

ORDINANCE NO. 18-07

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, ALLOCATING FRANCHISE FEE FUNDS ASSESSED ON CITY-OWNED ENTERPRISES INCLUDING WATER, SEWER, STORM DRAIN, GARBAGE, AND RECYCLING; 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 South Ogden City Council finds that certain changes should be made to the allocation of franchise fees assessed on city-owned enterprises (water, sewer, storm drain, garbage and recycling) to provide additional clarity regarding allocation of these franchise fee funds of the City which allocations have the potential of directly affecting the economic and commercial well-being of the city; and

WHEREAS, the City Council finds that certain changes should be made to the process used to determine the allocation of franchise assessed on city-owned enterprises in order to more effectively manage these public funds; and,

WHEREAS, the City Council finds that the requirements 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 that the process used to determine the Allocation of Franchise Fee Funds changed and amended as follows:

Upon The Adoption Of This Ordinance, Allocation Of Franchise Fees Assessed On City-Owned Enterprises (Water, Sewer, Storm Drain, Garbage And Recycling) Shall Be Amended To Read As Set Out In **Attachment “A”** And Incorporated Fully Herein By This Reference.

The foregoing recitals are incorporated fully herein.

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and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.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 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 render 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 - Date of Effect

This Ordinance shall be effective on the 17th day of July, 2018, and after publication or posting as required by law.

DATED this 17th day of July, 2018

SOUTH OGDEN, a municipal corporation

by: _____
Russell Porter, Mayor

Attested and recorded

Leesa Kapetanov, CMC
City Recorder

ATTACHMENT "A"

ORDINANCE NO. 18-07

An Ordinance Of South Ogden City, Utah, Allocating Franchise Fee Funds Assessed On City-Owned Enterprises Including Water, Sewer, Storm Drain, Garbage, And Recycling; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

17 Jul 18

[Attachment will be provided by City Recorder or Finance Director]

ATTACHMENT A

Utility franchise fee revenues collected from South Ogden City's Water, Sewer, Storm Drain, Garbage and Recycling Enterprise Funds shall be restricted for use as follows:

- A minimum of 50 percent of the Utility Franchise Fee revenues collected shall be allocated for road improvement projects, AND
- The remaining Utility Franchise Fee revenues collected and not allocated for road improvement projects shall be allocated for park improvement projects