

ORDINANCE 17-09
AN ORDINANCE PRESERVING THE
SAFETY AND ALLOWING FOR MAINTENANCE OF CONVEYANCE

WHEREAS, Nibley City has an ownership interest in all irrigation companies within the City; and

WHEREAS, Nibley residents rely on free-flowing and clean conveyances for the conveyance of irrigation water to agricultural and rural landscapes, and also for the conveyance of City stormwater; and

WHEREAS, unobstructed conveyances are critical to controlling flooding of private and public property within the City, and, in some cases, are integral parts of the City's historic stormwater infrastructure; and

WHEREAS, open conveyances provide critical wildlife habitat and corridors, opportunities for connectivity and recreation, are an integral part of the rural landscape, and in Nibley, provide the primary means of controlling groundwater levels in the City; and

WHEREAS, water rights are privately held property and the diversion, distribution, delivery, and use of irrigation waters existed prior to the establishment of Nibley City, and much of the City's subsequent residential development; and

WHEREAS, agricultural irrigation and its conveyance corridors are critical to the sustainability of agricultural land uses in the community, and the preservation of desirable rural characteristics; and

WHEREAS, increased development pressure is impeding conveyance owners' ability to maintain the infrastructure such that it can function for its intended purposes of irrigation delivery flood control; and

WHEREAS, Nibley City has certain contractual obligations with respect to the Nibley Blacksmith Fork Irrigation Company (NBFI); and

WHEREAS, Nibley City has the authority to establish policies to control the impact of development on commonly held assets and resources within the City.

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

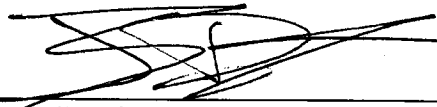
1. The attached ordinance, titled "AN ORDINANCE PRESERVING THE SAFETY AND ALLOWING FOR MAINTENANCE OF CONVEYANCE" is hereby adopted.

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 All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency.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.

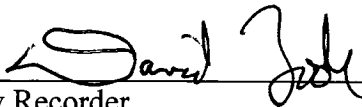
3. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the 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 3 DAY OF August, 2017.


Shaun Dustin, Mayor

ATTEST:


City Recorder