANCE AND MAP, CODIFICATION, AND INCLUSION IN THE CODE; ALSO PROVIDING FOR THE CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, Santaquin City has adopted public notification requirements in accordance with Utah State Code, Annotated 1953, as amended, Section 10-9a; and

WHEREAS, a request has been made to amend Santaquin City Code, Title 10 of the Revised Ordinances of Santaquin City (the Land Development Code) by amending Section 10-6-3, Amendments to Ordinance and Map, in order to be consistent with State noticing requirements and with other sections of the Santaquin City Code, particularly §10-19-11: Public Notification of Land Use Applications; and

WHEREAS, the Santaquin City Planning Commission discussed the proposal at a public meeting held on June 13, 2013 and conducted a public hearing on the amendment on June 27, 2013, after which they forwarded the amendment with a positive recommendation to the City Council; and

WHEREAS, the aforementioned public 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 the Payson Chronicle Newspaper on June 12, 2013 in accordance with Section 10-9a-205 of the Utah State Code.

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

Section I.

Section 10-6-3 of the Santaquin City Code is amended as follows: (underlined text is added, stricken text is deleted)

10-6-3: AMENDMENTS TO ORDINANCE AND MAP:

This title and/or its provisions, including the official zoning map, may be petitioned for amendment by any citizen of the city of Santaquin as hereinafter provided, or through action initiated by the mayor, city council, planning commission, or the director of community development.

- A. Intent With Respect To Amendments: It is hereby declared to be public policy that this title shall not be amended except to more fully carry out the intent and purpose of the general plan of the city and of this title.
- B. Procedure: Any person seeking to enact or amend a land use ordinance or the zoning map shall submit to the planning commission a written petition designating the change desired and the reasons therefor and shall pay the required fee to the city. Upon receipt of the petition and the paying of the filing fee, the planning commission shall consider the request and shall certify its recommendations to the city council with respect to the request within ninety (90) days from receipt of the request. Failure on the part of the planning commission to certify its recommendations to the city council within ninety (90) days shall be deemed to constitute a recommendation for approval unless a longer period is granted by the city council. The fee required herein shall be nonrefundable. The planning commission or city council may also initiate amendments to this title or map.

C. Public Hearing Required Before Amending And Notice: A land use ordinance may be adopted only after a public hearing is held in relation thereto before the planning commission at which parties in interest and citizens shall have an opportunity to be heard. A notice of the time and place of such hearing shall be published in a newspaper of general circulation within the city. Said notice shall be published and posted in accordance with Title 10-19-11 (Public Notification of Land Use Applications) of the Santaquin City Code. ~~at least fourteen (14) days before the date of the hearing, as required by law. Ordinances adopted or amended pursuant to the authority of Utah Code Annotated 10-9a-301 do not constitute land use ordinances for purposes of this title.~~

Section II. 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 III. 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. Sections of the ordinance may be re-numbered or re-lettered. 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.

Section IV. 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.

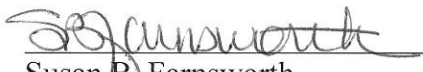
Section V. Posting and Effective Date. Prior to 5:00 p.m. on July 5, 2013, the City Recorder shall: (a) deposit a copy of this ordinance in the official records of the City; and (b) post a copy of this ordinance in three places within the City. This ordinance shall become effective at 5:00 p.m. on July 5, 2013.

ADOPTED by the Santaquin City Council on the 3rd day of July, 2013.



Mayor James E. DeGraffenried

Attest:



Susan B. Farnsworth
Santaquin City Recorder


Council Member Keith Broadhead	<u>yes</u>
Council Member Matt Carr	<u>yes</u>
Council Member Kirk Hunsaker	<u>yes</u>
Council Member James Linford	<u>yes</u>
Council Member Rick Steele	<u>yes</u>

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, SUSAN B. FARNSWORTH, 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 3rd day of July, 2013, entitled

“AN ORDINANCE CLARIFYING THE PUBLIC NOTICING REQUIREMENTS FOR AMENDMENTS TO ORDINANCE AND MAP, CODIFICATION, AND INCLUSION IN THE CODE; ALSO PROVIDING FOR THE CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY, A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 3rd day of July, 2013.



SUSAN B. FARNSWORTH
Santaquin City Recorder

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, SUSAN B. FARNSWORTH, 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 3rd day of July, 2013.

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.



SUSAN B. FARNSWORTH
Santaquin City Recorder

The foregoing instrument was acknowledged before me this 3 day of July 2013 by SUSAN B. FARNSWORTH.

My Commission Expires:
12/01/14



Notary Public

Residing at: Utah County

