

1 **Ordinance No. 2019-014**

2
3 AN ORDINANCE AMENDING PROVIDENCE CITY CODE (PCC) TITLE 7 PUBLIC WAYS AND
4 PROPERTY, CHAPTERS 2 STREETS, SIDEWALK, CURB AND GUTTER CONSTRUCTION AND REPAIR,
5 AND CHAPTER 5 MUNICIPAL PROPERTY CONTROL AND USE.
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7
8 WHEREAS UCA § 10-9a-102.(2) states “. . . municipalities may enact all ordinances, resolutions,
9 and rules and may enter into other forms of land use controls . . .” and
10

11 WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote
12 the prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality
13 and its present and future inhabitants and businesses, to protect the tax base, to secure
14 economy in governmental expenditures, to foster the state's agricultural and other industries, to
15 protect both urban and nonurban development, to protect and ensure access to sunlight for
16 solar energy devices, to provide fundamental fairness in land use regulation, and to protect
17 property values in areas that may be considered sensitive, including but not limited to fire
18 danger, slope, soil content.
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20 WHEREAS City Staff desires the City be reimbursed for or require the repair and/or replacement
21 of a city street when the damage is caused by a person as defined in PCC 1-3-2: *Person: Any*
22 *public or private corporation, firm, partnership, association, organization, government or any*
23 *other group acting as a unit, as well as a natural person.*

- 24 • Providence City staff requests the City Council consider the following amendment to
25 PCC 7-2-1:

26 Damage: When any citizen, contractor or person damages the **street**, sidewalks, curbs or
27 gutters of the City, that individual or person shall repair and/or replace the same within
28 a reasonable time at their own cost pursuant to specifications as herein set forth. Any
29 expenses incurred by the City in providing specifications or inspecting the same shall
30 also be paid. If the City damages any **streets**, sidewalks, curbs or gutters, the same shall
31 be repaired and/or replaced within a reasonable amount of time at no cost to the
32 property owners.

- 33 • Providence City staff requests the City Council consider the following amendment to
34 PCC 7-5-2:C.

35 7-5-2: **UNLAWFUL USE:** Unless authorized by permit or other written
36 authorization issued by the City or unless authority is granted by provisions of this Code
37 or other ordinance of the City now or hereafter enacted, it shall be a Class B
38 misdemeanor and subject to penalty as provided in Section 1-4-1 of this Code for any
39 person to:
40

- 41 C. Damage to Property: Intentionally **or recklessly** use or perform acts upon property
42 of the City which materially impairs, alters, or damages the property.
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44 THEREFORE be it ordained by the Providence City Council

- 45 • The above code amendments shall be approved.
46 • This ordinance shall become effective immediately upon passage and posting or 30 days
47 after final passage, whichever is closer to the date of final passage.
48

1 Ordinance adopted by vote of the Providence City Council this 13 day of August 2019.

2

3 Council Vote:

| | | | | | |
|-----------------|---------|--------|-------------|---------------|------------|
| 4 Allen, Kirk | (X) Yes | () No | () Excused | () Abstained | () Absent |
| 5 Eck, Kristina | (X) Yes | () No | () Excused | () Abstained | () Absent |
| 6 Fresz, Brent | (X) Yes | () No | () Excused | () Abstained | () Absent |
| 7 Giles, Dennis | (X) Yes | () No | () Excused | () Abstained | () Absent |
| 8 Sneddon, Roy | (X) Yes | () No | () Excused | () Abstained | () Absent |

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10 Signed by Mayor John Drew this 14 day of August 2019.

11

12 Providence City

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15 John Drew, Mayor

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17 Attest:

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19 Skarlet Bankhead, Recorder

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