

OAKLEY CITY

ORDINANCE No. 2021-06

AN ORDINANCE ENACTING A TEMPORARY LAND USE REGULATION ESTABLISHING A MORATORIUM ON ALL BUILDING PERMIT APPROVALS REQUIRING A NEW CONNECTION OR EXTENSION OF AN EXISTING CONNECTION TO CITY WATER AND A MORATORIUM ON INSTALLATION OF NEW LANDSCAPING THAT REQUIRES IRRIGATION WITH CITY CULINARY WATER

WHEREAS, UTAH STATE CODE ANN. § 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 make a finding of compelling, countervailing public interest; and

WHEREAS, a temporary land use regulation under UTAH STATE CODE ANN. §10-9A-504 “may prohibit the erection, construction, reconstruction, or alteration of any building or structure”; and

WHEREAS, Oakley City is authorized and responsible to ensure that City culinary and irrigation water used within the City and provided to City residents is being done so in a safe, responsible, and sustainable manner; and

WHEREAS, on March 17, 2021, the Governor of the State of Utah, issued Executive Order 2021-7 declaring a state of emergency due to drought conditions throughout the State of Utah.

WHEREAS, the City’s supply of culinary water is limited, and the City is experiencing capacity of its water supply; and

WHEREAS, the City has implemented water restrictions for multiple years and still finds City culinary water supply to be insufficient to meet peak demand during the summer watering season; and

WHEREAS, the City is concerned that the current drought conditions will result in critical water shortages and require further drastic curtailment measures that would be detrimental to the entire city and cause significant public harm.

WHEREAS, the City is undertaking projects to secure additional water sourcing and storage for culinary use, of which will not be integrated into the City’s Water system until 2022; and

WHEREAS, UTAH STATE CODE ANN. §10-7-10.5 allows for in instances of scarcity of water, the City may limit the use of water for any purpose other than

domestic purposes to such extent as may be required for the public good in the judgment of the City Council.

WHEREAS, the City Council finds a compelling, countervailing public interest in placing a temporary land use regulation to prohibit approval of all building permits requiring a connection to city water and all new landscaping that requires irrigation with City culinary water, until such time as additional City culinary water supply is available.

NOW, THEREFORE, BE IT ORDAINED BY THE OAKLEY CITY COUNCIL, AS FOLLOWS:

Section 1. **Temporary Land Use Regulation.** Based upon the premises, the Oakley City Council hereby finds a compelling, countervailing public interest in prohibiting building permits that require a new connection or extension of an existing connection to the City water system and prohibiting installation of new landscaping that requires irrigation with City culinary water. The Council finds this ordinance is necessary to protect the health, safety, and welfare of Oakley City residents.

Section 2. **Duration.** Pursuant to UTAH CODE ANN. § 10-9A-504, this ordinance shall be in effect for a period of 180 days.


Section 3. **Severability Clause.** If any 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 provisions, clauses and words of this Ordinance shall be severable.

Section 4. **Effective Date.** This Ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED BY THE OAKLEY CITY COUNCIL ON 12TH OF MAY, 2021.

ATTEST:

OAKLEY CITY COUNCIL:


By: Amy Rydalch, City Recorder


By: Wade Woolstenhulme, Mayor



COUNCIL VOTE TAKEN:

Joe Frazier

Yea

Nay

Kelly Kimber

Yea

Nay

Dave Neff

Yea

Nay

Tom Smart

Yea

Nay

Steve Wilmoth

Yea

Nay


AFFADAVIT OF POSTING

OAKLEY CITY, SUMMIT COUNTY, STATE OF UTAH

I, the City Recorder of Oakley City, by my signature below, certify that copies of Ordinance 2021-06 for Oakley City, which **Passed and Adopted by the Oakley City Council, State of Utah on the 12th day of May, 2021**, was posted at the following places: Oakley City Hall Notice Board, The Oakley Post Office, the Oakley City website www.oakleycity.com and the city's social media pages.

Posted: May 12th 2021





Amy Rydalch, City Recorder