

Ordinance 02-02-2017

AN ORDINANCE AMENDING CERTAIN PORTIONS OF THE SANTAQUIN CITY CODE TO AMEND PUBLIC RIGHTS-OF-WAY USES, PROVIDING FOR CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Santaquin is a fourth class city of the state of Utah; and

WHEREAS, cities in the state of Utah are authorized by the Legislature to regulate the use of streets, alleys, avenues, sidewalks, crosswalks, parks and public grounds, and prevent and remove obstructions and encroachments thereon; and

WHEREAS, the City Council finds that the proposed amendment will promote the health, safety and welfare of the residents of Santaquin City.

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

Section I.

A. Santaquin City Code, Section 7-1-5 Obstructions In Streets Or Public Ways is hereby amended as follows: (*underlined text is added, stricken text is to be deleted*)

7-1-5: OBSTRUCTIONS IN STREETS OR PUBLIC WAYS:

It shall be unlawful for any person owning, occupying or having control of any premises to place, or permit to be placed upon or in the sidewalk, planter strip, parking area, gutter, or on the half of the street next to such premises:

- A. Refuse: Any broken ware, glass, filth, rubbish, sweepings, refuse matter, ice, snow, water, garbage, ashes, tin cans or other like substances.
- B. Building Or Yard Materials: Any lumber, wood boxes, fencing, building materials, landscaping or grading materials and related refuse collection instruments ~~dead trees, tree stumps~~, or any other thing which shall obstruct such public street, gutter, planter strip, parking area or sidewalk, or any part thereof, except as expressly authorized by ordinance, without the permission of the city council.
- C. Permanent Or Temporary Obstructions: Any permanent or temporary structure, mechanism, device, vehicle, or other thing of any kind or character except ~~trees-vegetation~~ planted pursuant to the provisions of applicable ordinances or facilities related to authorized public utility providers.
- D. A violation of this chapter will be considered an infraction, subject to a fine in the amount of twenty dollars (\$20.00) for a first offense, thirty dollars (\$30.00) for a second offense, and fifty dollars (\$50.00) for each subsequent offense, which amount may be amended by inclusion in the bail schedule for violation of local ordinances established by the city as amended from time to time.

B. Santaquin City Code, Section 10-6-34.D.7 is modified as follows: (underlined text is added, stricken text is deleted)

7. Utility Pole Antennas: Utility pole antennas may only be proposed on existing utility poles and under the following standards. ~~Consistent with the use of public rights of way by other utility and cable providers, each telecommunication provider is required to enter into an agreement with the city prior to installing any telecommunications facilities in the public rights of way. The development review committee shall review site plan conditions prior to the execution of any agreement for location within the public right of way.~~
- a. Sites must be consistent with the city's policies and regulations pertaining to use of public rights of way.
 - b. Each telecommunication provider must obtain required right-of-way excavation permits and enter into an agreement with the city prior to installing any telecommunications facilities in the public rights of way. Agreements will not supersede the development review committee process of review for each proposed site.
 - c. Requests under this part must be accompanied by authorization from the utility and/or cable provider who owns or controls the pole to which facilities will be attached.
 - d. Pole heights may only be extended up to 10 feet in order to accommodate facility installations.
 - e. Installation of a standalone pole in order to accommodate telecommunications facilities is prohibited within public right-of-way.

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.

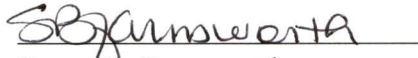
Section V. Posting and Effective Date. Prior to 5:00 p.m. on, the City Recorder shall: (a) deposit a copy of this ordinance in the official records of the City; and (b) post a copy of this ordinance in three places within the City. This ordinance shall become effective at 5:00 p.m. on February 2, 2017

ADOPTED by the Santaquin City Council on the 1st day of February, 2017.

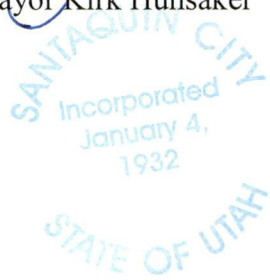


Mayor Kirk Hunsaker

Attest:



Susan B. Farnsworth
Santaquin City Recorder



Council Member Keith Broadhead
Council Member Marianne Stevenson
Council Member David Hathaway
Council Member Amanda Jeffs
Council Member Nick Miller

Absent
Aye
Aye
Aye
Absent

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 1st day of April, 2015, entitled

**“AN ORDINANCE AMENDING CERTAIN PORTIONS OF THE SANTAQUIN CITY
CODE TO AMEND PUBLIC RIGHTS-OF-WAY USES”**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 1st day of February, 2017.



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 2nd day of February, 2017.

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
SUSAN B. FARNSWORTH
Santaquin City Recorder

The foregoing instrument was acknowledged before me this 2nd day of February, 2017, by SUSAN B. FARNSWORTH.

My Commission Expires: 10/1/17
Shannon Hoffman
Notary Public



Residing at: Utah County