

COTTONWOOD HEIGHTS

ORDINANCE NO. 194

AN ORDINANCE AMENDING CHAPTER 14.32 OF THE COTTONWOOD HEIGHTS CODE OF ORDINANCES REGARDING SIDEWALK USE AND MAINTENANCE

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, the Code includes chapter 14.32 (“*Chapter 14.32*”) concerning the use and maintenance of sidewalks and associated realty and improvements in the City; and

WHEREAS, the Council met in regular session on 9 October 2012 to consider, among other things, amending Chapter 14.32 to add new section 14.32.005 (“*Section 14.32.005*”) concerning the duty of abutting property owners and occupants to maintain sidewalks and associated realty and improvements in the City; and

WHEREAS, the Council has reviewed proposed Section 14.32.005; 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 Chapter 14.32 to include new Section 14.32.005 as proposed;

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

Section 1. ***Amendment to Chapter 14.32.*** Chapter 14.32 is hereby amended to include new Section 14.32.005, as follows:

14.32.005 – Duty of abutting property owners.

It shall be the duty of each owner and occupant of real property abutting or fronting upon any street, highway or alley within the city to repair and maintain in good condition all public curbs, curb ramps, gutters, strips, sidewalks and other land and improvements across or immediately abutting such owner’s or occupant’s property and located between the curb line of the street and the property line. Such duty includes, without limitation, removal of all litter, weeds and noxious vegetation.

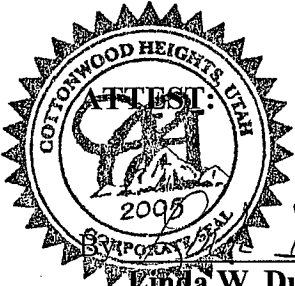
Section 2. ***Action of Officers.*** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this ordinance (this “*Ordinance*”), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 3. ***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 4. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. **Effective Date.** This Ordinance, assigned no. 194, 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.

PASSED AND APPROVED this 9th day of October 2012.



Linda W. Dunlavy
Linda W. Dunlavy, Recorder

COTTONWOOD HEIGHTS CITY COUNCIL

By *Kelwyn H. Cullimore, Jr.*
Kelwyn H. Cullimore, Jr., Mayor

VOTING:

Kelvyn H. Cullimore, Jr.	Yea	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>	
Michael L. Shelton	Yea	<input checked="" 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	<i>Absent</i>	Yea	<input type="checkbox"/>	Nay	<input type="checkbox"/>

DEPOSITED in the Recorder's office this 9th day of October 2012.

POSTED this 6 day of October 2012.