

CITY OF MOAB RESOLUTION NO. 24-2022

A RESOLUTION WAIVING BUILDING SERVICE FEES FOR CONSTRUCTION ACTIVITIES NEEDED TO RECOVER FROM THE AUGUST 20, 2022 FLOODING

WHEREAS, on August 20, 2022, the City of Moab, Utah, experienced a 100-year flood event (the “**Flood**”) that caused flash flooding through the Pack Creek and Mill Creek drainages with massive quantities of debris, mud, and water spreading throughout portions of the City; and

WHEREAS, the flooding and the debris associated with the flooding created impassable conditions on many roadways while also damaging, homes, private property, public roads, walk paths, public use areas, and infrastructure throughout the City; and

WHEREAS, recovery efforts will require numerous building permits from the City pursuant to Section 17.72.200 of the Moab Municipal Code (the “**Code**”); and

WHEREAS, Section 3.50.165 of the Code sets forth various building service fees the City imposes to cover the costs it incurs in processing building permit applications (collectively, the “**Fees**”); and

WHEREAS, to assist City residents in the repair and recovery of their properties, the Moab City Council desires to waive the Fees it would otherwise impose for recovery efforts that are the direct result of the Flood; and

WHEREAS, Utah Code § 10-3b-301 and Section 2.04.015 of the Code vest the powers of municipal government with the Moab City Council and Mayor, including the authority to pass all resolutions and ordinances; and

WHEREAS, Utah Code §§ 10-3-717 and 10-6-160 further authorize the Moab City Council to exercise its administrative powers by resolution, including the establishment, modification, and waiver of the Fees.

NOW, THEREFORE the Council hereby ordains that:

1. Waiver of Fees: The Fees set forth in Section 3.50.165 of the Code are waived if the construction activity is needed to repair, rehabilitate, rebuild, or otherwise recover a structure from damage directly associated with the Flood (the “**Waiver**”).

2. Building Official to Implement Resolution: The City’s Building Official is authorized to implement this Resolution, including but not limited to making determinations as to whether construction activities are eligible for the Waiver and creating any forms or applications the Building Official deems necessary to implement this Resolution.

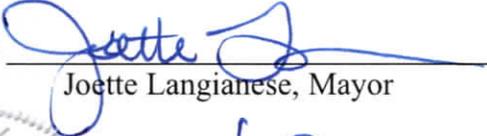
3. Appeals:

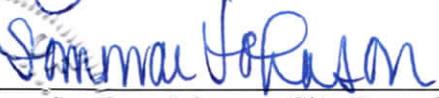
- a. Property owners may appeal decisions the Building Official makes regarding the Waiver to the City's hearing officer; and
- b. Sections 17.72.120 through 17.72.170, and 17.72.240 of the Code will govern the authority, jurisdiction, procedures for filing, hearing conduct, stay procedures, and all other aspects associated with appeals filed pursuant to this Resolution.

4. Term: This declaration is effective immediately and will remain in effect until rescinded or otherwise terminated by the Moab City Council.

5. Dissemination: This declaration will be posted to the City of Moab's website, the Utah Public Notice website, and applicable City social media accounts as determined by the City Manager.

PASSED AND APPROVED by a majority of the City Council, this 23rd day of August 2022.

SIGNED: 
Joette Langianese, Mayor

ATTEST: 
Sommar Johnson, City Recorder

