

**ORDINANCE NO. 21-07**

**AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REMOVING TITLE 8, CHAPTER 1- SECTION 7 OF THE CITY CODE OF SOUTH OGDEN TO REMOVE OUTDATED AND CONFLICTING WATERING REGULATIONS; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.**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 the State of Utah; and,

**WHEREAS**, the City Council finds that in conformance with the provisions of 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 the provisions of UC §10-3-717, and UC §10-3-701, the governing body of the city has previously adopted a City Code which, among other things, deals with watering restrictions; and,

**WHEREAS**, the City Council finds that South Ogden City Code is based on and adopted in conformance with the authority granted to the City by UC Title 10; and,

**WHEREAS**, the City Council finds that it is in the public interest to remove watering restrictions which are in conflict with codes of the State of Utah and which are no longer enforced by the City; and,

**WHEREAS**, the City Council finds that South Ogden City Code should be amended by removing Title 8, Chapter 1- Section 7 governing when and how residents can water their properties; and,

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

**WHEREAS**, the City Council finds that the public safety, health and welfare is at issue in this matter 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 to as follows:

## **Amended Sections:**

Upon the adoption of this Ordinance, Title 8, Chapter 1 - Section 7 of the city code is removed:

### ~~8-1-7: WATERING RESTRICTIONS:~~

#### ~~—A.— Watering Days And Hours: When proclamation restrictions are in effect:~~

~~—1.— All residents or occupants whose house numbers or addresses end in an even number and whose premises are served by the South Ogden conservation district shall be permitted to water or sprinkle only on Mondays and Thursdays from six o'clock (6:00) A.M. to eight o'clock (8:00) P.M. with odd numbers being restricted to the same hours on Tuesdays and Fridays.~~

~~—2.— All residents or occupants whose house numbers or addresses end in an even number and whose premises are served by the Weber basin water conservancy district shall be permitted to water or sprinkle only on Mondays and Thursdays from six o'clock (6:00) A.M. to eight o'clock (8:00) A.M. or six o'clock (6:00) P.M. to eight o'clock (8:00) P.M., but not during both periods, with odd numbers being restricted to the same hours on Tuesdays and Fridays.~~

~~—3.— All residents or occupants whose house numbers or addresses end in an even number and whose premises are served only by water from the culinary system of the city shall be permitted to water or sprinkle only on Mondays and Thursdays from six o'clock (6:00) A.M. to eight o'clock (8:00) P.M. with odd numbers being restricted to the same hours on Tuesdays and Fridays. (1970 Code § 24-26; amd. 2001 Code)~~

~~—B.— Watering Tracts In Excess Of Five Acres: Where tracts in excess of five (5) acres are involved, the watering restrictions and regulations shall be those from time to time promulgated by the South Ogden conservation district or Weber basin water conservancy district, which are hereby incorporated herein by reference. (1970 Code § 24-28)~~

~~—C.— Nozzle Restrictions: All residents or occupants of residences within the city shall be required to affix a mechanical nozzle watering device on every sprinkling or watering outlet used in the sprinkling or watering of any lawn, garden or yard area. Such device shall not have an opening for the flow of water in excess of three eighths of one inch (<sup>3</sup>/<sub>8</sub>" in diameter. (1970 Code § 24-29; amd. 2001 Code)~~

~~—D.— Penalty: The violation of any provision of this section shall be deemed to be a class B misdemeanor and upon conviction, subject to penalty as provided in section 1-4-1 of this code. (1970 Code § 24-30; amd. 2001 Code)~~

## **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, together with their

specific provisions, where not otherwise in conflict with this Ordinance, are hereby 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 6<sup>th</sup> day of July, 2021, and after publication or posting as required by law.

DATED this 6<sup>th</sup> day of July, 2021

SOUTH OGDEN, a municipal corporation

\_\_\_\_\_  
Mayor Russell Porter

Attested and recorded

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Leesa Kapetanov, CMC  
City Recorder