

ORDINANCE 23-37

AMENDING NCC 21.06.080 FINAL PLAT APPROVAL AND ADOPTING NCC 17.10.010 FINISHED FLOOR ELEVATION; ESTABLISHING REGULATIONS FOR BASEMENT AND FINISH FLOOR ELEVATIONS AS THEY RELATE TO GROUNDWATER

WHEREAS, Nibley City regulates land use and development within Nibley City boundaries; and

WHEREAS, Nibley City is located primarily in an area with high groundwater; and

WHEREAS, groundwater in basements and floor elevations near or below historic high groundwater elevations can cause hardship to property owners, neighborhoods, and the community; and

WHEREAS, sump pumps and other means to deal with high groundwater in basements and floor elevations near or below historic high groundwater elevations cause undue hardship on Nibley City stormwater and sewer infrastructure; and

WHEREAS, it is in the best interest of Nibley City and residents to establish regulations for basement and finish floor elevations as they relate to groundwater.

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

1. The attached amendment to Nibley City Code 21.06.080 FINAL PLAT APPROVAL and new Nibley City Code section 17.10.010 FINISH FLOOR ELEVATION be adopted.
2. All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.
3. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Nibley City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.
4. This ordinance shall become effective upon posting as required by law.

PASSED BY THE NIBLEY CITY COUNCIL THIS 11 DAY OF January, 2024.

ATTEST: Cheryl Bodily
Cheryl Bodily, City Recorder



LARRY JACOBSEN
Larry Jacobsen, Mayor