

**AN ORDINANCE OF THE CITY COUNCIL OF HURRICANE, UTAH CREATING
SECTION 8-1-16 REGARDING IRRIGATION WATER FOR DEVELOPMENT**

WHEREAS, the City Council of Hurricane, Utah desires to create Title 8 Chapter 1, Section 16 of the Hurricane City Code; and

WHEREAS, the City Council finds these amendments necessary and desirable for the preservation of the general health, safety, and welfare of the residents of Hurricane City;

WHEREAS, the Water Board made a positive recommendation of these changes;

BE IT HEREBY ORDAINED by the Hurricane City Council that Title 8 Chapter 1, Section 16 of the Hurricane City Code is created to read as follows:

Sec. 8-1-16. – Irrigation Water for Development.

- A. Pursuant to the provisions of Utah Code Annotated section [10-9a-508](#), any Developer, as defined in Title 10 of the City Code, that performs Development Activities on property within the City shall notify the City with the Land Use Application of any and all water rights that may be appurtenant to or used upon and in connection with the property proposed to be developed. All water rights sufficient to meet the outdoor irrigation needs of the proposed Development that are existing or appurtenant to, or used upon or in connection with, the property, or produced and developed on the property, shall be dedicated to the City to support the outdoor irrigation needs of the Development. In exchange for the Developer's dedication of water to support the outdoor irrigation needs of the Development, the portion of the City's impact fees resulting from the cost to source water for outdoor irrigation shall be waived. The dedication of water rights as described in this Paragraph A shall be a condition of approval for any Plat or Development Activity on applicable properties.
- B. If, after sufficient rights have been transferred to support the Development, there are excess water rights, the Developer may first offer to the City the purchase of the excess water rights at the fair market value.
- C. The term 'water rights' as used in this section shall include any right to the beneficial use of water, including rights that result from shares in a water or canal company.

**NOW THEREFORE, BE IT ORDAINED BY THE HURRICANE CITY COUNCIL OF
HURRICANE CITY, UTAH THAT:**

All ordinances, resolutions, and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution, or ordinance, or part thereof.

Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance or the Hurricane City Municipal Code to which these amendments apply. The valid part of any

provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications, and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

BE IT FURTHER ORDAINED that this Ordinance shall, after adoption and approval, take effect immediately upon publication or posted as required by law.

PASSED AND APPROVED this 5th day of June 2025



Hurricane City

Nanette Billings
Nanette Billings, Mayor

Attest:

Cindy Beteag
Cindy Beteag, City Recorder

The foregoing Ordinance was presented at a regular meeting of the Hurricane City Council held at the Hurricane City Office Building on the 5th day of June 2025. Whereupon a motion to adopt and approve said Resolution was made by Clark Fawcett and seconded by David Hirschi. A roll call vote was then taken with the following results:

	Yea	Nay	Abstain	Absent
Joseph Prete	<u>X</u>	—	—	—
Clark Fawcett	<u>X</u>	—	—	—
David Hirschi	<u>X</u>	—	—	—
Kevin Thomas	—	—	—	<u>X</u>
Drew Ellerman	<u>X</u>	—	—	—

Cindy Beteag
Cindy Beteag, Recorder