

ORDINANCE NO. 18-15

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING VARIOUS SECTIONS OF THE CITY CODE TO COMPLY WITH LEGISLATIVE CHANGES TO STATE LAW APPLICABLE TO THE CITY; 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 § 10-3-702, 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 Council finds that under UC §10-3-707, the City is “empowered to revise, codify and compile from time to time and to publish in book, pamphlet or loose leaf form all ordinances of the municipality of a general and permanent character and to make such changes, alterations, modifications, additions, and substitutions therein as it may deem best to the end that a complete simplified code of the ordinances then enforced shall be presented, but with errors, inconsistencies, repetitions, and ambiguities therein eliminated”; and,

WHEREAS, the City Council finds that changes to state law over the past two legislative session requires that the City Code should be updated to reflect these changes which changes 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 City Code be changed and amended as follows:

Amended Section:

Upon The Adoption Of This Ordinance, The Changes To The City Code,
For The Sections And Subsections Listed, Are Amended To Read As Set
Out In **Attachment “A”**, Which Is Incorporated Fully Herein By This
Reference.

The foregoing recitals are fully incorporated 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 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 - Date of Effect

This Ordinance shall be effective on the 20th day of November, 2018, and after publication or posting as required by law.

DATED this 20th day of November, 2018

SOUTH OGDEN, a municipal corporation

by: _____

Mayor Russell Porter
Attested and recorded

Leesa Kapetanov, CMC
City Recorder

ATTACHMENT "A"
[Redline and Clean Versions]

ORDINANCE NO. 18-15

An Ordinance Of South Ogden City, Utah, Revising And Amending Various Sections Of The City Code To Comply With Legislative Changes To State Law Applicable To The City; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

20 Nov 18

[Add the following section]

1-4-4: FORM OF ORDINANCE - INDIGENT LEGAL DEFENSE

Ordinances passed by the governing body shall contain the following, in substantially the following order and form:

- (1) a number;
- (2) a title which indicates the nature of the subject matter of the ordinance;
- (3) a preamble which states the need or reason for the ordinance;
- (4) an ordaining clause which states "Be it ordained by the City Council of South Ogden City";
- (5) the body or subject of the ordinance;
- (6) when applicable, a statement indicating the penalty for violation of the ordinance or a reference that the punishment is covered by an ordinance which prescribes the fines and terms of imprisonment for the violation of a municipal ordinance; or, the penalty may establish a classification of penalties and refer to such ordinance in which the penalty for such violation is established;
- (7) when a penalty for a violation of the ordinance includes any possibility of imprisonment, a statement that the city will, as required, under Utah Code §77-32-301, to provide for indigent legal defense, as those terms are defined in Utah Code §77-32-201;
- (8) a statement indicating the effective date of the ordinance or the date when the ordinance shall become effective after publication or posting as required by this chapter;
- (9) a line for the signature of the mayor or acting mayor to sign the ordinance;
- (10) a place for the municipal recorder to attest the ordinance and fix the seal of the municipality.

[Add the following section]

1-5-8: REGISTRATION AS A LOCAL GOVERNMENT ENTITY.

(1) The City shall register and maintain the city's registration as a local government entity, in accordance with Utah Code §67-1a-15.

(2) The City acknowledges that if it fails to comply with Subsection (1) or Utah Code §67-1a-15 it will be subject to enforcement by the state auditor, in accordance with Utah Code §67-3-1.

1-6-1: BONDS, ~~AND~~ OATH, AND CONFLICT OF INTEREST DISCLOSURE REQUIREMENTS:

[Add the following sections "F", "G", and "H"]

F. DISCLOSURE OF SUBSTANTIAL INTEREST IN REGULATED BUSINESS -- EXCEPTIONS.

(1) Except as provided in Subsection (5), a city elected official, officer or employee who is an officer, director, agent, employee, or owner of a substantial interest in any business entity that is subject to the regulation by the city, shall disclose any position held in the entity and the precise nature and value of the elected official, officer or employee's interest in the entity:

(a) upon first becoming an elected official, officer or employee;

(b) whenever the elected official, officer or employee's position in the business entity changes significantly and,

(c) if the value of the elected official, officer or employee's interest in the entity increases significantly.

(2) The disclosure required under Subsection (1) shall be made in a sworn statement filed with the City Governing Body (City Council), or for an employee, with the City Manager.

(3) (a) This section does not apply to instances where the total value of the substantial interest does not exceed \$2,000.

(b) A life insurance policy or an annuity is not required to be considered in determining the value of a substantial interest under this section.

(4) A disclosure made under this section is a public record and a person with whom a disclosure is filed under Subsection (2) shall make the disclosure available for public inspection.

(5) An elected official, officer, or employee is not required to file a disclosure under this section if the elected official, officer or employee files a disclosure under Section Utah Code §20A-11-1604.

G. PARTICIPATION IN TRANSACTION INVOLVING BUSINESS AS TO WHICH AN ELECTED OFFICIAL, OFFICER, OR EMPLOYEE HAS INTEREST -- EXCEPTIONS.

(1) An elected official, officer, or employee may not, in the elected official, officer, or employee's official capacity, participate in, or receive compensation as a result of, a transaction between the City and a business entity of which the elected official, officer, or employee is an officer, director, agent, employee, or owner of a substantial interest, unless the elected official, officer, or employee has disclosed the elected official, officer, or employee's relationship to the business entity in accordance with Utah Code §67-16-7 or § 20A-11-1604.

(2) A concession contract between the City and a certified professional golf association member who is an elected official, officer, or employee does not violate the provisions of Subsection (1) or Utah Code Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act.

H. TRAINING AND CERTIFICATION REQUIREMENTS.

As provided by Utah Code §63G-22-103, et.seq., for any training or certification requirement for city officers, officials, or employees that the city require them to complete shall be made available in an online web-based format, which may include a live webinar, unless:

(1) the training or certification:

(a) includes a physical or interactive component that, in the reasonable determination of the city, the attendee can only complete in person; or

(b) takes place over consecutive full-day sessions; or

(2) no required attendee will travel more than 50 miles from the attendee's primary residence or place of employment, whichever is closer to the training site, to attend the training.

1-7-3.1: CANDIDATE FILING FEE:

Individuals filing as candidates for the City Council or for Mayor shall pay a twenty five dollar (\$25.00) fee at the time of filing their candidacy with the City Recorder. This filing fee shall be refundable only if it is determined that the person filing is not qualified to be a candidate, or who is found to have improperly filed. (Ord. 01-16, 6-5-2001, eff. 6-5-2001)

[Add the following section]

1-7-3.2: CANDIDATE VACANCY AND REPLACEMENT PROCESS:

(1) A vacancy that occurs in a candidacy for an elected office in the city may be filled in accordance with the requirements of this section if:

(a) a nonpartisan primary election is held for the office;

(b) the vacancy occurs after the date of the primary election but 65 days before the day of the applicable general election; and

(c) after the vacancy occurs, the number of remaining candidates for the office is less than or equal to the number of open positions to be filled for that office in the applicable general election.

(2) An election officer shall:

(a) fill a candidate vacancy described in Subsection (1) by certifying the next available candidate for the office for the general election ballot who received the highest number of votes in the primary election without receiving a sufficient number of votes to qualify for the general election ballot; and

(b) immediately notify the candidate described in Subsection (2)(a) that the candidate is certified for the general election ballot. (See Utah Code §20A-1-510.1, 2018 Gen. Session.)

[Add the following section]

1-7-9: VOTER ELIGIBILITY

An individual may register to vote in city elections if they meet the requirements set out at Utah Code §20A-3-101, which section, and any future amendments thereto, shall comprise the voter eligibility requirements for South Ogden City elections.

[Add the following section]

3-1-2: LICENSE REQUIRED

D. Utah Code §4-5a-101 et. seq., "Home Consumption and Homemade Food Act", is adopted into the City Code as §3-1-2,D and provides guidance, requirements, and

limitations on the City's ability to regulate or control several sale or exchange circumstances related to home grown or manufactured food items, in particular the direct-to-sale farmers market transactions, etc. It is the City's intent, under these Utah Code sections, and in adopting this language into its City Code in this section, to take advantage of the authority granted to the city to conduct its affairs and to attend to the health and welfare of its citizens; and to be constrained in its actions as set out in those sections. The referenced sections, and language, where clearly applicable to city as they exist or may be amended, shall all be deemed to be references to South Ogden City where such use is reasonable and to support the Legislation's intention as applied to the City.

[Add the following section]

3-1-3: LICENSE REQUIRED: LICENSE FEES

A.1. c. Notwithstanding anything in this City Code to the contrary, the city may not charge any fee for a resident of the municipality to operate a home-based business, unless the combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone.

d. (a) Notwithstanding Subsection A.1. c., the City may charge an administrative fee for a license to a home-based business owner who is otherwise exempt under Subsection A.1. c. but who requests a license from the municipality.

(b) The City shall notify the owner of each home-based business of the exemption described in Subsection A.1. c. in any communication with the owner.

3-6-2: LICENSES REQUIRED:

A. City: It is unlawful for any person to carry on the business of pawnbroker, secondhand dealer or junk dealer without first having obtained the license required by law and having paid the license fee therefor. Any person engaging in or carrying on the business of a pawnbroker, secondhand dealer or junk dealer without first having obtained the license required in this chapter shall be guilty of a separate offense for each and every day that such business shall be carried on without such license, and shall be subject to a fine of one hundred dollars (\$100.00) for each such offense, but in no case may late fees and interest be charged which in the aggregate are more than 25% of the initial fine amount (See Utah Code § 11-58-201).

3-8-9: BOND REQUIRED:

Each applicant for a sexually-oriented business license shall post with the city recorder or city treasurer a cash or corporate surety bond, payable to the city, in the amount of two thousand dollars (\$2,000.00). Any fines assessed against the business, officers or managers for violations of city ordinances shall be taken from this bond if not paid in cash within ten (10) days after notice of the fine, unless an appeal is filed as provided by this chapter. In the event the funds are drawn against the cash or surety bond to pay such fines, the bond shall be replenished to two thousand dollars (\$2,000.00) within fifteen (15) days of the date of notice of any draw against it. (Ord. 984, 10-6-1998, eff. 10-6-1998) Notwithstanding the foregoing, in no case may late fees and interest be charged to the fines levied hereunder, which in the aggregate are more than 25% of the initial fine amount (See Utah Code § 11-58-201).

3-8-10: ISSUANCE OF LICENSE:

2. The applicant is overdue in payment to the city of taxes, fees, fines or penalties assessed

against the applicant or imposed on the applicant in relation to a sexually-oriented business; however, and notwithstanding anything in the foregoing to the contrary, in no case may late fees and interest be charged to the fines levied hereunder, which in the aggregate are more than 25% of the initial fine amount (See Utah Code § 11-58-201);

3-9A-21: PENALTIES:

Any person who violates any term or provision of this article shall be guilty of a class B misdemeanor and shall be punished by a fine of not to exceed one thousand dollars (\$1,000.00) and/or a jail sentence of not to exceed six (6) months. Notwithstanding the foregoing, in no case may late fees and interest be charged to the fines levied hereunder, which in the aggregate are more than 25% of the initial fine amount (See Utah Code § 11-58-201). (Ord. 06-16, 8-1-2006, eff. 8-1-2006)

[Add the following section]

4-5-1: OTHER ASSESSMENT, LIEN, AND COLLECTIONS:

South Ogden City adopts, as §4-5-1 of its City Code, Utah Code §§10-7-30; §10-7-31; §10-8-17; §10-8-19; §10-11-4; and, §11-42-202, et. seq., as they exist or may be amended, defining, Assessment, Lien, and Collections authority and limitation on the City. It is the City's intent, under these Utah Code sections, and in adopting this language into its City Code in this section, to take advantage of the authority granted to the city to conduct its affairs and to be constrained in its actions as set out in those sections. The referenced sections, and language, where clearly applicable to city shall all be deemed to be references to South Ogden City where such use is reasonable and in clear support of the Legislation's intention as applied to the City.

[Add the following section]

5-2-7: TOBACCO PRODUCTS FOR SALE - REGULATIONS:

The definitions, requirements and provisions of Utah Code §10-8-41.6. Regulation Of Retail Tobacco Specialty Business, §17-50-333. Regulation Of Retail Tobacco Specialty Business, §26-62-101, et. seq., Tobacco Retail Permit, §26-62-201, et. seq., Permit Requirements, §26-62-302, et. seq., Enforcement By State And Local Health Departments, §26A-1-128, et. seq., Tobacco Permits - Enforcement, §59-14-201, et. seq., License -- Application of part -- Fee -- Bond -- Exceptions, §59-14-803, et. seq., License To Sell Electronic Cigarette Products, §76-10-105.1, et. seq., Requirement Of Direct, Face-To-Face Sale Of Cigarettes, Tobacco, And Electronic Cigarettes -- Minors Not Allowed In Tobacco Specialty Shop -- Penalties, §77-39-101, et. seq., Investigation Of Sales Of Alcohol, Tobacco, And Electronic Cigarettes To Underage Persons, where not otherwise clearly contraindicated, as they exist or may be amended, are adopted as the Tobacco Sale and Regulation Provisions of South Ogden City.

5-3B-4: PENALTY:

A. Parent, Guardian: The parent or legal guardian of students who violate this article will be given a warning on the first violation, a fifty dollar (\$50.00) fine on the second violation, and a one hundred dollar (\$100.00) fine on each subsequent violation. Notwithstanding the foregoing, in no case may late fees and interest be charged to the fines levied hereunder, which in the aggregate are more than 25% of the initial fine amount (See Utah Code § 11-58-201).

[Add the following section]

5-4-7: FREE EXPRESSION REGULATION:

South Ogden City adopts, as §5-4-7 of its City Code, Utah Code §11-58-102, et. seq., defining, governing, and regulating city restrictions on Expressive Activity. It is the City's intent, under the Utah Code, and in adopting this language into its City Code in this section, to adopt only such limitations on protected expressive activity, by ordinance, as are content-neutral, generally applicable to any person, and not individually applicable time, place, and manner restrictions. References, sections, and language, in Utah Code §11-58-102, as they exist or may be amended, identified as being applicable to "Local Government", "political subdivision", "city, town, or metro township", or the like, shall all be deemed to be references to South Ogden City where such use is reasonable and in clear support of the Legislation's intention as applied to the City.

5-5-1: UNLAWFUL INTOXICATING CHEMICAL COMPOUNDS:

E. Any person found to be in violation of this section will be guilty of a class B misdemeanor and/or subject to a term of imprisonment not to exceed six (6) months and a fine not to exceed one thousand dollars (\$1,000.00) and/or both. Each day during which violation of subsection A of this section occurs shall constitute a separate offense. Notwithstanding the foregoing, in no case may late fees and interest be charged to the fines levied hereunder, which in the aggregate are more than 25% of the initial fine amount (See Utah Code § 11-58-201).

[Add the following section]

5-6-1: EMERGENCY VEHICLE OPERATOR DUTY OF CARE

This title and section provides that the city police department, when any of its employees are operating authorized emergency vehicles in a vehicle pursuit, must have a written policy to govern the protocol of the operator of the authorized emergency vehicle to engage, conduct, and terminate vehicle pursuit;

(1) An operator of an authorized emergency vehicle may exceed the maximum speed limit when engaged in normal patrolling activities with the purpose of identifying and apprehending violators.

(2)

(a) Privileges granted under this section to the operator of an authorized emergency vehicle involved in any vehicle pursuit apply only when:

(i) the operator of the vehicle:

(A) sounds an audible signal under Utah Code §41-6a-1625; and

(B) uses a visual signal with emergency lights in accordance with rules made under Utah Code §41-6a-1601, which is visible from in front of the vehicle;

(ii) the operator of the authorized emergency vehicle has been trained in accordance with the written policy described in Subsection (2)(b); and

(iii) the pursuit policy of the public agency described in Subsection (2)(b) is in conformance with standards established under Utah Code §41-6a-212 Subsection (6).

(b)

(3) (a)The written policy required by this chapter may be obtained or derived from commercial providers of law enforcement policy guidance as long as the final produce describes the manner and circumstances in which an operator of an authorized emergency vehicle shall engage, conduct, and terminate vehicle pursuit; and,

(b) The policy adopted conforms with the minimum standards set forth pursuant to under Utah Code §41-6a-212 Subsection (6).

[Add the following section]

5-7-1: UNIFORM CRIME REPORTING SYSTEM -- REPORTING TIMELINES AND USE OF DATA.

(1) The data acquired under the statewide uniform crime reporting system shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime or law enforcement officer.

(2) The South Ogden Police Department shall, for the City, submit crime reporting data required for the statewide uniform crime reporting system described in Utah Code §53-10-202:

(a) to the bureau before the 16th day of the month after the month in which a reported crime occurs; and

(b) in a manner prescribed by the bureau and in compliance with the requirements of the Federal Bureau of Investigation's uniform crime reporting standards.

(3) Upon request of the bureau, the South Ogden Police Department shall review and verify crime reporting data within 10 business days after the day on which the Police Department receives the request.

6-1-14: SKATEBOARDS AND SCOOTERS; OPERATION AND LIMITATIONS:

2. Second And Subsequent Offenses: The skateboard, roller skates, street skates, or scooters shall be impounded by the police department of the city for a period not to exceed thirty (30) days and/or the user shall be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus all court costs, including reasonable attorney fees incurred by the city. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Utah rules of civil procedure, but in no case may late fees and interest be charged which in the aggregate are more than 25% of the initial fine amount (See Utah Code § 11-58-201).

7-2-4: AUTHORITY OF PLANNING COMMISSION:

[Add the following section]

E. Conditional Uses. Notwithstanding anything in the foregoing sections, or this City Code, to the contrary, the Planning Commission, as the City's Land Use Authority will use the following guidance and requirements when dealing with the assessment and imposition of conditional uses to development within the city.

(1)

(a) The City has adopted a land use ordinance that includes conditional uses and provisions for conditional uses that require compliance with standards set forth in those applicable ordinances.

(b) The City, through those ordinances, will not impose a requirement or standard on a conditional use that conflicts with a provision of Utah Code §10-9a-507, or other state or federal law.

(2)

(a)

(i) The Planning Commission, as the City's land use authority shall approve a

conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

(ii) As set out in Utah Code §10-9a-507, the requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.

(b) If the Planning Commission proposes reasonable conditions on a proposed conditional use, they shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

(c) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the Planning Commission as the land use authority may deny the conditional use.

(3) The Planning Commission's decision to approve or deny conditional use is an administrative land use decision.

7-2-6: PERMIT REQUIRED:

A. It shall be unlawful to plant, move, disturb or alter any tree or shrub on the city parking/planting strips, parks or any public property, or to cause such acts to be done by others, without first obtaining a written permit from the parks superintendent/urban forester or his/her assistant. The parks superintendent/urban forester shall issue the permit if in his/her judgment the work is necessary, and if the proposed methods of workmanship are satisfactory. Permit for the removal of trees on city property may be issued in accordance with the urban forestry management plan or with approval of the urban forestry commission, except in emergency situations described in subsection 7-2-2D of this chapter. A permit shall not be required to cultivate and water, nor for pruning done by or under the supervision of a licensed arborist. Violation of this subsection will result in a fifty dollar (\$50.00) fine for a first offense and a one hundred dollar (\$100.00) fine for each subsequent offense. The city's ordinance enforcement officer or any city police officer will issue the citation. Notwithstanding the foregoing, in no case may late fees and interest be charged to the fines levied hereunder, which in the aggregate are more than 25% of the initial fine amount (See Utah Code § 11-58-201). (Ord. 00-17, 9-19-2000, eff. 9-19-2000; amd. 2001 Code)

[Add the following changes]

7-4-13: SMALL WIRELESS FACILITIES DEPLOYMENT SEVERABILITY:

Notwithstanding anything in this chapter to the contrary, the requirements of Utah Code § 54-21-101 et. seq., shall control the regulation of Small Wireless Facilities Deployment in the event there is a conflict between the City's regulations and requirements and the requirements of § 54-21-101 et. seq.

~~If any provision of this chapter is held by any federal, state or local court of competent jurisdiction to be invalid as conflicting with any federal or state statute, or is ordered by a court to be modified in any way in order to conform to the requirements of any such law and all appellate remedies with regard to the validity of the ordinance provisions in question are exhausted, such provision shall be considered a separate, distinct and independent part of this chapter, and such holding shall not affect the validity and enforceability of all other provisions hereof. In the event that such law is subsequently repealed, rescinded, amended or otherwise changed, so that the provision which had been held invalid or modified is no longer in conflict with such law, the provision in question shall return to full force and effect and shall again be binding on the city and the provider;~~

~~provided, that the city shall give the provider thirty (30) days', or a longer period of time as may be reasonably required for a provider to comply with such a rejuvenated provision, written notice of the change before requiring compliance with such provision. (Ord. 989, 11-17-1998, eff. 11-17-1998)~~

7-4-14: SEVERABILITY:

If any provision of this chapter is held by any federal, state or local court of competent jurisdiction to be invalid as conflicting with any federal or state statute, or is ordered by a court to be modified in any way in order to conform to the requirements of any such law and all appellate remedies with regard to the validity of the ordinance provisions in question are exhausted, such provision shall be considered a separate, distinct and independent part of this chapter, and such holding shall not affect the validity and enforceability of all other provisions hereof. In the event that such law is subsequently repealed, rescinded, amended or otherwise changed, so that the provision which had been held invalid or modified is no longer in conflict with such law, the provision in question shall return to full force and effect and shall again be binding on the city and the provider; provided, that the city shall give the provider thirty (30) days', or a longer period of time as may be reasonably required for a provider to comply with such a rejuvenated provision, written notice of the change before requiring compliance with such provision. (Ord. 989, 11-17-1998, eff. 11-17-1998)

[Add the following section]

8-1-13: DRINKING WATER SOURCE SIZING REQUIREMENTS

The definitions, requirements and provisions of Utah Code Title 19, Chapter 4, Safe Drinking Water Act, as they exist or may be amended, where not otherwise clearly contraindicated, are adopted as the Safe Water Drinking Provisions of South Ogden City, including specifically the Drinking Water Source Sizing, and Reporting requirements set out in Section 101 and 104..

8-4-25: NOTICE OF VIOLATION:

E. Payment of a fine to cover administrative and remediation costs, but in no case may late fees and interest be charged which in the aggregate are more than 25% of the initial fine amount (See Utah Code § 11-58-201); and

8-4-30: VIOLATIONS AND PENALTY:

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. A violation of or failure to comply with any of the requirements of this chapter shall constitute a class C misdemeanor, punishable by a fine not to exceed seven hundred fifty dollars (\$750.00) or a jail term of up to ninety (90) days, or both such fine and imprisonment. Each day that a violation occurs shall constitute a separate offense. Notwithstanding the foregoing, in no case may late fees and interest be charged to the fines levied hereunder, which in the aggregate are more than 25% of the initial fine amount (See Utah Code § 11-58-201).

(Ord. 04-10, 5-4-2004, eff. 5-4-2004)

9-1-1: UNIFORM BUILDING AND CONSTRUCTION CODES ADOPTED:

The specific editions of nationally recognized construction and other listed code authorities

adopted by Utah as set out at Utah Code §15A-2-103, are adopted, with any future amendments or deletions thereto, and shall comprise the Uniform Building, Construction, and Safety Related Codes, for South Ogden City. More specifically, the Amendments and additions to Chapter 33 of the International Fire Code, as adopted by Utah Code 15A-5-205.6, as they exist or may be amended, are fully adopted and integrated herein.

~~The International Building Code, Residential Code, Plumbing Code, Mechanical Code, Fuel Gas Code, and Fire Codes, 2006 edition, as well as the fee schedule listed in the 1997 Uniform Building Code, the State Construction Code¹, and State Fire Codes² as those codes and fees presently exist or as they each may, from time to time, be supplemented or amended, copies of which are on file in the Office of the City Recorder and the City building inspector, are individually and collectively hereby adopted as the Building Code, Construction Code, Residential Code, Plumbing Code, Mechanical Code, Fuel Gas Code, Fire Code and Uniform Building Code fee schedule of the City as if the same were fully set out herein. (Ord. 17-15, 6-20-2017, eff. 6-20-2017)~~

10-24-1: MOBILE FOOD BUSINESS; REQUIREMENTS:

[Add the following section]

11. Notwithstanding anything in this chapter contrary, the City may not, as a business license qualification, require a food truck operator or food truck vendor to:

- (i) submit to or offer proof of a criminal background check; or,
- (ii) demonstrate how the operation of the food truck will comply with a land use or zoning ordinance at the time the operator or vendor applies for the business license.

12. Notwithstanding anything in this chapter contrary, the City may not:

- (1) entirely or constructively prohibit food trucks in a zone in which a food establishment is a permitted or conditional use;
- (2) prohibit the operation of a food truck within a given distance of a restaurant;
- (3) restrict the total number of days a food truck operator may operate a food truck within the political subdivision during a calendar year;
- (4) require a food truck operator to:
 - (a) provide to the City a site plan for each location in which the food truck operates in the public right of way, if the City permits food truck operation in the public right of way; or
 - (b) obtain and pay for a land use permit for each location and time during which the food truck operates; or
- (5) if a food truck operator has the consent of a private property owner to operate the food truck on the private property:
 - (a) limit the number of days the food truck may operate on the private property;
 - (b) require that the food truck operator provide to the City or keep on file in the food truck the private property owner's written consent; or
 - (c) require a site plan for the operation of the food truck on the private property where the food truck operates in the same location for less than 10 hours per week.

[Add the following Title]

Title 12

GENERAL PLAN

12-1-101 GENERAL PLAN REQUIRED -- CONTENT.

(1) In order to accomplish the purposes of Utah Code 10-9a-401, et.seq., the City shall prepare and adopt a comprehensive, long-range general plan for:

- (a) present and future needs of the City; and
- (b) growth and development of all or any part of the land within the City.

(2) The general plan may provide for:

- (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;
- (b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;
- (c) the efficient and economical use, conservation, and production of the supply of:
 - (i) food and water; and
 - (ii) drainage, sanitary, and other facilities and resources;
- (d) the use of energy conservation and solar and renewable energy resources;
- (e) the protection of urban development;
- (f) if the City is a town, the protection or promotion of moderate income housing;
- (g) the protection and promotion of air quality;
- (h) historic preservation;
- (i) identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by each affected entity; and
- (j) an official map.

(3)

- (a) The general plan of the City shall plan for moderate income housing growth.
- (b) On or before July 1, 2019, the City shall insure that its general plan complies with Subsection (3)(a):

(4) Subject to Subsection 12-1-103(2), the City may determine the comprehensiveness, extent, and format of the general plan.

12-1-102 INFORMATION AND TECHNICAL ASSISTANCE FROM THE STATE.

In accordance with Utah Code 10-9a-402m Each state official, department, and agency shall:

(1) promptly deliver any data and information requested by the City unless the disclosure is prohibited by Title 63G, Chapter 2, Government Records Access and Management Act; and

(2) furnish any other technical assistance and advice that they have available to the City without additional cost to the City.

12-1-103 GENERAL PLAN PREPARATION.

(1)

- (a) The planning commission shall provide notice, as provided in Section 10-9a-203, of its intent to make a recommendation to the City legislative body for a general plan or a comprehensive general plan amendment when the planning commission initiates the

process of preparing its recommendation.

(b) The planning commission shall make and recommend to the legislative body a proposed general plan for the area within the City.

(c) The plan may include areas outside the boundaries of the City if, in the planning commission's judgment, those areas are related to the planning of the City's territory.

(d) Except as otherwise provided by law or with respect to the City's power of eminent domain, when the plan of the City involves territory outside the boundaries of the City, the City may not take action affecting that territory without the concurrence of the county or other municipalities affected.

(2)

(a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:

(i) a land use element that:

(A) designates the long-term goals and the proposed extent, general distribution, and location of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and

(B) may include a statement of the projections for and standards of population density and building intensity recommended for the various land use categories covered by the plan;

(ii) a transportation and traffic circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that the planning commission considers appropriate, all correlated with the population projections and the proposed land use element of the general plan; and

(iii) for the City described in Subsection 12-1-101(3)(b), a plan that provides a realistic opportunity to meet the need for additional moderate income housing.

(b) In drafting the moderate income housing element, the planning commission:

(i) shall consider the Utah State Legislature's determination that municipalities shall facilitate a reasonable opportunity for a variety of housing, including moderate income housing:

(A) to meet the needs of people desiring to live in the community; and

(B) to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life; and

(ii) shall include, an analysis of why the recommended means, techniques, or combination of means and techniques provide a realistic opportunity for the development of moderate income housing within the next five years, which means or techniques may include a recommendation to:

(A) rezone for densities necessary to assure the production of moderate income housing;

(B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;

(C) encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing;

(D) consider general fund subsidies to waive construction related fees that are otherwise generally imposed by the city;

(E) consider utilization of state or federal funds or tax incentives to promote the construction of moderate income housing;

(F) consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity;

(G) consider utilization of affordable housing programs administered by the Department of Workforce Services; and

(H) consider utilization of programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act.

(c) In drafting the land use element, the planning commission shall:

(i) identify and consider each agriculture protection area within the City; and

(ii) avoid proposing a use of land within an agriculture protection area that is inconsistent with or detrimental to the use of the land for agriculture.

(3) The proposed general plan may include:

(a) an environmental element that addresses:

(i) the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and

(ii) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;

(b) a public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;

(c) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:

(i) historic preservation;

(ii) the diminution or elimination of blight; and

(iii) redevelopment of land, including housing sites, business and industrial sites, and public building sites;

(d) an economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected municipal revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity;

(e) recommendations for implementing all or any portion of the general plan, including the use of land use ordinances, capital improvement plans, community development and promotion, and any other appropriate action;

(f) provisions addressing any of the matters listed in Subsection 12-1-101(2) or (3); and

(g) any other element the City considers appropriate.

12-1-104 PUBLIC HEARING BY PLANNING COMMISSION ON PROPOSED GENERAL PLAN OR AMENDMENT -- NOTICE -- REVISIONS TO GENERAL PLAN OR AMENDMENT -- ADOPTION OR REJECTION BY LEGISLATIVE BODY.

(1)

(a) After completing its recommendation for a proposed general plan, or proposal to amend the general plan, the planning commission shall schedule and hold a public hearing on the proposed plan or amendment.

(b) The planning commission shall provide notice of the public hearing, as required by Utah Code Section 10-9a-204.

(c) After the public hearing, the planning commission may modify the proposed general plan or amendment.

(2) The planning commission shall forward the proposed general plan or amendment to the legislative body.

(3) The legislative body may make any revisions to the proposed general plan or amendment that it considers appropriate.

(4)

(a) The City legislative body may adopt or reject the proposed general plan or amendment either as proposed by the planning commission or after making any revision that the City legislative body considers appropriate.

(b) If the City legislative body rejects the proposed general plan or amendment, it may provide suggestions to the planning commission for its consideration.

(5) The legislative body shall adopt:

(a) a land use element as provided in Subsection 12-1-103(2)(a)(i);

(b) a transportation and traffic circulation element as provided in Subsection 12-1-103(2)(a)(ii); and

(c) after considering the factors included in Subsection 12-1-103(2)(b)(ii), a plan to provide a realistic opportunity to meet the need for additional moderate income housing within the next five years.

12-1-105 EFFECT OF GENERAL PLAN.

Except as provided in Section 12-1-106, the general plan is an advisory guide for land use decisions, the impact of which shall be determined by ordinance.

12-1-106 PUBLIC USES TO CONFORM TO GENERAL PLAN.

After the legislative body has adopted a general plan, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the current general plan.

12-1-107 EFFECT OF OFFICIAL MAPS.

(1) The City may adopt an official map.

(2)

(a) An official map does not:

(i) require a landowner to dedicate and construct a street as a condition of development approval, except under circumstances provided in Subsection (2)(b)(iii);

or

(ii) require the City to immediately acquire property it has designated for eventual use as a public street.

(b) This section does not prohibit the City from:

(i) recommending that an applicant consider and accommodate the location of the proposed streets in the planning of a development proposal in a manner that is consistent with Utah Code Section 10-9a-508;

(ii) acquiring the property through purchase, gift, voluntary dedication, or eminent domain; or

(iii) requiring the dedication and improvement of a street if the street is found

necessary by the City because of a proposed development and if the dedication and improvement are consistent with Section 10-9a-508.

12-1-108 CIVIL ACTION REGARDING MODERATE INCOME HOUSING ELEMENT OF GENERAL PLAN.

(1) The legislative body of the City, in accordance with Subsection 12-1-101(3)(b) shall biennially:

- (a) review the moderate income housing plan element of the City's general plan and implementation of that element of the general plan;
- (b) prepare a report on the findings of the review described in Subsection (1)(a); and
- (c) post the report described in Subsection (1)(b) on the City's website.

(2) The report described in Subsection (1) shall include a description of:

- (a) efforts made by the City to reduce, mitigate, or eliminate local regulatory barriers to moderate income housing;
- (b) actions taken by the City to encourage preservation of existing moderate income housing and development of new moderate income housing;
- (c) progress made within the City to provide moderate income housing, demonstrated by analyzing and publishing data on:
 - (i) the number of housing units in the City that are at or below:
 - (A) 80% of the adjusted median income for the City;
 - (B) 50% of the adjusted median income for the City; and
 - (C) 30% of the adjusted median income for the City;
 - (ii) the number of housing units in the City that are subsidized by the City, the state, or the federal government; and
 - (iii) the number of housing units in the City that are deed-restricted;
- (d) all efforts made by the city to coordinate moderate income housing plans and actions with neighboring municipalities or associations of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act;
- (e) all efforts made by the City to utilize a moderate income housing set-aside from a redevelopment agency, a community development agency, or an economic development agency;
- (f) money expended by the City to pay or waive construction-related fees required by the City; and
- (g) programs of the Utah Housing Corporation that were utilized by the City.

(3) The legislative body of the City shall send a copy of the report under Subsection (1) to the Department of Workforce Services and the association of governments in which the city is located.

(4) In a civil action seeking enforcement or claiming a violation of this section or of Subsection 12-1-104(5)(c), a plaintiff may not recover damages but may be awarded only injunctive or other equitable relief.

[Add the following section]

1-4-4: FORM OF ORDINANCE - INDIGENT LEGAL DEFENSE

Ordinances passed by the governing body shall contain the following, in substantially the following order and form:

- (1) a number;
- (2) a title which indicates the nature of the subject matter of the ordinance;
- (3) a preamble which states the need or reason for the ordinance;
- (4) an ordaining clause which states "Be it ordained by the City Council of South Ogden City";
- (5) the body or subject of the ordinance;
- (6) when applicable, a statement indicating the penalty for violation of the ordinance or a reference that the punishment is covered by an ordinance which prescribes the fines and terms of imprisonment for the violation of a municipal ordinance; or, the penalty may establish a classification of penalties and refer to such ordinance in which the penalty for such violation is established;
- (7) when a penalty for a violation of the ordinance includes any possibility of imprisonment, a statement that the city will, as required, under Utah Code §77-32-301, to provide for indigent legal defense, as those terms are defined in Utah Code §77-32-201;
- (8) a statement indicating the effective date of the ordinance or the date when the ordinance shall become effective after publication or posting as required by this chapter;
- (9) a line for the signature of the mayor or acting mayor to sign the ordinance;
- (10) a place for the municipal recorder to attest the ordinance and fix the seal of the municipality.

[Add the following section]

1-5-8: REGISTRATION AS A LOCAL GOVERNMENT ENTITY.

- (1) The City shall register and maintain the city's registration as a local government entity, in accordance with Utah Code §67-1a-15.
- (2) The City acknowledges that if it fails to comply with Subsection (1) or Utah Code §67-1a-15 it will be subject to enforcement by the state auditor, in accordance with Utah Code §67-3-1.

1-6-1: BONDS, OATH, AND CONFLICT OF INTEREST DISCLOSURE REQUIREMENTS:

[Add the following sections "F", "G", and "H"]

F. DISCLOSURE OF SUBSTANTIAL INTEREST IN REGULATED BUSINESS -- EXCEPTIONS.

(1) Except as provided in Subsection (5), a city elected official, officer or employee who is an officer, director, agent, employee, or owner of a substantial interest in any business entity that is subject to the regulation by the city, shall disclose any position held in the entity and the precise nature and value of the elected official, officer or employee's interest in the entity:

- (a) upon first becoming an elected official, officer or employee;
- (b) whenever the elected official, officer or employee's position in the business entity changes significantly and,
- (c) if the value of the elected official, officer or employee's interest in the entity increases significantly.

(2) The disclosure required under Subsection (1) shall be made in a sworn statement filed with the City Governing Body (City Council), or for an employee, with the City Manager.

(3) (a) This section does not apply to instances where the total value of the substantial interest does not exceed \$2,000.

(b) A life insurance policy or an annuity is not required to be considered in determining the value of a substantial interest under this section.

(4) A disclosure made under this section is a public record and a person with whom a disclosure is filed under Subsection (2) shall make the disclosure available for public inspection.

(5) An elected official, officer, or employee is not required to file a disclosure under this section if the elected official, officer or employee files a disclosure under Section Utah Code §20A-11-1604.

G. PARTICIPATION IN TRANSACTION INVOLVING BUSINESS AS TO WHICH AN ELECTED OFFICIAL, OFFICER, OR EMPLOYEE HAS INTEREST -- EXCEPTIONS.

(1) An elected official, officer, or employee may not, in the elected official, officer, or employee's official capacity, participate in, or receive compensation as a result of, a transaction between the City and a business entity of which the elected official, officer, or employee is an officer, director, agent, employee, or owner of a substantial interest, unless the elected official, officer, or employee has disclosed the elected official, officer, or employee's relationship to the business entity in accordance with Utah Code §67-16-7 or § 20A-11-1604.

(2) A concession contract between the City and a certified professional golf association member who is an elected official, officer, or employee does not violate the provisions of Subsection (1) or Utah Code Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act.

H. TRAINING AND CERTIFICATION REQUIREMENTS.

As provided by Utah Code §63G-22-103, et.seq., for any training or certification requirement for city officers, officials, or employees that the city require them to complete shall be made available in an online web-based format, which may include a live webinar, unless:

- (1) the training or certification:
 - (a) includes a physical or interactive component that, in the reasonable determination of the city, the attendee can only complete in person; or
 - (b) takes place over consecutive full-day sessions; or
- (2) no required attendee will travel more than 50 miles from the attendee's primary residence or place of employment, whichever is closer to the training site, to attend the training.

1-7-3.1: CANDIDATE FILING FEE:

Individuals filing as candidates for the City Council or for Mayor shall pay a twenty five dollar (\$25.00) fee at the time of filing their candidacy with the City Recorder. This filing fee shall be refundable only if it is determined that the person filing is not qualified to be a candidate, or who is found to have improperly filed. (Ord. 01-16, 6-5-2001, eff. 6-5-2001)

[Add the following section]

1-7-3.2: CANDIDATE VACANCY AND REPLACEMENT PROCESS:

- (1) A vacancy that occurs in a candidacy for an elected office in the city may be filled in accordance with the requirements of this section if:
 - (a) a nonpartisan primary election is held for the office;
 - (b) the vacancy occurs after the date of the primary election but 65 days before the day of the applicable general election; and
 - (c) after the vacancy occurs, the number of remaining candidates for the office is less than or equal to the number of open positions to be filled for that office in the applicable general election.
- (2) An election officer shall:
 - (a) fill a candidate vacancy described in Subsection (1) by certifying the next available candidate for the office for the general election ballot who received the highest number of votes in the primary election without receiving a sufficient number of votes to qualify for the general election ballot; and
 - (b) immediately notify the candidate described in Subsection (2)(a) that the candidate is certified for the general election ballot. (See Utah Code §20A-1-510.1, 2018 Gen. Session.)

[Add the following section]

1-7-9: VOTER ELIGIBILITY

An individual may register to vote in city elections if they meet the requirements set out at Utah Code §20A-3-101, which section, and any future amendments thereto, shall comprise the voter eligibility requirements for South Ogden City elections.

[Add the following section]

3-1-2: LICENSE REQUIRED

D. Utah Code §4-5a-101 et. seq., "Home Consumption and Homemade Food Act", is adopted into the City Code as §3-1-2,D and provides guidance, requirements, and

limitations on the City's ability to regulate or control several sale or exchange circumstances related to home grown or manufactured food items, in particular the direct-to-sale farmers market transactions, etc. It is the City's intent, under these Utah Code sections, and in adopting this language into its City Code in this section, to take advantage of the authority granted to the city to conduct its affairs and to attend to the health and welfare of its citizens; and to be constrained in its actions as set out in those sections. The referenced sections, and language, where clearly applicable to city as they exist or may be amended, shall all be deemed to be references to South Ogden City where such use is reasonable and to support the Legislation's intention as applied to the City.

[Add the following section]

3-1-3: LICENSE REQUIRED: LICENSE FEES

A.1. c. Notwithstanding anything in this City Code to the contrary, the city may not charge any fee for a resident of the municipality to operate a home-based business, unless the combined offsite impact of the home-based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone.

d. (a) Notwithstanding Subsection A.1. c., the City may charge an administrative fee for a license to a home-based business owner who is otherwise exempt under Subsection A.1. c. but who requests a license from the municipality.

(b) The City shall notify the owner of each home-based business of the exemption described in Subsection A.1. c. in any communication with the owner.

3-6-2: LICENSES REQUIRED:

A. City: It is unlawful for any person to carry on the business of pawnbroker, secondhand dealer or junk dealer without first having obtained the license required by law and having paid the license fee therefor. Any person engaging in or carrying on the business of a pawnbroker, secondhand dealer or junk dealer without first having obtained the license required in this chapter shall be guilty of a separate offense for each and every day that such business shall be carried on without such license, and shall be subject to a fine of one hundred dollars (\$100.00) for each such offense, but in no case may late fees and interest be charged which in the aggregate are more than 25% of the initial fine amount (See Utah Code § 11-58-201).

3-8-9: BOND REQUIRED:

Each applicant for a sexually-oriented business license shall post with the city recorder or city treasurer a cash or corporate surety bond, payable to the city, in the amount of two thousand dollars (\$2,000.00). Any fines assessed against the business, officers or managers for violations of city ordinances shall be taken from this bond if not paid in cash within ten (10) days after notice of the fine, unless an appeal is filed as provided by this chapter. In the event the funds are drawn against the cash or surety bond to pay such fines, the bond shall be replenished to two thousand dollars (\$2,000.00) within fifteen (15) days of the date of notice of any draw against it. (Ord. 984, 10-6-1998, eff. 10-6-1998) Notwithstanding the foregoing, in no case may late fees and interest be charged to the fines levied hereunder, which in the aggregate are more than 25% of the initial fine amount (See Utah Code § 11-58-201).

3-8-10: ISSUANCE OF LICENSE:

2. The applicant is overdue in payment to the city of taxes, fees, fines or penalties assessed

against the applicant or imposed on the applicant in relation to a sexually-oriented business: however, and notwithstanding anything in the foregoing to the contrary, in no case may late fees and interest be charged to the fines levied hereunder, which in the aggregate are more than 25% of the initial fine amount (See Utah Code § 11-58-201)

3-9A-21: PENALTIES:

Any person who violates any term or provision of this article shall be guilty of a class B misdemeanor and shall be punished by a fine of not to exceed one thousand dollars (\$1,000.00) and/or a jail sentence of not to exceed six (6) months. Notwithstanding the foregoing, in no case may late fees and interest be charged to the fines levied hereunder, which in the aggregate are more than 25% of the initial fine amount (See Utah Code § 11-58-201). (Ord. 06-16, 8-1-2006, eff. 8-1-2006)

[Add the following section]

4-5-1: OTHER ASSESSMENT, LIEN, AND COLLECTIONS:

South Ogden City adopts, as §4-5-1 of its City Code, Utah Code §§10-7-30; §10-7-31; §10-8-17; §10-8-19; §10-11-4; and, §11-42-202, et. seq., as they exist or may be amended, defining, Assessment, Lien, and Collections authority and limitation on the City. It is the City's intent, under these Utah Code sections, and in adopting this language into its City Code in this section, to take advantage of the authority granted to the city to conduct its affairs and to be constrained in its actions as set out in those sections. The referenced sections, and language, where clearly applicable to city shall all be deemed to be references to South Ogden City where such use is reasonable and in clear support of the Legislation's intention as applied to the City.

[Add the following section]

5-2-7: TOBACCO PRODUCTS FOR SALE - REGULATIONS:

The definitions, requirements and provisions of Utah Code §10-8-41.6. **Regulation Of Retail Tobacco Specialty Business**, §17-50-333. **Regulation Of Retail Tobacco Specialty Business**, §26-62-101, et. seq., **Tobacco Retail Permit**, §26-62-201, et. seq., **Permit Requirements**, §26-62-302, et. seq., **Enforcement By State And Local Health Departments**, §26A-1-128, et. seq., **Tobacco Permits - Enforcement**, §59-14-201, et. seq., **License -- Application of part -- Fee -- Bond -- Exceptions**, §59-14-803, et. seq., **License To Sell Electronic Cigarette Products**, §76-10-105.1, et. seq., **Requirement Of Direct, Face-To-Face Sale Of Cigarettes, Tobacco, And Electronic Cigarettes -- Minors Not Allowed In Tobacco Specialty Shop -- Penalties**, §77-39-101, et. seq., **Investigation Of Sales Of Alcohol, Tobacco, And Electronic Cigarettes To Underage Persons**, where not otherwise clearly contraindicated, as they exist or may be amended, are adopted as the Tobacco Sale and Regulation Provisions of South Ogden City.

5-3B-4: PENALTY:

A. Parent, Guardian: The parent or legal guardian of students who violate this article will be given a warning on the first violation, a fifty dollar (\$50.00) fine on the second violation, and a one hundred dollar (\$100.00) fine on each subsequent violation. Notwithstanding the foregoing, in no case may late fees and interest be charged to the fines levied hereunder, which in the aggregate are more than 25% of the initial fine amount (See Utah Code § 11-58-201).

[Add the following section]

5-4-7: FREE EXPRESSION REGULATION:

South Ogden City adopts, as §5-4-7 of its City Code, Utah Code §11-58-102, et. seq., defining, governing, and regulating city restrictions on Expressive Activity. It is the City's intent, under the Utah Code, and in adopting this language into its City Code in this section, to adopt only such limitations on protected expressive activity, by ordinance, as are content-neutral, generally applicable to any person, and not individually applicable time, place, and manner restrictions. References, sections, and language, in Utah Code §11-58-102, as they exist or may be amended, identified as being applicable to "Local Government", "political subdivision", "city, town, or metro township", or the like, shall all be deemed to be references to South Ogden City where such use is reasonable and in clear support of the Legislation's intention as applied to the City.

5-5-1: UNLAWFUL INTOXICATING CHEMICAL COMPOUNDS:

E. Any person found to be in violation of this section will be guilty of a class B misdemeanor and/or subject to a term of imprisonment not to exceed six (6) months and a fine not to exceed one thousand dollars (\$1,000.00) and/or both. Each day during which violation of subsection A of this section occurs shall constitute a separate offense. Notwithstanding the foregoing, in no case may late fees and interest be charged to the fines levied hereunder, which in the aggregate are more than 25% of the initial fine amount (See Utah Code § 11-58-201).

[Add the following section]

5-6-1: EMERGENCY VEHICLE OPERATOR DUTY OF CARE

This title and section provides that the city police department, when any of its employees are operating authorized emergency vehicles in a vehicle pursuit, must have a written policy to govern the protocol of the operator of the authorized emergency vehicle to engage, conduct, and terminate vehicle pursuit;

(1) An operator of an authorized emergency vehicle may exceed the maximum speed limit when engaged in normal patrolling activities with the purpose of identifying and apprehending violators.

(2)

(a) Privileges granted under this section to the operator of an authorized emergency vehicle involved in any vehicle pursuit apply only when:

(i) the operator of the vehicle:

(A) sounds an audible signal under Utah Code §41-6a-1625; and

(B) uses a visual signal with emergency lights in accordance with rules made under Utah Code §41-6a-1601, which is visible from in front of the vehicle;

(ii) the operator of the authorized emergency vehicle has been trained in accordance with the written policy described in Subsection (2)(b); and

(iii) the pursuit policy of the public agency described in Subsection (2)(b) is in conformance with standards established under Utah Code §41-6a-212 Subsection (6).

(b)

(3) (a)The written policy required by this chapter may be obtained or derived from commercial providers of law enforcement policy guidance as long as the final produce describes the manner and circumstances in which an operator of an authorized emergency vehicle shall engage, conduct, and terminate vehicle pursuit; and,

(b) The policy adopted conforms with the minimum standards set forth pursuant to under Utah Code §41-6a-212 Subsection (6).

[Add the following section]

5-7-1: UNIFORM CRIME REPORTING SYSTEM -- REPORTING TIMELINES AND USE OF DATA.

(1) The data acquired under the statewide uniform crime reporting system shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime or law enforcement officer.

(2) The South Ogden Police Department shall, for the City, submit crime reporting data required for the statewide uniform crime reporting system described in Utah Code §53-10-202:

- (a) to the bureau before the 16th day of the month after the month in which a reported crime occurs; and
- (b) in a manner prescribed by the bureau and in compliance with the requirements of the Federal Bureau of Investigation's uniform crime reporting standards.

(3) Upon request of the bureau, the South Ogden Police Department shall review and verify crime reporting data within 10 business days after the day on which the Police Department receives the request.

6-1-14: SKATEBOARDS AND SCOOTERS; OPERATION AND LIMITATIONS:

2. Second And Subsequent Offenses: The skateboard, roller skates, street skates, or scooters shall be impounded by the police department of the city for a period not to exceed thirty (30) days and/or the user shall be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus all court costs, including reasonable attorney fees incurred by the city. The civil enforcement proceeding shall be initiated by complaint or by such other means as may be provided by the Utah rules of civil procedure, but in no case may late fees and interest be charged which in the aggregate are more than 25% of the initial fine amount (See Utah Code § 11-58-201)

7-2-4: AUTHORITY OF PLANNING COMMISSION:

[Add the following section]

E. Conditional Uses. Notwithstanding anything in the foregoing sections, or this City Code, to the contrary, the Planning Commission, as the City's Land Use Authority will use the following guidance and requirements when dealing with the assessment and imposition of conditional uses to development within the city.

- (1)
 - (a) The City has adopted a land use ordinance that includes conditional uses and provisions for conditional uses that require compliance with standards set forth in those applicable ordinances.
 - (b) The City, through those ordinances, will not impose a requirement or standard on a conditional use that conflicts with a provision of Utah Code §10-9a-507, or other state or federal law.
- (2)
 - (a)
 - (i) The Planning Commission, as the City's land use authority shall approve a

conditional use if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

(ii) As set out in Utah Code §10-9a-507, the requirement described in Subsection (2)(a)(i) to reasonably mitigate anticipated detrimental effects of the proposed conditional use does not require elimination of the detrimental effects.

(b) If the Planning Commission proposes reasonable conditions on a proposed conditional use, they shall ensure that the conditions are stated on the record and reasonably relate to mitigating the anticipated detrimental effects of the proposed use.

(c) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the Planning Commission as the land use authority may deny the conditional use.

(3) The Planning Commission's decision to approve or deny conditional use is an administrative land use decision.

7-2-6: PERMIT REQUIRED:

A. It shall be unlawful to plant, move, disturb or alter any tree or shrub on the city parking/planting strips, parks or any public property, or to cause such acts to be done by others, without first obtaining a written permit from the parks superintendent/urban forester or his/her assistant. The parks superintendent/urban forester shall issue the permit if in his/her judgment the work is necessary, and if the proposed methods of workmanship are satisfactory. Permit for the removal of trees on city property may be issued in accordance with the urban forestry management plan or with approval of the urban forestry commission, except in emergency situations described in subsection 7-2-2D of this chapter. A permit shall not be required to cultivate and water, nor for pruning done by or under the supervision of a licensed arborist. Violation of this subsection will result in a fifty dollar (\$50.00) fine for a first offense and a one hundred dollar (\$100.00) fine for each subsequent offense. The city's ordinance enforcement officer or any city police officer will issue the citation. Notwithstanding the foregoing, in no case may late fees and interest be charged to the fines levied hereunder, which in the aggregate are more than 25% of the initial fine amount (See Utah Code § 11-58-201). (Ord. 00-17, 9-19-2000, eff. 9-19-2000; amd. 2001 Code)

[Add the following changes]

7-4-13: SMALL WIRELESS FACILITIES DEPLOYMENT:

Notwithstanding anything in this chapter to the contrary, the requirements of Utah Code § 54-21-101 et. seq., shall control the regulation of Small Wireless Facilities Deployment in the event there is a conflict between the City's regulations and requirements and the requirements of § 54-21-101 et. seq.

7-4-14: SEVERABILITY:

If any provision of this chapter is held by any federal, state or local court of competent jurisdiction to be invalid as conflicting with any federal or state statute, or is ordered by a court to be modified in any way in order to conform to the requirements of any such law and all appellate remedies with regard to the validity of the ordinance provisions in question are exhausted, such provision shall be considered a separate, distinct and independent part of this chapter, and such holding shall not affect the validity and

enforceability of all other provisions hereof. In the event that such law is subsequently repealed, rescinded, amended or otherwise changed, so that the provision which had been held invalid or modified is no longer in conflict with such law, the provision in question shall return to full force and effect and shall again be binding on the city and the provider; provided, that the city shall give the provider thirty (30) days', or a longer period of time as may be reasonably required for a provider to comply with such a rejuvenated provision, written notice of the change before requiring compliance with such provision. (Ord. 989, 11-17-1998, eff. 11-17-1998)

[Add the following section]

8-1-13: DRINKING WATER SOURCE SIZING REQUIREMENTS

The definitions, requirements and provisions of Utah Code Title 19, Chapter 4, Safe Drinking Water Act, as they exist or may be amended, where not otherwise clearly contraindicated, are adopted as the Safe Water Drinking Provisions of South Ogden City, including specifically the Drinking Water Source Sizing, and Reporting requirements set out in Section 101 and 104..

8-4-25: NOTICE OF VIOLATION:

E. Payment of a fine to cover administrative and remediation costs, but in no case may late fees and interest be charged which in the aggregate are more than 25% of the initial fine amount (See Utah Code § 11-58-201); and

8-4-30: VIOLATIONS AND PENALTY:

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. A violation of or failure to comply with any of the requirements of this chapter shall constitute a class C misdemeanor, punishable by a fine not to exceed seven hundred fifty dollars (\$750.00) or a jail term of up to ninety (90) days, or both such fine and imprisonment. Each day that a violation occurs shall constitute a separate offense. Notwithstanding the foregoing, in no case may late fees and interest be charged to the fines levied hereunder, which in the aggregate are more than 25% of the initial fine amount (See Utah Code § 11-58-201).

(Ord. 04-10, 5-4-2004, eff. 5-4-2004)

9-1-1: UNIFORM BUILDING AND CONSTRUCTION CODES ADOPTED:

The specific editions of nationally recognized construction and other listed code authorities adopted by Utah as set out at Utah Code §15A-2-103, are adopted, with any future amendments or deletions thereto, and shall comprise the Uniform Building, Construction, and Safety Related Codes, for South Ogden City. More specifically, the Amendments and additions to Chapter 33 of the International Fire Code, as adopted by Utah Code 15A-5-205.6, as they exist or may be amended, are fully adopted and integrated herein.

(Ord. 17-15, 6-20-2017, eff. 6-20-2017)

10-24-1: MOBILE FOOD BUSINESS; REQUIREMENTS:

[Add the following section]

11. Notwithstanding anything in this chapter contrary, the City may not, as a business license qualification, require a food truck operator or food truck vendor to:

- (i) submit to or offer proof of a criminal background check; or,

(ii) demonstrate how the operation of the food truck will comply with a land use or zoning ordinance at the time the operator or vendor applies for the business license.

12. Notwithstanding anything in this chapter contrary, the City may not:

- (1) entirely or constructively prohibit food trucks in a zone in which a food establishment is a permitted or conditional use;
- (2) prohibit the operation of a food truck within a given distance of a restaurant;
- (3) restrict the total number of days a food truck operator may operate a food truck within the political subdivision during a calendar year;
- (4) require a food truck operator to:
 - (a) provide to the City a site plan for each location in which the food truck operates in the public right of way, if the City permits food truck operation in the public right of way; or
 - (b) obtain and pay for a land use permit for each location and time during which the food truck operates; or
- (5) if a food truck operator has the consent of a private property owner to operate the food truck on the private property:
 - (a) limit the number of days the food truck may operate on the private property;
 - (b) require that the food truck operator provide to the City or keep on file in the food truck the private property owner's written consent; or
 - (c) require a site plan for the operation of the food truck on the private property where the food truck operates in the same location for less than 10 hours per week.

[Add the following Title]

Title 12

GENERAL PLAN

12-1-101 GENERAL PLAN REQUIRED -- CONTENT.

- (1) In order to accomplish the purposes of Utah Code 10-9a-401, et.seq., the City shall prepare and adopt a comprehensive, long-range general plan for:
 - (a) present and future needs of the City; and
 - (b) growth and development of all or any part of the land within the City.
- (2) The general plan may provide for:
 - (a) health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;
 - (b) the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;
 - (c) the efficient and economical use, conservation, and production of the supply of:
 - (i) food and water; and
 - (ii) drainage, sanitary, and other facilities and resources;
 - (d) the use of energy conservation and solar and renewable energy resources;
 - (e) the protection of urban development;

- (f) if the City is a town, the protection or promotion of moderate income housing;
- (g) the protection and promotion of air quality;
- (h) historic preservation;
- (i) identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by each affected entity; and
- (j) an official map.

(3)

- (a) The general plan of the City shall plan for moderate income housing growth.
- (b) On or before July 1, 2019, the City shall insure that its general plan complies with Subsection (3)(a):

(4) Subject to Subsection 12-1-103(2), the City may determine the comprehensiveness, extent, and format of the general plan.

12-1-102 INFORMATION AND TECHNICAL ASSISTANCE FROM THE STATE.

In accordance with Utah Code 10-9a-402m Each state official, department, and agency shall:

- (1) promptly deliver any data and information requested by the City unless the disclosure is prohibited by Title 63G, Chapter 2, Government Records Access and Management Act; and
- (2) furnish any other technical assistance and advice that they have available to the City without additional cost to the City.

12-1-103 GENERAL PLAN PREPARATION.

(1)

- (a) The planning commission shall provide notice, as provided in Section 10-9a-203, of its intent to make a recommendation to the City legislative body for a general plan or a comprehensive general plan amendment when the planning commission initiates the process of preparing its recommendation.
- (b) The planning commission shall make and recommend to the legislative body a proposed general plan for the area within the City.
- (c) The plan may include areas outside the boundaries of the City if, in the planning commission's judgment, those areas are related to the planning of the City's territory.
- (d) Except as otherwise provided by law or with respect to the City's power of eminent domain, when the plan of the City involves territory outside the boundaries of the City, the City may not take action affecting that territory without the concurrence of the county or other municipalities affected.

(2)

- (a) At a minimum, the proposed general plan, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the planning commission's recommendations for the following plan elements:
 - (i) a land use element that:
 - (A) designates the long-term goals and the proposed extent, general distribution, and location of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and
 - (B) may include a statement of the projections for and standards of population density and building intensity recommended for the various land use categories

- covered by the plan;
 - (ii) a transportation and traffic circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that the planning commission considers appropriate, all correlated with the population projections and the proposed land use element of the general plan; and
 - (iii) for the City described in Subsection 12-1-101(3)(b), a plan that provides a realistic opportunity to meet the need for additional moderate income housing.
- (b) In drafting the moderate income housing element, the planning commission:
- (i) shall consider the Utah State Legislature's determination that municipalities shall facilitate a reasonable opportunity for a variety of housing, including moderate income housing:
 - (A) to meet the needs of people desiring to live in the community; and
 - (B) to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life; and
 - (ii) shall include, an analysis of why the recommended means, techniques, or combination of means and techniques provide a realistic opportunity for the development of moderate income housing within the next five years, which means or techniques may include a recommendation to:
 - (A) rezone for densities necessary to assure the production of moderate income housing;
 - (B) facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing;
 - (C) encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing;
 - (D) consider general fund subsidies to waive construction related fees that are otherwise generally imposed by the city;
 - (E) consider utilization of state or federal funds or tax incentives to promote the construction of moderate income housing;
 - (F) consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity;
 - (G) consider utilization of affordable housing programs administered by the Department of Workforce Services; and
 - (H) consider utilization of programs administered by an association of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act.
- (c) In drafting the land use element, the planning commission shall:
- (i) identify and consider each agriculture protection area within the City; and
 - (ii) avoid proposing a use of land within an agriculture protection area that is inconsistent with or detrimental to the use of the land for agriculture.
- (3) The proposed general plan may include:
- (a) an environmental element that addresses:
 - (i) the protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources; and
 - (ii) the reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards;
 - (b) a public services and facilities element showing general plans for sewage, water, waste

disposal, drainage, public utilities, rights-of-way, easements, and facilities for them, police and fire protection, and other public services;

(c) a rehabilitation, redevelopment, and conservation element consisting of plans and programs for:

(i) historic preservation;

(ii) the diminution or elimination of blight; and

(iii) redevelopment of land, including housing sites, business and industrial sites, and public building sites;

(d) an economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected municipal revenue and expenditures, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity;

(e) recommendations for implementing all or any portion of the general plan, including the use of land use ordinances, capital improvement plans, community development and promotion, and any other appropriate action;

(f) provisions addressing any of the matters listed in Subsection 12-1-101(2) or (3); and

(g) any other element the City considers appropriate.

12-1-104 PUBLIC HEARING BY PLANNING COMMISSION ON PROPOSED GENERAL PLAN OR AMENDMENT -- NOTICE -- REVISIONS TO GENERAL PLAN OR AMENDMENT -- ADOPTION OR REJECTION BY LEGISLATIVE BODY.

(1)

(a) After completing its recommendation for a proposed general plan, or proposal to amend the general plan, the planning commission shall schedule and hold a public hearing on the proposed plan or amendment.

(b) The planning commission shall provide notice of the public hearing, as required by Utah Code Section 10-9a-204.

(c) After the public hearing, the planning commission may modify the proposed general plan or amendment.

(2) The planning commission shall forward the proposed general plan or amendment to the legislative body.

(3) The legislative body may make any revisions to the proposed general plan or amendment that it considers appropriate.

(4)

(a) The City legislative body may adopt or reject the proposed general plan or amendment either as proposed by the planning commission or after making any revision that the City legislative body considers appropriate.

(b) If the City legislative body rejects the proposed general plan or amendment, it may provide suggestions to the planning commission for its consideration.

(5) The legislative body shall adopt:

(a) a land use element as provided in Subsection 12-1-103(2)(a)(i);

(b) a transportation and traffic circulation element as provided in Subsection 12-1-103(2)(a)(ii); and

(c) after considering the factors included in Subsection 12-1-103(2)(b)(ii), a plan to provide a realistic opportunity to meet the need for additional moderate income housing within the next five years.

12-1-105 EFFECT OF GENERAL PLAN.

Except as provided in Section 12-1-106, the general plan is an advisory guide for land use decisions, the impact of which shall be determined by ordinance.

12-1-106 PUBLIC USES TO CONFORM TO GENERAL PLAN.

After the legislative body has adopted a general plan, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the current general plan.

12-1-107 EFFECT OF OFFICIAL MAPS.

(1) The City may adopt an official map.

(2)

(a) An official map does not:

- (i) require a landowner to dedicate and construct a street as a condition of development approval, except under circumstances provided in Subsection (2)(b)(iii); or
- (ii) require the City to immediately acquire property it has designated for eventual use as a public street.

(b) This section does not prohibit the City from:

- (i) recommending that an applicant consider and accommodate the location of the proposed streets in the planning of a development proposal in a manner that is consistent with Utah Code Section 10-9a-508;
- (ii) acquiring the property through purchase, gift, voluntary dedication, or eminent domain; or
- (iii) requiring the dedication and improvement of a street if the street is found necessary by the City because of a proposed development and if the dedication and improvement are consistent with Section 10-9a-508.

12-1-108 CIVIL ACTION REGARDING MODERATE INCOME HOUSING ELEMENT OF GENERAL PLAN.

(1) The legislative body of the City, in accordance with Subsection 12-1-101(3)(b) shall biennially:

- (a) review the moderate income housing plan element of the City's general plan and implementation of that element of the general plan;
- (b) prepare a report on the findings of the review described in Subsection (1)(a); and
- (c) post the report described in Subsection (1)(b) on the City's website.

(2) The report described in Subsection (1) shall include a description of:

- (a) efforts made by the City to reduce, mitigate, or eliminate local regulatory barriers to moderate income housing;
- (b) actions taken by the City to encourage preservation of existing moderate income housing and development of new moderate income housing;
- (c) progress made within the City to provide moderate income housing, demonstrated by analyzing and publishing data on:
 - (i) the number of housing units in the City that are at or below:

- (A) 80% of the adjusted median income for the City;
- (B) 50% of the adjusted median income for the City; and
- (C) 30% of the adjusted median income for the City;
- (ii) the number of housing units in the City that are subsidized by the City, the state, or the federal government; and
- (iii) the number of housing units in the City that are deed-restricted;
- (d) all efforts made by the city to coordinate moderate income housing plans and actions with neighboring municipalities or associations of governments established by an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act;
- (e) all efforts made by the City to utilize a moderate income housing set-aside from a redevelopment agency, a community development agency, or an economic development agency;
- (f) money expended by the City to pay or waive construction-related fees required by the City; and
- (g) programs of the Utah Housing Corporation that were utilized by the City.

(3) The legislative body of the City shall send a copy of the report under Subsection (1) to the Department of Workforce Services and the association of governments in which the city is located.

(4) In a civil action seeking enforcement or claiming a violation of this section or of Subsection 12-1-104(5)(c), a plaintiff may not recover damages but may be awarded only injunctive or other equitable relief.