

**Ordinance 2018-03**  
**Town of Dutch John**

TEMPORARY LAND USE REGULATIONS INCLUDING MORATORIUM ON  
DEVELOPMENT BETWEEN SOUTH BOULEVARD, HIGHWAY 191, LITTLE  
HOLE ROAD AND 6<sup>th</sup> AVENUE AND ALL SUBDIVISION APPLICATIONS.

WHEREAS; the area included in the Town of Dutch John historically was owned and governed by agencies of the United States Federal Government; and,

WHEREAS; by the enactment of federal legislation ownership and governance of land in the Dutch John area was returned to local ownership and control; and,

WHEREAS; during the time of United States Government ownership and control of the Dutch John area usual standards and practices with respect to design, construction, developing and recording easements, etc. were not followed or practiced; and,

WHEREAS; with the incorporation of the Town of Dutch John there is a critical need to identify and establish appropriate easements, rights-of-way, for public utility lines and to establish standards and practices that protect health, safety and welfare of the residents of the Town of Dutch John and which facilitate appropriate and orderly future development of land within the town boundaries; and,

WHEREAS; the Town Council of the Town of Dutch John finds that there is a compelling, countervailing public interest in imposing a temporary land ordinance in the form of a moratorium on any construction or development in certain areas of the Town of Dutch John until such easements, rights-of-way, can be established and an appropriate program and necessary ordinances can be adopted; and,

WHEREAS; the area be covered by the moratorium is all lands between South Boulevard, Highway 191, Little Hole Road and 6<sup>th</sup> Avenue, including blocks 11, 12, 13 and 14; and all Subdivision applications and,

WHEREAS; Utah Code Ann. Section 10-9a-504 authorizes enactment of temporary land use regulations for a period of up to 6 months, without prior consideration or recommendation from the Planning Commission.

NOW THEREFORE; be it Ordained by the Town Council of the Town of Dutch John as follows:

1. Effective immediately upon enactment of this ordinance all building and development activity in the area and upon the lands between South Boulevard, Highway 191,

Little Hole Road and 6<sup>th</sup> Avenue, including blocks 11, 12, 13 and 14, and all subdivision applications are placed on hold, postponed, and prohibited.

2. During the time of the moratorium, no plats, building permits, or other related applications will be approved. The term of the moratorium shall be 6 months from date of enactment of this ordinance unless earlier terminated by action of the Town Council

3. Violation of this ordinance shall be an Infraction for the first offense. Each subsequent offense shall be a class C misdemeanor and each day that a violation continues or exists shall be a separate and additional misdemeanor offense. The penalty for a first offense or violation of this ordinance shall be a fine of \$200, the penalty for each subsequent violation or offense shall be \$500 and a term of imprisonment of up to 3 months in the county jail.

4. For a second and each subsequent offense, which are class C misdemeanors, the possibility of imprisonment exists. Where there is a possibility of imprisonment the Town is required pursuant to Utah Code Ann. Section 77-32-301 to provide for indigent legal defense, as those terms are defined in section 77-32-201.

5. This ordinance shall become effective immediately upon adoption by the Town Council and posting of the ordinance in three public places within the Town.

Attest:

\_\_\_\_\_  
Town Recorder

\_\_\_\_\_  
Mayor

#### Certificate of Posting Publication

I, \_\_\_\_\_, the duly appointed and acting Recorder for the Town of Dutch John, Utah, hereby certify that Ordinance No. \_\_\_\_\_ was posted in three public places in the Town on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Town Recorder