

ORDINANCE NO. 2021-20

AN ORDINANCE AMENDING THE TEMPORARY LAND USE REGULATION ESTABLISHING A MORATORIUM ON ALL NEW LANDSCAPING AND RELATED DEVELOPMENT ACTIVITIES FOR A PERIOD OF 180 DAYS DUE TO DROUGHT CONDITIONS, ESTABLISH A FINE AND SPECIAL WATER RATE FOR VIOLATIONS OF THE MORATORIUM, AND RELATED MATTERS

WHEREAS, Utah Code section 10-9a-504 allows a municipality to enact an ordinance establishing a temporary land use regulation for any part or all of the area within a municipality if the legislative body makes a finding of compelling, countervailing public interest; and

WHEREAS, a temporary land use regulation under Utah Code section 10-9a-504 “may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or any subdivision approval”; and

WHEREAS, Utah Code section 10-7-12 allows a municipality to limit the use of water for any purpose other than domestic purposes as may be required for the public good, and Utah Code section 10-8-22 allows a municipality to establish special rates for water usage based on reasonable classifications and distinctions between customers; and

WHEREAS, Hyde Park City is in the process of improving its public water system, as part of which the City has issued a bond, entered into construction contracts, and otherwise has endeavored to advance the construction and installation of necessary water system improvements, which construction has not yet completed; and

WHEREAS, the State of Utah is in extreme or exceptional drought conditions, which conditions have resulted in numerous water restriction and conservation orders and regulations across the State; and Governor Cox issued an Executive order declaring a State of Emergency due to drought conditions; and

WHEREAS, the City Council finds it is in the public’s interest to not allow new landscaping, greenspace, and other similar environmental development projects until the drought conditions are alleviated or the City completes its water system improvement project in order to avoid additional demands on an already over-used water system;

WHEREAS, the City adopted a temporary moratorium on all new landscaping, greenspace, and other similar environmental development projects that would require additional or new water usage on 9/8/21 to mitigate the drought’s impact on the City’s water system and to prevent further non-essential water usage that may stress, damage, or overwhelm the City’s water system ; and;

WHEREAS, the City desires to establish a fine and special water rate for violations of the moratorium in order to ensure compliance with the moratorium.


NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HYDE PARK CITY, as follows:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HYDE PARK CITY, as follows:

1. The City Council finds that there is an important, compelling and countervailing public interest in not allowing new landscaping, greenspace, and other similar environmental development projects until the drought conditions are alleviated or the City completes its water system improvement project in order to avoid additional demands on an already over-used water system.
2. The City ratifies the temporary land use regulation establishing a moratorium on new landscaping, greenspace, and other similar environmental development projects, which has been adopted and which shall continue in effect for a period of 180 days from the date the moratorium was established, unless revoked earlier.
3. The moratorium is amended to not prohibit the installation of hardscape, grading work in preparation of landscaping, or other similar work or the installation of other features that do not require the use of culinary water to establish new landscaping.
4. The moratorium and this ordinance may be enforced by any means available to the City, including administrative, civil, and criminal remedies, and the amount of any one time fine for violation of this ordinance shall be \$750. This fine may be imposed as part of a user's utility account pursuant to written notice to the user of the basis and reason for the fine as well as the process by which the fine may be appealed, or the fine may be imposed through civil or criminal procedures.
5. The City also hereby imposes a special water rate for new landscaping installed in violation of this ordinance, which rate shall be \$10 per 1,000 gallons used in excess of 10,000 gallons per month for the length of the moratorium or it's extension for the utility account associated with the property on which the landscaping was installed.
6. This ordinance shall be effective upon its adoption and publication.

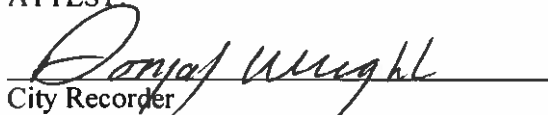
PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF HYDE PARK CITY, UTAH,

This 8 Day of September, 2021.



Mayor

ATTEST:



City Recorder

