

ORDINANCE NO. 2023- 04

AN ORDINANCE AMENDING ORDINANCE NO. 2022-08 AND SECTION 8-8-1-3 OF THE LaVERKIN CITY CODE, RELATIVE TO THE CITY'S REGULATIONS FOR LANDSCAPING AND WATER CONSERVATION APPLICABLE TO THE DEVELOPMENT OF LAND IN LaVERKIN CITY, UTAH

WHEREAS, at the behest of the Washington County Water Conservancy District ("WCWCD"), and upon recommendation of relevant City Staff and the City's Water Board, the City Council, on September 7, 2022, adopted **Ordinance No. 2022-08**, the City's *Ordinance Adopting and Implementing Regulations for Landscaping and Water Conservation applicable to the Development of Land in LaVerkin City, Utah*, and thereafter submitted the Ordinance to the WCWCD for its acceptance and approval; and

WHEREAS, the City was thereafter notified that said Ordinance (and attachment thereto, amending *The LaVerkin City Code*) was found to be acceptable to the WCWCD; and

WHEREAS, the City was making preparations to adopt a new water use surcharge resolution (with an effective date of January 1, 2023, with regards to new construction (for connections occurring on or after January 1, 2023), when it was notified that the previous acceptance and approval of the WCWCD on Ordinance No. 2022-08 had been withdrawn; and

WHEREAS, part or all of the monies intended to be collected under the proposed water use surcharge resolution are understood to be made available only to communities, for conservation efforts, with an approved Landscaping and Water Conservation regulatory ordinance; and

WHEREAS, the City has been informed that its Landscaping and Water Conservation regulatory ordinance adopted by Ordinance No. 2022-08 may only be acceptable to and approved by the WCWCD if certain changes were made to the wording of Section 8-8-1-3 of *The LaVerkin City Code* ("LVCC"); and

WHEREAS, it is the considered opinion and determination of the City Council that the proposed changes to amendment to Section 8-8-1-3, LVCC, are reasonable and proper for—and in the best interests of—the City and its residents, guests, and businesses (and the safety, peace, and good order thereof).

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

ORDINANCE NO. 2023- 04

SECTION I: AMENDMENT OF ORDINANCE NO. 2022-08.

Ordinance 2022-08 is hereby amended in accordance with Section II hereof, by amending the language of Section 8-8-1-3, LVCC, as shown in the attachment to said Ordinance.

SECTION II: AMENDMENT OF SECTION 8-8-1-3 OF THE LaVERKIN CITY CODE:

Section 8-8-1-3, of *The LaVerkin City Code* ("LVCC"), which currently reads as follows:

8-8-1-3: APPLICABILITY:

The provisions of this Chapter are applicable to all new construction, development and major landscape improvements (a) on the Top Side; and (b) in the residential areas within the main land area of the City that are not connected to or reasonably able to connect to and be served by the City's secondary water system.

Is hereby amended to read as follows:

8-8-1-3: APPLICABILITY:

The provisions of this Chapter are applicable to all new construction, development and major landscape improvements within the City limits of the City (a) located above the cliffs running along the main portion of the City (known as "the Top Side"); and (b) in the residential areas within the main land area of the City below said cliffs, except for those lands for which appurtenant water rights or sufficient water delivery contracts with the City (from the City's secondary water system) are owned and assigned for use on said main land property.

ORDINANCE NO. 2023- 04

SECTION III: REPEAL OF CONFLICTING PROVISIONS.

All ordinances or resolutions, or parts or provisions thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent that they conflict herewith.

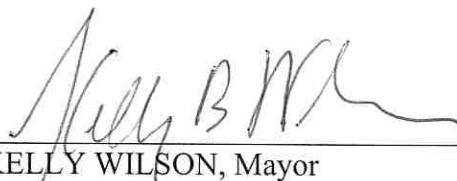
SECTION IV: SEVERABILITY.

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

SECTION IV: EFFECTIVE DATE.

In the opinion of the City Council of LaVerkin City, it is necessary for the preservation of the peace, welfare, health, and safety of the inhabitants of LaVerkin City that this Ordinance take effect as soon as possible. This Ordinance, therefore, shall take effect immediately upon its passage and first publication as provided by law.

PASSED AND ADOPTED by the City Council of LaVerkin City this 1
day of March, 2023.



KELLY WILSON, Mayor

ATTEST:



CHRISTY BALLARD, City Recorder