

ORDINANCE NO. 2016-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING SECTION 17.04.300 (REQUIRED LANGUAGE WITHIN ALL DECLARATIONS OF COVENANTS, CONDITIONS AND RESTRICTIONS DOCUMENTS) OF THE SOUTH JORDAN CITY MUNICIPAL CODE.

WHEREAS, Utah Code § 10-9a-102 grants the City Council of the City of South Jordan (the “City Council”) authority to enact ordinances that it considers necessary or appropriate for the use and development of land in the City of South Jordan (the “City”); and

WHEREAS, Utah Code § 10-9a-610 permits the City’s land use authority to approve or renew subdivisions if there are deed restrictions, covenants, or other similar binding agreements that prohibit or effectively prohibit reasonably sited renewable energy devices; and

WHEREAS, the City Council desires to amend the South Jordan City Municipal Code (the “City Code”) to exercise its authority under Utah Code § 10-9a-610 to preempt homeowner associations or similar groups from adopting rules that prohibit or effectively prohibit reasonably sited renewable energy devices; and

WHEREAS, the Planning Commission of the City of South Jordan held a public hearing, reviewed and made recommendation concerning the subject text amendment; and

WHEREAS, the City Council held a public hearing and reviewed the subject text amendment; and

WHEREAS, the City Council finds that the subject text amendments will enhance the public health, safety and welfare, and will promote the goals of the General Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH:

SECTION 1. Amendment. Section 17.04.300 (Required Language within All Declarations of Covenants, Conditions and Restrictions Documents) of the City Code are hereby amended as shown in Exhibit A attached hereto.

SECTION 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

[SIGNATURE PAGE FOLLOWS]

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, ON THIS 19 DAY OF July, 2016 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Patrick Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bradley Marlor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donald Shelton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tamara Zander	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Christopher Rogers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Mayor: ^{PROBEM} Bradley G. Marlor
 David L. Alvord

Attest: Anna M. West
 City Recorder



Approved as to form:

[Signature]
 Office of the City Attorney

EXHIBIT A

Amendment to Section 17.04.300 of the City Code

17.04.300: REQUIRED LANGUAGE WITHIN ALL DECLARATIONS OF COVENANTS, CONDITIONS AND RESTRICTIONS DOCUMENTS:

A. The following ~~language paragraphs~~ shall be included in the appropriate sections of all declarations of covenants, conditions and restrictions (or similar documents) for residential, commercial, or other projects approved by the ~~eCity of South Jordan~~:

1. South Jordan City (“City”) shall have the right, but not the duty, to require, and if necessary, perform, at the Homeowner Association’s expense, landscaping, maintenance, and snow removal within the common areas if the Homeowner Association fails to adequately ~~to~~ perform such. ~~In the event~~If South Jordan City exercises this right, ~~then the City shall be~~is entitled to recover any associated costs and attorney fees. In addition, the owners ~~within this project development~~, by virtue of purchasing a ~~dwelling unit property~~ within this development, give ~~South Jordan City~~ the right, but not the duty to form, under State statutes, a Special Service District (“SSD”) for the purpose of ongoing maintenance or a Special Improvement District (“SID”) for the purpose of making needed improvements ~~within this project development~~. ~~The City may take this action~~create a SSD or SID when either if the Homeowner Association or a property owner in this development asked City to take over this development’s improvements or maintenance tasks by the Home Owners Association, or by an owner. The City Council may also ~~take one or both of these actions~~create a SSD or SID when if it determines there need based on is a historical pattern of a lack of care and maintenance. The Governing Body of any such ~~district~~SSD or SID formed, as stated in this paragraph, shall consist of the ~~South Jordan City Mayor, City Council and the Home Owners Association President of the project~~. This ~~s~~Section shall not be amended or deleted without City’s ~~the~~ approval of the ~~City of South Jordan~~.
2. This Declaration of Covenants, Conditions and Restrictions shall not be amended, and the Homeowner Association shall not adopt rules, to prohibit or have the effect of prohibiting reasonably sited and designed solar collectors, clotheslines, or other energy devices based on renewable resources on buildings erected on lots or parcels in this development. This Section shall not be amended or deleted without South Jordan City’s approval.

B. ~~The City Attorney may approve~~ V ~~variations of this paragraphs required under Subsection A may be approved by the city attorney~~ when individual circumstances dictate.

4770 S. 5600 W.
WEST VALLEY CITY, UTAH 84118
FED. TAX I.D.# 87-0217663
801-204-6910

Deseret News



The Salt Lake Tribune

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CUSTOMER NAME AND ADDRESS

SOUTH JORDAN CITY,
1600 TOWN CENTER DR
SOUTH JORDAN UT 84095

ACCOUNT NUMBER

9001350317

DATE

7/8/2016

ACCOUNT NAME

SOUTH JORDAN CITY,

TELEPHONE

8012543742

ORDER # / INVOICE NUMBER

0001100101 /

PUBLICATION SCHEDULE

START 07/08/2016 END 07/08/2016

CUSTOMER REFERENCE NUMBER

CC PH 7/19

CAPTION

NOTICE OF PUBLIC HEARING Notice is hereby given that a public hearing will be held t

SIZE

39 LINES 1 COLUMN(S)

TIMES

3

TOTAL COST

70.52

RECEIVED
JUL 15 2016
South Jordan City
City Recorders Office

NOTICE OF PUBLIC HEARING
Notice is hereby given that a public hearing will be held before the South Jordan City Council on Tuesday, July 19, 2016, at 6:00 p.m. in the South Jordan City Hall, located at 1400 W. Towne Center Drive, South Jordan, Utah, for the purpose of receiving public input regarding the following:
1. An amendments to Section 17.04.300 of the South Jordan Municipal Code pertaining to required language within all Declarations of Covenants, Conditions and Restrictions Documents.
All those interested are invited to attend.
Questions may be addressed Monday through Friday during regular business hours at the South Jordan City Offices at 801-254-3742.
Steven Schoefmeyer
Staff Attorney for South Jordan
1100101 UPAXLP

ORD 2016-24
100150-520050 aw

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY LLC dba UTAH MEDIA GROUP LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **NOTICE OF PUBLIC HEARING** Notice is hereby given that a public hearing will be held before the **South Jordan City Council on Tuesday, July 19, 2016 at 6:00 p.m.** FOR **SOUTH JORDAN CITY**, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP, AGENT FOR DESERET NEWS AND THE SALT LAKE TRIBUNE, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

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DATE 7/8/2016

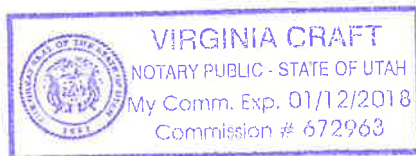
SIGNATURE *Ann Dartnell*

STATE OF UTAH)

COUNTY OF SALT LAKE)

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 8TH DAY OF JULY IN THE YEAR 2016

BY ANN DARTNELL



Virginia Craft
NOTARY PUBLIC SIGNATURE