

ORDINANCE NO. 09-01-2018

AN ORDINANCE AMENDING SANTAQUIN CITY CODE TITLE 11 CHAPTER 11 SECTION 3, "GUARANTEE OF IMPROVEMENTS" REGARDING INFRASTRUCTURE WARRANTEE REQUIREMENTS, PROVIDING FOR CODIFICATION, 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 to enact ordinances to promote and protect the health, safety and welfare of the community, including the protection of infrastructure dedicated to, and accepted by, the City; and

WHEREAS, the State of Utah allows municipalities to enact ordinances to require warranty bonds to cover the potential replacement cost of infrastructure accepted by the city in the event of failure for a one-year warrantee period and also allows municipalities the option of extending that warrantee period by an additional one-year period if soil conditions and past failures warrant said extension; and

WHEREAS, due to infrastructure failures of the past and poor soil conditions in portions of the community, the Santaquin City Council previously adopted an ordinance requiring a twenty-four month warranty period on all infrastructure accepted by the City; and

WHEREAS, Santaquin City now recognizes that the unilateral extension of warrantee periods for all projects within a City may cause an undue hardship on the development community and potentially may artificially increase the cost of new home construction when said soil conditions do not warrant said extension; and

WHEREAS, with adequate evidence provided by the development community from a licensed soils engineer proves more favorable soil conditions for a specific project exist, that it would be advantageous to allow the City Engineer and Public Works Director the discretion to waive said extension.

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

Section I: Section 11-11-3 of the Santaquin City Code is hereby amended to read as follows: (Underlined text is added—lined out text is stricken)

G. Warranty:

1. Warranty Period: In order to warrant that all improvements are free from any defects in materials or workmanship, the city shall hold ten percent (10%) of the original bond for a period of two (2) years from the date of final acceptance of all improvements.
 - A. Based on proper and adequate documentation provided by a licensed geotechnical engineer, and based on sufficient field evidence of proper performance of improvements, the City Engineer and Public Works Director may reduce the warranty period to one (1) year for improvements installed in areas of the City that are less susceptible to failure due to inadequate soil conditions and based on geotechnical technical data provided.
2. City's Right To Draw On Bond: The city may draw on the bond at any time during, or at the end of, the warranty period to correct or replace any patent or latent defects in the improvements.
3. Final Release Of Bond: If, at the end of the warranty period described above, the city determines that the improvements are free of any defects, the remainder of the bond will be released.
4. Liability Of Developer: In the event that the bond does not cover the costs incurred in any correction of defect in the improvements, the developer shall, at the election of the city, either make all necessary corrections or replacements to the improvements, or immediately reimburse the city for all such costs. (Ord. 06-01-2006, 6-7-2006, eff. 6-22-2006)

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 19, 2018, 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 19, 2018.

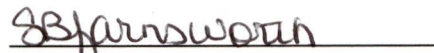
ADOPTED by the Santaquin City Council this 18 day of September, 2018.





Mayor Kirk F. Hunsaker

Attest:



Susan B. Farnsworth
Santaquin City Recorder

| | |
|---------------------------------|------------------|
| Councilmember Keith Broadhead | Voted <u>aye</u> |
| Councilmember Lynn Mecham | Voted <u>aye</u> |
| Councilmember Nick Miller | Voted <u>aye</u> |
| Councilmember Elizabeth Montoya | Voted <u>aye</u> |
| Councilmember Chelsea Rowley | Voted <u>aye</u> |