

ORDINANCE NO. 14-26 (11-18-14)

**AN ORDINANCE OF THE CITY OF SARATOGA
SPRINGS, UTAH, ENACTING CHAPTER 8.03 OF THE
SARATOGA SPRINGS CITY CODE AND
ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, on September 6, 2011, pursuant to Utah Code § 10-3-707, the City Council of the City of Saratoga Springs, Utah codified ordinances previously adopted; and

WHEREAS, pursuant to authority granted in Utah Code Annotated § 10-3-701 *et seq.*, the City Council for the City of Saratoga Springs may adopt and amend laws, ordinances, regulations, and codes that comprise the regulatory, penal ordinances, and administrative ordinances of the City of Saratoga Springs; and

WHEREAS, the City Council has reviewed the City Code and finds that further amendments to the Code are necessary to accomplish the purposes in Utah Code Annotated § 10-3-701 *et seq.*; and

WHEREAS, the City Council has determined that it is in the best interest of the public health, safety, and welfare that the attached modifications and amendments to the City Code be adopted.

NOW THEREFORE, the City Council of the City of Saratoga Springs, Utah does hereby ordain as follows:

SECTION I – ENACTMENT

Chapter 8.03 of the City Code, attached as Exhibit A and incorporated herein by this reference, is hereby enacted.

SECTION II – AMENDMENT OF CONFLICTING ORDINANCES

If any ordinances, resolutions, policies, or zoning maps of the City of Saratoga Springs heretofore adopted are inconsistent herewith they are hereby amended to comply with the provisions hereof. If they cannot be amended to comply with the provisions hereof, they are hereby repealed.

SECTION III – EFFECTIVE DATE

This ordinance shall take effect upon its passage by a majority vote of the Saratoga Springs City Council and following notice and publication as required by the Utah Code.

SECTION IV – SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION V – PUBLIC NOTICE

The Saratoga Springs Recorder is hereby ordered, in accordance with the requirements of Utah Code §§ 10-3-710—711, to do as follows:

- a. deposit a copy of this ordinance in the office of the City Recorder; and
- b. publish notice as follows:
 - i. publish a short summary of this ordinance for at least one publication in a newspaper of general circulation in the City; or
 - ii. post a complete copy of this ordinance in three public places within the City.

ADOPTED AND PASSED by the City Council of the City of Saratoga Springs, Utah, this 18 day of November, 2014.

Signed: [Signature]
Jim Miller, Mayor

Attest: [Signature]
Lori Yates, City Recorder

11-18-14
Date

VOTE

Shellie Baertsch
Rebecca Call
Michael McOmber
Bud Poduska
Stephen Wilden

Aye
Aye
Absent
Aye
Aye



Chapter 8.03. City Utility Requirements and Exclusivity for City Residents.

Sections:

8.03.01. Definitions.

8.03.02. Findings and Purpose.

8.03.03. City Residents Required to Connect to and Have Access to City Utilities.

8.03.04. City Public Utilities for the Exclusive Use of City Residents.

8.03.01. Definitions.

In this section, the following definitions apply:

1. “Nonresident” refers to all people not residing and properties not located within the corporate limits of the City of Saratoga Springs, Utah.
2. “Public Utilities” means culinary water, secondary water, sewer, and storm drain services, as well as roads, that are provided by the City of Saratoga Springs to any person, entity, or corporation.
3. “Residents” refers to all people residing and properties located within the corporate limits of the City of Saratoga Springs, Utah.

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8.03.02. Findings and Purposes.

The City Council finds and determines as follows:

1. As a result of the City being a relatively new and rapidly developing City, there are limited existing public utilities. As a result, there is a need to maintain and preserve the limited public utilities for the use and enjoyment of current and future City residents and for the potential future growth of the City. Maintaining and preserving these limited public utilities is in the best interests of the health, safety, and welfare of City residents.
2. In order to maintain and preserve these public utilities for the use and enjoyment of existing and future City residents, as well as for their health, safety, and welfare, the City finds that it is necessary to limit the use of City utilities exclusively to those residents within the corporate limits of the City.
3. As Utah law provides that the City has no duty to provide utilities to members of the public residing outside the corporate limits of the City, the City finds that restricting public utilities to residents of the City is a reasonable, legitimate, and appropriate method of furthering the City’s goal to maintain and preserve its limited public utility resources.

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8.03.03. City Residents Required to Connect to and Have Access to City Utilities.

1. All residents shall have access to and connect to City utilities, except as otherwise provided in City ordinances, codes, and regulations. This access shall be in accordance with and limited by all City ordinances, codes, and regulations relating to such matter. Such connection and access shall be the responsibility of the landowner.
2. All property developed within the corporate limits of the City after the adoption of this ordinance shall connect to and have access to City utilities, except as otherwise provided in City ordinances, codes, and regulations. This access shall be in accordance with and limited by all City ordinances, codes, and regulations. Such connection and access shall be the responsibility of the landowner.
3. All property annexed to the City after the adoption of this Chapter shall connect to and have access to City utilities, except as otherwise provide in City ordinances, codes, and regulations. This connection and access shall be in accordance with and limited by all ordinances, provisions, and regulations relating to such matter as found in this Code. Such connection and access shall be the responsibility of the landowner.

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8.03.04. City Public Utilities for Exclusive Use of City Residents.

1. The City, finding a need to preserve its resources for City residents, shall not provide City public utilities to any nonresident or property developed outside of the corporate limits of the City. City utilities will be used and saved exclusively for City residents and those properties located within the corporate limits of the City of Saratoga Springs.
2. The specific utilities the City will not provide to nonresidents include all culinary and secondary water, sewer, and storm drain services. Access to roads will continue to be provided to the general public in accordance with and limited by all other road ordinances and regulations adopted by the City of Saratoga Springs. However, the City will not participate in the planning, building, or funding of roads that primarily serve nonresidents.
3. This Section 8.03.04 applies to all nonresidents including without limitation agricultural, residential, commercial, industrial, institutional, and all other types of properties.

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