

COTTONWOOD HEIGHTS

ORDINANCE NO. 193

AN ORDINANCE AMENDING SECTION 14.32.020 OF THE COTTONWOOD HEIGHTS CODE OF ORDINANCES REGARDING THE CITY'S CONCRETE REPLACEMENT PROGRAM

WHEREAS, effective 14 January 2005, the city council (the "*Council*") of the city of Cottonwood Heights (the "*City*") adopted a code of ordinances (the "*Code*") for the City; and

WHEREAS, a concrete replacement program is described in Code section 14.32.020 ("*Section 14.32.020*"), whereunder the City will participate in the cost of repairing or replacing deteriorated concrete curbs, gutters, drive approaches and sidewalks on the terms and conditions specified therein; and

WHEREAS, the Council met in regular session on 31 July 2012 to consider, among other things, amending Section 14.32.020 to reduce the City's financial participation from a maximum of \$3,500 per lot/parcel to a maximum of \$1,000 per lot/parcel; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to so amend Section 14.32.020;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. ***Amendment of Section 14.32.010.*** The Council hereby amends Section 14.32.020 of the Code to reduce the City's financial participation from a maximum of \$3,500 per lot/parcel to a maximum of \$1,000 per lot/parcel, as follows:

14.32.020 Sidewalk, drive approach, curbs and gutter repair or replacement.

A. The owner of a parcel of property abutting a public right of way is responsible, as provided in this chapter, for replacement or repair of curb, gutter or sidewalk abutting the owner's property which has deteriorated to a degree which the city engineer determines requires repair or replacement. Nothing in this section shall be construed to limit the liability of any person causing damage to curb, gutter or sidewalk located in a public right of way. A person who damages any curb, gutter or sidewalk, negligently or otherwise, is liable for the full cost of replacement.

B. If the department, with concurrence of the manager, finds that existing curb and gutter, drive approach or sidewalk fronting on parcels on the public right-of-way require replacement for safety reasons, and that inclusion of the repair in a special improvement district is not

practical, the department may cause the repair work to be done, subject to the following conditions:

1. The manager finds that the city has sufficient personnel and related support resources to accomplish the repair work; and

2. Sufficient budgeted funds are available to pay for the repair work.

C. Proposed repair requests under this section will generally be given priority according to the prioritized list maintained by the city engineer. The city engineer, with concurrence of the manager, may assign a different order of priority to requests to maximize efficient utilization of resources or to coordinate repair work with other public works projects.

D. If the owner of a parcel of property wants to remove and replace the curb and gutter, drive approach, or sidewalk on public property because of deteriorated conditions as defined by standard adopted by the city engineer, with prior written approval and agreement of the city, the city will reimburse the property owner fifty percent (50%) of the cost of replacement, not to exceed \$3,5001,000 per lot/parcel. This reimbursement is subject to sufficient budgeted funds being available.

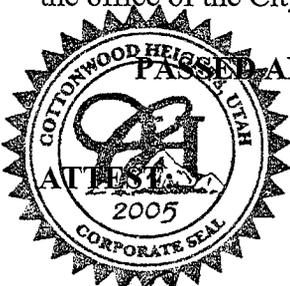
Section 3. ***Action of Officers.*** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance No. 193 (this "*Ordinance*"), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 4. ***Severability.*** It is hereby declared that all parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 5. ***Repealer.*** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 6. ***Effective Date.*** This Ordinance, assigned no. 193, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder, or such later date as may be required by Utah statute.

AND APPROVED this 31st day of July 2012.



By: Linda W. Dunlavy
Linda W. Dunlavy, Recorder

COTTONWOOD HEIGHTS CITY COUNCIL

By: Kellymore
Kelvyn H. Cullimore, Jr., Mayor

VOTING:

Kelvyn H. Cullimore, Jr.	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael L. Shelton <i>Absent</i>	Yea <input type="checkbox"/>	Nay <input type="checkbox"/>
J. Scott Bracken	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Michael J. Peterson	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Tee W. Tyler	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

DEPOSITED in the Recorder's office this 31st day of July 2012.

POSTED this 1st day of August 2012.

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