

**HARRISVILLE CITY
ORDINANCE NO. 413**

LAND USE AND PERMIT AMENDMENTS

AN ORDINANCE OF HARRISVILLE CITY, UTAH, ADDING SECTION 1.02.060 REGARDING TEMPORARY EXEMPTIONS; AMENDING CHAPTER 11.03 RELATING TO LAND USE PERMITS, BUILDING PERMITS, AND OCCUPANCY PERMITS; MAKING TECHNICAL CHANGES; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Harrisville City (hereafter referred to as the “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the City to regulate land use and development;

WHEREAS, the City finds it necessary to update its land use ordinances in order to meet the challenges presented by development and to protect public health, safety, and welfare; and,

WHEREAS, the City finds it necessary to update its land use ordinances in order to meet the challenges presented by development and to protect public health, safety, and welfare; and,

WHEREAS, after publication of the required notice the Planning Commission held its public hearing on October 14, 2009, to take public comment on the proposed Ordinance, and subsequently gave its recommendation to approve this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on October 27, 2009, and desires to act upon this Ordinance;

NOW, THEREFORE, be it ordained by the City Council of Harrisville City as follows:

Section 1: Repealer. Any chapter, section, word, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. The *Harrisville Municipal Code* is hereby amended to read as follows:

Amend Ordinance #407 adopted 04/28/09 by adding Section 11.02.060 Temporary exceptions.

11.02.060. Temporary exemption.

1. The mayor has the authority to grant temporary exemptions from any term or condition of this title for a period of not to exceed three (3) months in duration, which time may be extended for an additional three (3) months by the mayor, for a total duration for any one tract of land not to exceed six (6) months. The granting of a temporary exemption may be made by the mayor with or without the prior recommendation concerning the same by the planning commission. Such temporary exemptions may be granted upon the mayor determining that such a temporary exemption is justified because of an unusual situation and that the health, safety, convenience, order and welfare of the inhabitants of the municipality will not be materially affected, if such temporary exception is granted.

Adopt Chapter 11.03 - Land Use Permit, Building, Permit, and Occupancy.

Chapter 11.03

LAND USE PERMIT, BUILDING PERMIT, AND OCCUPANCY

Sections:

- 11.03.010. Land use permit.**
- 11.03.020. Building permit required.**
- 11.03.030. Certificate of occupancy required.**

11.03.020. Land use permit.

A land use permit, as approved and issued by the city's respective land use authority, may be required before the commencement of certain uses on real property located within the city as specified in this title.

11.03.010. Building permit required.

The use of land or the construction, reconstruction, alteration, repair, removal or occupancy of any structure or any part thereof, as provided or as restricted in the municipal code, shall not be commenced, or proceeded with, except after the issuance of a written building permit for the same issued by the city's building official in accordance with the building codes and other applicable codes.

11.03.020. Certificate of occupancy required.

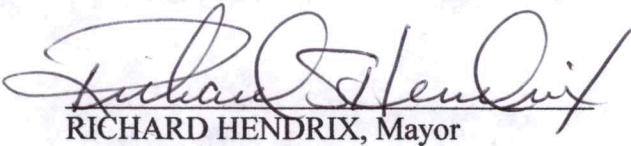
No land shall be used or occupied, except for agricultural purposes, and no building hereafter structurally altered or erected shall be used or changed in use, until a Certificate of Occupancy, or other final approval as authorized by the applicable codes, shall have

been issued by the city building official. In accordance with Utah Code Annotated §10-9a-509, 1953, as amended, the city may withhold issuance of a certificate of occupancy or acceptance of subdivision improvements because an applicant has failed to comply with a requirement that is expressed in the building permit or subdivision plat, documents on which the building permit or subdivision plat is based, or the written record evidencing approval of the land use permit or subdivision plat; or applicant's failure to comply with the requirements of governing law.

Section 3: Severability. If any section, paragraph, sentence, clause or phrase of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

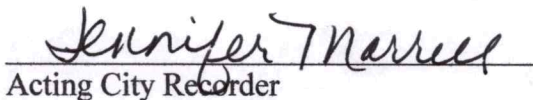
Section 4: Effective Date. This Ordinance shall be effective immediately after posting or publication.

PASSED AND ADOPTED by the City Council on this 10th day of November, 2009.


RICHARD HENDRIX, Mayor

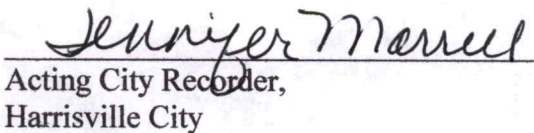
Roll call vote is as follows:						
Mr. Crowther	<input checked="" type="radio"/>	yes	<input type="radio"/>	no		
Ms. Tait	<input checked="" type="radio"/>	yes	<input type="radio"/>	no		
Mr. Wilhelmsen	<input checked="" type="radio"/>	yes	<input type="radio"/>	no		
Mr. Richins	<input checked="" type="radio"/>	yes	<input type="radio"/>	no		
Ms. Fowers	<input checked="" type="radio"/>	excused	<input type="radio"/>	yes	<input type="radio"/>	no

ATTEST:


Acting City Recorder

RECORDED this 10 day of November, 2009.
PUBLISHED OR POSTED this 24 day of November, 2009

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING
According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Harrisville City, hereby certify that foregoing ordinance was duly passed and published, or posted at 1) City Hall 2) 2150 North and 3) The Cabin on the above referenced dates.

 DATE: 11/10/09
Acting City Recorder,
Harrisville City

