

ORDINANCE NO. 04-04-2013

A TEMPORARY ORDINANCE MODIFYING OPERATION HOURS FOR MASS-GRADING OPERATIONS.

WHEREAS, the Santaquin City Council adopted an ordinance in March 2007, to establish standards and requirements for conducting gravel, sand and earth extraction, and mass-grading activities within the City, which ordinance has been amended from time to time; and

WHEREAS, the City has been asked to reconsider its policy of limited night time operations associated with gravel, sand and earth extraction, and mass-grading activities; and

WHEREAS, UTAH CODE ANNOTATED §10-9a-504 authorizes the City Council to adopt, without prior consideration of or input from the Planning Commission, an ordinance establishing temporary regulations, for any part or all of the area within the City to be effective for a period not to exceed six (6) months, which temporary regulations may prohibit, restrict, or regulate development as defined and used herein; and

WHEREAS, the Santaquin City Council now desires to enact a temporary land use ordinance to allow the Council a period of time to consider appropriate legislative amendments to protect the public health, safety, and welfare from potential negative impacts or conditions associated with limited night time mass-grading activities.

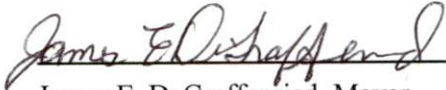
NOW, THEREFORE, be it ordained by the City Council of Santaquin City, Utah:

1. Notwithstanding the provisions of Santaquin City Code, §10-6-28-14, the following provision shall apply so long as this temporary ordinance remains in affect.

The maximum hours of operation of the excavation or mass grading or mining operation shall be seven o'clock (7:00) A.M. to seven o'clock (7:00) P.M. **Notwithstanding the forgoing times, loading, hauling and weighing activities may take place between 7:00 PM and 7:00 AM if product being moved is to benefit a local, county, or state road construction project, which may necessitate night time delivery of products.** No mass-grading project approved under this section 10-6-28 shall operate on Sundays and city observed holidays. In emergency situations this time period may be modified by the mayor provided such emergency order shall not be effective for more than seventy two (72) hours.

2. The above text does not relieve an operator of a city approved mass-grading operation from other obligations and standards of operation outlined in Section 10-6-28 of the City code.
3. Prior to 5:00 p.m. on April 4, 2013, the City Recorder shall cause this Temporary Ordinance to be posted in the City Offices and at such locations in the City as agendas for regularly scheduled meetings of the City Council are posted.
4. This ordinance shall become effective at 5:00 p.m. on April 4, 2013.
5. Unless repealed earlier by the Santaquin City Council, this ordinance shall automatically expire on **October 5, 2013.**

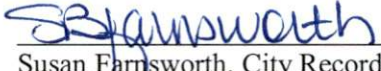
PASSED and ADOPTED this 3rd day of April, 2013.


James E. DeGraffenried, Mayor



Councilmember Keith Broadhead	Voted <u>absent</u>
Councilmember Matt Carr	Voted <u>absent</u>
Councilmember Kirk Hunsaker	Voted <u>yes</u>
Councilmember James F. Linford	Voted <u>yes</u>
Councilmember Rick Steele	Voted <u>yes</u>

ATTEST:


Susan Farnsworth, City Recorder

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 3rd day of April, 2013, entitled

“Ordinance 04-04-2013, A Temporary Ordinance Amending Operating Hours of Mass Grading Operations”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 4th day of April, 2013.



(SEAL)

SBFarnsworth
SUSAN B. FARNSWORTH
Santaquin City Recorder

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 4th day of April, 2013.

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.

SB Farnsworth

SUSAN B. FARNSWORTH
Santaquin City Recorder

The foregoing instrument was acknowledged before me this 4 day of april 2013, by SUSAN B. FARNSWORTH.

My Commission Expires:

Dixie A. Brunson

Notary Public

Residing at: Utah County

