

ORDINANCE NO. 15-01

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, ADOPTING A COMPREHENSIVE, WATER CONSERVATION PLAN FOR THE CITY OF SOUTH OGDEN; AND ESTABLISHING AN EFFECTIVE DATE FOR THE PLAN.

Section 1 - Recitals

WHEREAS, the City of South Ogden (“City”) is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, the City finds that in conformance with UCA §10-3-717, the governing body of the city may exercise all administrative powers by resolution; and,

WHEREAS, the City finds that in conformance with, and UCA §10-3-701, the governing body of the city may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and,

WHEREAS, the City finds that in conformance with UCA §73-10-32 (1) (f) et.seq., the governing body of the city must prepare and adopt a comprehensive, Water Conservation Plan that contains existing and proposed water conservation measures describing what will be done by retail water providers, water conservancy districts, and the end user of culinary water to help conserve water and limit or reduce its use in the state for per capita consumption so that adequate supplies of water are available for future needs within the city; and,

WHEREAS, the City finds that in conformance with UCA §11-36-201, the Water Conservation plan is to be adopted following a public hearing before the City Council, said hearings having now been held; and,

WHEREAS, the City finds it must prepare a written analysis of how to implement its conservation plans based upon those factors and the requirements of UCA §73-10-32 et. seq.; and,

WHEREAS, the City finds that the Water Conservation Plan developed by the City is based on and considers each of the statutory requirements; and,

WHEREAS, the City has chosen, in conformance with UCA §73-10-32 to prepare and adopt an independent Water Conservation Plan rather than including a Water Conservation element in the City’s general plan; and,

WHEREAS, the City finds it has given public notice of the proposed Water Conservation Plan and has provided a copy of the plan to the public at least 14 days before the date of the public hearing on the plan; and,

WHEREAS, the City finds it has held a public hearing to hear public comment on the plan under the notice and hearing requirements of UCA §10-9-103(2) and 10-9-402(2); and,

WHEREAS, the City seeks to comply with current statutory requirements; and,

WHEREAS, the City Council finds that the public convenience and necessity, public safety, health and welfare is at issue and requires the adoption of the Water Conservation Plan by the City; now,

THEREFORE, BE IT ORDAINED by the City of SOUTH OGDEN:

Section 2 - Water Conservation Plan Adoption:

That the *Water Conservation Plan*, prepared by Wasatch Civil Consulting Engineers, of 2014, should be and the same is adopted as the Water Conservation Plan for South Ogden City as required by UCA §73-10-32 et. seq. on the basis of and in consideration of the above-listed findings of the City Council, said Water Conservation Plan having been determined to comport as required with applicable law and the Service Area thereof is defined as all of South Ogden City.

Section 3 - Repealer Of Conflicting Enactments:

All orders, ordinances and resolutions regarding the changes enacted and adopted which have heretofore been adopted by the City, or parts thereof, which conflict with any of this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 4 - Prior Ordinances And Resolutions:

The body and substance of all prior Ordinances and Resolutions, with their provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

Section 5 - Savings Clause:

If any provision of this Ordinance shall be held or deemed to be or shall, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed to be the separate independent and severable act of the City Council of South Ogden City.

Section 6 - Date Of Effect

BE IT FURTHER ORDAINED this Ordinance shall be effective on the 6th day of January, 2015, and after publication or posting as required by law.

DATED this 6th day of January, 2015

SOUTH OGDEN, a municipal corporation

by: _____
James F. Minister, Mayor

Attested and recorded

Leesa Kapetanov
City Recorder