

ORDINANCE NO. 15-17

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING THE CITY CODE BY REPEALING TITLE 12 THEREOF; MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

Section 1 - Recitals:

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

WHEREAS, the City Council finds that in conformance with Utah Code (“UC”) §10-3-717, and UC §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

WHEREAS, the City Council finds that in conformance with UC §10-3-717, and UC §10-3-701, the governing body of the city has previously adopted Ordinance 15-14 which amended the City Code by creating Chapter 5 for Title 8 to address water, sewer, and storm water matters and related issues; and,

WHEREAS, the City Council finds that South Ogden City Code, at Title 12, and its various sections deal with water, sewer, and storm water matters within the city as well and upon adoption of Ordinance 15-14, Title 12 of the City Code should have been repealed, under Section 2 of Ordinance 15-14, to avoid duplication and confusion, but through an oversight, was not which oversight the City Council now wishes to correct; and,

WHEREAS, the City Council finds it is in the public interest to manage and regulate the procedures governing water-related issues and to avoid duplication and confusion in so doing; and,

WHEREAS, the City Council finds that South Ogden City Code, Title 12, should be repealed in its entirety; and,

WHEREAS, the City Council finds that the requirements herein should be effective upon passage of this Ordinance; and,

WHEREAS, the City Council finds that the public safety, health and welfare is at issue and requires action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH:

City Code, Title 12 is Repealed in its entirety.

Section 2 - Repealer of Conflicting Enactments:

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been adopted by the City, or parts, which are in conflict with this Ordinance, are, to the extent of such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.

Section 3 - Prior Ordinances and Resolutions:

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

Section 4 - Savings Clause:

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable 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 the separate independent and severable act of the City Council of South Ogden City.

Section 5 - Certification

The City Council finds and declares that severe flooding has occurred in the past within its jurisdiction and will occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to comply with minimum standards for coverage under the National Flood Insurance Program; and in order to remedy the situation described, it is necessary this ordinance become effective immediately.

Therefore, an emergency is declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect after its passage and approval

Section 6 - Date of Effect

This Ordinance shall be effective on the 16th day of June, 2015, and after publication or posting as required by law.

DATED this 16th day of June, 2015

SOUTH OGDEN, a municipal corporation

by: _____
Mayor James F. Minster

Attested and recorded

Leesa Kapetanov
City Recorder