

ORDINANCE NO. 2019-13-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING TITLE 8.20.030 AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council is authorized by state law to enact and amend ordinances establishing land use regulations; and

WHEREAS, the proposed amendment is consistent with the Lindon City General Plan goal carefully limit any negative impact of commercial facilities on neighboring land use areas, particularly residential development; and

WHEREAS, on June 12, 2018, August 14, 2018, August 28, 2018 the Planning Commission held a properly noticed public hearing to hear testimony regarding the ordinance amendment; and

WHEREAS, after the public hearing, the Planning Commission further considered the proposed ordinance and recommended that the Council adopt changes to ordinance 8.20.030;

WHEREAS, the Council held a public hearing on September 11, 2018 and August 20, 2019 to consider the recommendation and the Council received and considered all public comments that were made therein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lindon, Utah County, State of Utah, as follows:

**SECTION I:** Amendment. Amend Lindon City Code Section 8.20.030(2)(CC) as follows:

cc. ~~Inappropriate~~ Noise. It shall be unlawful for any person or business to make, permit, continue, or cause to be made, or to create any unreasonable loud and disturbing noise in the City. Any noise which is substantially incompatible with the time and location where created to the extent that it creates an actual or imminent interference with peace and good order of persons of ordinary sensitivities sensibilities shall be prohibited. Between the hours of 10:30 p.m. and 7:00 a.m. it shall be unlawful for any person or business to:

- iv. Operate, play, cause, allow, permit, or fail to control the operation or playing of any noise emitting device which disturbs, injures or endangers the comfort, repose, health, hearing, peace and safety of persons with ordinary sensitivity;
- v. Conduct construction or demolition activities within 600 feet of a residential zone or use.
- vi. Exceptions to these restrictions may be obtained upon approval from the City.

**SECTION II:** The provisions of this ordinance and the provisions adopted or incorporated by reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall nevertheless be unaffected and continue in full force and effect.

**SECTION III:** Provisions of other ordinances in conflict with this ordinance and the provisions adopted or incorporated by reference are hereby repealed or amended as provided herein.

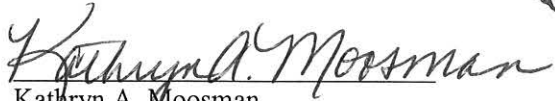
**SECTION IV:** This ordinance shall take effect immediately upon its passage and posting as provide by law.

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this 20<sup>th</sup> day of August, 2019.

  
Jeff Acerson, Mayor



ATTEST:

  
Kathryn A. Moosman,  
Lindon City Recorder

SEAL

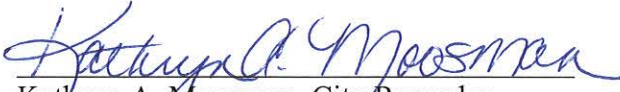
CERTIFICATE OF PASSAGE

STATE OF UTAH            }  
                                      }ss.  
COUNTY OF UTAH        }

I, Kathryn A. Moosman, City Recorder of Lindon City, Utah do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed and adopted by the City Council of Lindon City, Utah on the 20<sup>th</sup> day of August 2019 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING TITLE 8.20.030 OF THE LINDON CITY CODE AND PROVIDING FOR AN EFFECTIVE DATE.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Lindon City, Utah, this 20<sup>th</sup> day of August, 2019.

  
Kathryn A. Moosman, City Recorder



AFFIDAVIT OF POSTING

STATE OF UTAH            }  
                                      }ss.  
COUNTY OF UTAH        }

I, Kathryn A. Moosman, City Recorder of Lindon City, Utah do hereby certify and declare that I posted the attached ordinance in three public places on the 23<sup>rd</sup> day of August, 2019.

The three public places are as follows:

1. Lindon City Police Department
2. Lindon City Community Development Office
3. Lindon City Center

I further certify that the agenda of the meeting of the City Council containing notice of public hearing was published and posted according to law, and that copies of the ordinance so posted were true and correct copies of the original.

  
Kathryn A. Moosman, City Recorder

The foregoing instrument was acknowledged before me this 23 day of August 2019, 2019 by Kathryn A. Moosman.

My Commission expires: 11-1-2022

  
Notary Public

Residing at: Utah County

