



CITY COUNCIL MEETING

JULY 09, 2024 AT 6:00 PM

515 E 2600 N | NORTH OGDEN, UT 84414

AGENDA

PUBLIC CAN ATTEND:

In person OR: Click the link to join the Webinar: <https://us02web.zoom.us/j/86508778117>

Webinar ID: 865 0877 8117

Telephone Dial: 1 346 248 7799 or 1 669 900 9128 or 1 253 215 8782

YouTube: <https://www.youtube.com/@northogdencity7620>

Welcome: Mayor Berube

Invocation/Thought & Pledge of Allegiance: Council Member Cevering

CONSENT AGENDA

1. Call for Conflict of Interest Disclosure
2. Action to approve the following City Council Meeting Minutes:
 - June 04, 2024
 - June 11, 2024
 - June 18, 2024
3. Discussion and/or action to consider the Franchise Agreement with Connex Communication

ACTIVE AGENDA

4. Public Comments*
5. Discussion and/or action on an amendment to the Patriot Pointe Development Agreement
Presenter: Community and Economic Development Director Scott Hess
6. Discussion and/or action to consider the proposed Development Agreement for Century Farms
Presenter: City Manager/Attorney Jon Call
7. Discussion and/or action on an amendment to the Interlocal Cooperation Agreement with Weber Human Services for the operation of the Northview Senior Center
Presenter: City Manager/Attorney Jon Call
8. Discussion and review of the draft version of Title 9, 10, 13, and 14 of the North Ogden City Code
Presenter: City Manager/Attorney Jon Call

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda were posted within the North Ogden City limits on this 3rd day of July 2024 at North Ogden City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website at <https://www.utah.gov/pmn/>, and at <http://www.northogdencity.com>. The 2024 meeting schedule was posted on 12/13/2023.

Rian Santoro, North Ogden City Recorder.

The Council at its discretion may rearrange the order of any item(s) on the agenda. Final action may be taken on any item on the agenda. The Council reserves the right to enter into a closed meeting at any time in accordance with 52-4-204. In compliance with the Americans with Disabilities Act, those needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify the City Recorder at 801-782-7211 at least 48 hours prior to the meeting. In accordance with State Statute, City Ordinance, and Council Policy, one or more Council Members may be connected via speakerphone or may by a two-thirds vote to go into a closed meeting.

9. Discussion on the implementation of a North Ogden City Newsletter
Presenter: City Manager/Attorney Jon Call
10. Discussion and/or action on costs for Summer 2025 theater productions at the Barker Park Amphitheater
Presenter: Council Member Watson
11. Discussion and/or action on strategies to enhance customer engagement and increase awareness for the Barker Park Amphitheater
Presenter: Council Member Watson
12. Council Department Reports
 - a. Council Member Delpias – Police Department
 - b. Council Member Cevering – Building and Planning Departments
 - c. Council Member Barker – Parks Department
13. Public Comments*
14. Mayor/Council/Staff Comments
15. Adjournment

Public Comments/Questions

- a. Time is made available for anyone in the audience to address the Council and/or Mayor concerning matters pertaining to City business.
- b. When a member of the audience addresses the Mayor and/or Council, he or she will come to the podium and state his or her name and city residing in.
- c. Citizens will be asked to limit their remarks/questions **to five (5) minutes each.**
- d. The Mayor shall have discretion as to who will respond to a comment/question.
- e. In all cases the criteria for response will be that comments/questions must be pertinent to City business, that there are no argumentative questions and no personal attacks.
- f. Some comments/questions may have to wait for a response until the next regular Council Meeting.
- g. The Mayor will inform a citizen when he or she has used the allotted time.

NORTH OGDEN CITY COUNCIL WORK SESSION MINUTES

June 4, 2024

The North Ogden City Council convened on June 4, 2024, at 6:00 p.m. at the North Ogden City Public Safety Building at 515 East 2600 North.

Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on May 30, 2024.

Notice of the annual meeting schedule was posted on the bulletin board at the municipal office and posted to the Utah State Website on December 13, 2023.

Note: The time stamps indicated in blue correspond with the recording of this meeting, which can be located on YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos> or by requesting a copy of the audio file from the North Ogden City Recorder.

PRESENT:

S. Neal Berube	Mayor
Ryan Barker	Council Member
Blake Cevering	Council Member
Jay D Dalpiaz	Council Member
Chris Pulver	Council Member
Christina Watson	Council Member

STAFF PRESENT:

Jon Call	City Manager/Attorney
Joyce Pierson	Deputy City Recorder
Bryce Nelson	Administrative Services Manager/Treasurer (Zoom)
Zella Richards	North View Senior Center Manager

VISITORS:

Sandy Cochran
Brenda Ashdown
Susan Kilborn (Zoom)

0:0:34 Mayor Berube called the meeting to order. Council Member Barker offered the invocation and led in the Pledge of Allegiance.

CONSENT AGENDA

1. CALL FOR CONFLICT OF INTEREST DISCLOSURE

0:2:12 Council Member Barker disclosed that his family owns unincorporated land and inquired whether this would constitute a conflict of interest regarding decisions on the annexation of surrounding unincorporated islands into the City. Mayor Berube clarified that tonight's meeting would only involve a discussion on annexations, and based on the updated information from Weber County, there would be no conflict of interest.

2. ACTION TO APPROVE THE MAY 14, 2024, CITY COUNCIL MEETING MINUTES

0:2:23 Council Member Dalpiaz motioned to approve the May 14, 2024, City Council Meeting Minutes. Council Member Pulver seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Pulver	aye
Council Member Watson	aye

The motion passed unanimously.

ACTIVE AGENDA

3. PUBLIC COMMENTS

0:2:23 Brenda Ashdown, a North Ogden City resident, inquired about the parking lot in front of the Public Safety Building and when it will be open to the public for parking. City Manager/Attorney Jon Call explained that the striping of the parking stalls will be done this week.

4. **DISCUSSION ON THE ANNEXATION OF UNINCORPORATED ISLANDS**

0:5:20 Mayor Berube provided updates on the potential annexation of unincorporated islands into the City, highlighting that current County regulations do not allow for automatic annexation under recent legislation. However, a 2017 bill permits counties and cities to approve an annexation ordinance, though this option was not pursued due to high surveying costs. Mayor Berube mentioned that Weber County is exploring a new program that might reduce these expenses. The recommendation is for the City Council to await further information from the County. Additionally, it was explained that the City may need to amend the RE-20 Ordinance or create a new ordinance in the future to accommodate properties like the fish farm, ensuring they can continue operating despite potential non-compliance with current City ordinances

5. **DISCUSSION ON THE NORTH VIEW SENIOR CENTER AND RECREATION**

0:8:36 City Manager/Attorney Jon Call initiated the discussion by highlighting the connection between recreation programs and tax dollars, emphasizing that a significant portion of the City's revenue comes from various taxes, including sales tax, motor vehicle tax, property tax, and franchise taxes. He raised questions about the best ways to allocate tax dollars and invited Council Members to share their perspectives.

Mayor Berube clarified that property taxes are currently committed to public safety, based on existing ordinances. He noted a historical decision to reallocate funds from transportation utility fees to property taxes for public safety. Mayor Berube asked the Council to discuss their philosophies on property taxes, particularly concerning funding recreation programs and other City services.

Council Member Pulver emphasized the importance of using tax dollars to benefit the greatest number of residents. He mentioned the challenge of balancing ongoing programs and services, such as the Aquatic Center, with the need to cover costs and advocated for prioritizing programs that have wide-reaching benefits. Council Member Barker suggested looking at other Cities' models, such as Salt Lake City's initiative to offer free pool access to residents under 16. He highlighted the importance of making City services accessible to all residents, despite budget constraints. Council Member Cevering acknowledged the diverse needs of different community groups, including seniors and youth. He stressed the difficulty of meeting all needs with limited resources but emphasized the importance of trying to achieve broad community benefits.

Council Member Watson advocated for maintaining services that foster community pride and engagement, such as recreation programs and the Senior Center.

She proposed separating the costs of recreation programs from staff salaries to create a more sustainable financial model.

Council Member Watson emphasized the long-term benefits of investing in youth programs as a preventative measure against negative behaviors.

The Council discussed various perspectives on the allocation of tax dollars, with a focus on sustaining vital community services while ensuring public safety. The need to raise property taxes to sustain or expand current programs was a key point of discussion. The importance of ensuring that tax dollars provide the maximum benefit to the community was emphasized, along with exploring alternative funding models and prioritizing services that promote community well-being. Mayor Berube and others acknowledged the importance of maintaining competitive salaries for essential services such as public safety, which may necessitate property tax increases. Council Members Barker and Pulver proposed reallocating funds from non-essential public events to critical areas such as infrastructure maintenance, reflecting a focus on prioritizing essential services. Council Member Delpias expressed concerns about the perceived advantages of neighboring cities such as Pleasant View in terms of commercial development, suggesting that their success may be more attributable to geographic factors than to deliberate strategic planning. Mayor Berube and City Manager/Attorney Jon Call explored the potential benefits of hiring a Community and Economic Development Director to stimulate local business growth, highlighting the importance of strategic planning in fostering economic prosperity.

A significant portion of the discussion revolved around the City's potential role in managing the operations of the Senior Center, particularly in light of funding changes from the County. The Council deliberated on the financial implications and operational responsibilities involved in assuming this responsibility, with Council Member Watson offering to facilitate communication with the seniors. Throughout the discussion, there was a consistent emphasis on prudent spending, transparent decision-making, and community engagement. The Council expressed a willingness to maintain current standards while seeking opportunities for improvement and cost-effectiveness, reflecting their dedication to serving the best interests of the community.

6. DISCUSSION ON THE CITY COUNCIL'S PARTICIPATION IN THE 2024 CHERRY DAYS PARADE

1:27:02 Council Member Watson initiated a discussion regarding the City Council's participation in the upcoming Cherry Days parade. She raised questions about whether the City Council and the Youth City Council should have separate floats or combine efforts to create one.

Additionally, she mentioned an old float in need of significant repairs and suggested considering a simple and cost-effective option for the float by involving the Youth City Council in sprucing it up.

Council Members expressed support for the idea of having a float and Mayor Berube offered a trailer for decoration and discussed the possibility of using funds from the City's RAMP grant for decorations.

Council Members Pulver and Cevering expressed willingness to participate in the parade, with Council Member Barker and Mayor Berube noting a commitment to ride with the Fire Department.

The discussion concluded with plans to proceed with a float for the parade, with further details to be determined.

7. **PUBLIC COMMENTS**

1:35:27 Brenda Ashdown, a North Ogden City resident, provided feedback on several topics discussed during the meeting. She began by emphasizing the importance of considering yearly tax increases to offset inflation gradually, rather than larger increases down the line. Brenda, a senior citizen on a fixed income raising a grandchild, expressed frustration with sudden price hikes in recreational programs and urged for incremental increases to mitigate the impact on residents' budgets. She advocated for fiscal conservatism when considering City-sponsored activities, highlighting concerns about the cumulative costs of various events over time. Brenda also called for greater transparency regarding the City's partnerships and sponsorships, expressing a desire for more information on the financial arrangements involved. Regarding the Senior Center, she acknowledged its value but suggested implementing nominal fees for services to alleviate the financial burden on the City. Brenda proposed exploring options for shared funding among neighboring cities to support the Senior Center and reduce the financial strain on North Ogden. She concluded by expressing her opinion that alternative funding mechanisms should be explored to ensure the sustainability of community resources like the Senior Center.

1:40:27 Sandy Cochran, a North Ogden City resident, echoed Brenda's sentiments on the budget, emphasizing the importance of gradual tax increases to mitigate the impact on fixed-income residents like herself. Sandy also expressed concern about using RAMP money to fix the parade float.

1:42:27 Susan Kilborn, a North Ogden City resident, commended the Council for coming together and making decisions with a sense of humor. She expressed appreciation for Council Member Watson's volunteer efforts regarding the Senior Center and offered to collaborate with her on ideas.

Susan highlighted the willingness of many seniors to contribute beyond what's required and encouraged the Council to tap into the diverse talents of the City's residents. Susan urged the Council to consider citizens as equals and leverage their input and skills for the betterment of the community.

8. MAYOR/COUNCIL/STAFF COMMENTS

1:44:54 Zella Richards, Senior Center Manager, expressed gratitude for the comments and time dedicated to discussing matters concerning seniors. She emphasized the importance of seniors in the community, particularly regarding recreation and socialization. Zella highlighted the diverse situations seniors face and the significance of companionship and shared meals. She thanked the Council for considering the needs of seniors and acknowledged the challenges they encounter, expressing appreciation for their efforts.

1:46:32 Council Member Pulver mentioned a community cleanup event by Build Barker Park happening on Saturday, June 8, from 8 to 11 a.m., focusing on trails behind the amphitheater. There was a query about why the event wasn't listed on the City's Facebook calendar. Council Member Dalpiaz suggested involving the 501(c)(3) organization responsible for the event and ensuring clarity regarding its organization. Council Member Pulver noted efforts to maintain a separate website for such events but acknowledged the need for better linkage. Council Member Dalpiaz emphasized the importance of clarifying the roles of the 501(c)(3) and the Barker Park City Committee. City Manager/Attorney Jon Call suggested sharing posts from the partner organization's Facebook page to increase visibility. Mayor Berube mentioned upcoming events planned for the year, indicating they should be added to the City calendar.

1:48:14 Council Member Cevering raised two points: the Skate Park and property tax increases. City Manager/Attorney Jon Call discussed plans to deter vandalism at the Skate Park, mentioning considerations of fencing and cameras. He also highlighted incidents of vandalism to the Skate Park's bathrooms. Council Member Cevering asked the residents in the audience, Brenda Ashdown and Sandy Cochran, their opinions on appropriate tax increases. There was agreement on the need for gradual tax increases, with suggestions ranging from 3% to 10%. Brenda Ashdown recommended a 3-5% increase annually, while Sandy Cochran expressed willingness to accept 5-10%. Mayor Berube provided context, explaining that a 5% increase would equate to \$1.56 per month on average. Council Member Cevering emphasized the importance of communication regarding tax increases and their impact on citizens.

1:56:08 City Manager/Attorney Jon Call expressed gratitude for the productive discussion and emphasized the importance of leaving any sharpness or offense at the door. He shared a positive experience of Council Members who were able to engage in robust debates while maintaining respect for each other. He concluded by highlighting the value of healthy discussions and expressed a desire for everyone to leave feeling positive about the conversation.

9. **ADJOURNMENT**

Council Member Watson motioned to adjourn the meeting.

The meeting adjourned at 7:56 p.m.

S. Neal Berube, Mayor

Rian Santoro
City Recorder

Date Approved

NORTH OGDEN CITY COUNCIL MEETING MINUTES

June 11, 2024

The North Ogden City Council convened on June 11, 2024, at 6:00 p.m. at the North Ogden City Public Safety Building at 515 East 2600 North.

Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on June 6, 2024.

Notice of the annual meeting schedule was posted on the bulletin board at the municipal office and posted to the Utah State Website on December 13, 2023.

Note: The time stamps indicated in blue correspond with the recording of this meeting, which can be located on YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos> or by requesting a copy of the audio file from the North Ogden City Recorder.

PRESENT:

S. Neal Berube	Mayor
Ryan Barker	Council Member
Blake Cevering	Council Member
Jay D Delpias	Council Member
Chris Pulver	Council Member
Christina Watson	Council Member

STAFF PRESENT:

Jon Call	City Manager/Attorney
Rian Santoro	City Recorder
Dave Espinoza	Public Works Director/Assistant City Manager
Dirk Quinney	Police Chief
Brian Eynon	Police Chief
Nathan Boyette	Lieutenant
Jami Jones	Finance Director
Bryce Nelson	Administrative Services Manager/Treasurer
Scott Hess	Community and Economic Development Director
Paige Hamblin	Police Records Supervisor

VISITORS:

Kevin Burns	Brenda Ashdown
Sandy Cochran	Jackie Summers
Phillip Swanson	Scott Sniggs
Reed Miller	Steph Sniggs
Susan Kilborn	Kiersten Auger

0:0:06 Mayor Berube called the meeting to order and Council Member Barker gave the invocation and led in the Pledge of Allegiance.

PRESENTATIONS

1. YCC FAMILY CRISIS CENTER PRESENTATION

0:3:11 Your Community Connection (YCC) Executive Director Margaret Rose outlined the organization's role as the domestic violence and sexual assault service provider for Weber and Morgan Counties, emphasizing that it is part of a network of 16 independent nonprofits covering the entire State. The YCC has received strong support from the City Council and community over the years, which has enabled them to continue providing essential services. Over the past six years, YCC has dealt with various violent offenses, primarily focusing on assisting victims, while law enforcement handles the perpetrators. A significant development is the statewide implementation of the Lethality Assessment Program. This program aids law enforcement in identifying high-risk domestic violence situations and making immediate referrals to support services like YCC. Since its implementation, there has been a substantial increase in referrals, with over 4,500 assessments administered statewide in 2022 alone. These assessments have proven effective in reducing assaults and homicides by connecting victims to necessary resources and support. In 2023, YCC served approximately 2,200 individuals in Ogden City and another 750 throughout the rest of Weber and Morgan Counties. Margaret highlighted the importance of accurate data collection, although many victims choose not to disclose personal information due to safety concerns. Additionally, the demand for YCC's services has surged, driven by population growth and increased referrals, resulting in a strain on their resources. To address this, YCC is seeking an additional \$150,000 in funding, proposing a proportional contribution based on City populations. For North Ogden, this translates to a requested amount of \$12,161. This funding is crucial for maintaining and expanding services, which include crisis calls, shelter nights, classes, therapy, and advocacy support.

The City Council expressed appreciation for YCC's work and acknowledged the high-risk nature of domestic violence calls for law enforcement. Discussions on incorporating the requested funding into the budget are ongoing, with Council Members recognizing YCC's essential role in community safety and support. Additionally, the Mayor highlighted that the City's Public Safety Building provides a safe haven for individuals in crisis, further demonstrating the City's commitment to supporting victims of domestic violence.

2. **RECOGNITION OF NORTH OGDEN CITY CHIEF OF POLICE DIRK QUINNEY**

0:29:02 Mayor Berube expressed high regard for Chief Quinney, acknowledging the pressures of leadership and highlighting his dedication to his officers. Chief Quinney has served the community for 28 years, including five years as Police Chief. Mayor Berube presented Chief Quinney with the Distinguished Service Award, honoring his dedicated service and contributions to law enforcement and the community. Mayor Berube affirmed that Chief Quinney would always be part of the North Ogden family.

In his brief remarks, Chief Quinney thanked the community and the Council for their support, noting the challenges of the profession and his positive experiences with the Council and Mayors throughout his tenure. He expressed gratitude for the supportive environment that made his job easier.

CONSENT AGENDA

3. **CALL FOR CONFLICT OF INTEREST DISCLOSURE**

0:34:47 No conflict of interest was disclosed.

ACTIVE AGENDA

4. **PUBLIC COMMENTS**

0:36:06 Phillip Swanson, a North Ogden City resident, expressed gratitude to the Council for their hard work on the budget, recognizing it as a challenging process with many difficult decisions. He appreciated the ongoing commitment to parks and trails in North Ogden, noting that nearly \$1.9 million has been spent on these areas in recent years, with a significant portion coming from developers and private donations. Phillip highlighted the pond project, which will add substantial park infrastructure, with approximately 70% of funding from non-taxpayer sources. He urged the Council to focus on improving the City with available resources without comparing to other communities with different financial capabilities. Phillip thanked the Council for their dedication to the taxpayers and wished them luck in their budget decisions.

0:39:52 Dennis Bingham, a North Ogden City resident, shared his family's deep historical roots in the area, dating back to his great-great-grandparents.

He recounted how his ancestors, including the Montgomery and Johnson families, settled in North Ogden after enduring significant hardships. He detailed their contributions to the community, including building homes and a log cabin where Lindquist Mortuary is now located.

Bingham expressed appreciation for the Council's efforts and raised concerns about invasive weeds, suggesting increased eradication efforts. He also mentioned a traffic issue at the intersection near McDonald's, where turning lanes are inadequate. Mayor Berube responded, noting that the City is working with UDOT on solutions and that a road widening project is planned for 2026.

0:47:42 Jackie Summers, Kierstin Auger, and Scott and Steph Sniggs, all North Ogden City residents, expressed concerns about a problematic Airbnb at 543 E 3150 North. This property, sold to an investor in 2021, frequently has different guests, causing disturbances due to noise, lack of parking, and general disorder. The residents mentioned multiple police calls and a recent incident involving a marijuana bust.

Mayor Berube and City Manager/Attorney Jon Call explained the current ordinance, noting that Airbnbs are required to have a permit and off-street parking. However, the property in question is not licensed, and the City will work to bring it into compliance. The residents proposed potential solutions, including limiting the number of Airbnbs in a given area, requiring owners to be local, and imposing hefty fines for violations. The Council agreed to review the ordinance and consider new regulations to address these issues. They acknowledged the safety concerns raised, including overcrowding and fire hazards, and assured the residents that they would take action to maintain neighborhood peace.

0:57:27 Brenda Ashdown, a North Ogden City resident, commended the City Council for their attentiveness to residents' concerns, reassuring those with issues that the Council would address them. She expressed regret at missing the Mayor's recognition of the Police Chief, adding her praise for his exceptional service. Additionally, Brenda lauded the decision to move recycling, calling it a genius idea. She emphasized the importance of proper recycling to prevent contamination and thanked the Council for their efforts to ensure effective recycling practices.

5. **DISCUSSION AND/OR ACTION TO APPROVE ORDINANCE 2024-12**
ADOPTING COMPENSATION INCREASES FOR MUNICIPAL OFFICERS

1:00:31 City Manager/Attorney Jon Call explained the impact of a new State Ordinance requiring municipalities to publicly disclose increases in salary, vehicle allowances, bonuses, and deferred salary for municipal officers. He provided a list of City employees affected and their proposed salary increases, noting most are between 1-3%, except for his position, which is proposed at 6% due to market adjustments. Mayor Berube emphasized that salary targets aim for the 50th percentile, with high performers potentially reaching the 60th percentile. The Council discussed the ordinance, clarified details, and agreed to review Council stipends in the future.

0:56:51 Mayor Berube opened the Public Hearing.

No Public Comment was received.

Council Member Pulver motioned to close the Public Hearing. Council Member Dalpiaz seconded the motion. All present voted aye.

Council Member Cevering motioned to approve Ordinance 2024-12 for the compensation increases for Municipal Officers. Council Member Pulver seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Pulver	aye
Council Member Watson	aye

The motion passed unanimously.

6. DISCUSSION AND/OR ACTION TO CONSIDER ADOPTING ORDINANCE 2024-13 ADOPTING THE FISCAL YEAR 2024-2025 BUDGET

1:11:40 Finance Director Jami Jones presented adjustments made since the tentative budget's approval, including the removal of \$59,000 from Human Services contributions and the elimination of a full-time employee position at the Senior Center. Salary adjustments across departments were aligned with a market analysis.

The Council agreed to increase the YCC contribution to \$15,000, acknowledging its importance despite some municipalities' reluctance to contribute. Also noted was the transfer to the Capital Improvement Projects (CIP) fund to \$178,000, reflecting recent adjustments post-acceptance of new projects like the trail connection at 2700 North and the Aquatic Center water feature.

The budget incorporated rate increases in the water fund by \$3.73, \$2.88 for operational costs, and \$0.85 for future projects, with solid waste seeing a \$1.83 increase.

Concerning property tax rates, the proposed certified tax rate for 2024-2025 was set at 0.001194, a slight decrease from the previous year's 0.001198. Discussion ensued regarding the utilization of unexpected revenues, including \$125,000 from the RDA fund's expiration and \$50,000 from new growth, totaling \$2.679 million in projected revenue for the General Fund.

It was clarified that a 3% increase in property tax would generate \$75,000, with an additional \$50,000 allocated to the CIP fund. Council Members deliberated on whether to maintain the current rate, adopt the proposed rate, or increase it by 2% or 3%, impacting annual taxes minimally.

Council member Pulver suggested allocating \$200,000 from unexpected revenue to sidewalk repairs and reserving the remainder for salary adjustments. Council Member Cevering advocated for a 6-7% increase to bolster City reserves and address infrastructure needs.

City Manager/Attorney Jon Call provided insights into salary adjustments, attributing decreases to refined job descriptions and retirement allocations. The Council concurred on earmarking additional revenues for specific purposes such as sidewalk repairs and contingency funds, agreeing on the necessity to balance operational costs with infrastructure investments.

Discussion also touched on utilizing RDA funds for legislative stipends, although concerns were raised about sustainability post-RDA expiration.

Council Members voiced support for enhancing public safety measures at the skate park, potentially funded through the Capital Projects budget.

Mayor Berube emphasized the importance of prudent financial planning amidst uncertainties in sales tax revenues.

Council Member Watson suggested considering a higher property tax increase to safeguard against unforeseen expenditures before the Truth in Taxation hearing.

1:43:22 **Mayor Berube opened the Public Hearing.**

1:44:31 Phillip Swanson, a North Ogden City resident, emphasized the need for the Council to set a higher budget ceiling, suggesting 10% to 12%, to accommodate necessary City expenditures effectively. He argued against aiming too low in budget planning, highlighting longstanding issues of falling behind inflation and the need to invest in City infrastructure and services like roads, sidewalks, and police response. Swanson acknowledged the reluctance to pay higher taxes but stressed the importance of funding essential municipal services adequately. He concluded by thanking the Council for their dedication to the City's fiscal management.

1:47:29 **Council Member Dalpias motioned to close the Public Hearing. Council Member Watson seconded the motion. All present voted aye.**

1:48:37 The Council then discussed adopting Ordinance 2024-13 for the fiscal year budget, with City Manager/Attorney Jon Call explaining that the current tentative budget would be in place until the Truth in Taxation process concluded, with the final budget to be approved in August.

Mayor Berube emphasized the need for specific guidance on the proposed tax rate to prepare for the next week's meeting. Council Member Barker expressed concern about discussing a higher tax rate late in the process, questioning the need to increase it after department heads had already worked to cut costs. Mayor Berube and other Council Members discussed the importance of addressing public safety, sidewalk, and road maintenance issues, which justified considering a higher tax rate. Council Member Dalpias and Council Member Cevering supported a potential tax increase, with Council Member Dalpias suggesting a 9% rate to allow flexibility based on upcoming sales tax reports. This increase would provide funds for essential needs without being excessive. The Council agreed to set a tentative tax increase, with further details to be refined in the Truth in Taxation Hearing.

2:19:08 **Council Member Cevering motioned to recess the City Council Meeting and convene in the RDA. Council Member Pulver seconded the motion. All present votes aye.**

7. **DISCUSSION AND/OR ACTION TO APPROVE ORDINANCE 2024-14
ADOPTING THE RDA FISCAL YEAR 2024-2025 FINAL BUDGET**

2:20:32 Finance Director Jami Jones reported that the 2024-2025 RDA budget, presented during the Public Hearing on May 14, included an increase in revenue solely from interest earnings, approximately \$50,000. There were no property tax revenues. The budget included various projects discussed in previous meetings.

The only change to the budget was the transfer of \$222,000 to the CIP fund for the North Shore Aquatic Center water feature project, which was funded by a newly awarded RAMP grant.

Board Member Dalpiaz asked for clarification regarding the \$222,000 transfer to the CIP fund. Mayor Berube explained that the transfer involved moving money from the RDA to the General Fund to manage the project funded by the grant. Jami further clarified that the project was initially part of the budget, then covered by the grant, with the CIP fund now managing the project.

2:23:15 Mayor Berube opened the Public Hearing.

2:23:53 Brenda Ashdown, a North Ogden City resident, inquired about the RDA funds, specifically questioning whether any businesses had applied for the RDA money and if the remaining funds were designated for fixing the swimming pool. City Manager/Attorney Jon Call responded that letters of intent for the funds are due by June 30, with six received so far and more expected. Mayor Berube clarified that a specific amount of money has been allocated for grants. If these funds are not fully utilized, any leftover money might be considered for other projects, but RDA money cannot be used outside the designated area. City Manager/Attorney Jon Call added that the City plans to request sidewalk funds within the RDA area. Mayor Berube noted that if the money remains unused, other Council-considered ideas might be implemented. He also mentioned that \$222,000 was already allocated for the Aquatic Center in the budget.

Board Member Dalpiaz motioned to close the Public Hearing. Board Member Pulver seconded the motion. All present voted aye.

Board Member Barker motioned to approve Ordinance RDA 2024-14 adopting the RDA Fiscal Year 2024-2025 Final Budget Board Member Pulver seconded the motion

Voting on the motion:

Board Member Barker	aye
Board Member Cevering	aye
Board Member Dalpiaz	aye
Board Member Pulver	aye
Board Member Watson	aye

The motion passed unanimously.

Board Member Barker motioned to adjourn the RDA meeting and reconvene in the regular City Council Meeting. Board Member Watson seconded the motion. All present voted aye.

8. DISCUSSION AND/OR APPROVAL OF RESOLUTION 05-2024 ADOPTING THE OFFICIAL POLICY FOR CITY SPONSORSHIPS AND EVENTS

2:28:30 City Manager/Attorney Jon Call discussed the City's approach to events, distinguishing between "sponsored events," funded by the City, and "partner events," which may involve waiving fees or providing staff time. Partner events must be organized by a 501(c)(3) organization or government entity to ensure structure and proper vetting. The City will review these events annually with the budget. Current sponsored events include Cherry Days, Arbor Day, Trunk or Treat, and others. Partner events listed include those by entities like the Major Brent Taylor Foundation and North Ogden Kiwanis. City Manager/Attorney Jon Call noted that community groups like the band and choir could potentially be added to this list, but highlighted concerns about fairness and the potential for uncontrolled growth if criteria were not clear. Mayor Berube emphasized the need for a threshold to prevent indiscriminate approvals. Suggestions included allowing one-time uses approved by the Mayor and City Manager and possibly providing resources without necessarily granting 501(c)(3) status. The Council also discussed ensuring events using City facilities remain open to the public and addressed specific cases such as school events and community performances.

Council Member Cevering motioned to approve Resolution 05-2024 adopting the official policy for City sponsorships and events. Council Member Pulver seconded the motion

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Pulver	aye
Council Member Watson	aye

The motion passed unanimously.

9. **COUNCIL DEPARTMENT REPORTS:**

a. Council Member Dalpías – Police Department

2:47:29 No updates on the Police Department were provided.

b. Council Member Cevering – Building and Planning Departments

2:48:17 No updates for the Building and Planning Departments were provided.

c. Council Member Barker – Parks Department

2:48:34 Council Member Barker reported that the Lomond View Playground is expected to be completed by Friday, June 14. The surfacing of the pickleball courts and landscaping around the area should also be finished by Friday. Additionally, the parking lot at Lomond View Park will be completed soon. Seasonal help has been hired, and the North Ogden Park bathrooms are currently closed due to vandalism, with repairs pending parts. The rising heat is causing stress on the grass, resulting in dry spots in various parks, but these issues are being addressed.

10. **PUBLIC COMMENTS**

2:49:37 Phillip Swanson, a North Ogden City resident, addressed the Council about the importance of the budget, highlighting that Council Member stipends have remained at \$500 since 1994. He pointed out that due to inflation, \$500 in 1994 is equivalent to just under \$1,100 today, meaning Council Members are effectively earning half of what they did 30 years ago despite increased responsibilities.

Phillip suggested raising Council Member stipends to \$750 and the Mayor's stipend to \$1,250, citing the need for fair compensation for the hard work they do. Additionally, he emphasized the importance of having firm policies to avoid favoritism and discrimination in governance, using the men's chorus as an example of an organization that should follow established rules to qualify for benefits.

2:53:35 Dennis Bingham, a North Ogden City resident, reflected on the early days of recycling in North Ogden, highlighting how it significantly reduced waste. He expressed disappointment at not being able to recycle junk mail, newspapers, cardboard, and other materials currently destined for the garbage due to the absence of curbside recycling.

Dennis suggested he would support an increase in charges or taxes to reintroduce curbside recycling, emphasizing the environmental benefits and reducing landfill waste. Additionally, Dennis proposed the City consider implementing an ordinance requiring residents to remove dyer's woad, a noxious weed, from their properties. He suggested doing so in spring when the ground is wet, making removal easier. Furthermore, Dennis raised a concern about a graded path near his home on 3725 North, which was originally intended for a park. He inquired if the City could pave this path, which has been left unfinished for years, potentially providing a recreational space for the community. Lastly, Dennis recommended including information in the City's utility bills about Weber County's noxious weed control program. He suggested this outreach could educate residents on managing weeds effectively, especially regarding dyer's woad, which poses a significant challenge in the area. Mayor Berube and Council Member Pulver responded positively, discussing the cost implications of paving the path and endorsing the idea of informing residents about the County's weed control resources through utility bill inserts.

11. MAYOR/COUNCIL/STAFF COMMENTS

2:58:33 City Manager/Attorney Jon Call mentioned that impact fees are scheduled for discussion next week, indicating anticipation around these upcoming discussions. He also highlighted a procedural change implemented by the City Recorder regarding the tracking of ordinances and resolutions. This change aims to ensure that items that do not pass are clearly marked as such, similar to how State procedures operate. He shared positive feedback about a recent event at the amphitheater, specifically mentioning that the band's performance on Friday went well. The event utilized the new audio and lighting equipment, which contributed to its success.

Jon acknowledged Bryce Nelson the Administrative Services Manager/Treasurer for his efforts in ensuring the equipment was operational and effective for the event.

Additionally, Jon noted an increase in rentals of the amphitheater recently. He suggested that this trend will be further analyzed and presented at an upcoming meeting, providing insights into community engagement and usage trends related to the amphitheater.

2:59:25 Council Member Pulver reported on a recent event cleanup at Barker Park that took place the previous Saturday. He noted that the cleanup was successful as they managed to fill up the truck with debris, indicating a productive day. Pulver expressed satisfaction with the partnership involved in these cleanup efforts, highlighting that collaboration is effective in achieving positive results. Mayor Berube commented on how weeds seem to grow faster and more abundantly, acknowledging and appreciating the efforts put forth by Council Members to address and manage these community issues.

2:59:48 Council Member Cevering reported on his and Council Member Watson's initiative to obtain a baby grand or grand piano for the City. Through a request on Facebook, they successfully received a donation of a piano, noting that the piano is scheduled to be delivered on June 18. Council Member Cevering expressed gratitude to unnamed individuals in the City who contributed towards covering the \$1,000 transportation cost for the piano, highlighting community support for the initiative.

12. **ADJOURNMENT**

Council Member Watson motioned to adjourn the meeting.

The meeting adjourned at 9:02 p.m.

S. Neal Berube, Mayor

Rian Santoro
City Recorder

Date Approved

NORTH OGDEN CITY COUNCIL MEETING MINUTES

June 18, 2024

The North Ogden City Council convened on June 18, 2024, at 6:00 p.m. at the North Ogden City Public Safety Building at 515 East 2600 North.

Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on June 13, 2024.

Notice of the annual meeting schedule was posted on the bulletin board at the municipal office and posted to the Utah State Website on December 13, 2023.

Note: The time stamps indicated in blue correspond with the recording of this meeting, which can be located on YouTube: <https://www.youtube.com/channel/UCriqbePBxTucXEzRr6fclhQ/videos> or by requesting a copy of the audio file from the North Ogden City Recorder.

PRESENT:

S. Neal Berube	Mayor
Ryan Barker	Council Member
Blake Cevering	Council Member
Jay D Dalpiaz	Council Member
Chris Pulver	Council Member
Christina Watson	Council Member

STAFF PRESENT:

Jon Call	City Manager/Attorney
Rian Santoro	City Recorder
Brian Eynon	Police Chief
Jami Jones	Finance Director
Dave Espinoza	Public Works Director/Assistant City Manager
Nate Davis	Building Inspector
Bryce Nelson	Administrative Services Manager/Treasurer
Scott Hess	Community and Economic Development Director
Maria Cabrera	Victim Advocate
Bryce Nelson	Administrative Services Manager/Treasurer
Paige Hamblin	Police Records Supervisor

VISITORS:

Sandy Cochran	Brenda Ashdown
Kevin Burns	Stefanie Casey
Randy Winn	Susan Kilborn (Zoom)

0:0:06 Mayor Berube called the meeting to order and Council Member Barker gave the invocation and led in the Pledge of Allegiance.

PRESENTATIONS

1. NORTH OGDEN CITY VICTIM ADVOCATE SERVICES PRESENTATION

0:2:03 Victim Advocate Maria Cabrera provided an overview of her services and support offered from July 1, 2023, to December 31, 2023. Key points included:

- Victim Demographics: A total of 48 victims were assisted:
 - Race/Ethnicity: 2 African Americans, 1 Hispanic, 43 White non-Latinos, and 2 unreported.
 - Gender: 21 males, 25 females, and 2 unreported.
 - Age Groups: 13-17 (1 victim), 18-27 (4 victims), 25-59 (36 victims), 60+ (5 victims), and 2 unreported.
- Types of Victimization:
 - 21 adult physical assaults
 - 4 burglaries
 - 4 child physical abuse cases
 - 28 domestic violence cases
 - 8 identity theft, fraud, or financial crimes
 - 3 vehicular victimizations
 - 5 stalking cases
 - 16 criminal mischief or violation of a protective order cases
 - 37 victims experienced multiple types of victimization
- Special Classifications:
 - 2 victims with limited English proficiency
 - 5 victims received compensation assistance
- Services Provided:
 - 91 instances of information about the criminal justice process
 - 62 instances of information about victim rights
 - Referrals to other victim services: 2
 - Support resources: 1
 - 4 interpretive services for court notifications
 - 15 victim impact statements
 - 12 restitution assistance cases
 - 2 civil legal assistance cases (protection/restraining orders)
 - 55 prosecution interview advocacy cases
 - 15 law enforcement interview advocacy services

The presentation concluded with questions from the Council, focusing on trends and utilization of Victim Advocate services. Council Member Pulver asked about trends or concerns regarding service utilization. Maria responded that trends are difficult to predict due to the variability in cases and circumstances, emphasizing that the effectiveness of her work depends on the availability of resources and the specific nature of each case.

CONSENT AGENDA

2. CALL FOR CONFLICT OF INTEREST DISCLOSURE

0:34:47 No conflict of interest was disclosed.

3. ACTION TO APPROVE THE MAY 28, 2024, CITY COUNCIL MEETING MINUTES

Council Member Watson motioned to approve the May 28, 2024, City Council Meeting Minutes. Council Member Pulver seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Pulver	aye
Council Member Watson	aye

The motion passed unanimously.

ACTIVE AGENDA

4. PUBLIC COMMENTS

0:13:09 Kevin Burns, a North Ogden City resident, expressed his gratitude to the Public Works Director/Assistant City Manager Dave Espinoza for his assistance with a neighborhood issue. Kevin mentioned that he had brought up a problem related to signage to Dave in passing about a week ago. Remarkably, within a couple of days, Dave arranged for someone to contact Kevin to resolve the issue.

Kevin publicly thanked Dave, highlighting the excellent level of customer service provided, which he believes everyone is looking for.

5. **DISCUSSION AND/OR ACTION TO CONSIDER ORDINANCE 2024-13
APPROVING THE FISCAL YEAR 2024-2025 OPERATING BUDGET AND TAX
RATE**

0:15:49 City Manager/Attorney Jon Call initiated the discussion, asking the Council whether they wanted to move forward with a taxation proposal and, if so, at what percentage rate. Mayor Berube emphasized the need to identify the anticipated revenue from property taxes to determine the tax rate to be sent to the County. He noted that an initial proposal included a 3% increase to balance the proposed budget, but unexpected insurance premium hikes necessitated reconsideration. The Mayor also highlighted the importance of retaining employees, especially in public safety, which could require around 2% of the budget. Additional budgetary considerations included funds for sidewalk repairs, road repairs, and crosswalk line increases.

Mayor Berube recommended a minimum 5% increase, highlighting the need to balance immediate infrastructure improvements and employee retention with long-term planning. The Council leaned towards a 9% increase to cover the proposed enhancements for sidewalks, crosswalks, and some contingency for salary adjustments while contributing to the Capital Improvement Plan.

Council Member Cevering sought clarity on budget allocations, particularly for sidewalks, roads, and crosswalks. Mayor Berube clarified funding sources and reiterated the need to decide on the exact percentage increase for property taxes. Council Member Watson suggested a gradual approach to crosswalk upgrades unless they were critical safety issues. Council Member Barker supported a 9% increase to address infrastructure needs while maintaining budget flexibility. Mayor Berube emphasized the importance of a 5% increase as a minimum but acknowledged that a higher rate could allow for more comprehensive improvements.

In further discussion, Council Member Cevering asked about covering the \$120,000 insurance increase. Mayor Berube indicated that while they had a quote for the next fiscal year, future increases were anticipated based on City injuries, but they had enough to cover the coming fiscal year. Council Member Cevering suggested a 9.5% rate as a good ceiling, and Mayor Berube agreed, noting the importance of smaller, consistent increases to stay on top of budget needs.

Council Member Dalpiaz expressed discomfort with a property tax increase but acknowledged 9% as a reasonable cap. He hoped that favorable sales tax reports might reduce the need for such an increase.

Mayor Berube reminded the Council of the 3% increase historically included in the budget and the anticipated \$150,000 more in sales tax next year.

During the discussion, Council Member Watson proposed increasing the City Council Members' stipends, highlighting the significant time commitment and suggested exploring this through the RDA funds rather than residential property taxes.

Council Member Cevering motioned to approve Ordinance 2024-13 approving the FY 2024-2025 Operating Budget and Tax Rate. Council Member Dalpiaz seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Pulver	aye
Council Member Watson	aye

The motion passed unanimously.

**6. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 03-2024
ADOPTING A NEW PUBLIC SAFETY FEE FOR THE CITY**

0:58:48 City Manager/Attorney Jon Call introduced a new public safety impact fee for North Ogden City, aimed at covering the costs of essential infrastructure for public safety, specifically the new building. He explained that the calculation excludes areas tied to the court and is based on current infrastructure and anticipated growth needs, determined by consultants. This would be North Ogden's first public safety impact fee, developed through a study by Zions Public Finance.

The proposed fee is \$388.93 per new residential unit, which would be allocated to a restricted fund for the facility. Commercial units would incur a fee of .13 cents per square foot, with specific exemptions for schools under certain conditions. The Council has flexibility in setting the fee, potentially choosing a lower rate than the recommended maximum.

Mayor Berube clarified that this fee is not a tax on existing residents but a charge on new homes to support necessary public safety services.

The estimated revenue from this fee could reach \$3 - 4 million over 30 - 40 years, with annual adjustments based on debt and interest rates. The fee would take effect September 17, allowing time for new permit applications under the current fee structure.

The Council discussed the fee, highlighting its role in managing growth without overburdening current resources. The new public safety impact fee is intended to ensure that the costs of new infrastructure are shared by new developments, supporting sustainable growth in North Ogden.

1:06:13 Mayor Berube opened the Public Hearing.

No Public Comment was received.

Council Member Cevering motioned to close the Public Hearing. Council Member Pulver seconded the motion. All present voted aye.

Council Member Dalpiaz moved to approve Resolution 03-2024 adopting a new Public Safety Fee for the City, set at \$388.93 per new residential unit and .13 cents per square foot for new commercial properties. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Dalpiaz	aye
Council Member Pulver	aye
Council Member Watson	aye

The motion passed unanimously.

**7. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 04-2024
ADOPTING A NEW PARKS FEE FOR THE CITY**

1:11:48 City Manager/Attorney Jon Call provided an overview of the changes in the park impact fee for North Ogden City.

He stated that the City must continue investing a specified amount per 1,000 residents into park infrastructure. This fee applies to new residential units, but commercial properties are exempt since they typically don't generate significant park usage.

The level of service for parks, previously set at six acres per 1,000 residents, has been revised to 4.75 acres per 1,000 residents. This adjustment aligns with the current park availability and reduces future development requirements. Although undeveloped parks are not part of the service level calculation, they are included in the inventory for their future capacity value. New residential developments will help recoup the costs invested in these undeveloped parks.

The updated impact fee, which had not been revised in several years, will increase from \$2,677 to \$6,017.26 per single-family house, largely due to rising land values since 2008. On average, multi-family units, which have fewer residents, will see a fee increase to \$5,354.49. This fee is about \$650 less than the single-family fee, reflecting current trends of higher occupancy rates in multi-family units due to the increased cost of home ownership.

1:15:15 Mayor Berube opened the Public Hearing.

1:15:42 Kevin Burns, a North Ogden City resident, requested clarification on the application of impact fees for single-family and multi-family homes, specifically inquiring if the fees are assessed on a per-unit basis. Mayor Berube confirmed that the fees are indeed calculated per unit.

1:16:18 Brenda Ashdown, a North Ogden City resident, inquired if the park's impact fee also covers trails, as indicated in the agenda packet. City Manager/Attorney Jon Call confirmed that the fee encompasses both parks and trails. The analysis considered various trails, including improvements like asphalt on certain sections and the value of trail ground in other areas where the City has invested.

1:17:29 Sandy Cochran, a North Ogden City resident, raised concerns about how the City accounts for or considers new developments where developers are required to include parks and playgrounds. Sandy highlighted that while affordable housing is a pressing issue in North Ogden, the proposed increase in impact fees would exacerbate affordability challenges rather than alleviate them.

City Manager/Attorney Jon Call explained that according to the State Code, developers can receive waivers on impact fees if they dedicate off-site improvements that benefit areas beyond their developments. He clarified that certain open space requirements in development agreements do not qualify for fee waivers unless explicitly stated.

Jon mentioned ongoing discussions with developers about offsetting impact fees through physical projects like parks rather than cash payments, citing a recent exception where park fees were waived for donated land used for a pond.

Mayor Berube acknowledged Sandy's concern about increased homebuilding costs due to impact fees, noting potential legislative changes to exempt affordable housing from such fees. He expressed caution about these fees potentially burdening other residents indirectly, likening them to a hidden subsidy or tax.

Council Member Cevering motioned to close the Public Hearing. Council Member Watson seconded the motion. All present voted aye.

Council Member Watson motioned to approve Resolution 04-2024 adopting a new Parks Fee for the City, set at \$6,017.26 for new single-family homes and \$5,354.49 for new multi-family homes. Council Member Pulver seconded the motion.

Voting on the motion:

Board Member Barker	aye
Board Member Cevering	aye
Board Member Dalpiaz	aye
Board Member Pulver	aye
Board Member Watson	aye

The motion passed unanimously.

**8. DISCUSSION AND/OR ACTION TO CONSIDER RESOLUTION 06-2024
AMENDING THE CONSOLIDATED FEE SCHEDULE**

1:25:03 Finance Director Jami Jones outlined several proposed fee adjustments and additions. This included adding a commercial plan check fee deposit of \$1,000, extending deposit requirements to all new construction types, and introducing a rental fee for the amphitheater's visual display screen at \$200. The discussion also covered proposed increases in recreation program fees for various youth sports and public safety services, such as a \$5 fee for missionary clearance letters and standardizing fingerprint requests to \$15 each.

City Manager/Attorney Jon Call elaborated on proposed changes to culinary water rates, suggesting tiered pricing based on consumption levels to encourage conservation.

He presented a plan where rates would increase gradually with usage, projecting additional revenue of approximately \$184,000 annually. Mayor Berube supported this approach, emphasizing its potential to align costs more closely with usage, though he raised a query regarding the impact on commercial rates.

The conversation also touched on other government entities' usage fees for City facilities, such as schools renting athletic fields, prompting comparison with neighboring jurisdictions like Pleasant View. Council Members discussed the possibility of raising fees for field rentals to match or exceed those in surrounding areas, considering how increased revenues could be earmarked specifically for field maintenance. Council Member Delpias proposed aligning fees with Pleasant View's rates and ensuring that revenue generated would directly fund field upkeep. There was a general agreement to adjust the fees to match those of Pleasant View City and allocate the collected funds toward the upkeep of City amenities.

Council Member Pulver motioned to approve Resolution 06-2024 amending the Consolidated Fee Schedule. Council Member Delpias seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Delpias	aye
Council Member Pulver	aye
Council Member Watson	aye

The motion passed unanimously.

9. COUNCIL DEPARTMENT REPORTS:

a. Mayor Berube – Finance Department

1:59:39 Mayor Berube provided an update on the Finance Department, noting that revenues are projected to align closely with the budget at approximately 92% year-to-date. He highlighted that most departments are operating within budget, with the Building Department covering its costs.

While there may be a slight shortfall in budgeted interest income, overall financial management and fund balances are strong. The Mayor emphasized the importance of planning for future capital improvements, suggesting a reduction in the unallocated

portion of the general fund to comply with statutory limits and redirecting excess funds toward committed or planned capital projects.

b. Council Member Watson – Administration and Recreation Departments

2:02:36 Council Member Watson provided the following updates on the Administration and Recreation Departments and activities:

- Public Works successfully resolved a water shutdown affecting over 300 residents, showcasing their expertise.
- The Police Department hosted a successful golf tournament last Friday, June 14, raising significant funds for Sub for Santa.
- The Aquatic Center reported an average weekly patronage of 1,144, peaking at 1,447 on Saturday. Lifeguards managed six saves and several minor first aides, including insect stings, minor injuries, and scrapes. The second session of swimming lessons will commence soon.
- Upcoming Recreation events:
 - Food Truck Thursday on June 20
 - Movies in the Park at Pleasant View Park on June 21 featuring Wonka
 - Chlorine and Chemical Training for the Fire Department on June 24, 25, and 27
 - Food Truck Thursday on June 27
 - RAMP Free Swim Day at the Aquatic Center on June 29
 - Flick N' Float on July 14
- The City Recorder reported that the new website development is progressing smoothly, with the submission of a detailed sitemap last week. Each department contributed to the sitemap, highlighting a collaborative effort towards the upcoming website launch.

c. Council Member Pulver – Public Works Department

2:05:48 Council Member Pulver provided the following updates:

Public Works Updates:

- Waterline replacement project starting on June 20th
- Repairs on the asphalt due to the significant water leak are scheduled for later this week.

Recreational Updates:

- The Ribbon Cutting Ceremony for the Lomond View Pickleball Court and Playground is scheduled for June 26 at 3:30 p.m.

Infrastructure Concerns:

- Concerns were recently expressed regarding the sidewalk connecting to the canal walkway, which has since been addressed and completed.

Upcoming Events:

- Volunteer opportunity at Barker Park in the Hollows and Chicken Coop Trail on June 22 from 8 to 11 a.m.
- The Hill Air Force Base Air Show is on June 29th and 30th and will cause noticeable noise during the weekend.

d. City Manager/Attorney Jon Call – Capital Projects

2:07:37 City Manager/Attorney Jon Call announced the following updates on the Capital Projects:

Waterworks Park:

- Infrastructure materials arriving next week.
- Demolition of the old, dilapidated building in progress.

Pond Park:

- No updates; awaiting action from the NRCS, with follow-up paperwork being submitted.

Lomond View Park Playground Installation:

- New playground installed, but fencing remains up until all components are finalized.
- Repaving and recoating of the parking lot are scheduled for June 20.
- Park enhancements include new bathrooms, pickleball courts, and a playground, making it feel like a new park except for the existing bowery and backstop, which remain functional.

10. PUBLIC COMMENTS

2:49:37 Randy Winn, a North Ogden City resident and member of the North Ogden City Audit Committee, expressed his support for Council Member Watson's motion to update the Council Members and Mayor stipends. He also recommended that the Mayor accept his stipend to avoid setting a precedent for future Mayors to forgo it. Additionally, Randy suggested incorporating a cost of living adjustment to the salary updates to ensure they remain current without needing frequent reassessment.

Regarding the budget, Randy advocated for a maximum increase of 6%, which he believes would be positively received by the community. He praised the departments for their past ability to save up to 10% when asked and suggested that there is still room for savings without planning for every contingency. Randy recommended that budget increases align with cost of living adjustments. He concluded by acknowledging the hard work involved in budget discussions and expressing his appreciation for everyone's efforts.

2:11:47 Brenda Ashdown, a North Ogden City resident, inquired about the Council stipends being funded by the RDA, expressing concern about the RDA ending and the future source of these stipends. City Manager/Attorney Jon Call clarified that while the RDA is sunsetting, there are three years left to spend its funds. He explained that the RDA will transition to the Community Development Area (CDA), which may potentially fund the stipends once the RDA money is exhausted. This transition is expected to occur over the next 20 years.

11. MAYOR/COUNCIL/STAFF COMMENTS

2:13:41 City Recorder Rian Santoro inquired about the City Council Meeting scheduled for July 23, the day before the holiday, and sought the Council's opinion on holding the meeting that day or canceling it. Mayor Berube responded, stating that unless there are pressing issues, it would be unnecessary to have a meeting just before the holiday. He emphasized that the meeting should only be held for urgent matters that require timely attention, which he doubted would arise.

2:14:47 Finance Director Jami Jones initiated a discussion about scheduling the Truth in Taxation meeting. Mayor Berube suggested having some time between the Truth in Taxation meeting and the final budget decision to allow the Council to digest the comments. Jami noted that the regular meetings are scheduled for August 13th and 27th and emphasized that the final adoption of the budget must be completed by September 1st.

Council Member Dalpiaz inquired about the deadline, and Jami confirmed the necessity of holding the Truth in Taxation hearing separately from the adoption meeting. It was agreed to hold the Truth in Taxation Hearing on August 13th, allowing two weeks to finalize the budget.

2:16:39 City Manager/Attorney Jon Call reminded the Mayor, Council, and staff about the North Ogden employee summer party on June 26 at 6:30 p.m. He asked that everyone who is planning to attend submit their RSVP.

2:17:08 Mayor Berube reminded attendees to respond to the County's invitation for the Fair dinner if they haven't already. He emphasized the importance of coordinating with the City Manager/Attorney Jon Call regarding City priorities, noting that Jon is central to managing staff priorities and City operations. Mayor Berube urged Council Members to consult with Jon when they need to adjust the priority list because Jon is well-informed about ongoing priorities and is better prepared to set those priorities with input from the Council. He also thanked the Council Members for their service, acknowledging that their roles are becoming more complex as the City grows and that they are serving out of dedication, not for financial gain.

2:19:06 Council Member Watson inquired about a previous discussion regarding offering a sale price or possibly free entry with a large deposit at the Amphitheater for its first summer or two. It was agreed to bring this issue back before the Council at a future meeting.

2:19:57 Council Member Cevering asked City Manager/Attorney Jon Call if an agreement had been finalized with Family Promise. Jon responded that he had not yet received their agreement and would follow up. Council Member Cevering then mentioned a previous discussion about using Barker Park for food trucks next year and suggested coordinating this with music events in the park to increase attendance and involvement. Jon Call noted that the Food Truck League prefers to operate during baseball season and that promoting these events more could help. He mentioned that a previous attempt to organize music in the park had not materialized due to a lack of organization from the interested group.

Mayor Berube then requested a future report on the cost of the public safety building compared to the budgeted amount, emphasizing the importance of transparency. He also reminded the Council that the contract for the Connection magazine expires in October and that no budget was allocated for it, suggesting the need for further discussion on how to communicate with citizens moving forward.

12. **ADJOURNMENT**

Council Member Watson motioned to adjourn the meeting.

The meeting adjourned at 8:24 p.m.

S. Neal Berube, Mayor

Rian Santoro
City Recorder

Date Approved

A9-2024

FRANCHISE AGREEMENT
NORTH OGDEN CITY - Connex Networks LLC.

THIS FRANCHISE AGREEMENT (hereinafter "Agreement") is entered into by and between the City of North Ogden, Utah (hereinafter "CITY"), a municipal corporation and political subdivision of the State of Utah, with principal offices at 505 East 2600 North, North Ogden, Utah, 84414, and Connex Networks LLC (hereinafter "PROVIDER") with its principal offices at 1186 E 4600 S Suite 3, Ogden, Utah 84403.

WITNESSETH:

WHEREAS, the PROVIDER desires to provide voice, data or video transmission services within the CITY and in connection therewith to establish a telecommunications network in, under, along, over and across present and future rights-of-way of the CITY; and

WHEREAS, the CITY has enacted Title 8, Chapter 2 of the North Ogden City Municipal Code (hereinafter the "Telecommunication Rights-of-Way Ordinance") which governs the application and review process for Telecommunication Franchises in the CITY; and

WHEREAS, the CITY, in exercise of its management of public Rights-of-Way, believes that it is in the best interest of the public to provide the PROVIDER a nonexclusive franchise to operate a telecommunications network in the CITY.

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the parties contained herein, and for other good and valuable consideration, the CITY and the PROVIDER agree as follows:

ARTICLE 1. FRANCHISE AGREEMENT AND ORDINANCE.

1.1 Agreement. Upon execution by the parties, this Agreement shall be deemed to constitute a contract by and between CITY and PROVIDER.

1.2 Ordinance. The CITY has adopted the Telecommunications Rights-of-Way Ordinance which is attached to this Agreement as Exhibit "A" and incorporated herein by reference. The PROVIDER acknowledges that it has had an opportunity to read and become familiar with the Telecommunications Rights-of-Way Ordinance. The parties agree that the provisions and requirements of the Telecommunications Rights-of-Way Ordinance are material terms of this Agreement, and that each party hereby agrees to be contractually bound to comply with the terms of the Telecommunications Rights-of-Way Ordinance. The definitions in the Telecommunications Rights-of-Way Ordinance shall apply herein unless a different meaning is indicated. Nothing in this Section shall be deemed to require the PROVIDER to comply with any provision of the Telecommunications Rights-of-Way Ordinance which is determined to be unlawful or beyond the CITY's authority.

1.3 Ordinance Amendments. The CITY reserves the right to amend the Telecommunications Rights-of-Way Ordinance at any time. The CITY shall give the PROVIDER notice as required under the Utah Open Meetings Act and other relevant provisions of Utah and North Ogden City Code. No special notice is implied or required. An opportunity to be heard concerning any proposed amendment is part of the public meeting legislative process. If there is any inconsistency between the PROVIDER's rights and obligations under the Telecommunications Rights-of-Way Ordinance as amended and this Agreement, the provisions of this Agreement shall govern during its term provided that such terms are not otherwise rendered illegal under state or federal laws. Otherwise, the PROVIDER agrees to comply with any such amendments.

1.4 Franchise Description. The Telecommunications Franchise provided hereby shall confer upon the PROVIDER the nonexclusive right, privilege, and franchise to construct and maintain a telecommunications network in, under, above and across the present and future public Rights-of-Way in the City. All equipment which is used to broadcast or receive a signal via wireless, satellite, or other similar way may not be located in the public right of way, but must be located on a separately leased adjoining parcel and comply with all land use ordinances, building department approvals and other relevant City Code sections. All equipment which shall be constructed above ground in the existing right of ways shall receive approval from the appropriate city authority prior to installation, including a review for safety purposes. The franchise does not grant to the PROVIDER the right, privilege or authority to engage in community antenna (or cable) television business; although, nothing contained herein shall preclude the PROVIDER from: (1) permitting those with a cable franchise who are lawfully engaged in such business to utilize the PROVIDER's System within the CITY for such purposes; or (2) from providing such service in the future if an appropriate franchise is obtained and all other legal requirements have been satisfied.

1.5 Licenses. The PROVIDER acknowledges that it has obtained the necessary approvals, licenses or permits required by federal and state law to provide telecommunication services consistent with the provisions of this Agreement and with the Telecommunications Rights-of-Way Ordinance.

1.6 Relationship. Nothing herein shall be deemed to create a joint venture or principal-agent relationship between the parties and neither party is authorized to, nor shall either party act toward third persons or the public in any manner that would indicate any such relationship with each other.

ARTICLE 2. FRANCHISE FEE.

2.1 Franchise Fee. For the Franchise granted herein, the PROVIDER shall pay to the CITY a tax of 3.5% of the gross receipts in accordance with the Municipal Telecommunication License Tax Act (Utah Code Ann. 10-1-401 to 10-1-410), less any business license fee or business license tax enacted by the CITY. All payments shall be made to the Utah State Tax Commission, and sent as follows:

Utah State Tax Commission
210 North 1950 West
Salt Lake City, Utah 84134

2.2 Equal Treatment. CITY agrees that if any service forming part of the base for calculating the franchise fee under this Agreement is, or becomes, subject to competition from a third party, the CITY will either impose and collect from such third party a fee or tax on Gross Revenues from such competing service in the same percentage specified herein, plus the percentage specified as a utility revenue tax or license fee in the then current ordinances of the CITY, or waive collection of the fees provided for herein that are subject to such competition.

ARTICLE 3. TERM AND RENEWAL.

3.1 Term and Renewal. The franchise granted to PROVIDER shall be for a period of ten (10) years commencing on the first day of the month following this Agreement, unless this Franchise be sooner terminated as herein provided. At the end of the initial ten (10) year term of this Agreement, the franchise granted herein may be renewed by the PROVIDER and CITY upon the same terms and conditions as contained in this Agreement for an additional five (5) year term. Provider shall request the extension by providing to the CITY's representative designated herein written notice of the PROVIDER's intent to renew not less than ninety (90) calendar days before the expiration of the initial franchise term and the City's approval shall not unreasonably be withheld.

3.2 Rights of PROVIDER Upon Expiration or Revocation. Upon expiration of the franchise granted herein, whether by lapse or time, by agreement between the PROVIDER and the CITY, or by revocation or forfeiture, the PROVIDER shall have the right to remove from the Rights-of-Way any and all of its System, but in such event, it shall be the duty of the PROVIDER, immediately upon such removal, to restore the Rights-of-Way from which such System is removed to as good condition as the same was before the removal was effected.

ARTICLE 4. PUBLIC USE RIGHTS.

4.1 City Uses of Poles and Overhead Structures. The CITY shall have the right, without cost, to use all poles owned by the PROVIDER within the CITY for fire alarms, police signal systems, or any lawful public use; provided, however, any said uses by the CITY shall be for activities owned, operated or used by the CITY for any public purposes and shall not include the provision of telecommunications service to third parties.

4.2 Limitations on Use Rights. Nothing in this Agreement shall be construed to require the Provider to increase pole capacity, alter the manner in which the PROVIDER attached equipment to the poles, or alter the manner in which the PROVIDER operates and maintains its equipment. Such CITY attachments shall be installed and maintained in accordance with the reasonable requirements of the PROVIDER and the current National Electrical Safety Code. CITY attachments shall be attached or installed only after written approval by the PROVIDER, which approval will be processed in a timely manner and will not be unreasonably withheld.

4.3 Maintenance of CITY Facilities. The CITY's use rights shall also be subject to the parties reaching an agreement regarding the CITY's maintenance of the CITY attachments.

ARTICLE 5. POLICE POWERS.

The CITY expressly reserves, and the PROVIDER expressly recognizes, the CITY's right and duty to adopt, from time to time, in addition to provisions herein contained, such ordinances and rules and regulations as the CITY may deem necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties.

ARTICLE 6. CHANGING CONDITIONS AND SEVERABILITY.

6.1 Meet to Confer. The PROVIDER and the CITY recognize that many aspects of the telecommunication business are currently the subject of discussion, examination and inquiry by different segments of the industry and affected regulatory authorities and that these activities may ultimately result in fundamental changes in the way the PROVIDER conducts its business and the way the CITY regulates the business. In recognition of the present state of uncertainty respecting these matters, the PROVIDER and the CITY each agree, upon request of the other during the term of this Agreement, to meet with the other and discuss in good faith whether it would be appropriate, in view of developments of the kind referred to above during the term of this Agreement, to amend this Agreement or enter into separate, mutually satisfactory arrangements to effect a proper accommodation of any such developments.

6.2 Severability. If any section, sentence, paragraph, term or provision of this Agreement or the Telecommunications Rights-of-Way Ordinance is for any reason determined to be or rendered illegal, invalid, or superseded by other lawful authority, including any state or federal, legislative, regulatory or administrative authority having jurisdiction thereof, or is determined to be unconstitutional, illegal or invalid by any court of competent jurisdiction,, such portion shall be deemed a separate, distinct and independent provision, and such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision, all of which shall remain in full force and effect for the term of this Agreement or any renewal or renewals thereof. Provided that if the invalidated portion is considered a material consideration for entering into this Agreement, the parties will negotiate, in good faith, an amendment to this Agreement. As used herein, "material consideration" for the CITY is its ability to collect the Franchise Fee during the term of this Agreement and its ability to manage the Rights-of-Way in a manner similar to that provided in this Agreement, the Telecommunications Rights-of-Way Ordinance, and the City's Excavation Permit Ordinance. For the PROVIDER, "material consideration" is its ability to use the Rights-of-Way for telecommunication purposes in a manner similar to that provided in this Agreement, the Telecommunications Rights-of-Way Ordinance, and the CITY's Excavation Permit Ordinance.

ARTICLE 7. EARLY TERMINATION, REVOCATION OF FRANCHISE AND OTHER REMEDIES.

7.1 Grounds for Termination. The CITY may terminate or revoke this Agreement and all rights and privileges herein provided for any of the following reasons:

- (a) The PROVIDER fails to make timely payments of the franchise fee as required under Article 2 of this Agreement and does not correct such failure within sixty (60) calendar days after written notice by the CITY of such failure;
- (b) The PROVIDER, by act or omission, materially violates a material duty herein set forth in any particular within the PROVIDER's control, and with respect to which redress is not otherwise herein provided. In such event, the CITY, acting by or through its CITY Council, may determine, after hearing, that such failure is of a material nature, and thereupon, after written notice giving the PROVIDER notice of such determination, the PROVIDER, within sixty (60) calendar days of such notice, shall commence efforts to remedy the conditions identified in the notice and shall have ninety (90) calendar days from the date it receives notice to remedy the conditions. After the expiration of such 90-day period and failure to correct such conditions, the CITY may declare the franchise forfeited and this Agreement terminated, and thereupon, the PROVIDER shall have no further rights or authority hereunder; provided, however, that any such declaration of forfeiture and termination shall be subject to judicial review as provided by law, and provided further, that in the event such failure is of such nature that it cannot be reasonably corrected within the 90-day time period provided above, the CITY shall provide additional time for the reasonable correction of such alleged failure if the reason for the noncompliance was not the intentional or negligent act or omission of the PROVIDER; or
- (c) The PROVIDER becomes insolvent, unable or unwilling to pay its debts, is adjudged bankrupt, or all or part of its facilities should be sold under an instrument to secure a debt and is not redeemed by the PROVIDER within sixty (60) days.
- (d) The PROVIDER, or its contractors damage CITY or private property during the installation and maintenance of its telecommunication network and fails to repair or compensate the property owner for the damage. PROVIDER shall be given sixty (60) days written notice to complete any required repairs.

7.2 Reserved Rights. Nothing contained herein shall be deemed to preclude the PROVIDER from pursuing any legal or equitable rights or remedies it may have to challenge the action of the CITY.

7.3 Remedies at Law. In the event the PROVIDER or the CITY fails to fulfill any of its respective obligations under this Agreement, the CITY or the PROVIDER, whichever the case may be, shall have a breach of contract claim and remedy against the other, in addition to other remedy provided herein or by law; provided, however, that no remedy that would have the effect of amending the specific provisions of this agreement shall become effective without such action that would be necessary to formally amend the Agreement.

7.4 Third Party Beneficiaries. The benefits and protection provided by this Agreement shall inure solely to the benefit of the CITY and the PROVIDER. This Agreement shall not be deemed to create any right in any person who is not a party and shall not be construed in any respect to be a contract in whole or in part for the benefit of any third party (other than the permitted successors and assigns of a party hereto).

ARTICLE 8. PARTIES' DESIGNEES.

8.1 CITY designee and Address. The City Manager or his or her designee(s) shall serve as the CITY's representative regarding administration of this Agreement. Unless otherwise specified herein or in the Telecommunications Rights-of-Way Ordinance, all notices from the PROVIDER to the CITY pursuant to or concerning this Agreement, shall be delivered to the CITY's representative at Attn: City Recorder, 505 East 2600 North, North Ogden, UT 84414, or such other officer and address as the CITY may designate by written notice to the PROVIDER.

8.2 PROVIDER Designee and Address. The PROVIDER's President, Matthew Weller or his designee(s) shall serve as the PROVIDER's representative regarding administration of this Agreement. Unless otherwise specified herein or in the Telecommunications Rights-of-Way Ordinance, all notices from the CITY to the PROVIDER pursuant to or concerning this Agreement, shall be delivered to PROVIDER's headquarter offices at 1186 E 4600 S Suite 3, Ogden, Utah 84403, and such other office as the PROVIDER may designate by written notice to the CITY.

8.3 Failure of Designee. The failure or omission of the CITY's or PROVIDER's representative to act shall not constitute any waiver or estoppels by the CITY or PROVIDER.

ARTICLE 9. INSURANCE AND INDEMNIFICATION

9.1 Insurance. Prior to commencing operations in the CITY pursuant to this Agreement, the PROVIDER shall furnish to the CITY evidence that it has adequate general liability and property damage insurance. The evidence may consist of a statement that the PROVIDER is effectively self-insured if the PROVIDER has substantial financial resources, as evidenced by its current certified financial statements and established credit rating, or substantial assets located in the State of Utah. Any and all insurance, whether purchased by the PROVIDER from a commercial carrier, whether provided through a self-insured program, or whether provided in some other form or other program, shall be in a form, in an amount and of a scope of coverage acceptable to the CITY.

9.2 Indemnification. The PROVIDER agrees to indemnify, defend and hold the CITY harmless from and against any and all claims, demands, liens, and all liability or damage of whatsoever kind on account of or arising from the PROVIDER's acts, including the acts of PROVIDER's contractors, or omissions pursuant to or related to this Agreement, and to pay any and all costs, including reasonable attorneys' fees, incurred by the CITY in defense of such claims. The CITY shall promptly give written notice to the PROVIDER of any claim, demand, lien, liability, or damage, with respect to which the CITY seeks indemnification and, unless in

the CITY's judgment a conflict of interest may exist between the parties with respect to the claim, demand, lien, liability, or damage, the CITY shall permit the PROVIDER to assume the defense of such with counsel of the PROVIDER's choosing, unless the CITY reasonably objects to such counsel. Notwithstanding any provision of this Section to the contrary, the PROVIDER shall not be obligated to indemnify, defend or hold the CITY harmless to the extent any claim, demand, lien, damage, or liability arises out of or in connection with negligent acts or omissions of the CITY.

ARTICLE 10. INSTALLATION

10.1 Coordinated Installation. In order to prevent and/or minimize the number of cuts to and excavations within the CITY Rights-of-Way, PROVIDER shall coordinate with the CITY and other providers or users of the CITY Rights-of-Way, when such cuts and excavations will be made. Unless otherwise permitted, installation, repairs, or maintenance of lines and facilities within the CITY Rights-of-Way shall be made in the same trench and at the time other installations, repairs or maintenance of facilities are conducted within the CITY Rights-of-Way.

10.2 Underground Installation. Unless otherwise provided, all of PROVIDER's facilities within the CITY shall be constructed underground. Notwithstanding the provisions of Article 1.3 of this Agreement, PROVIDER expressly agrees to install and maintain all of its facilities in accordance with CITY Ordinances regarding the undergrounding of utility lines, in effect at the time this Agreement is entered into and as subsequently amended during the term of this Agreement. Nothing herein shall require PROVIDER to convert existing overhead facilities to underground facilities until and unless other similarly situated providers in the same location are required to do so.

10.3 Damage to Property. If during installation of any facility, line, or equipment under the provisions of this Agreement, PROVIDER, its contractors, agents, or other individuals damage any municipal property, including all street improvements, utility improvements, or third party improvements PROVIDER agrees to fully restore the property, at their expense, to established municipal standards. If PROVIDER'S its agents, contractors, or other individuals insurance coverage does not fully cover the costs of repairs required because of any act of PROVIDER, its agents, contractors or other individuals PROVIDER shall complete the repairs at their own expense. If property damage occurs CITY may require, at its discretion that PROVIDER complete the necessary repairs. Under no condition is CITY required to complete the repairs and seek to obtain repayment from PROVIDER or insurance companies unless CITY elects to do so.

ARTICLE 11. GENERAL PROVISIONS

11.1 Binding Agreement. The parties represent that: (a) when executed by their respective parties, this Agreement shall constitute legal and binding obligations of the parties; and (b) each party has complied with all relevant statutes, ordinances, resolutions, by-laws and other legal requirements applicable to their operation in entering into this Agreement.

11.2 Utah Law. This Agreement shall be interpreted pursuant to Utah law.

11.3 Time of Essence. Time shall be of the essence of this Agreement.

11.4 Interpretation of Agreement. The invalidity of any portion of this Agreement shall not prevent the remainder from being carried into effect. Whenever the context of any provision shall require it, the singular number shall be held to include the plural number and vice versa, and the use of any gender shall include any other and all genders. The paragraphs and section headings in this Agreement are for convenience only and do not constitute a part of the provisions hereof.

11.5 No Presumption. All parties have participated in preparing this Agreement. Therefore, the parties stipulate that any court interpreting or construing the Agreement shall not apply the rule of construction that the Agreement should be more strictly construed against the drafting party.

11.6 Amendments. This Agreement may be modified or amended by written agreement only. No oral modifications or amendments shall be effective.

11.7 Binding Agreement. This Agreement shall be binding upon the heirs, successors, administrators and assigns of each of the parties.

SIGNED AND ENTERED INTO this ____ day of _____, 20____

"CITY"
CITY OF NORTH OGDEN

By: _____
S. Neal Berube, Mayor

ATTEST:

S. Neal Berube, Mayor

APPROVED AS TO FORM:

Jonathan Call, City Attorney

"PROVIDER"

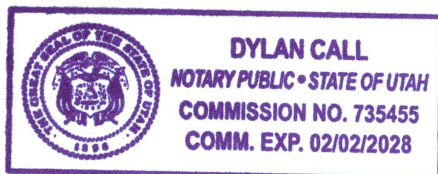
Connex Networks LLC.

By: David Brown
David Brown, Managing Member

CORPORATE ACKNOWLEDGMENT

STATE OF UTAH)
)
) :SS
COUNTY OF Weyer)

On the 1 day of July, 2024 personally appeared before me David Brown, who being by me duly sworn did say that he is the Managing Member of Connex Networks LLC., and that the foregoing instrument was signed on behalf of said company by authority of its board of directors and/or its company documents; and he acknowledged to me that said company executed the same.



[Signature]
Notary Public

Residing at: Orden, UT

My Commission Expires: 02/02/2028

EXHIBIT "A"

Telecommunication Rights-of-Way Ordinance

8-2: TELECOMMUNICATIONS; USE OF RIGHTS OF WAY

8-2-1: FINDINGS AND INTENT; AUTHORITY

8-2-2: DEFINITIONS

8-2-3: ADMINISTRATION; GENERAL PROVISIONS

8-2-4: APPLICABILITY; EXCEPTIONS

8-2-5: FRANCHISE REQUIRED

8-2-6: APPLICATION FOR FRANCHISE

8-2-7: COMPENSATION, FEES AND PAYMENTS

8-2-8: INSURANCE, RECORD REQUIREMENTS

8-2-9: CONSTRUCTION, TECHNICAL REQUIREMENTS 8-2-10:

PRIVATE PROPERTY; OBLIGATION TO NOTIFY 8-2-11:

TRANSFER OF FRANCHISE AND LICENSE 8-2-12:

ENFORCEMENT; RIGHTS OF CITY

8-2-13: SEVERABILITY

8-2-1: FINDINGS AND INTENT; AUTHORITY

A. Rights Of Way: The city finds that the rights of way within the city:

1. Are critical to the travel and transport of persons and property in the business and social life of the city;
2. Are intended for public uses and must be managed and controlled consistent with that intent;
3. Can be partially occupied by the facilities of utilities and other public service entities delivering utility and public services rendered for profit, to the enhancement of the health, welfare and general economic well-being of the city and its citizens; and
4. Are a unique and physically limited resource requiring proper management to maximize the efficiency and to minimize the costs to the taxpayers of the foregoing uses and to minimize the inconvenience to and negative effects upon the public from such facilities' construction, placement, relocation and maintenance in the rights of way.

B. Compensation: The city finds that the city should receive fair and reasonable compensation for use of the rights of way.

C. Local Concern: The city finds that while telecommunications systems are in part an extension of interstate commerce, their operations also involve rights of way, municipal franchising and vital business and community service, which are of local concern.

D. Promotion Of Telecommunications Services: The city finds that it is in the best interests of its taxpayers and citizens to promote the rapid development of telecommunications services, on a nondiscriminatory basis, responsive to community and public interest, and to assure availability for municipal, educational and community services.

E. Franchise Standards: The city finds that it is in the interests of the public to franchise and to establish standards for franchising providers in a manner that:

1. Fairly and reasonably compensates the city on a competitively neutral and nondiscriminatory basis as provided herein;
2. Encourages competition by establishing terms and conditions under which providers may use the rights of way to serve the public;
3. Fully protects the public interests and the city from any harm that may flow from such commercial use of rights of way;
4. Protects the police powers and rights of way management authority of the city in a manner consistent with federal and state law;
5. Otherwise protects the public interests in the development and use of the city infrastructure;
6. Protects the public's investment in improvements in the rights of way; and
7. Ensures that no barriers to entry of telecommunications providers are created and that such franchising is accomplished in a manner that does not prohibit or have the effect of prohibiting telecommunication

services, within the meaning of the telecommunications act of 1996.

F. Power To Manage Rights Of Way: The city adopts this telecommunications chapter pursuant to its power to manage the rights of way, pursuant to common law, the Utah constitution and statutory authority, and receive fair and reasonable compensation for the use of rights of way by providers as expressly set forth by section 253 of the act.

HISTORY

Adopted by Ord. 1987 Code § 12.20.010 on 1/1/1987

8-2-2: DEFINITIONS

For purposes of this chapter, the following terms, phrases, words and their derivatives shall have the meanings set forth in this section, unless the context clearly indicates that another meaning is intended. Words used in the present tense include the future tense, words in the single number include the plural number, words in the plural number include the singular. The words "shall" and "will" are mandatory, and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

APPLICATION: The process by which a provider submits a request and indicates a desire to be granted a franchise to utilize the rights of way of all, or a part, of the city. An application includes all written documentation, verbal statements and representations, in whatever form or forum, made by a provider to the city concerning: the construction of a telecommunications system over, under, on or through the rights of way; the telecommunications services proposed to be provided in the city by a provider; and any other matter pertaining to a proposed system or service.

CITY: North Ogden City, Utah.

COMPLETION DATE: The date that a provider begins providing services to customers in the city.

CONSTRUCTION COSTS: All costs of constructing a system, including make ready costs, other than engineering fees, attorney or accountant fees, or other consulting fees.

CONTROL OR CONTROLLING INTEREST: Actual working control in whatever manner exercised, including, without limitation, working control through ownership, management, debt instruments or negative control, as the case may be, of the system or of a provider. A rebuttable presumption of the existence of control or a controlling interest shall arise from the beneficial ownership, directly or indirectly, by any person or group of persons acting in concert, of more than twenty five percent (25%) of any provider (which person or group of persons is hereinafter referred to as "controlling person"). Control or controlling interest, as used herein, may be held simultaneously by more than one person or group of persons.

FCC: The federal communications commission or any successor thereto.

FRANCHISE: The rights and obligations extended by the city to a provider to own, lease, construct, maintain, use or operate a system in the rights of way within the boundaries of the city. Any such authorization, in whatever form granted, shall not mean or include:

A. Any other permit or authorization required for the privilege of transacting and carrying on a business within the city required by the ordinances and laws of the city;

B. Any other permit, agreement or authorization required in connection with operations on rights of way or public property, including, without limitation, permits and agreements for placing devices on or in poles, conduits or other structures, whether owned by the city or a private entity, or for excavating or performing other work in or along the rights of way.

FRANCHISE AGREEMENT: A contract entered into in accordance with the provisions of this chapter between the city and a franchisee that sets forth, subject to this chapter, the terms and conditions under which a franchise will be exercised.

GROSS REVENUE: Includes all revenues of a provider that may be included as gross revenue within the meaning of Utah Code 11-26, as amended.

INFRASTRUCTURE PROVIDER: A person providing to another, for the purpose of providing telecommunication services to customers, all or part of the necessary system which uses the rights of way.

OPEN VIDEO SERVICE: Any video programming services provided to any person through the use of rights of way by a provider that is certified by the FCC to operate an open video system pursuant to section 651 et seq., of the telecommunications act (to be codified at 47 USC title VI, part V), regardless of the system used.

OPEN VIDEO SYSTEM: The system of cables, wires, lines, towers, wave guides, optic fiber, microwave, laser beams and any associated converters, equipment, or facilities designed and constructed for the purpose of producing, receiving, amplifying or distributing open video services to or from subscribers or locations within the city.

OPERATOR: Any person who provides service over a telecommunications system and directly or through one or more persons owns a controlling interest in such system, or who otherwise controls or is responsible for the operation of such a system.

ORDINANCE OR TELECOMMUNICATIONS ORDINANCE: This telecommunications concerning the granting of franchises in and by the city for the construction, ownership, operation, use or maintenance of a telecommunications system.

PSC: The public service commission or any successor thereto.

PERSON: Includes any individual, corporation, partnership, association, joint stock company, trust or any other legal entity, but not the city.

PERSONAL WIRELESS SERVICES FACILITIES: Has the same meaning as provided in section 704 of the act (47 USC 332(c)(7) (c)), which includes what is commonly known as cellular and PSC services that do not install any system or portion of a system in the rights of way.

PROVIDER: An operator, infrastructure provider, reseller or system lessee.

RESELLER: Refers to any person that provides local exchange service over a system for which a separate charge is made, where that person does not own or lease the underlying system used for the transmission.

RIGHTS OF WAY: The surface of and the space above and below any public street, sidewalk, alley or other public way of any type whatsoever, now or hereafter existing as such within the city.

SIGNAL: Any transmission or reception of electronic, electrical, light or laser or radio frequency energy or optical information, in either analog or digital format.

SYSTEM LESSEE: Refers to any person that leases a system or a specific portion of a system to provide services.

TELECOMMUNICATIONS: The transmission, between or among points specified by the user, of information of the user's choosing (e.g., data, video and voice), without change in the form or content of the information sent and received.

TELECOMMUNICATIONS SERVICE OR SERVICES: Any telecommunications services provided by a provider within the city that the provider is authorized to provide under federal, state and local law, and any equipment and/or facilities required for and integrated with the services provided within the city, except that these terms do not include "cable service", as defined in the cable communications policy act of 1984, as amended by the cable television consumer protection and competition act of 1992 (47 USC 521 et seq.) and the telecommunications act of 1996.

TELECOMMUNICATIONS SYSTEM OR SYSTEM: All conduits, manholes, poles, antennas, transceivers, amplifiers and all other electronic devices, equipment, wire and appurtenances owned, leased or used by a provider, located in the rights of way and utilized in the provision of services, including fully digital or analog, voice, data and video imaging and other enhanced telecommunications services. Telecommunications system or systems also includes an open video system.

WIRE: Fiber optic telecommunications cable, wire, coaxial cable or other transmission medium that may be used in lieu thereof for similar purposes.

HISTORY

Adopted by Ord. 1987 Code § 12.20.040 on 1/1/1987

8-2-3: ADMINISTRATION; GENERAL PROVISIONS

A. **Conflicts:** In the event of a conflict between any provision of this chapter and a franchise entered pursuant to it, the provisions of this chapter in effect at the time the franchise is entered into shall control.

B. **New Developments:** It shall be the policy of the city to liberally amend this chapter, upon application of a provider, when necessary to enable the provider to take advantage of any developments in the field of telecommunications which will afford the provider an opportunity to more effectively, efficiently or economically serve itself or the public.

C. **Notices:** All notices from a provider to the city required under this chapter or pursuant to a franchise granted pursuant to this chapter shall be directed to the officer as designated by the mayor. A provider shall provide in any application for a franchise the identity, address and phone number of the person designated to receive notices from the city. A provider shall immediately notify the city of any change in such designated person's name, address or telephone number.

D. **Exercise Of Police Power:** To the full extent permitted by applicable law either now or in the future, the city reserves the right to adopt or issue such rules, regulations, orders or other directives that it finds necessary or appropriate in the lawful exercise of its police powers.

E. **Construction:**

1. **Federal And State Statutes:** This chapter shall be construed in a manner consistent with all applicable federal and state statutes.

2. **Applicability:** This chapter shall apply to all franchises granted or renewed after the effective date hereof. This chapter shall further apply, to the extent permitted by applicable federal or state law, to all existing franchises granted prior to the effective date hereof and to a provider providing services, without a franchise, prior to the effective date hereof.

3. **Other Applicable Ordinances:** A provider's rights are subject to the police powers of the city to adopt and enforce ordinances necessary to the health, safety and welfare of the public. A provider shall comply with all applicable general laws and ordinances enacted by the city pursuant to its police powers. In particular, all providers shall comply with the city zoning and other land use requirements.

4. **City Failure To Enforce:** A provider shall not be relieved of its obligation to comply with any of the provisions of this chapter or any franchise granted pursuant to this chapter by reason of any failure of the city to enforce prompt compliance.

5. **Construed According To State Law:** This chapter and any franchise granted pursuant to this chapter shall be construed and enforced in accordance with the substantive laws of the state.

HISTORY

Adopted by Ord. 1987 Code § 12.20.480, 12.20.500, 12.20.510, 12.20.520, 12.20.530, 12.20.540, 12.20.550, 12.20.560, 12.20.570 on 1/1/1987

Amended by Ord. 2006 Code on 1/1/2006

8-2-4: APPLICABILITY; EXCEPTIONS

A. **Providers:** This chapter shall provide the basic local scheme for providers of telecommunications services and

systems that require the use of the rights of way, including providers of both the system and service, those providers of the system only and those providers who do not build the system but who only provide services. This chapter shall apply to all future providers and to all providers in the city prior to the effective date hereof, whether operating with or without a franchise as set forth in CCNO 8-2-3E2.

B. Excluded Activities:

1. Cable Television Operators: This chapter shall not apply to cable television operators otherwise regulated by the cable television ordinance.
2. Wireless Service Facilities: This chapter shall not apply to personal wireless service facilities.

C. Excluded Providers; Provisions Applicable: Providers excused by other law that prohibits the city from requiring a franchise shall not be required to obtain a franchise, but all of the requirements imposed by this chapter through the exercise of the city police power and not preempted by other law shall be applicable.

HISTORY

Adopted by Ord. 1987 Code § 12.20.020, 12.20.030 on 1/1/1987

8-2-5: FRANCHISE REQUIRED

A. Nonexclusive Franchise; Authority: The city is empowered and authorized to issue nonexclusive franchises governing the installation, construction and maintenance of systems in the city rights of way, in accordance with the provisions of this chapter. The franchise is granted through a franchise agreement entered into between the city and provider.

B. Provider Required To Obtain: Except to the extent preempted by federal or state law, as ultimately interpreted by a court of competent jurisdiction, including any appeals, every provider must obtain a franchise prior to constructing a telecommunications system or providing telecommunications services using the rights of way, and every provider must obtain a franchise before constructing an open video system or providing open video services via an open video system. Any open video system or service shall be subject to the customer service and consumer protection provisions applicable to the cable TV companies to the extent the city is not preempted or permitted as ultimately interpreted by a court of competent jurisdiction, including any appeals. The fact that particular telecommunications systems may be used for multiple purposes does not obviate the need to obtain a franchise for other purposes. By way of illustration and not limitation, a cable operator of a cable system must obtain a cable franchise, and, should it intend to provide telecommunications services over the same system, must also obtain a telecommunications franchise.

C. Nature Of Grant: A franchise shall not convey title, equitable or legal, in the rights of way. A franchise is only the right to occupy rights of way on a nonexclusive basis for the limited purposes and for the limited period stated in the franchise; the right may not be subdivided, assigned or subleased. A franchise does not excuse a provider from obtaining appropriate access or pole attachment agreements before collocating its system on the property of others, including the city's property. This subsection shall not be construed to prohibit a provider from leasing conduit to another provider, so long as the lessee has obtained a franchise.

D. Current Providers; Time Limit To Request: Except to the extent exempted by federal or state law, any provider acting without a franchise on the effective date hereof shall request issuance of a franchise from the city within ninety (90) days of the effective date hereof. If such request is made, the provider may continue providing service during the course of negotiations. If a timely request is not made, or if negotiations cease and a franchise is not granted, the provider shall comply with the provisions of CCNO 8-2-12D.

E. Nature Of Franchise: The franchise granted by the city under the provisions of this chapter shall be a nonexclusive franchise providing the right and consent to install, repair, maintain, remove and replace its system on, over and under the rights of way in order to provide services.

F. Regulatory Approval Needed: Before offering or providing any services pursuant to the franchise, a provider shall obtain any and all regulatory approvals, permits, authorizations or licenses for the offering or provision of such services from the appropriate federal, state and local authorities, if required, and shall submit to the city, upon the written request of the city, evidence of all such approvals, permits, authorizations or licenses.

G. Term: No franchise issued pursuant to this chapter shall have a term of less than five (5) years or greater than fifteen (15) years. Each franchise shall be granted in a nondiscriminatory manner.

HISTORY

Adopted by Ord. 1987 Code § 12.20.050, 12.20.060, 12.20.070, 12.20.080, 12.20.090, 12.20.100, 12.20.110 on 1/1/1987

8-2-6: APPLICATION FOR FRANCHISE

A. Required; Form: To obtain a franchise to construct, own, maintain or provide services through any system within the city, to obtain a renewal of a franchise granted pursuant to this chapter or to obtain the city approval of a transfer of a franchise, as provided in CCNO 8-2-11A2, granted pursuant to this chapter, an application must be filed with city on the form attached to the ordinance codified herein as exhibit A, which is hereby incorporated by reference. The application form may be changed by the mayor so long as such changes request information that is consistent with this chapter. Such application form, as amended, is incorporated by reference.

B. Criteria: In making a determination as to an application filed pursuant to this chapter, the city may, but shall not be limited to, request the following from the provider:

1. A copy of the order from the PSC granting a certificate of convenience and necessity.
2. Certification of the provider's financial ability to compensate the city for provider's intrusion, maintenance and use of the rights of way during the franchise term proposed by the provider.
3. Provider's agreement to comply with the requirements of CCNO 8-2-9.

C. Determination By City: The city, in its discretion, shall determine the award of any franchise on the basis of these and other considerations relevant to the use of the rights of way, without competitive bidding.

HISTORY

Adopted by Ord. 1987 Code § 12.20.220, 12.20.230, 12.20.240 on 1/1/1987

8-2-7: COMPENSATION, FEES AND PAYMENTS

A. Compensation; Provider Obligations: As fair and reasonable compensation for any franchise granted pursuant to this chapter, a provider shall have the following obligations:

1. Application Fee: In order to offset the cost to the city to review an application for a franchise and in addition to all other fees, permits or charges, a provider shall pay to the city, at the time of application, a nonrefundable application fee in such amount as established by resolution of the city council.
2. Franchise Fee: The franchise fee, if any, shall be set forth in the franchise agreement. The obligation to pay a franchise fee shall commence on the completion date. The franchise fee is offset by any business license fee or business license tax enacted by the city.
3. Excavation Permits: The provider shall also pay fees required for an excavation permit as provided in CCNO 8-1.

B. Due Monthly: Unless otherwise agreed to in the franchise agreement, all franchise fees shall be paid on a monthly basis within forty five (45) days of the close of each calendar month.

C. Statement Of Calculation; Certification: Unless a franchise agreement provides otherwise, each fee payment shall be accompanied by a statement showing the manner in which the fee was calculated and shall be certified as to its accuracy.

D. Future Costs: A provider shall pay to the city or to third parties, at the direction of the city, an amount equal to the reasonable costs and reasonable expenses that the city incurs for the services of third parties (including, but not limited to, attorneys and other consultants) in connection with any renewal or provider initiated renegotiation, or amendment of this chapter or a franchise; provided, however, that the parties shall agree upon a reasonable financial cap at the outset of negotiations. In the event the parties are unable to agree, either party may submit the issue to binding arbitration in accordance with the rules and procedures of the American arbitration association.

E. Taxes, Assessments: To the extent taxes or other assessments are imposed by taxing authorities, other than the city, on the use of the city property as a result of a provider's use or occupation of the rights of way, the provider shall be responsible for payment of its pro rata share of such taxes, payable annually unless otherwise required by the taxing authority. Such payments shall be in addition to any other fees payable pursuant to this chapter.

F. Interest On Late Payments: In the event that any payment is not actually received by the city on or before the applicable date fixed in the franchise, interest thereon shall accrue from such date until received at the rate charged for delinquent state taxes.

G. Acceptance Of Fee; Not Construed Satisfaction: No acceptance by the city of any fee shall be construed as an accord that the amount paid is in fact the correct amount, nor shall such acceptance of such fee payment be

construed as a release of any claim the city may have for additional sums payable.

H. Additional Taxes Or Fees Still Applicable: The fee payment is not a payment in lieu of any tax, fee or other assessment, except as specifically provided in this chapter or as required by applicable law. By way of example, and not limitation, excavation permit fees and fees to obtain space on the city owned poles are not waived and remain applicable.

I. Operation After Term; Continuing Obligation And Holdover: In the event a provider continues to operate all or any part of the system after the term of the franchise, such operator shall continue to comply with all applicable provisions of this chapter and the franchise, including, without limitation, all compensation and other payment provisions throughout the period of such continued operation; provided, that any such continued operation shall in no way be construed as a renewal or other extension of the franchise, nor as a limitation on the remedies, if any, available to the city as a result of such continued operation after the term, including, but not limited to, damages and restitution.

J. Publication Costs: A provider shall assume any publication costs associated with its franchise that may be required by law.

HISTORY

Adopted by Ord. 1987 Code § 12.20.120, 12.20.130, 12.20.140, 12.20.150, 12.20.160, 12.20.170, 12.20.180, 12.20.190, 12.20.200, 12.20.210 on 1/1/1987

Amended by Ord. 2006 Code on 1/1/2006

8-2-8: INSURANCE, RECORD REQUIREMENTS

A. Insurance Required: Prior to the execution of a franchise, a provider will deposit with the city an irrevocable, unconditional letter of credit or surety bond as required by the terms of the franchise, and shall obtain and provide proof of the insurance coverage required by the franchise. A provider shall also indemnify the city as set forth in the franchise.

B. Oversight: The city shall have the right to oversee, regulate and inspect periodically the construction, maintenance and upgrade of the system, and any part thereof, in accordance with the provisions of the franchise and applicable law. A provider shall establish and maintain managerial and operational records, standards, procedures and controls to enable a provider to prove, in reasonable detail, to the satisfaction of the city at all times throughout the term, that a provider is in compliance with the franchise. A provider shall retain such records for not less than the applicable statute of limitations.

C. Records Maintenance: A provider shall at all times maintain:

1. On file with the city, a full and complete set of plans, records and as built hard copy maps and, to the extent the maps are placed in an electronic format, they shall be made in electronic format compatible with the city's existing GIS system, of all existing and proposed installations and the types of equipment and systems installed or constructed in the rights of way, properly identified and described as to the types of equipment and facility by appropriate symbols and marks, which shall include annotations of all rights of way where work will be undertaken. As used herein, as built maps include file construction prints. Maps shall be drawn to scale. As built maps, including the compatible electronic format, as provided above, shall be submitted within thirty (30) days of completion of work or within thirty (30) days after completion of modification and repairs. As built maps are not required of the provider who is the incumbent local exchange carrier for the existing system to the extent they do not exist.

2. Throughout the term of the franchise, a provider shall maintain complete and accurate books of account and records of the business, ownership and operations of a provider with respect to the system in a manner that allows the city at all times to determine whether a provider is in compliance with the franchise. Should the city reasonably determine that the records are not being maintained in such a manner, a provider shall alter the manner in which the books and/or records are maintained so that a provider comes into compliance with this section. All financial books and records which are maintained in accordance with the regulations of the FCC and any governmental entity that regulates utilities in the state and generally accepted accounting principles shall be deemed to be acceptable under this section.

D. Confidentiality: If the information required to be submitted is proprietary in nature or must be kept confidential by federal, state or local law, upon proper request by a provider, such information shall be classified as a protected record within the meaning of the Utah government records access and management act (GRAMA), making it

available only to those who must have access to perform their duties on behalf of the city; provided, that a provider notifies the city of, and clearly labels the information which a provider deems to be confidential, proprietary information. Such notification and labeling shall be the sole responsibility of the provider.

E. Provider's Expense: All reports and records required under this chapter shall be furnished at the sole expense of a provider, except as otherwise provided in this chapter or a franchise.

F. Right of Inspection: For the purpose of verifying the correct amount of the franchise fee, the books and records of the provider pertaining thereto shall be open to inspection or audit by duly authorized representatives of the city at all reasonable times, upon giving reasonable notice of the intention to inspect or audit the books and records; provided, that the city shall not audit the books and records of the provider more often than annually. The provider agrees to reimburse the city the reasonable costs of an audit if the audit discloses that the provider has paid ninety five percent (95%) or less of the compensation due the city for the period of such audit. In the event the accounting rendered to the city by the provider herein is found to be incorrect, then payment shall be made on the corrected amount within thirty (30) calendar days of written notice, it being agreed that the city may accept any amount offered by the provider, but the acceptance thereof by the city shall not be deemed a settlement of such item if the amount is in dispute or is later found to be incorrect.

HISTORY

Adopted by Ord. 1987 Code § 12.20.370, 12.20.380, 12.20.390, 12.20.400, 12.20.410, 12.20.420 on 1/1/1987

8-2-9: CONSTRUCTION, TECHNICAL REQUIREMENTS

A. Compliance Required; Excavation Permit: No provider shall receive a franchise unless it agrees to comply with each of the terms set forth in this section governing construction and technical requirements for its system, in addition to any other reasonable requirements or procedures specified by the city or the franchise, including requirements regarding locating and sharing in the cost of locating portions of the system with other systems or with city utilities. A provider shall obtain an excavation permit, pursuant to CCNO 8-1, before commencing any work in the rights of way.

B. Quality And Performance Of Work: All work involved in the construction, maintenance, repair, upgrade and removal of the system shall be performed in a safe, thorough and reliable manner, using materials of good and durable quality. If, at any time, it is determined by the FCC or any other agency granted authority by federal law or the FCC to make such determination, that any part of the system, including, without limitation, any means used to distribute signals over or within the system, is harmful to the public health, safety or welfare, or quality of service or reliability, then a provider shall, at its own cost and expense, promptly correct all such conditions.

C. Licenses And Permits: A provider shall have the sole responsibility for diligently obtaining, at its own cost and expense, all permits, licenses or other forms of approval or authorization necessary to construct, maintain, upgrade or repair the system, including, but not limited to, any necessary approvals from persons and/or the city to use private property, easements, poles and conduits. A provider shall obtain any required permit, license, approval or authorization, including, but not limited to, excavation permits, pole attachment agreements, etc., prior to the commencement of the activity for which the permit, license, approval or authorization is required.

D. Relocation Of System:

1. New Grades Or Lines; Excavation Requirements: If the grades or lines of any rights of way are changed at any time in a manner affecting the system, then a provider shall comply with the requirements of CCNO 8-1.

2. Emergency; City Authority To Move System: The city may, at any time, in case of fire, disaster or other emergency, as determined by the city in its reasonable discretion, cut or move any parts of the system and appurtenances on, over or under the rights of way of the city, in which event the city shall not be liable therefor to a provider. The city shall notify a provider in writing prior to, if practicable, but in any event as soon as possible and in no case later than the next business day following any action taken under this section. Notice shall be given as provided in CCNO 8-2-3C.

3. Temporary Move For Third Party: A provider shall, upon prior reasonable written notice by the city or any person holding a permit to move any structure, and within the time that is reasonable under the circumstances, temporarily move any part of its system to permit the moving of said structure. A provider may impose a reasonable charge on any person other than the city for any such movement of its systems.

4. Change In Rights Of Way; Obligation To Move System: When the city is changing a right of way and makes a written request, a provider is required to move or remove its system from the right of way, without

cost to the city, to the extent provided in the excavation ordinance, as provided in CCNO 8-1. This obligation does not apply to systems originally located on private property pursuant to a private easement, which property was later incorporated into the rights of way, if that private easement grants a superior vested right. This obligation exists whether or not the provider has obtained an excavation permit.

E. Protection Of Structures, Landmarks: In connection with the construction, maintenance, repair, upgrade or removal of the system, a provider shall, at its own cost and expense, protect any and all existing structures belonging to the city and all designated landmarks, as well as all other structures within any designated landmark district. A provider shall obtain the prior written consent of the city to alter any water main, power facility, sewerage or drainage system, or any other city structure on, over or under the rights of way of the city required because of the presence of the system. Any such alteration shall be made by the city or its designee on a reimbursable basis. A provider agrees that it shall be liable for the costs incurred by the city to replace or repair and restore to its prior condition in a manner as may be reasonably specified by the city, any municipal structure or any other rights of way of the city involved in the construction, maintenance, repair, upgrade or removal of the system that may become disturbed or damaged as a result of any work thereon by or on behalf of a provider pursuant to the franchise.

F. Obstructions Prohibited: In connection with the construction, maintenance, upgrade, repair or removal of the system, a provider shall not unreasonably obstruct the rights of way of fixed guideway systems, railways, passenger travel or other traffic to, from or within the city without the prior consent of the appropriate authorities.

G. Safety Precautions: A provider shall, at its own cost and expense, undertake all necessary and appropriate efforts to prevent accidents at its work sites, including the placing and maintenance of proper guards, fences, barricades, security personnel and suitable and sufficient lighting, and such other requirements prescribed by OSHA and Utah OSHA. A provider shall comply with all applicable federal, state and local requirements, including, but not limited to, the national electrical safety code.

H. Repair Of Rights Of Way: After written reasonable notice to the provider, unless, in the sole determination of the city, an eminent danger exists, any rights of way within the city which are disturbed or damaged during the construction, maintenance or reconstruction by a provider of its system may be repaired by the city at the provider's expense, to a condition as good as that prevailing before such work was commenced. Upon doing so, the city shall submit to such a provider an itemized statement of the cost for repairing and restoring the rights of ways intruded upon. The provider shall, within thirty (30) days after receipt of the statement, pay to the city the entire amount thereof.

I. Maintenance Of System: A provider shall:

1. Install and maintain all parts of its system in a non dangerous condition throughout the entire period of its franchise.
2. Install and maintain its system in accordance with standard prudent engineering practices and shall conform, when applicable, with the national electrical safety code and all applicable other federal, state and local laws or regulations.
3. At all reasonable times, permit examination by any duly authorized representative of the city of the system and its effect on the rights of way.

J. Trimming Trees; Authority: A provider shall have the authority to trim trees, in accordance with all applicable utility restrictions, ordinance and easement restrictions, upon and hanging over rights. of way so as to prevent the branches of such trees from coming in contact with its system.

HISTORY

Adopted by Ord. 1987 Code § 12.20.250, 12.20.260, 12.20.270, 12.20.280, 12.20.290, 12.20.300, 12.20.310, 12.20.320, 12.20.330, 12.20.340 on 1/1/1987

8-2-10: PRIVATE PROPERTY; OBLIGATION TO NOTIFY

Before entering onto any private property, a provider shall make a good faith attempt to contact the property owners in advance and describe the work to be performed.

HISTORY

Adopted by Ord. 1987 Code § 12.20.470 on 1/1/1987

8-2-11: TRANSFER OF FRANCHISE AND LICENSE

A. Notification Of Sale:

1. **PSC Approval:** When a provider is the subject of a sale, transfer, lease, assignment, sublease or disposal, in whole or in part, either by force or involuntary sale, or by ordinary sale, consolidation or otherwise, such that it or its successor entity is obligated to inform or seek the approval of the PSC, the provider or its successor entity shall promptly notify the city of the nature of the transaction. The notification shall include either:

- a. The successor entity's certification that the successor entity unequivocally agrees to all of the terms of the original provider's franchise agreement; or
- b. The successor entity's application, in compliance with CCNO 8-2-6.

2. **Transfer Of Franchise:** Upon receipt of a notification and certification in accordance with subsection A1a of this section, the city designee, as provided in CCNO 8-2-12A1, shall send notice affirming the transfer of the franchise to the successor entity. If the city has good cause to believe that the successor entity may not comply with this chapter or the franchise agreement, it may require an application for the transfer. The application shall comply with CCNO 8-2-6.

3. **If PSC Approval No Longer Required:** If the PSC no longer exists or if its regulations or state law no longer require approval of transactions described in subsection A of this section, and the city has good cause to believe that the successor entity may not comply with this chapter or the franchise agreement, it may require an application. The application shall comply with CCNO 8-2-6.

B. Events Of Sale: The following events shall be deemed to be a sale, assignment or other transfer of the franchise requiring compliance with subsection A of this section:

1. The sale, assignment or other transfer of all or a majority of a provider's assets to another person;
2. The sale, assignment or other transfer of capital stock or partnership, membership or other equity interests in a provider by one or more of its existing shareholders, partners, members or other equity owners so as to create a new controlling interest in a provider;
3. The issuance of additional capital stock or partnership, membership or other equity interest by a provider so as to create a new controlling interest in such a provider; or
4. The entry by a provider into an agreement with respect to the management or operation of such provider or its system.

HISTORY

Adopted by Ord. 1987 Code § 12.20.350, 12.20.360 on 1/1/1987

8-2-12: ENFORCEMENT; RIGHTS OF CITY

A. Enforcement; Remedies:

1. **City Designee:** The city is responsible for enforcing and administering this chapter, and the city or its designee, as appointed by the mayor, is authorized to give any notice required by law or under any franchise agreement.

2. **Enforcement Provisions:** Any franchise granted pursuant to this chapter shall contain appropriate provisions for enforcement, compensation and protection of the public, consistent with the other provisions of this chapter, including, but not limited to, defining events of default, procedures for accessing the bond/security fund and rights of termination or revocation.

B. Force Majeure: In the event a provider's performance of any of the terms, conditions or obligations required by this chapter or a franchise is prevented by a cause or event not within a provider's control, such inability to perform shall be deemed excused and no penalties or sanctions shall be imposed as a result thereof. For the purpose of this subsection, causes or events not within the control of a provider shall include, without limitation, acts of God, strikes, sabotage, riots or civil disturbances, failure or loss of utilities, explosions, acts of public enemies and natural disasters such as floods, earthquakes, landslides and fires.

C. Extended Operation; Continuity Of Services:

1. **Continuation After Expiration:** Upon either expiration or revocation of a franchise granted pursuant to this chapter, the city shall have discretion to permit a provider to continue to operate its system or provide services for an extended period of time not to exceed six (6) months from the date of such expiration or revocation. A provider shall continue to operate its system under the terms and conditions of this chapter and the franchise granted pursuant to this chapter.

2. Incumbent Local Exchange Carrier; Negotiate Renewal: If the provider is the incumbent local exchange carrier, it shall be permitted to continue to operate its system and provide services without regard to revocation or expiration, but shall be obligated to negotiate a renewal in good faith.

D. Removal Or Abandonment Of Franchise Property:

1. Abandoned System: In the event that:

- a. the use of any portion of the system is discontinued for a continuous period of twelve (12) months and thirty (30) days after no response to written notice from the city to the last known address of provider;
- b. any system has been installed in the rights of way without complying with the requirements of this chapter or franchise; or
- c. the provisions of CCNO 8-2-5D are applicable and no franchise is granted, a provider, except the provider who is an incumbent local exchange carrier, shall be deemed to have abandoned such system.

2. Removal Of Abandoned System: The city, upon such terms as it may impose, may give a provider written permission to abandon, without removing, any system, or portion thereof, directly constructed, operated or maintained under a franchise. Unless such permission is granted or unless otherwise provided in this chapter, a provider shall remove within a reasonable time the abandoned system and shall restore, using prudent construction standards, any affected rights of way to their former state at the time such system was installed, so as not to impair their usefulness. In removing its plant, structures and equipment, a provider shall refill, at its own expense, any excavation necessarily made by it and shall leave all rights of way in as good condition as that prevailing prior to such removal without materially interfering with any electrical or telephone cable or other utility wires, poles or attachments. The city shall have the right to inspect and approve the condition of the rights of way cables, wires, attachments and poles prior to and after removal. The liability, indemnity and insurance provisions of this chapter and any security fund provided in a franchise shall continue in full force and effect during the period of removal and until full compliance by a provider with the terms and conditions of this section.

3. Transfer Of Abandoned System To City: Upon abandonment of any system in place, a provider, if required by the city, shall submit to the city a written instrument, satisfactory in form to the city, transferring to the city the ownership of the abandoned system.

4. Removal Of Aboveground System: At the expiration of the term for which a franchise is granted, or upon its revocation or earlier expiration, as provided for by this chapter, in any such case without renewal, extension or transfer, the city shall have the right to require a provider to remove, **at** its expense, all aboveground portions of a system from the rights of way within a reasonable period of time, which shall not be less than one hundred eighty (180) days. If the provider is the incumbent local exchange carrier, it shall not be required to remove its system, but shall negotiate a renewal in good faith.

5. Leaving Underground System: Notwithstanding anything to the contrary set forth in this chapter, a provider may abandon any underground system in place so long as it does not materially interfere with the use of the rights of way or with the use thereof by any public utility, cable operator or other person.

HISTORY

Adopted by Ord. 1987 Code § 12.20.430, 12.20.440, 12.20.450, 12.20.460 on 1/1/1987

8-2-13: 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' written notice, or a longer period of time as may be reasonably required for a provider to comply with such a rejuvenated provision, of the change before requiring compliance with such provision.

HISTORY

Adopted by Ord. 1987 Code § 12.20.490 on 1/1/1987



Staff Report to the North Ogden City Council

SYNOPSIS / APPLICATION INFORMATION

Application Request: Consideration and action regarding an amendment to the Patriot Pointe Development Agreement regarding the location and ownership of Phase 3 units.

Agenda Date: July 9, 2024

Applicant: John Hansen, Genneva Blanchard

File Number:

PUBLIC NOTICE:

Mailed Notice:

City Website: July 3, 2024

PROPERTY INFORMATION

Address: 150 E 2300 N Approximately

Project Area: 6.28 Acres Approximately

Current Zoning: Master Planned Community (MPC-PP)

Proposed Land Use: Multi-Family Townhomes

Parcel ID: 18-163-0006

ADJACENT LAND USE

North: Residential Townhomes	South: Residential Townhomes (Phase 1 and 2)
East: Civic – North Ogden Pond	West: Residential Multi-family (Harrisville City)

STAFF INFORMATION

Scott A. Hess
 Community and Economic Development Director
shess@nogden.org
 (801) 737-9841

APPLICABLE ORDINANCES

North Ogden Zoning Ordinance 11-9K Master Planned Community Zone MPC
 Development Agreement – A22-2019 (Exhibit B)

BACKGROUND

Patriot Pointe was approved as a Master Planned mixed-use project in 2019. The developer has been working in phases to complete the build out of the project. Phases 1 and 2 are owned by a single management company and are a rental-only product. The current request is to make a minor amendment to the Development Agreement to shuffle the location of the clubhouse south of 2300 North to include it in Phase 2, and place the 8 residential units within Phase 3. The intent from the developer is to separate Phase 3 into a For Sale only product with its own Homeowner's Association.

The clubhouse would be for the use and enjoyment of Phase 1 and Phase 2 residents, and Phase 3 would not have access to that amenity. All other terms of the Development Agreement remain.

ZONING ORDINANCE COMPLIANCE

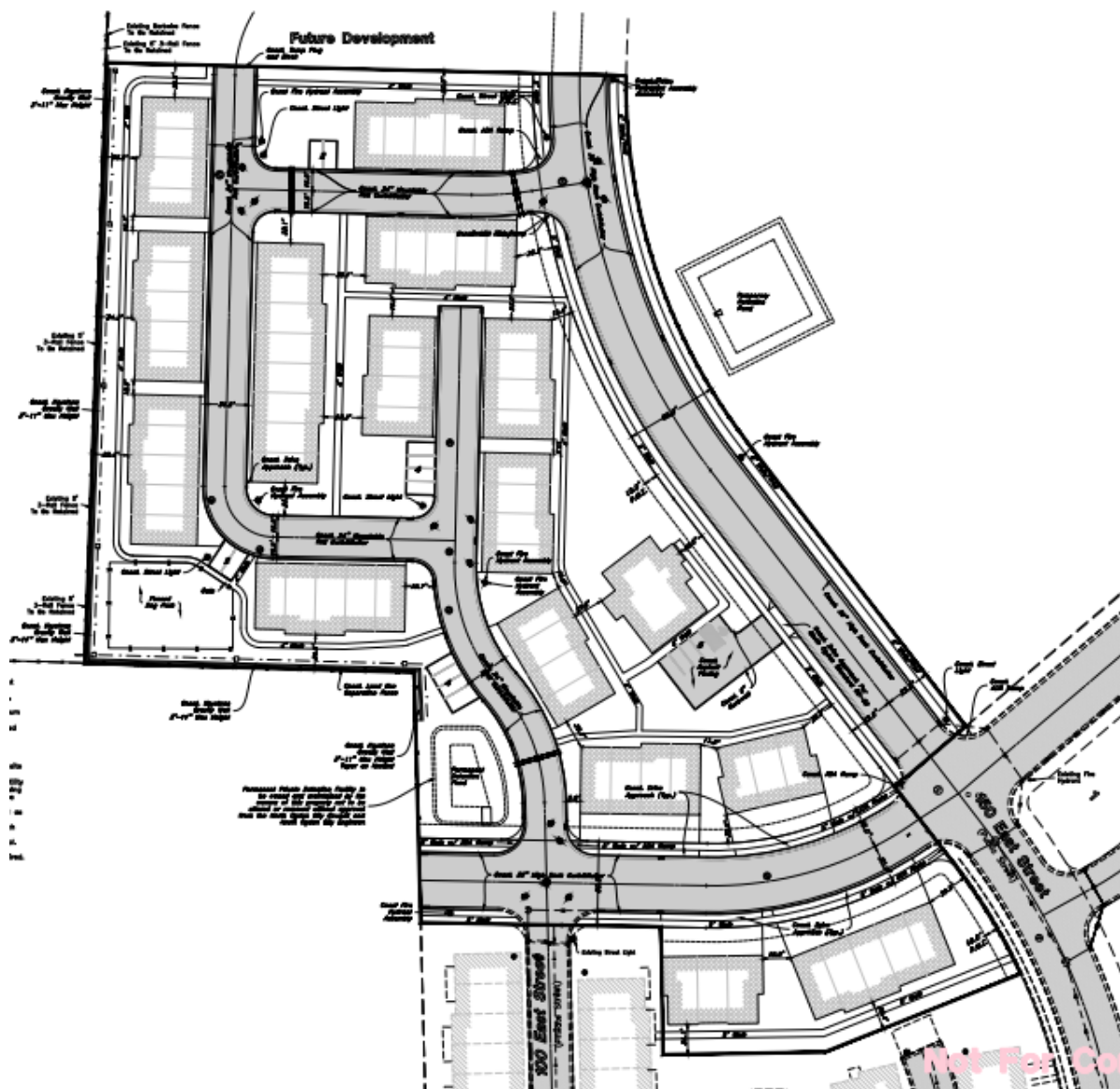
The Planning Commission will need to review and approve a Subdivision Plat and Site Plan in order to plat each unit for sale. This will also require review and approval of Improvement Drawings to assure that each unit can stand alone with its own utilities. If the City Council approves the minor Development Agreement amendment, staff will work with the applicant to apply for the Administrative items to consider how this proposal meets the North Ogden City Zoning Ordinance: 11-9K and the associated Development Agreement A22-2019 (Exhibit B).

Site Plan Review:

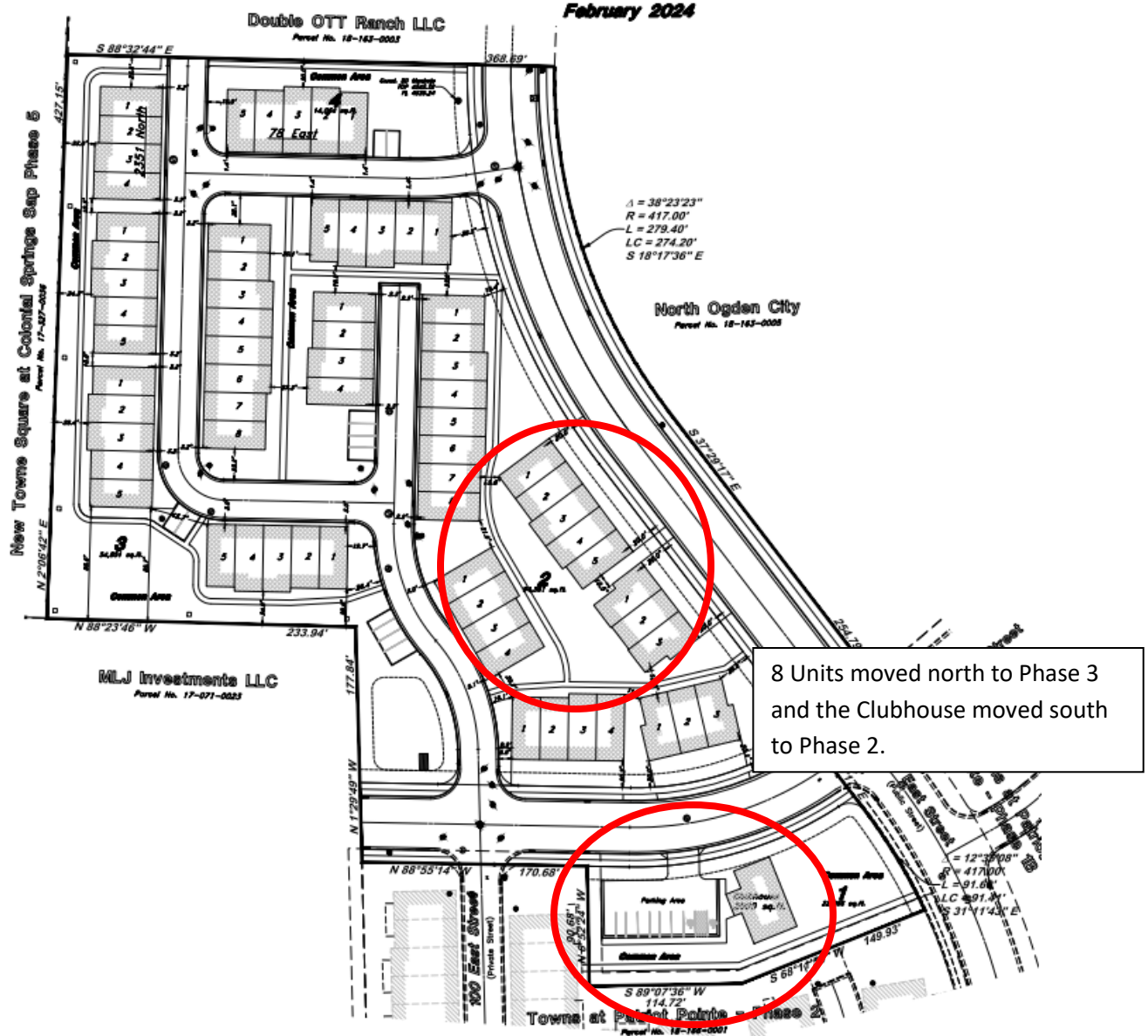
A22-2019 Exhibit C snapshot of approved Concept Plan:



Formerly Approved Site Plan submittal – Phase 3:



Requested Site Plan moving the Clubhouse and 8 Units – July 9, 2024



CONFORMANCE WITH THE GENERAL PLAN

The General Plan map shows this area as: “Downtown Mixed-Use”. This project is consistent with that designation.

RECOMMENDATION

Staff recommends approval of the Development Agreement amendment.

AREA MAP



**SECOND AMENDMENT TO DEVELOPMENT AGREEMENT A22-2019
FOR THE
PATRIOT POINTE PROJECT
A10-2024**

THIS AMENDMENT TO THE ORIGINAL DEVELOPMENT AGREEMENT A22-2019 is made and entered into as of the ____ day of July, 2024, by and between NORTH OGDEN CITY, a Utah municipal corporation, hereinafter referred to as the “City,” and., Patriot Pointe, LLC, a Utah, limited liability company, a successor in interest to Double Ott Ranch, LLC, hereinafter referred to as “Developer.”,

The attached site plan for phase 3 shall be a supplement to the original adopted site plan for the townhome buildings 208, clubhouse, and 301-313. No other provisions in the initial Development Agreement or First Amendment are modified by this Second Amendment to the Development Agreement A22-2019 for the Patriot Pointe Project.

The development agreement A17-2019 with Double Ott Ranch (DOR) dated September 23, 2019 and referenced in A22-2019 is amended and clarified as follows:

- The attached “Towns at Patriot Pointe – Phase 3” sets the new building locations
- Exhibit E shall be updated to fit the new location and to serve approximately two-thirds of the original anticipated residents. The new exhibit shall be approved by the Planning and Economic Development Director and the City Attorney.

“CITY”

NORTH OGDEN CITY

ATTEST:

Recorder

By: _____
S. Neal Berube, Mayor

"DEVELOPER"

PATRIOT POINTE, LLC

By: _____

Its: _____

CITY ACKNOWLEDGMENT

STATE OF UTAH)
 :SS.
 COUNTY OF WEBER)

On the _____ day of July, 2024, personally appeared before me **S. Neal Berube**, who being duly sworn, did say that he is the Mayor of **NORTH OGDEN CITY**, a municipal corporation of the State of Utah, and that the foregoing instrument was signed in behalf of the City by authority of its governing body and said **S. Neal Berube** acknowledged to me that the City executed the same.

 Notary Public

DEVELOPER ACKNOWLEDGMENT

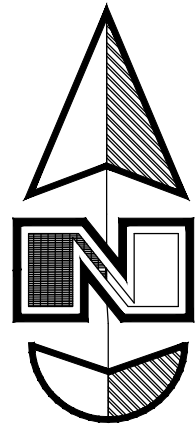
STATE OF UTAH)
 : SS.
 COUNTY OF _____)

On the _____ day of July, 2024, personally appeared before me _____, who being by me duly sworn did say that he/she is the Manager of **Patriot Pointe LLC**, and that the foregoing instrument was signed in behalf of said corporation by authority of a resolution of its Board of Directors; and said Gordon Lindstrom acknowledged to me that said corporation executed the same.

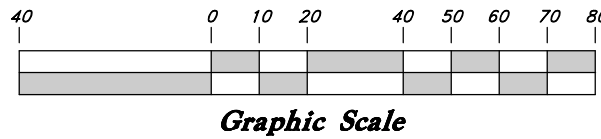
 Notary Public

Towns at Patriot Pointe - Phase 3

A part of Lot 1A, Patriot Pointe Subdivision, Phase A,
Being in the North 1/2 of Section 32, T7N, R1W, SLB&M, U.S. Survey
North Ogden City, Weber County, Utah
February 2024

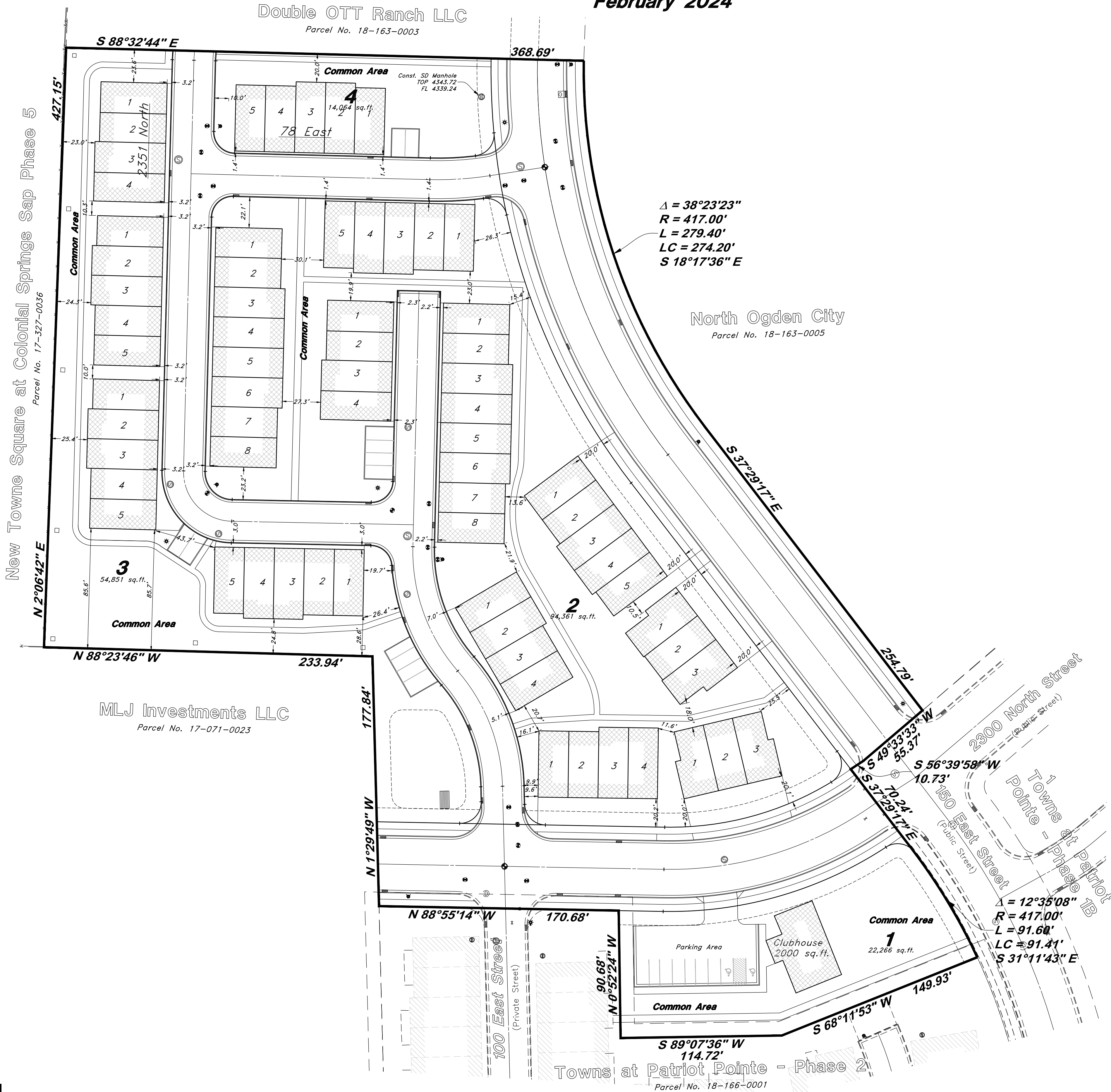


Scale: 1" = 40'



Legend

- Set Nail & Washer
- Set Rebar & Cap w/ Fencepost
- Set Hub & Tack
- Monument to be set
- (Rad.) Radial Line
- (N/R) Non-Radial Line
- (W.C.S.) Weber County Surveyor
- Int. Intersection
- Public Utility Easement
- Building Setback Line
- Set 5/8" x 24" Long Rebar & Cap w/ Lathe



- NOTES:**
- In accordance with Appendix B of the 2021 International Fire Code, Homes with a fire-flow calculation area greater than 6,200 square feet will be required to install an internal fire sprinkler system.
 - Common Areas, Private Streets and Private Utilities will be owned and maintained by Owners Association of this development.
 - Utilities shall have the right to install, maintain, and operate their equipment above and below ground and all other related facilities within the "Public Utility Easements," "Common Area" and "Private Roads" as identified on this plat as may be necessary or desirable in providing utility services within and without the lots identified herein. This may include the right of access to such facilities.
 - At no time may any permanent structures be placed within the P.U.E. or any other obstruction which interferes with the use of the P.U.E. without the prior written approval of the utilities with facilities in the P.U.E. The utility may require the lot owner to remove all structures within the P.U.E. at the lot owner's expense without his written approval.
 - A Geotechnical Report prepared by CMT Engineering Laboratories, dated July 17, 2019 (CMT Project #12870) has been prepared on this property and it has been Provided to North Ogden City.
 - See Sheet 2 for lot and centerline bearings and dimensions.



DEVELOPER:
John W. Hansen & Associates
c/o John Hansen
5730 South 1475 East
Ogden, UT 84403
(801) 479-1500

ENGINEER:
Great Basin Engineering Inc
c/o Andy Hubbard PLS
5746 South 1475 East Suite 200
Ogden, Utah 84403
(801) 394-4515

Sheet 3 of 3

WEBER COUNTY RECORDER

ENTRY NO. _____ FEE PAID _____

RECORDED _____, AT _____

IN BOOK _____ OF OFFICIAL RECORDS, PAGE _____, RECORDED FOR _____

WEBER COUNTY RECORDER

BY: _____ DEPUTY



Staff Report to the North Ogden City Council

SYNOPSIS

Description: The City Council has recently tentatively approved a rezone with the adoption of a revised development agreement for the property. Attached is a development agreement proposed to meet the needs of the development.

Date: July 1, 2024

STAFF INFORMATION

Jon Call
jcall@nogden.org
801-737-9846

QUESTION FOR COUNCIL

Is the proposed development agreement acceptable to the Council?

STAFF RECOMMENDATION

Staff recommends the Council discuss the agreement and proposed changes to the development agreement to accommodate the development.

DISCUSSION

John Hansen has been working on the Century Farms subdivision development for a while and most recently received an approval for a rezone with an amendment to the development agreement to follow. The attached development agreement is the proposed language. Since the majority of the development will follow the city's existing code, there isn't a significant amount of language in the agreement except for the necessary items.

The two big issues for the parties to work out is whether or not there is an ownership percentage requirement and the setbacks on the building. In the previous meeting where the rezone was discussed the topic of requiring a certain percentage of home ownership was mentioned. The Council has not previously addressed the issues with setbacks related to the concept design.

This project is closely tied to the development of the water works park and the development agreement includes related provisions for funding, land donations, and other contributions on the part of the developer.

AGREEMENT # A__06-20224
DEVELOPMENT AGREEMENT FOR PARK IMPROVEMENTS
SHAW CENTURY FARMS

AGREEMENT

John Hansen ("Developer") and North Ogden City (the "City") (collectively "Parties") agree that it is beneficial to the City and Developer to enter into this agreement for the installation of a park on the property identified as exhibit A, along with other property directly east of the parcel identified on Exhibit A. This agreement also amends Agreement A06-2022.

Obligations

Developer Obligations:

a) Park

a)i. Developer will deed approximately 10,97612,500 + sf of the Shaw property, shown on Exhibit A as Parcel A, to the City a plat recording of Shaw Century Farm.

b)ii. Developer shall provide \$15,000 as a donation to the City to complete park improvements in association with a RAMP Grant on Parcel A.

c)iii. Developer shall donate \$100,000.00 toward the development of the City's property ("Parcel C") for a park, approximately 27,113 ± sf, which shall be developed by the City.

iv. Developer shall secure the water rights for the existing well on the property and donate them to the City for a water feature and other park use.

b) Owner Occupancy

i. Developer shall include provisions in the CC&Rs which require at least 80% of the units to be owner occupied and that to release this requirement it must be approved by the City Council.

ii. Developer shall provide approximately 17 parking stalls on the southern end of the property near the donated park land, which can be utilized by park users who do not live in the development.

iii. Developer shall connect a pipe and run the pipe to the northern property line of the propose park as identified by the City Engineer.

c) Other Provisions

i. Developer shall provide landscaping/open space in the project, per the concept, but shall not be less than what is required in an R4 zone.

b)ii. By signing this Agreement Developer gives North Ogden City the right to enter the property identified on exhibit A for the park to complete any necessary improvements associated with the park.

City Obligations

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e) ~~The City shall apply for a RAMP Grant for the completion of the remainder portion of the park which may include:~~

- i. ~~grass~~
- ii. ~~waterwise landscaping~~
- iii. ~~trees~~
- iv. ~~playground equipment~~
- v. ~~water feature~~
- vi. ~~Concrete walkways~~
- vii. ~~Benches~~
- viii. ~~Picnic Tables~~
- ix. ~~Lighting~~

~~*a) security cameras~~ The City has secured a RAMP Grant for a park with, landscaping, trees, water feature, picnic tables, and educational information.

b) The City shall complete the park improvements by December 31, 2025, or shall install sod and sprinklers on Parcel A and return any remaining funds to the Developer.

c) The City shall rezone the property to an R-4 designation, with a PRUD overlay allowing for reduced side yard setbacks to 15 feet, 10 foot setbacks between buildings, and for any unit facing Lomond View Drive a 15 foot front yard setback provided no driveways, garages, or parking is located between the residential unit and the right of way.

f) ~~—~~

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Payment

Donation (\$115,000) shall be made by the Developer to the City within ~~60 days of the recording of the plat for Parcel A and Parcel C.~~ 30 days of signing this agreement.

General Provisions

The following provisions are also integral parts of the Agreement:

- a) Binding Agreement. This Agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the respective parties hereto. This agreement may be recorded against the property by either party.
- b) Captions. The headings used in this Agreement are inserted for reference purposes only and shall not be deemed to define, limit, extend, describe, or affect in any way the meaning, scope, or interpretation of any of the terms or provisions of this Agreement or intent hereof.
- c) Severability. The provisions of this Agreement are severable, and should any provision hereof be void, voidable or invalid, such void, voidable, unenforceable, or invalid provision shall not affect the other provisions of this Agreement.
- d) Waiver of Breach. Any waiver by either party of any breach of any kind or character whatsoever by the other, whether such be direct or implied, shall not be construed as a continuing waiver of or consent to any subsequent breach of this Agreement.
- e) Cumulative Remedies. The rights and remedies of the parties hereto shall be construed cumulatively and none of such rights and remedies shall be exclusive of, or in lieu or limitation of any other right, remedy or priority allowed by law.

- f) Amendment. This Agreement may not be modified except by an instrument in writing signed by both parties hereto.
- g) Interpretation. This Agreement shall be interpreted, construed, and enforced according to the substantive laws of the State of Utah.
- h) Attorneys' Fees. If any action or proceeding is brought by either party to enforce a provision of this Agreement, the prevailing party shall be entitled to recover its costs and reasonable attorney's fees whether such sums are expended with or without suit at trial, on appeal or in any bankruptcy proceeding.
- i) Notice. Any notices or other communication required or permitted to be given hereunder shall be deemed to have been received (a) upon personal delivery or actual receipt thereof or (b) within three (3) business days after such notice is deposited in the United States mail, postage prepaid and certified and addressed to the parties at their respective addresses set forth below.
- j) Entire Agreement. This Agreement is only for park improvements associated with Shaw Century Farms and is not meant to create additional obligations for either party for payments, reimbursements, or other exchanges which are not expressly identified in this agreement. This Agreement constitutes the full and entire understanding and agreement of the parties regarding the subjects discussed herein and related to the land area identified on Exhibit A.
- k) Further Assurances. Each party to this Agreement shall do and perform or cause to be done and performed all such further acts and things and shall execute and deliver all such other agreements, certificates, instruments, and documents as the other party hereto may reasonably request to carry out the intent and accomplish the purposes of this Agreement and the consummation of the transactions contemplated hereby.

IN WITNESS HEREOF, the parties have entered into this Agreement as of the date first written above.

North Ogden City

John Hansen

By: _____

By: _____

Name: _____

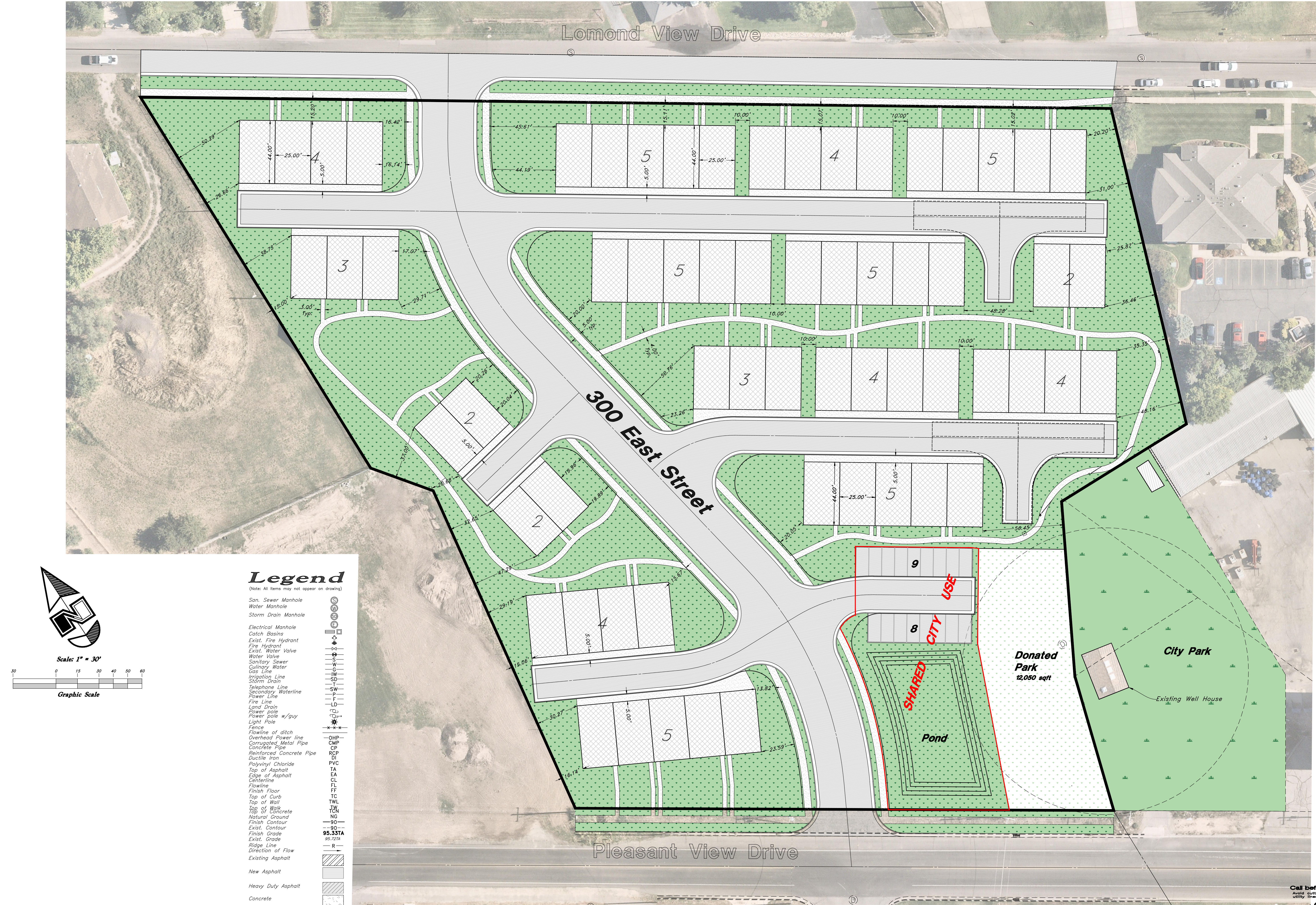
Name: _____

Title: _____

Title: _____

Date: _____

Date: _____



NOTES:
1. Unit Count: 62
2. Parking Count: 17

GREAT BASIN ENGINEERING
5746 SOUTH 1475 EAST OGDEN, UTAH 84403
MAIN (801) 394-4515 S.L.C (801) 521-0222 FAX (801) 392-7544
WWW.GREATBASINENGINEERING.COM

Preliminary Site Plan
Shaw Century Farm Subdivision
Approx. 300 E Pleasant View Dr
North Ogden City, Utah
A part of Section 29, 17N, 10E, S1B&M, U.S. Survey

May 2024

SHEET NO.

C1

18N726

Page 68



Staff Report to the North Ogden City Council

SYNOPSIS

Description: Weber Human Services and North Ogden City have had a contract for the operation of the senior center for several decades. With the upcoming changes WHS has proposed a change in the contract through June 2025.

Date: July 1, 2024

STAFF INFORMATION

Jon Call
jcall@nogden.org
801-737-9846

QUESTION FOR COUNCIL

Is the council ok with the propose amendments to the existing contract.

STAFF RECOMMENDATION

Staff recommends adopting these changes.

DISCUSSION

This proposed amendment would only change the relevant sections which outline the amount of money spent by each organization. Specifically the City contribution would be going from approximately \$32,000 a year to \$25,000 a year. While the WHS would be contributing up to \$59,000 a year which is almost \$15,000 a year more than they historically have.

The majority of Article II is not changed, just the amounts/costs each group would pay. We do not anticipate this agreement to be renewed or continue beyond June 2025.

We have attached the original agreement as well for Council review related to the other relevant titles, articles, and provisions.

Agreement #A05-2023

INTERLOCAL COOPERATION AGREEMENT BETWEEN WEBER HUMAN SERVICES AND NORTH OGDEN CITY FOR SERVICES TO THE NORTHVIEW SENIOR CENTER

This Agreement is made pursuant to the provisions of the Interlocal Cooperation Act, U.C.A. 11-13-1 and by and between North Ogden City a municipal Corporation of the State of Utah, hereinafter called the "City", and Weber Human Services, a political subdivision of the State of Utah, hereinafter called "WHS".

WITNESSETH

WHEREAS, the Utah Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953 as amended, permits local governmental units to make the most efficient use of their powers to provide the benefit of economy of scale, and authorizes public agencies of the State of Utah to enter into agreements one with another for the purpose of exercising on a joint and cooperative basis any powers, privileges and authority exercised or capable of being exercised by such public agencies; and

WHEREAS, the City owns the real estate on which there is located the Northview Senior Center; and

WHEREAS, WHS desires to work with City to provide services to the senior citizens of North Ogden City and Weber County, which services shall include health, social, nutritional, educational and transportation programs and activities for older individuals:

NOW THEREFORE, the parties agree with one another as follows:

ARTICLE ONE TERM

This Agreement shall be for a period of twelve (12) months commencing **1 July 2023, and ending 30 June 2024**, if approved by appropriate resolution of each party. This agreement may be terminated at any time by either party upon six (6) months prior written notice to the other party.

ARTICLE TWO PURPOSE

The purpose of this Agreement is for providing adequate facilities and services to meet the needs of the senior citizens in the northern part of Weber County.

ARTICLE THREE SERVICES

A. **PROVIDED BY WHS** - WHS through its Aging Programs will provide services to the senior citizens of North Ogden City and Weber County pursuant to the Older Americans Act, as follows:

1. Transportation - WHS shall provide transportation as mandated by the Older Americans Act through "The Ride". This service will be for the purpose of transporting senior citizens for medical, shopping and senior center activities subject to funding limitations.
2. Reports - WHS shall provide for the reporting of statistical information pursuant to federal and state reporting guidelines for services provided to senior citizens in Weber/Morgan area subject to funding limitations.
3. Health Related Services - WHS shall provide disease prevention and health promotion services which may include Health Risk Assessments, Health Screening, Nutrition Counseling and Education, Health Promotion Programs, Physical Fitness Programs, Home Injury Control Programs, Mental Health Screening and Education Programs, Preventive Health Programs, Social Services and Follow-up Health Services subject to funding limitations.
4. Outreach Information - WHS shall provide outreach information and assistance linking senior citizens with community support resources pursuant to the requirements of the Older Americans Act subject to funding limitations.
5. Nutritional Services - WHS shall provide at least one hot meal per day in a congregate meal setting for at least five (5) days a week excluding state and national holidays. This meal will contain at least one-third of the recommended daily allowances required by the National Nutrition Board subject to funding limitations.
6. Legal Assistance - WHS shall provide legal assistance pursuant to the requirements of the Older Americans Act subject to funding limitations.

B. **SERVICES PROVIDED BY CITY** - The City does not provide any senior services, but allows for non-profit groups to utilize the facility for their senior related activities at no cost. Use of the building located at 485 E. 2550 N. for the purposes of services identified in Article Three subsection A by WHS.

ARTICLE FOUR COST AND EXPENSE ALLOCATION AGREEMENT

- A. WHS agrees to pay for:
1. Fifty percent (50%) of the director's salary, including benefits.
 2. Nutrition program costs.
 3. Cost of kitchen help, serving equipment and meals.
 4. Costs associated with transportation programs.
 5. Health promotion costs.
 6. Outreach information costs.
 7. The cost of office equipment, and supplies.
 8. Telephone expenses of fifty percent (50%) of the telephone expenses.
- B. City shall pay for:
1. Fifty percent (50%) of the director's salary including benefits. The City agrees that the director shall be an employee of WHS.
 2. Remaining costs of telephone expenses.
 3. All costs relating to interior and exterior building maintenance and repair, including landscape maintenance. City shall also pay for and be responsible for snow removal.
 4. All costs of utilities except telephone expenses which shall be paid as specified above.
 5. No other costs shall be covered by the City unless specifically agreed to in writing.
- C. Users including North View Senior Citizens Board shall collect and keep their own revenues and pay for:
1. All costs related to individual group Educational Activities.
 2. All costs related to individual group Recreational Activities.
 3. All costs related to individual group Social Activities.
 4. All Special Supplies including but not limited to ceramics, porcelain, paints, etc.
- D. City shall pay WHS on a semi-annual basis for its share of documented costs accrued pursuant to this Agreement. Payment shall be made by the tenth of the month following the end of the billing cycle in which such costs have accrued.
- E. Each entity shall procure all items necessary to provide the services outlined in this agreement. Such property shall remain the property of the respective entity. All real and personal property, purchased or maintained by the respective parties as herein agreed, shall remain the sole and exclusive property of the party bearing the cost

thereof, but may be used, held and disposed of by either party as necessary to fulfill the purposes of this Agreement.

- F. Each entity is responsible for its own budget.
- G. At the termination of this Agreement each entity shall receive back all property purchased or donated to their specific organization.

ARTICLE FIVE ALLOCATION OF DONATED REVENUES

- A. WHS shall receive all donated revenues related to programs conducted pursuant to the Older Americans Act including but not limited to transportation and meal programs.
- B. City shall receive some donated revenues which shall be used in accordance with the stipulations placed upon the donation.
- C. North View Senior Citizens Board shall receive donated revenues related to social, recreational and educational programs implemented through them or in accordance with stipulations placed on the donation.

ARTICLE SIX INSURANCE

The City, at its own cost and expense, will insure the building including fixtures against fire with such additional coverage as the City may elect to procure. WHS shall secure and maintain liability insurance at a minimum of \$3,000,000 per occurrence, and which cover the City against claims that may arise from programs and services offered by WHS and individuals who come to the senior center for the WHS programs and services.

ARTICLE SEVEN TAXES

The City shall pay any real estate tax assessments on the Center.

ARTICLE EIGHT ADA COMPLIANCE

The City agrees to ensure that the Center complies with the provisions of the Americans with Disabilities Act and regulations promulgated thereunder.

ARTICLE NINE INDEMNIFICATION

Each of the parties to this Agreement agrees to hold harmless and indemnify the other party for

the wrongful or negligent acts of their respective employees, agents, volunteers and invitees against any and all liabilities, claims, damages, actions, suits, proceedings, costs and expenses including reasonable counsel fees and expenses of investigation, which arise by reason of any accidents, damages, injuries (including injuries resulting in death) either to persons or property or both; provided, however, that in no event shall the indemnification obligation of either party hereunder exceed the amount set forth in Section 63-30-34 of the Utah Governmental Immunity Act or similar provision in effect at the time judgement is entered. Personal injury or property damage shall have the same meaning as defined in the Utah Governmental Immunity Act. In no event shall this section be construed with respect to third parties as a waiver of any governmental immunity to which the parties are otherwise entitled.

ARTICLE TEN ADMINISTRATION

The City and WHS do not intend and do not create any separate legal entity to provide for the administration of this Agreement. This Agreement shall be administered by the governing bodies of each party and each party shall appoint one person as an administrative contact to facilitate the performance of this Agreement. The City Administrator/Manager shall serve as the administrator of this Agreement on behalf of the City. The Director of WHS or his/her designee shall serve as administrator of this Agreement on behalf of WHS.

ARTICLE ELEVEN NORTHVIEW SENIOR CENTER DIRECTOR

- A. The Northview Senior Center Director shall be an employee of WHS. When the position of Director of the Northview Senior Center becomes vacant, a new Director shall be selected through a screening process in accordance with the Personnel Policies and Procedures adopted by WHS and with the concurrence of the North Ogden City Administrator/Manager. The City shall be allowed to appoint one individual to any committee formed for the hiring, firing, or changes to compensation for the director's position. Each entity shall have an equal vote in the ultimate decision and recommendation on the hiring, firing, and salary changes.
- B. The City shall bear no liability for direct payment of the salary or benefits of the Director, nor shall the City assume any liability with respect to the employment or supervision of the Director except as provided for in this Agreement.

ARTICLE TWELVE AMENDMENT

The Interlocal Agreement may be changed, modified or amended by written agreement of City and WHS, upon adoption of an appropriate resolution by each party.

ARTICLE THIRTEEN

GOVERNING LAW

This Agreement shall be governed and construed by the laws of the State of Utah.

ARTICLE FOURTEEN ENTIRE AGREEMENT

This Agreement shall constitute the entire agreement between the City and WHS and any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding upon either party.

ARTICLE FIFTEEN PARAGRAPH HEADINGS

Titles to paragraphs in this Agreement are solely for the convenience of the parties and should not be used to explain, modify, simplify or aid in the interpretation of the provisions of this Agreement.

Dated this 5th day of July, 2023

North Ogden City

BY


Mayor, North Ogden City

BY


Co-Chair, WHS Board of Directors

ATTEST:


Approved as to form
North Ogden City Attorney


Approved as to form
WHS Legal Counsel

ATTEST:


Deputy City Recorder


Secretary



RESOLUTION NO. _____

**RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN
NORTH OGDEN CITY AND WEBER HUMAN SERVICES
TO PROVIDE SENIOR SERVICES**

WHEREAS, the Utah Interlocal Cooperation Act, Title 11, Chapter 13, Utah Code Annotated 1953 as amended, permits governmental units to enter into Agreements with one another for the purpose of exercising on a joint and cooperative basis powers and privileges that will benefit their citizens and make the most efficient use of their resources; and

WHEREAS, Title 11, Chapter 13, Utah Code Annotated 1953 as amended, requires that governing bodies of governmental units adopt resolutions approving Interlocal Agreements before such Agreements may become effective; and

WHEREAS, North Ogden City and Weber Human Services have negotiated an Agreement for the purpose of providing Senior Services;

NOW THEREFORE, the Board of Directors of Weber Human Services hereby resolves to enter into an Interlocal Agreement with North Ogden City for the purposes authorized in the attached Interlocal Agreement, and the Interlocal Agreement is hereby approved. The Board of Directors is authorized and directed to execute the Interlocal Agreement for and on behalf of Weber Human Services.

Dated this 18 day of August 2023


CO-CHAIRMAN, BOARD OF DIRECTORS

A12-2024

**AMENDMENT TO THE
INTERLOCAL COOPERATION AGREEMENT BETWEEN
WEBER HUMAN SERVICES AND NORTH OGDEN CITY FOR
SERVICES TO THE NORTHVIEW SENIOR CENTER**

This AMENDMENT is effective on the **FIRST DAY OF JULY 2024** (“Effective Date”) and is made to amend the Interlocal Cooperation Agreement dated July 1, 2022, (hereinafter referred to as “Agreement”) by and between **North Ogden City**, a Municipal Cooperation of the State of Utah (hereinafter referred to as “City”), and **Weber Human Services** (hereinafter referred to as “WHS”). WHS and City are collectively referred to as “the parties.”

To the extent there is any conflict between the terms and conditions of the Agreement and those of this Amendment, the terms and conditions of this Amendment will prevail.

THE PARTIES AGREE TO AMEND THE AGREEMENT AS FOLLOWS:

- I. Article One, “Term”, of the Agreement is deleted in its entirety and replaced with the following section.

**ARTICLE ONE
TERM**

This Agreement shall be for a period of twelve (12) months commencing 1 July 2024, and ending 30 June 2025. This agreement may be terminated at any time by either party upon six (6) months prior written notice to the other party.

- II. Article Four, “COSTS AND EXPENSE ALLOCATION AGREEMENT”, of the Agreement is deleted in its entirety and replaced with the following section.

**ARTICLE FOUR
COST AND EXPENSE ALLOCATION AGREEMENT**

- A. WHS agrees to pay for all of the costs for the following, up to the amount of \$59,000:
1. The director’s salary, including benefits if applicable.
 2. Cost of kitchen help and serving equipment.
 3. Health promotion costs.
 4. Outreach information costs.
 5. The cost of office equipment, and supplies.
- B. WHS also agrees to pay for:
1. The costs of preparing and delivering congregate meals to the site.
 2. Costs associated with transportation programs.
- C. City shall pay for:

1. Any costs for items in above section A of Article 4 above \$59,000 but not to exceed \$25,000.
 2. All costs relating to interior and exterior building maintenance and repair, including landscape maintenance. City shall also pay for and be responsible for snow removal.
 3. All costs of utilities.
- D. Users including North View Senior Citizens Board shall collect and keep their own revenues and pay for:
1. All costs related to individual and group Educational Activities.
 2. All costs related to individual and group Recreational Activities.
 3. All costs related to individual and group Social Activities.
 4. All special supplies including but not limited to ceramics, porcelain, paints, etc.
- E. City shall pay WHS on a semi-annual basis for its share of costs accrued pursuant to this Agreement by the tenth of the month following the receipt of invoice from WHS.
- F. Each entity shall procure all items necessary to provide the services outlined in this Agreement. Such property shall remain the property of the respective entity. All real and personal property purchased or maintained by the respective parties as herein agreed, shall remain the sole and exclusive property of the party bearing the cost thereof, but may be used, held, and disposed of by either party as necessary to fulfill the purposes of this Agreement.
- G. Each entity is responsible for its own budget.
- H. At the termination of this Agreement, each entity shall receive back all property purchased or donated to their specific organization.

Dated this _____ day of _____, 2024.

NORTH OGDEN CITY,
a Municipal Corporation

By _____

ATTEST:

Ogden City Recorder

Attorney Review

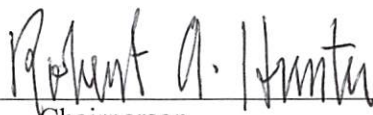
The undersigned, being the authorized attorney for North Ogden City, has reviewed the foregoing agreement and finds it to be in proper form and compatible with State Law.

Dated this _____ day of _____, 2024.

By _____
North Ogden City Attorney

WEBER HUMAN SERVICES
BOARD OF DIRECTORS

Dated this 26 day of June, 2024.

By 
Chairperson

Attorney Review

The undersigned, being the authorized attorney for Weber Human Services, has reviewed the foregoing agreement and finds it to be in proper form and compatible with State Law.

Dated this 26 day of June, 2024.

By 
David C Wilson



Staff Report to the North Ogden City Council

SYNOPSIS

Description: The attached word proof document is to amend Title 9, 10, 13, 14 of the North Ogden City Code. The plan is to update and amend the entire city code.

Date: June 11, 2024

STAFF INFORMATION

Jon Call
jcall@nogden.org
 801-737-9846

QUESTION FOR COUNCIL

What revisions would the council like to incorporate into this document for the final approval sometime early next year.

DISCUSSION

This is the part of the North Ogden Code titles to be reviewed as part of the comprehensive update of City Code. We plan to have a discussion on the proposed changes and talk about specifics as necessary so the Council can have a cleaner document for the final approval in early 2024. The purpose of this is a discussion for guidance on any additional needed changes to the North Ogden City Code. No vote will be taken on an official ordinance at this time.

Significant Amendments Made:

1. 10-1-1 amendment to make it clear that as the state adopts the codes, we will adopt by reference the same codes.
2. 10-5 eliminated in favor of the provision under the Land Use Code where the public works standards are formally adopted.
3. 10-1-2 eliminated to fall under the new 10-1-1
4. Title 10 general clarification that the Building Official is in charge of interpretations of the codes
5. 10-1-6 elimination of exemption under city code. A new state code controls this.
6. 10-2-1 changes to say we automatically adopt whatever the state code adopted is.
7. 10-2-5 same as state code adoption.
8. 10-3-4 cleaning up language to shorten
9. 10-4 insert new code adopted from 11-14-2023

10. 10-8D-2 eliminated since these are included elsewhere and approved by Resolution in the fee schedule see
11. Title 13 added/moved in compliance with more recent state rules and regulations.
12. Title 14 moved and combined so all animal stuff is in the same area.
13. 14-1-1 amended a few definitions
14. 14-1-2 clarifies the names and authorities for the animal control ordinances.
15. 14-2-6 clarifies that they follow internal policies and procedures.

Other Amendments have been made so a thorough review of the code should be conducted as well. Most are grammar or other minor changes, but it is still important for council to review all changes.

STAFF RECOMMENDATION

Staff recommends the council review the language suggestions.

1 of 131

9: UTILITIES AND PUBLIC SERVICES

- 9-1 : WATER USE AND SERVICE
- 9-2 : SECONDARY WATER SYSTEMS
- 9-3 : SEWER REGULATIONS
- 9-4 : DRAINAGE EASEMENTS
- 9-5 : GARBAGE AND REFUSE DISPOSAL
- 9-6 : STORMWATER CONTROL SYSTEM

9-1 : WATER USE AND SERVICE

- 9-1-1 : SERVICE CONNECTIONS
- 9-1-2 : APPLICATION FOR SERVICE
- 9-1-3 : FEES, RATES AND CHARGES
- 9-1-4 : METER READING DATE ADJUSTMENT
- 9-1-5 : BILLINGS; DELINQUENCY
- 9-1-6 : CONSOLIDATED BILLINGS; PARTIAL PAYMENTS
- 9-1-7 : METER INSTALLATIONS
- 9-1-8 : INSPECTION OF PREMISES
- 9-1-9 : PROHIBITED ACTS AND ACTIVITIES
- 9-1-10 : PENALTY
- 9-1-11 : WATER CONSERVATION PLAN ADOPTED

9-1-1 : SERVICE CONNECTIONS

- A. Authority: The city will make service connections upon application and payment of the fees therefor.
- B. Individual Meter Required: Each dwelling unit, building suite and building (if there are no suites in the building) shall have its own individual water meter.
- C. Meter Size: A residential water meter shall be one inch, unless otherwise authorized by the water superintendent.

HISTORY

Adopted by Ord. 2001-06 on 2/27/2001

(Code 2002, § 9-1-1)

9-1-2 : APPLICATION FOR SERVICE

- A. Required: No water, sewer, garbage and solid waste disposal, or stormwater control services (city services) shall be furnished to any house, tenement, apartment, multifamily unit, duplex, fourplex, building, place, premises or lot (premises), unless an application for city services shall be made in writing, signed by the owner or the owner's duly authorized agent. An applicant may apply for less than the entire city services provided by the city, provided that the applicant must apply for all city services if the failure to receive the city services from the city will result in the creation, maintenance or perpetuation of a nuisance. In the application, the owner shall agree to pay for all city services furnished to such premises according to the ordinances, regulations and rules enacted or adopted by

2 of 131

the city. A new owner must provide proof of purchase in the form of settlement papers or closing papers from a lender or a deed from the previous owner and picture identification. In the event an authorized agent applies for city services on behalf of an owner, the agent shall also provide written proof of the agency.

B. Owner Application For All Properties: Applications for city services to all properties shall be made only by the owner or the owner's authorized agent. Applications from tenants shall not be accepted. The application shall be in writing and shall be signed by the owner or the owner's duly authorized agent. In the application, the owner or ~~their~~^{his} authorized agent shall agree that the owner shall pay for all city services furnished to the premises according to the ordinances, regulations and rules enacted or adopted by the city.

C. Reinstatement Of Discontinued Service: Any utility service which has been discontinued shall only be reinstated upon payment of all associated fees and service charges.

D. Additional Copies Of Bills: Property owners may elect to have additional copies of bills sent to multiple addresses provided the fee as set forth in the consolidated fee schedule is paid monthly for each additional address requested.

E. Penalty: Any violation of this section shall be deemed a Class B misdemeanor and shall be subject to penalty as provided in CCNO 1-4-1.

HISTORY

Adopted by Ord. 1987 Code § 13.04.060 on 1/1/1987

Amended by Ord. 2006 Code on 1/1/2006

Amended by Ord. 2012-3 on 1/24/2012

Amended by Ord. 2016-06 on 2/16/2016

(Code 2002, § 9-1-2)

9-1-3 : FEES, RATES AND CHARGES

A. City Limits: In conformity with the laws and constitution of the state and the ordinances of the city, a schedule of water connection fees and water rates for the users of water from the city waterworks system shall from time to time be established by resolution. Such schedule shall be applicable only to users and premises using such water within the corporate limits of the city.

B. Outside City Limits: Water service to premises outside the corporate limits of the city shall be furnished only after the approval of such individual application by the city council, and shall be for such rates as the city council may, from time to time, establish by resolution of the city council. In no event will the city council approve any such application for water service if the granting of the application will in any way prejudice users on property within the corporate limits of the city.

HISTORY

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Adopted by Ord. 1987 Code § 13.04.010 on 1/1/1987

(Code 2002, § 9-1-3)

9-1-4 : METER READING DATE ADJUSTMENT

When, in the discretion of the city council, it is determined advisable that water readings be made on some date other than the first of each month, the city council shall determine the date or dates on which meter readings shall be made, and then the schedules provided for in CCNO 9-1-3 shall apply, but shall be computed from the day of the month so determined by the council.

HISTORY

Adopted by Ord. 1987 Code § 13.04.020 on 1/1/1987

(Code 2002, § 9-1-4)

9-1-5 : BILLINGS; DELINQUENCY

All bills for metered water service shall be due and payable monthly at the office of the city treasurer. If such bills are not paid by the end of the month in which they are issued, then such bills shall become delinquent, provided that residents shall always have at least fifteen (15) days to pay the bills before they become delinquent. By the fifteenth of the month following a bill becoming delinquent, a shutoff notice shall be sent to the customer and the account shall be charged a processing fee. If such bill is not paid within ten (10) days from the date of the shutoff notice, water service may be discontinued and shall not be restored until either:

- A. All fees and charges have been paid, including the processing fee and any collection or reconnection fees; or
- B. The customer has entered into a written water restoration agreement with the city. The amount of the processing, collection and reconnection fees shall be established by resolution.

HISTORY

Adopted by Ord. 1987 Code § 13.04.030 on 1/1/1987

(Code 2002, § 9-1-5)

9-1-6 : CONSOLIDATED BILLINGS; PARTIAL PAYMENTS

A. Consolidated Billings: The city shall issue consolidated bills for all water, sewer, garbage and solid waste disposal, and stormwater control services. These consolidated bills shall be issued monthly by the city and shall state the amounts due for each individual charge and a total of all charges for city services due for that month. Customers who receive some of these services from the city and either do not receive the other services or receive the other services from other providers shall be billed monthly for

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those services they receive from the city and their bills shall show no charges due for those services which they do not receive or which they receive from other sources.

B. Partial Payments:

1. In the event any customer shall make a partial payment on a consolidated monthly bill sent by the city, the partial payment shall be applied to the outstanding charges in the following order:

- a. Processing, collection and reconnection fees;
- b. Overdue charges for garbage and solid waste disposal services;
- c. Current charges for garbage and solid waste disposal services;
- d. Overdue charges for stormwater control services;
- e. Current charges for stormwater control services;
- f. Overdue charges for sewer services;
- g. Current charges for sewer services;
- h. Overdue charges for water services; and
- i. Current charges for water services.

2. Partial payments shall be applied in the order specified in subsection B1 of this section regardless of any request or communication from the customer submitting the partial payment that the partial payment be applied in a different order.

HISTORY

Adopted by Ord. 1987 Code § 13.04.035 on 1/1/1987

(Code 2002, § 9-1-6)

9-1-7 : METER INSTALLATIONS

A. Fee Established: The meter installation fee for installing water meters shall be prescribed from time to time by resolution.

B. Requirements: Minimum meter size on all new construction shall be one inch. The contractor shall make all excavations, including the tap, running the service line, providing the copper tubing, meter setter, meter box and all appropriate fittings pursuant to the public works standards of the city, except in platted subdivisions wherein the subdivider will be responsible for all costs, materials and labor for all water mains, laterals to the property line, the cost of the service tap and related fittings. All meter boxes for one-inch meters shall be concrete twenty-one inches by thirty inches (21" x 30"), using solid meter box lids and rings. In all other installations larger than one inch, the contractor or

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applicant will furnish and install all appropriate fittings, including a four-foot (4') manhole section, complete with a concrete lid with an offset access hole, including steps and manhole ring and cover. All materials used must have the city's approval prior to installation. Meter boxes will be set one foot behind the curb. In areas where curb does not exist, boxes will be set one foot inside the property line. The city will provide and install all water meters.

C. Location: All meters shall be located in a convenient place in front of the property to be serviced and/or within five feet (5') of the side property line; and in no event shall more than one residential structure nor more than one commercial establishment be serviced by the same meter.

HISTORY

Adopted by Ord. 1987 Code § 13.04.050, 13.04.070 on 1/1/1987
Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, § 9-1-7)

9-1-8 : INSPECTION OF PREMISES

The water superintendent, or ~~their~~^{his} designee, shall have the right at all reasonable hours to enter and inspect any premises using water from the city waterworks system to determine whether all applicable rules, regulations and ordinances of the city are being followed in the use of such water.

HISTORY

Adopted by Ord. 1987 Code § 13.04.080 on 1/1/1987
Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, § 9-1-8)

9-1-9 : PROHIBITED ACTS AND ACTIVITIES

A. Unlawful Plumbing Connections: It is unlawful for any person to connect any plumbing installation or fixture, directly or indirectly, to the water supply of the city unless all plumbing work in connection therewith is installed according to the ordinances of the city.

B. Tampering With Valves: It is unlawful for any person to tamper with any valve of the water system, including fire hydrants, without proper authority and it is unlawful for any person to turn on any water service without proper authority, nor to reconnect any service which has been shut off or disconnected for nonpayment of fees or otherwise.

C. Damaging Equipment: It is unlawful for any unauthorized person to in any way molest or tamper with any meter of the waterworks system, or to in any way remove, damage or injure any bulkhead, gate, gatehouse, conduit, culvert, hydrant or main constructed or maintained for the purpose of supplying water to the inhabitants of the city.

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D. Pollution Of Water System: It is unlawful for any person, firm or corporation to in any way contaminate, pollute or render impure any water or water supply of the city.

HISTORY

Adopted by Ord. 1987 Code § 13.04.090, 3.04.110, 3.04.120 on 1/1/1987
Amended by Ord. 2009-04 on 4/28/2009

(Code 2002, § 9-1-9)

9-1-10 : PENALTY

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a Class B misdemeanor and subject to penalty as provided in CCNO 1-4-1.

HISTORY

Adopted by Ord. 1987 Code § 13.04.130 on 1/1/1987
Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, § 9-1-10)

9-1-11 : WATER CONSERVATION PLAN ADOPTED

The water conservation plan for North Ogden City, Utah, is adopted and on file in the city.

HISTORY

Adopted by Ord. 2009-06 on 6/30/2009

(Code 2002, § 9-1-11)

9-2 : SECONDARY WATER SYSTEMS

9-2-1 : FINDINGS

9-2-2 : CONNECTION TO SECONDARY WATER SYSTEM

9-2-3 : BACKFLOW AND CROSS CONNECTIONS

9-2-4 : USE OF CULINARY WATER FOR IRRIGATION PROHIBITED

9-2-5 : PENALTY

9-2-1 : FINDINGS

The city council has determined that heavy demand is being placed upon the culinary water system by use of culinary water for irrigation purposes, and that such heavy demand, if continued, could result in a shortage of culinary water and could result in inadequate water supply for fire protection in some areas.

HISTORY

Adopted by Ord. 1987 Code § 13.08.010 on 1/1/1987

(Code 2002, § 9-2-1)

9-2-2 : CONNECTION TO SECONDARY WATER SYSTEM

It is unlawful for the owner of any residential or agricultural property to fail to connect to a secondary water system.

HISTORY

Adopted by Ord. 2001-04 on 2/13/2001

(Code 2002, § 9-2-2)

9-2-3 : BACKFLOW AND CROSS CONNECTIONS

A. Purpose: The purposes of these provisions are to:

1. Protect the public potable water supply of the city from the possibility of contamination or pollution by containing within the customer's internal distribution system contaminants or pollutants which could backflow into the public water systems;
2. Promote the elimination or control of existing cross connections, actual or potential, between the customer's in-house potable water system and nonpotable water system, plumbing fixtures, industrial piping systems; and
3. Provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

B. Definitions: As used in this section, the following words and terms shall have the meanings ascribed to them in this subsection:

APPROVED BACKFLOW ASSEMBLY: The backflow assembly accepted by the state department of health as meeting an applicable specification or as suitable for the proposed use.

AUXILIARY WATER SUPPLY: Any water supply on or available to the premises other than the city public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another city/municipality's public potable water supply, a pressured irrigation system, or any natural source such as a well, spring, river, stream, harbor, etc., or used waters or industrial fluids.

BACK PRESSURE: The flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of potable water supply system from any source other than the intended source.

BACK SIPHONAGE: The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source other than the intended source.

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BACKFLOW: The reversal of the normal flow of water caused by either back pressure or back siphonage.

BACKFLOW PREVENTION ASSEMBLY: An assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the International Plumbing Code, and the cross connection control program for Utah. All backflow prevention assemblies must be approved by the state department of health prior to installation. A listing of these approved backflow prevention assemblies is available from the state department of health.

CONTAMINATION: An impairment of the quality of the potable water supply by sewage, industrial fluids, waste liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

CROSS CONNECTION: Any physical connection or arrangement of piping or fixtures between two (2) otherwise separate piping systems, one of which contains potable water and the other nonpotable water or industrial fluids of questionable safety, through which, or because of which, backflow may occur into the potable water system. This would include any temporary connections, such as swing connections, removable sections, four-way (4-way) plug valves, spools, dummy sections of pipe, swivel or changeover devices or sliding multiport tubes.

CROSS CONNECTION, CONTAINMENT: The installation of an approved backflow prevention assembly at the water service connection to any customer's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross connections within the customer's water supply system; or it shall mean the line leading to and supplying a portion of a customer's water system where there are actual or potential cross connections which cannot be effectively eliminated or controlled at the point of the cross connection (isolation).

CROSS CONNECTION, CONTROLLED: A connection between a potable water supply system and a nonpotable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

C. Responsibility Of Officials:

1. City: The city shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection. The public works director, or ~~their~~^{his} agent (water authority), is vested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this section. If, in the judgment of the water authority, an approved backflow prevention assembly is required (at the customer's water service connection or within the customer's private water system) for the safety of the water system, the water authority shall give notice in writing to said customer to install such an approved backflow prevention assembly) at a specified location on ~~their~~^{his} premises. The customer shall immediately install such approved assembly at the customer's own expense. Failure, refusal or inability on

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the part of the customer to install, have tested and maintain said assembly shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

2. Building Inspection Division: The building inspection division has the responsibility to review building plans and inspect plumbing installations to ensure compliance with the current edition of the International Plumbing Code as adopted by the city and the state with respect to cross connections and back siphonages. The building inspection division's responsibility begins at the point of service (the downstream side of the meter) and is carried throughout the entire length of the customer's water system.

3. Certified Backflow Assembly Technician: Certified backflow assembly technicians only shall do the testing of backflow prevention assemblies. The certified technician must tag each double check valve, pressure vacuum breaker, reduced pressure backflow assembly and air gap, showing the serial number of the assembly, date tested and by whom. The technician's license number must also be on this tag. All repairs and maintenance of the assemblies shall be accomplished by a licensed plumber.

D. Requirements:

1. Service of water to any premises shall be discontinued by the city if a backflow prevention assembly required by this section for control of backflow and cross connections is not installed, tested and maintained, or it is found that a backflow prevention assembly has been removed, bypassed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

2. The customer's system shall be open for inspection at all reasonable times to authorized representatives of the city to determine whether cross connections exist.

3. ³⁷An approved backflow prevention assembly shall be installed on each service line to a nonresidential customer's water system, at or near the property line or immediately inside the building being served, when it is deemed necessary by the utility to conform to ~~state and federal law and rules public law 93-253, the Safe Drinking Water Act of 1974, 42 U.S.C. § 300f et seq., occupational safety and health rules and regulations, 29 C.F.R. 1910, Subpart J (§ 1910.141 et seq. subpart J), UCA ch. 19-4 § 19-4-112, Utah public drinking water regulations (sections 2.4, and 12.5), and the Utah plumbing code, revised September 1990, chapter 10.~~ In all cases, the assembly will be installed before the first branch line leading off the service line, whenever the city deems the protection of the water supply to be in the best interest of the water supply customers.

4. The type of protective assembly required under subsection D3 of this section, shall depend upon the degree of hazard which exists at the point of cross connection (whether

³⁷ I am unable to correct/convert all of these citations. The federal law and rules are easily convertible except that the reference specifically to section 1910.141 doesn't work with the remaining cites and the intent of the section. The state public drinking water regulation citation is simple except that there are no section 2.4 or 12.5 in those regulations. Finally, the state plumbing code cited is outdated and while we could update that, the other citations would still need clarification. I have opted to simplify the section to provide that compliance with all state and federal law and rules is required.

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direct or indirect), as stipulated in the International Plumbing Code.

5. All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, shall be excluded from the requirements of these rules so long as the city is assured that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location or requires more than minimum maintenance or when the city finds that the maintenance of the assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of this section.

6. It shall be the duty and responsibility of the customer at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made at least once per year at the customer's expense. In those instances where the city deems the hazard to be great, it may require certified inspections and tests at a more frequent interval. These inspections and tests shall be performed by a certified backflow assembly technician.

7. Backflow prevention assemblies shall be installed in water supply lines to provide at least the degree of protection stipulated in the International Plumbing Code.

8. All backflow prevention assemblies installed in a potable water supply system for protection against backflow shall be maintained in good working condition by the person or persons having control of such assemblies. Upon inspection, any assembly found to be defective or inoperative shall be replaced or repaired. No assembly shall be removed from use, relocated or another assembly substituted, without the approval of the city.

9. All backflow prevention assemblies shall be tested within ten (10) working days of initial usage.

10. No backflow prevention assembly shall be installed so as to create a safety hazard. Example: Installed over an electrical panel, steam pipe, boilers, pits or above ceiling level.

HISTORY

Adopted by Ord. 1987 Code § 13.08.030 on 1/1/1987
Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, § 9-2-3)

9-2-4 : USE OF CULINARY WATER FOR IRRIGATION PROHIBITED

It is unlawful for any person, whether owner or occupant, of any residential or agricultural property, to use culinary water from the city waterworks for the purpose of irrigating any yard, garden, lawn, field or for livestock watering. Building permits for residential structures shall not be issued unless there is a pressurized secondary water system serving the property. Property located in the Ben Lomond Estates subdivision, Roylance Farms PRUD subdivision, phases 1 and 2, and the Roylance Farms phase 3 subdivision are excluded from this section until secondary water is available.

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HISTORY

Adopted by Ord. 2001-04 on 2/13/2001

(Code 2002, § 9-2-4)

9-2-5 : PENALTY

Any person violating any provision of this chapter is guilty of a Class B misdemeanor and shall be subject to penalty as provided in CCNO 1-4-1.

HISTORY

Adopted by Ord. 1987 Code § 13.08.050 on 1/1/1987

Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, § 9-2-5)

9-3 : SEWER REGULATIONS

9-3-1 : GENERAL PROVISIONS

9-3-2 : PERMIT FOR CONNECTION; FEE

9-3-3 : USAGE FEES

9-3-4 : BILLINGS; DELINQUENCY

9-3-5 : NONCOMPLIANCE; NUISANCE DECLARED

9-3-6 : PRIVY VAULTS

9-3-7 : PENALTY

9-3-1 : GENERAL PROVISIONS

A. Maintenance Of Sewers: The city's obligation to maintain sewer facilities is limited to the main public sewer trunk lines within the road right-of-way or other easements obtained by the city for such purposes. The city is not obligated to maintain, repair, replace or otherwise perform any work on private sewer facilities installed by the owners of houses, buildings, or other properties as outlined under subsection B of this section.

B. Connection Required: The owner of all houses, buildings or properties used for human occupancy, employment, commercial, institutional, recreational or other like purposes, any part of which building is within three hundred feet (300') of any street, alley, court, passageway or area in which a public sewer or sewer owned or operated by or lying within the corporate limits of the city is in existence and use, is required, at ~~their-~~ ~~his~~ expense, to install suitable facilities (sewer laterals) therein, and to connect and maintain in perpetuity, including repair and replacement, such facilities and sewer laterals with the proper public sewer in accordance with the provisions of this chapter within ninety (90) days after the date that the public sewer line is available for use, provided such public sewer line is within three hundred feet (300') of any part of such building discharging sanitary or industrial waste.

C. Compliance With Central Weber Sewer Improvement District Regulations: All individuals must comply with rules and regulations of the Central Weber Sewer

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Improvement District as approved by the district board of directors.

HISTORY

Adopted by Ord. 1987 Code § 13.12.010 on 1/1/1987

Amended by Ord. 2015-09 on 5/12/2015

Amended by Ord. 2018-24 on 10/9/2018

(Code 2002, § 9-3-1)

9-3-2 : PERMIT FOR CONNECTION; FEE

A. Permit Required: It is unlawful for any person to connect to such sewer system without first obtaining a sewer connection permit and paying such sewer connection permit fee as shall hereafter be fixed by resolution from time to time by the city council. No such permit shall be issued until the plumbing in the building to be serviced shall comply with the requirements and regulations of the city and the state plumbing codes.

B. Fees; Waiver; Line Of Credit: The requirement for paying connection fees as outlined in subsection A of this section shall be deemed waived upon the application by any person required to connect to a public sewer for the establishment of a line of credit with the city for payment of the connection fees. Upon acceptance by the city of such application, the person making application may connect to the sewer as provided for in this chapter and shall pay in one payment within one year the required connection fee, together with interest at a rate determined at time of application. Failure to pay such fees within the time allotted shall be deemed to be a violation of this chapter and punishable as provided for in CCNO 9-3-7.

HISTORY

Adopted by Ord. 1987 Code § 13.12.020, 13.12.030 on 1/1/1987

(Code 2002, § 9-3-2)

9-3-3 : USAGE FEES

All persons, corporations and associations connected to a sewer as required in this chapter shall pay such sewer maintenance and usage fees and charges as the city council may establish and fix from time to time by resolution.

HISTORY

Adopted by Ord. 1987 Code § 13.12.080 on 1/1/1987

(Code 2002, § 9-3-3)

9-3-4 : BILLINGS; DELINQUENCY

A. Due And Payable: All bills for monthly sewer service shall be due and payable monthly at the office of the city treasurer. If such bills are not paid by the end of the

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month in which they are issued, then such bills shall become delinquent, provided that residents shall always have at least fifteen (15) days to pay the bills before they become delinquent. By the fifteenth of the month following a bill becoming delinquent, a shutoff notice shall be sent to the customer and the account shall be charged a processing fee. The amount of the processing fee shall be established by resolution. In the event the city expends additional funds in collecting the account, including attorney fees, the city may add those amounts due from the customer.

B. Consolidation: Bills for monthly sewer service shall be consolidated with bills submitted for water service for those persons who receive both services from the city. Partial payments of the consolidated bills shall be applied pursuant to the provisions of CCNO 9-1-6.

HISTORY

Adopted by Ord. 1987 Code § 13.12.090 on 1/1/1987

(Code 2002, § 9-3-4)

9-3-5 : NONCOMPLIANCE; NUISANCE DECLARED

Any privy vaults, septic tanks or cesspools constructed or maintained in violation of the provisions of this chapter are declared to be a public nuisance; and it shall be the duty of the city attorney to proceed forthwith with condemnation proceedings declaring the subject matter of such violation to be a nuisance, and also to proceed forthwith with the filing of a complaint for the criminal violation of this chapter.

HISTORY

Adopted by Ord. 1987 Code § 13.12.040 on 1/1/1987

(Code 2002, § 9-3-5)

9-3-6 : PRIVY VAULTS

A. Prohibited: It is unlawful for the owner or ~~their-his~~ agent or other persons having charge of or occupying any property upon which a building shall have been or is being constructed for residential, commercial or industrial use, any part of which building is within three hundred feet (300') of the street, alley, court, passageway or area in which a public sewer is in existence and in use within the corporate limits of the city to construct, cause or permit to be constructed any privy vault, septic tank or cesspool into which such building is to be connected.

B. Notice To Connect: It is unlawful for the owner, or ~~their-his~~ agent, or other person having charge of or occupying any property upon which a building shall have been constructed for residential, commercial or industrial use, any part of which building is within three hundred feet (300') of any street, alley, court, passageway or area in which a public sewer is in existence and use within the corporate limits of the city, after the owner or ~~their-his~~ agent or other person having charge of or occupying such property has been given written notice by the city that an accepted public sewer is ready to receive connections

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therewith, and ninety (90) days have expired, to maintain or use or cause or permit to exist any privy vault, septic tank or cesspool to which such building is connected or which is used by the occupants of such building.

HISTORY

Adopted by Ord. 1987 Code § 13.12.050, 13.12.060 on 1/1/1987

(Code 2002, § 9-3-6)

9-3-7 : PENALTY

Any person, corporation or association violating any of the provisions of this chapter is guilty of a Class B misdemeanor and, upon conviction, shall be subject to penalty as provided in CCNO 1-4-1. Each day in which such violation shall continue shall be deemed a separate and new offense.

HISTORY

Adopted by Ord. 1987 Code § 13.12.100 on 1/1/1987

Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, § 9-3-7)

9-4 : DRAINAGE EASEMENTS

9-4-1 : MAINTENANCE REQUIRED

9-4-2 : OBSTRUCTIONS

9-4-3 : ACCESS

9-4-4 : STRUCTURES ON WATERWAY

9-4-5 : PENALTY

9-4-1 : MAINTENANCE REQUIRED

The city shall have the duty to keep all drains, sewers, ditches and waterways located within duly recorded city easements and rights-of-way in reasonably good repair and condition in order that such easements serve the purpose for which they are intended.

HISTORY

Adopted by Ord. 1987 Code § 13.16.010 on 1/1/1987

(Code 2002, § 9-4-1)

9-4-2 : OBSTRUCTIONS

A. Prohibited: It is unlawful for any person to obstruct, damage, place rubbish or debris in, erect structures in or upon, or to in any other way interfere with the normal use of any drain, sewer, ditch or waterway located within a city easement or right-of-way which is used, or could be used, for drainage purposes, or to alter, change, reduce or enlarge such drain, sewer, ditch or waterway.

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B. Repairs And Maintenance Excepted: Subsection A of this section shall not be construed in any way to prohibit the normal maintenance and repair of such drains, ditches and waterways by the city or others entitled to the lawful use thereof, provided that such repairs and maintenance shall at all times be done in a reasonable manner and at reasonable times.

HISTORY

Adopted by Ord. 1987 Code § 13.16.020, 13.16.030 on 1/1/1987

(Code 2002, § 9-4-2)

9-4-3 : ACCESS

The city shall at all times enjoy access to all easements wherein drains, ditches, sewers and waterways as described in this chapter are located for the purpose of reasonable maintenance and repair and shall enjoy the right at all reasonable times to enter such easement for all lawful purposes. It is unlawful for any person to interfere with or obstruct access to such easement.

HISTORY

Adopted by Ord. 1987 Code § 13.16.040 on 1/1/1987

(Code 2002, § 9-4-3)

9-4-4 : STRUCTURES ON WATERWAY

A. Permit Required: No persons shall erect any fence, gate, building, porch, patio or other like structure, place rubbish, leaves, trees, limbs or other vegetation or store materials in or upon or otherwise obstruct or interfere with any drain, ditch, sewer or waterway as described in this chapter without first obtaining an easement construction permit from the city. Applications for easement construction permits shall be made available by the city which shall contain the name and address of the permit applicant, the location at which the proposed structure or other improvements or use will be erected and/or maintained, and a description of the proposed structure, improvement or use. Any structure, improvement or use placed in or upon an easement pursuant to such permit shall, at the request of the city, be immediately removed if city officials determine that removal is necessary to prevent potential damage or destruction in case of emergency, or in the event that removal is recommended by the city engineer or other qualified expert who, after study and evaluation, determines such structure, improvement or use to be incompatible to the purpose for which the easement has been granted. The city may, in case of emergency, remove or destroy said improvement or use, without liability, if, in the judgment of the city, removal or destruction is necessary in order to prevent potential damage to property or injury to persons. Any permit issued shall include a waiver of liability and shall release the city from and against all claims arising out of or due to destruction occasioned by the improvement or use authorized by the permit.

B. Removal; Cost: Upon the city's determination that a structure or use maintained

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within or upon an easement is or may be detrimental to persons or property or incompatible within the use served by the easement, the city shall, except in the case of emergency, notify the owner or occupant of such determination, and require such owner or occupant to eradicate, remove or destroy the same within such time as the city shall designate, which shall not be less than ten (10) days from the date of service of such notice. If any owner or occupant described in such notice shall fail or neglect to eradicate, remove or destroy the structure or use in accordance with such notice, the city may, at the expense of the city, remove, destroy or eradicate such structure or use. The city shall then prepare an itemized statement of all expenses incurred in the removal and destruction of the same and mail a copy thereof to the owner and shall demand payment from the owner within twenty (20) days of the mailing. In the event the owner fails to make payment of the amount set forth in such statement to the city treasurer within such twenty (20) days, the city may cause suit to be brought in an appropriate court of law or may bring such criminal actions as may be provided by this chapter or other laws and regulations. In the event collection of such costs are pursued through the courts, the city may sue for and receive judgment upon all of such costs of removal and destruction, together with reasonable attorney fees, at the then prevailing legal rate of interest and court costs. The city may execute on such judgment in the manner provided by law.

HISTORY

Adopted by Ord. 1987 Code § 13.16.050, 13.16.060 on 1/1/1987

(Code 2002, § 9-4-4)

9-4-5 : PENALTY

Any person violating any of the provisions of this chapter shall be guilty of a Class B misdemeanor, and subject to penalty as provided in CCNO 1-4-1.

HISTORY

Adopted by Ord. 1987 Code § 13.16.070 on 1/1/1987

Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, § 9-4-5)

9-5 : GARBAGE AND REFUSE DISPOSAL

9-5-1 : DEFINITIONS

9-5-2 : DISPOSAL REQUIREMENTS

9-5-3 : ACCUMULATION PROHIBITED

9-5-4 : FEES, RATES AND CHARGES

9-5-5 : BILLINGS; DELINQUENCY

9-5-6 : RECEPTACLES

9-5-7 : SEMIANNUAL CITY CLEANUP

9-5-8 : HAULING AND DISPOSAL

9-5-9 : FAILURE TO REMOVE

9-5-10 : PENALTY

9-5-1 : DEFINITIONS

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The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

GARBAGE AND REFUSE:

A. Garbage: All kitchen waste or byproducts, including, but not limited to, animal or vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

B. Refuse: Paper, cardboard, tin cans, glass, crockery, rags and similar materials, grass, weeds, leaves, flowers and shrub clippings small enough to be contained within a plastic bag; garden vegetables and fruits, and ash residue of materials burned in stoves, fireplaces and furnaces.

C. Excluded: Garbage and refuse do not include tree limbs, rocks, dirt, sod, roots, building materials, tires, automobile parts, concrete, furniture, appliances, large toys, liquids of any kind in any container, hot ashes, dead animals, nor manure or waste from animals other than household pets.

RECEPTACLE: A specialized container with a maximum capacity of ninety (90) gallons, supplied by the city to each residence or household for the purpose of garbage and refuse disposal.

HISTORY

Adopted by Ord. 1987 Code § 13.20.010 on 1/1/1987
Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, § 9-5-1)

9-5-2 : DISPOSAL REQUIREMENTS

It is unlawful for any person, firm or corporation to place or deposit in or on any of the public streets, alleys or parks in the city any rubbish, debris, grass cuttings, leaves, tree limbs, branches, sticks, stones, junk, cast off clothing, papers, printed matter, dirt or other discarded thing or matter incident to house cleaning or yard cleaning, except garbage and refuse on regular garbage collection days, and except in garbage "receptacles," as that term is defined in CCNO 9-5-1 and at locations set forth in this chapter.

HISTORY

Adopted by Ord. 1987 Code § 13.20.090 on 1/1/1987

(Code 2002, § 9-5-2)

9-5-3 : ACCUMULATION PROHIBITED

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It shall be unlawful for any person, firm or corporation to permit garbage, refuse or similar wastes to accumulate or remain on or about the premises under the control of such person for such period of time as to become a "nuisance" or "public nuisance," as those terms are defined by reference in CCNO 5-2-1, and every person, firm or corporation is required to remove or provide for the removal of garbage, refuse and similar wastes before the same becomes a nuisance or public nuisance.

HISTORY

Adopted by Ord. 1987 Code § 13.20.110 on 1/1/1987

(Code 2002, § 9-5-3)

9-5-4 : FEES, RATES AND CHARGES

A. Funding: The city council finds and declares that it is necessary and in the public interest to raise funds for the purpose of defraying the costs for removing and hauling and disposing of garbage and refuse and for procuring Weber County to take possession of garbage and refuse originating in the city at the county landfill. It is further necessary and in the public interest to raise funds to defray incidental expenses of administering the city refuse disposal department, including, but not limited to, the policing and inspection thereof and the costs of collection of the service charges imposed under this chapter. For the purpose of retaining funds for the purpose stated in this subsection, garbage and refuse disposal service charges are imposed, levied and assessed against all persons and premises eligible for garbage and refuse disposal services on and after the date of adoption of the ordinance from which this chapter is derived. In addition, charges shall be levied against each new building or dwelling constructed within the city.

B. Rate Determination: The city council shall, from time to time, by resolution, fix and determine the rates and charges and fees to be levied and assessed upon the several persons and premises eligible for garbage and refuse disposal services by or through the city. All rates and charges shall be just, reasonable and nondiscriminatory.

C. Commercial Establishments: All removal, hauling and disposal of garbage by the city or one with whom the city may contract for such service shall be available to residential households and may be made available to nonresidential units (i.e., commercial and industrial establishments, churches, etc.) at such rates and fees as the city may determine by resolution. All nonresidential units to whom such service is not made available shall make suitable arrangements to have their accumulated garbage and refuse and similar wastes removed and properly disposed of, at the owner's expense, at such intervals as shall be determined by the city council, but at least once a week, until such time as the city may resolve to provide such service.

HISTORY

Adopted by Ord. 1987 Code § 13.20.150, 13.20.160, 13.20.210 on 1/1/1987

(Code 2002, § 9-5-4)

9-5-5 : BILLINGS; DELINQUENCY

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A. Due And Payable: All bills for monthly garbage and solid waste disposal service shall be due and payable monthly at the office of the city treasurer. If such bills are not paid by the end of the month in which they are issued, then such bills shall become delinquent, provided that residents shall always have at least fifteen (15) days to pay the bills before they become delinquent. By the fifteenth of the month following a bill becoming delinquent, a shutoff notice shall be sent to the customer and the account shall be charged a processing fee. The amount of the processing fee shall be established by resolution. In the event the city expends additional funds in collecting the account, including attorney fees, the city may add those amounts due from the customer.

B. Consolidation: Bills for monthly garbage and solid waste disposal service shall be consolidated with bills submitted for water service for those persons who receive both services from the city. Partial payments of the consolidated bills shall be applied pursuant to the provisions of CCNO 9-1-6.

C. Lien; Waiver: All unpaid charges for garbage and refuse disposal service are a lien against the premises to which garbage and refuse disposal service is rendered or for which service is procured by the city. Such lien may be foreclosed in any court of competent jurisdiction. The lien may be waived and an action in person may be maintained for the collection of such charges.

D. Failure To Pay: In the event that any charges made under the provisions of CCNO 9-5-4B are not promptly paid when due, the city may proceed to collect the sum as a debt due the city and may sue thereon in any court of competent jurisdiction.

HISTORY

Adopted by Ord. 1987 Code § 13.20.170, 13.20.190, 13.20.220 on 1/1/1987

(Code 2002, § 9-5-5)

9-5-6 : RECEPTACLES

A. Placement:

1. Any person placing garbage or refuse out for collection shall do so on the scheduled collection day and shall place the same in garbage receptacles which shall be placed against the curb with the wheels thereof abutting said curb, or where no curb exists, at a location upon or contiguous to the garbage owner's property and as close as practical to the street, highway or roadway abutting such owner's property or at such other location prescribed by resolution. All receptacles should be so placed as to provide for easy collection and removal, in clear view and in no case shall be placed behind any obstruction, including, but not limited to, snow banks, mailboxes or shrubbery.

2. Those items of waste or rubbish which do not qualify as "garbage" or "refuse," as those terms are defined in CCNO 9-5-1, will not be removed or disposed of by the city, but shall be disposed of by the owner at the Weber County landfill at their-his own expense.

3. The household occupant or premises owner to whom such receptacle is assigned

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shall be liable for the cost of replacing any garbage receptacle damaged, stolen or removed from the city by or while under the control of said occupant or owner. Any garbage receptacle damaged, stolen or removed from the city by or while under the control of the household occupant to whom said receptacle is assigned shall be liable for the cost of replacing the damaged, stolen or removed receptacle. The city shall repair and replace, from time to time, the wheels, handles and axles of garbage receptacles which require maintenance or replacement due to normal use.

B. Draining And Separating Required: All garbage and refuse, when applicable, shall be drained of excess water and shall be wrapped in paper, and any animal defecation shall be separately wrapped in paper or plastic, before being placed in a garbage receptacle.

C. Ashes: All ashes, after being allowed to cool, shall be wrapped in paper or otherwise sealed in a bag or container before being placed in a garbage receptacle.

D. Removal: All empty garbage receptacles must be removed from the street as soon as practical after being emptied, and in every case must be removed from the street on the day they are emptied. No such receptacle shall be permitted to remain on any street longer than may be reasonably necessary for the removal of the contents thereof.

HISTORY

Adopted by Ord. 1987 Code § 13.20.020, 13.20.050, 13.20.070, 13.20.060 on 1/1/1987
Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, § 9-5-6)

9-5-7 : SEMIANNUAL CITY CLEANUP

Each year on a designated week during the spring and again in the fall, the city will provide a special cleanup service. During these cleanup periods, such items as green waste, tree limbs, yard clippings and other rubbish not regularly picked up by the city garbage collection service may be placed at curbside for a special pickup by the city. Dates of these cleanup weeks as well as limits on quantity and quality of items to be picked up will be set and specified by resolution.

HISTORY

Adopted by Ord. 1987 Code § 13.20.100 on 1/1/1987
Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, § 9-5-7)

9-5-8 : HAULING AND DISPOSAL

A. License Required: It shall be unlawful for any person, firm or corporation to engage in the business of collection, hauling or disposal of garbage, refuse and similar wastes within the corporate limits of the city without first having obtained a license to do so from the city council.

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B. Securing Loads; Use Of Dump: It is unlawful for any person hauling garbage, refuse, manure or matter of any kind to permit or allow any such matter to fall upon and remain or allow any such matter to fall upon and remain in any street, alley or park within the corporate limits of the city, or to deposit any such matter at any place except the Weber County landfill or other dumping ground authorized by the city council.

C. Contracting: The city council shall have the power, at any time it may deem it advisable, to contract with any person, firm or corporation for the hauling and disposal of garbage, refuse and similar wastes and may provide by resolution for such charge as the city council may determine to be collected from all persons, firms and corporations benefited by such service.

HISTORY

Adopted by Ord. 1987 Code § 13.20.120, 13.20.130, 13.20.140 on 1/1/1987

(Code 2002, § 9-5-8)

9-5-9 : FAILURE TO REMOVE

Any person, firm or corporation permitting the accumulation of garbage, refuse or similar wastes or failing to remove the same as provided in this chapter, shall be guilty of a Class B misdemeanor and subject to penalty as provided in CCNO 1-4-1. In addition, the city council may, at its discretion, arrange for the removal and destruction of any accumulated garbage, refuse or similar wastes from the premises and may charge the costs of such removal to the owner or occupant of the premises on which such accumulation is permitted, such charge to be a debt due to the city, and the city may sue for and receive judgment upon all of such costs of removal and destruction, together with all attorney fees, interest and court costs. Furthermore, the city may take any other action authorized by law.

HISTORY

Adopted by Ord. 1987 Code § 13.20.230 on 1/1/1987

Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, § 9-5-9)

9-5-10 : PENALTY

Any person, firm or corporation violating any of the provisions of this chapter is guilty of a Class B misdemeanor and, upon conviction, shall be subject to penalty as provided in CCNO 1-4-1.

HISTORY

Adopted by Ord. 1987 Code § 13.20.240 on 1/1/1987

Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, § 9-5-10)

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9-6 : STORMWATER CONTROL SYSTEM

9-6-1 : FEES AND RATES ESTABLISHED

9-6-2 : BILLINGS; DELINQUENCY

9-6-3 : TAMPERING PROHIBITED

9-6-4 : PENALTY

9-6-1 : FEES AND RATES ESTABLISHED

In conformity with the laws and constitution of the state and the ordinances of the city, the city shall impose a monthly fee on residents of the city to pay for use of the city stormwater control system. This fee shall be in an amount sufficient to cover the costs of installation, expansion, maintenance, replacement and repair of the stormwater control system. No resident shall be able to exempt ~~themselves~~ ~~himself~~ from payment of these fees by alleging that ~~they do~~ ~~he does~~ not use the stormwater control system. The fees imposed by this section shall be billed monthly and shall be established by resolution. The fees shall be just, reasonable, and nondiscriminatory.

HISTORY

Adopted by Ord. 1987 Code § 13.24.010 on 1/1/1987

(Code 2002, § 9-6-1)

9-6-2 : BILLINGS; DELINQUENCY

A. Due And Payable: Bills for use of the storm sewer control system shall be due and payable monthly at the office of the city treasurer. If such bills are not paid by the end of the month in which they are issued, then such bills shall become delinquent, provided that residents shall always have at least fifteen (15) days to pay the bills before they become delinquent. By the fifteenth of the month following a bill becoming delinquent, a shutoff notice shall be sent to the customer and the account shall be charged a processing fee. The amount of the processing fee shall be established by resolution. In the event the city expends additional funds in collecting the account, including attorney fees, the city may add those amounts due from the customer.

B. Consolidation: Bills for monthly service shall be consolidated with bills for water service for those persons who receive both services from the city. Partial payments of the consolidated bills shall be applied pursuant to the provisions of CCNO 9-1-6.

C. Failure To Pay: In the event that any fees assessed under the authority of subsection A of this section are not paid promptly when due, the city may proceed to collect the sum as a debt due to the city and may sue thereon in any court of competent jurisdiction.

HISTORY

Adopted by Ord. 1987 Code § 13.24.020, 13.24.030 on 1/1/1987

(Code 2002, § 9-6-2)

9-6-3 : TAMPERING PROHIBITED

It is unlawful for any person to tamper with any part of the stormwater control system without proper authority, or to in any way remove, damage or injure any gate, grating, pipe, culvert, detention pond or any other part of the city stormwater control system.

HISTORY

Adopted by Ord. 1987 Code § 13.24.040 on 1/1/1987

(Code 2002, § 9-6-3)

9-6-4 : PENALTY

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a Class B misdemeanor and, upon conviction, shall be subject to penalty as provided in CCNO 1-4-1.

HISTORY

Adopted by Ord. 1987 Code § 13.24.050 on 1/1/1987

Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, § 9-6-4)

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10: BUILDINGS AND CONSTRUCTION

- 10-1 : BUILDING AND RELATED CODES
- 10-2 : FIRE CODE
- 10-3 : CONSTRUCTION PERMITS AND FEES
- 10-4 : FLOOD DAMAGE PREVENTION
- 10-5 : SIDEWALK, CURB AND GUTTER REPLACEMENT PROGRAM
- 10-6 : STORMWATER AND DRAINAGE
- 10-7 : EXPLOSIVES

10-1 : BUILDING AND RELATED CODES

- 10-1-1 : CODES ADOPTED; UPDATES
- 10-1-2 : AVAILABILITY
- 10-1-3 : APPEALS
- 10-1-4 : FEES
- 10-1-5 : PENALTY

10-1-1 : ³⁸CODES ADOPTED; UPDATES

A. The city adopts the state construction codes provided in U.C.A. 1953, § 15A-2-101 et seq., the statewide amendments thereto provided in U.C.A. 1953, § 15A-3-101 et seq., and any applicable local amendments thereto provided in U.C.A. 1953, § 15A-4-101 et seq., from time to time. The adopted code shall be automatically replaced whenever the state adopts a new code or an updated version of the adopted code.

~~A. Adoption: Pursuant to the terms of U.C.A. 1953, § 58-56-4(2) and U.A.C. § R156-56 of the Utah administrative code, the city hereby adopts the following international building standards to govern all construction performed in the city:~~

~~1. International Building, Energy And Residential Codes: The 2000 edition of the international building code (IBC) as modified by chapter 11 of the 2001 edition of the supplement to the international building code, promulgated by the International Code Council, and amendments adopted under the Utah administrative code, together with standards incorporated into the IBC by reference, including, but not limited to, the 2000 edition of the international energy conservation code (IECC) promulgated by the International Code Council and the 2000 edition of the international residential code (IRC) promulgated by the International Code Council;~~

~~2. National Electrical Code: The 1999 edition of the national electrical code (NEC) promulgated by the National Fire Protection Association;~~

~~3. International Plumbing Code: The 2000 edition of the international plumbing code (IPC) promulgated by the International Code Council;~~

~~4. International Mechanical And Fuel Gas Codes: The 2000 edition of the international mechanical code (IMC), together with all applicable standards set forth in the 2000~~

³⁸ CITY: Change these provisions so that the city adopts whatever the most current state adopted codes are.

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international fuel gas code (IFGC) (formerly included as part of the IMC).

~~B. Incorporated By Reference: All of the codes described above are hereby incorporated into this code by this reference.~~

~~B. Amendments: The amendments adopted in CCNO 10-1-2 shall be automatically updated whenever additional amendments are adopted by the division of occupational and professional licensing and/or the building code commission pursuant to their authority under U.C.A. 1953, § 15A-1-101 et seq. and U.A.C. R 156-56-101 et seq. 58-56-4(4) and 58-56-7, and added to the amendments included in R156-56-704, R156-56-706, R156-56-707, R156-56-708 or R156-56-710 of the Utah administrative code.~~

~~10-5-1~~³⁹ **PUBLIC WORKS STANDARDS**

~~10-5-1-1~~ **ADOPTED BY REFERENCE**

~~10-5-1-1~~ **ADOPTED BY REFERENCE**

B. That certain compilation entitled, "North Ogden City Public Works Standards," dated ~~December 2017~~[September 2022](#), governing subdivisions and other municipal and private improvements, one copy of which is on file with the city recorder and available for public inspection, is adopted in its entirety by reference.

~~40 A new section 21 Complete Streets Policy in the North Ogden Public Works Standards, June 2017, is hereby created and the language found in Attachment A shall be formatted to match the document and included in the North Ogden Public Works Standards manual along with an updated table of contents.~~

HISTORY

Adopted by Ord. 1987 Code § 15.04.060, 15.52.010 on 1/1/1987
 Adopted by Ord. 2002-03 on 3/12/2002
 Amended by Ord. 2002-03 on 3/12/2002
 Amended by Ord. 2006 Code on 1/1/2006
 Amended by Ord. 2017-28 on 12/19/2017
 Amended by Ord. 2019-13 on 6/25/2019

~~(1987 Code; amd. Ord. 2002-03, 3-12-2002)~~

~~HISTORY Adopted by Ord. 1987 Code § 15.04.060 on 1/1/1987 Amended by Ord. 2002-03 on 3/12/2002~~

³⁹ 10-6: PUBLIC WORKS STANDARDS. This single section, if still valid, should be grouped with construction code adoptions above and this separate chapter eliminated. **DONE**

⁴⁰ CITY: This is a full engineer design document. We can create an "adopted standards" and include it then. We can provide the insert we have a full copy of it available and it would be good to readopt it with this ordinance rewrite. **SFOX:** Are we to insert the document in full or simply a reference to it?

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~~HISTORY Adopted by Ord. 2002-03 on 3/12/2002 Amended by Ord. 2006 Code on 1/1/2006~~

~~(Code 2002, 10-1-1)~~

~~(Code 2002, § 10-1-1, 10-1-3, 10-6-1)~~

~~41~~ **10-1-2: AMENDMENTS TO CODES**

~~A. International Building Code: The IBC adopted in CCNO 10-1-1A1 is amended by the statewide amendments contained in R156-56-704 of the Utah administrative code. All of those amendments included in R156-56-704 are hereby incorporated into this code by this reference.~~

~~B. National Electrical Code: The NEC adopted in CCNO 10-1-1A2 is amended by the statewide amendments contained in R156-56-706 of the Utah administrative code. All of those amendments included in R156-56-706 are hereby incorporated into this code by this reference.~~

~~C. International Plumbing Code: The IPC adopted in CCNO 10-1-1A3 is amended by the statewide amendments contained in R156-56-707 of the Utah administrative code. All of those amendments included in R156-56-707 are hereby incorporated into this code by this reference.~~

~~D. International Mechanical Code: The IMC adopted in CCNO 10-1-1A4 is amended by the statewide amendments contained in R156-56-708 of the Utah administrative code. All of those amendments included in R156-56-708 are hereby incorporated into this code by this reference.~~

~~E. International Residential Code: The IRC adopted in CCNO 10-1-1A1 is amended by the statewide amendments contained in R156-56-710 of the Utah administrative code. All of those amendments included in R156-56-710 are hereby incorporated into this code by this reference.~~

~~HISTORY~~

~~Adopted by Ord. 2002-03 on 3/12/2002~~

~~(Code 2002, 10-1-2)~~

10-1-2 : AVAILABILITY

Pursuant to U.C.A. 1953, § 10-3-711, the city shall keep one copy of each of the codes adopted in this chapter in the office of the city recorder. These copies shall be available for use and examination by the public during regular business hours. Copies of the codes

⁴¹ 10-1-2: AMENDMENTS TO CODES. These local amendments will need to be updated or stricken, depending on the method chosen for addressing the outdated construction codes in this chapter.

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or portions of the codes shall be available to the public upon the payment of reasonable fees.

HISTORY

Adopted by Ord. 1987 Code § 15.04.070 on 1/1/1987
Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, 10-1-4)

State law reference--Publication and posting of ordinances, U.C.A. 1953, § 10-3-711.

10-1-3 : APPEALS

Any person disputing any application or interpretation of any code [by the building official](#) adopted by this chapter shall have a right of appeal pursuant to the provisions of this section.

A. Filing; Information: The person filing the appeal shall file an appeal with the city recorder. The appeal must be in writing and must include:

1. The name, address and daytime telephone number of the person making the appeal;
2. The date of the decision from which the appeal is made;
3. The name of the person [making who made](#) the decision;
4. A description of all facts and circumstances giving rise to the decision and the appeal, including all relevant documents, plans and drawings submitted to the person who made the original decision and all relevant documents, plans and drawings received from the person who made the original decision;
5. A copy of the written decision from which the person making the appeal is appealing. If no written decision exists, the person making the appeal shall submit an affidavit describing the decision; and
6. A description of the relief requested, including a description of the decision the person making the appeal feels should have been made.

B. Time Limit For Filing: Appeals must be filed within thirty (30) days of the date of the decision from which the appeal is taken.

C. Incomplete: Appeals which do not contain all of the information described in subsection A of this section shall be deemed incomplete and shall be returned to the person making the appeal. The person shall then have an additional thirty (30) days to submit a complete appeal.

D. Notification; Response: Upon receiving an appeal, the city recorder shall notify the person who made the original decision that an appeal has been filed and that person shall have twenty (20) days to respond. Responses shall be in writing and may be accompanied

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by any additional documents, plans or drawings which were not submitted with the original appeal and which the person making the original decision believes will be beneficial in explaining the original decision. The response, if any, shall be submitted to the city recorder.

E. Failure To Respond: If the person making the original decision fails to submit a response within twenty (20) days of receiving notice of the appeal, the city recorder may presume that the person making the original decision will not file a response.

F. Referral To Administrative Law Judge: Within thirty (30) days of receiving an appeal, the city recorder shall refer the appeal and any response to the administrative law judge or city council for a hearing. The administrative law judge shall convene a hearing on the appeal within thirty (30) days after the matter is referred to the administrative law judge by the city recorder.

G. Hearing Notice: The administrative law judge shall give the person filing the appeal at least ten (10) days' notice of the time and place of the hearing.

H. Hearing Procedure: At the hearing on the matter, the person filing the appeal shall have a right to:

1. Be represented by an attorney at ~~their~~-his own expense;
2. Present evidence and call witnesses regarding the appeal; and
3. Cross examine any witnesses called by the city in support of the original decision.

I. Written Decision: The administrative law judge shall issue a written decision regarding the appeal within thirty (30) days of the date of the hearing.

J. Limited Authority Of The Administrative Law Judge: The administrative law judge shall have no authority to hear appeals regarding the administrative provisions of the codes. The administrative law judge shall have no authority to waive any of the requirements of any of the codes.

HISTORY

Adopted by Ord. 2011-11 on 5/24/2011

(Code 2002, 10-1-5)

⁴²~~10-1-6~~ EXEMPTIONS

~~Structures used in relation to tilling of soil, raising of crops or keeping or raising domestic animals for the purpose of food production and which are not occupied by human beings are exempt from the permit requirements of the IBC. Construction, expansion, maintenance, repair or replacement of such buildings are still subject to the permit~~

⁴² Stricken per city directive.

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~~requirements of the other codes adopted by this chapter.~~

~~HISTORY~~

~~Adopted by Ord. 2002-03 on 3/12/2002~~

~~(Code 2002, 10-1-6)~~

10-1-4 : ⁴³FEES

Fees authorized in the IBC for inspections, permits, certificates and other purposes shall be governed by table 1-A of the 1997 edition of the Uniform Building Code promulgated by the International Conference Of Building Officials.

HISTORY

Adopted by Ord. 2002-03 on 3/12/2002

(Code 2002, 10-1-7)

10-1-5 : PENALTY

Violation of any provision of this chapter or the provisions of any of the codes adopted in this chapter shall be a Class B misdemeanor and shall be subject to penalty as provided in CCNO 1-4-1.

HISTORY

Adopted by Ord. 1987 Code § 15.04.100 on 1/1/1987

Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, 10-1-8)

10-2 : FIRE CODE

10-2-1 : FIRE CODE AND APPENDICES ADOPTED

10-2-2 : ENFORCEMENT

10-2-3 : JURISDICTION DEFINED

10-2-4 : ESTABLISHMENT OF LIMITS FOR STORAGE

10-2-5 : APPEALS

10-2-6 : NEW MATERIAL, PROCESS OR OCCUPANCY REQUIRING PERMIT

10-2-7 : PENALTY

⁴³ These fees are out of date. The ICBO no longer exists as a separate entity and the last edition of the referenced code was 1997. Strike the entire section? **CITY:** We currently use the 1997 table, but we could update it to a newer version. I will find out which one we should use to keep it similar to the way we are doing it now and provide that reference. Will you leave this as a reference needed?

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10-2-1 : ⁴⁴FIRE CODE AND APPENDICES ADOPTED

The city adopts the state fire codes provided in U.C.A. 1953, § 15A-5-101 et seq., including the amendments thereto provided in U.C.A. 1953, § 15A-5-201 et seq., and U.C.A. 1953, § 15A-5-301 et seq. The adopted codes shall be automatically replaced whenever the state adopts new codes or updated versions of the adopted codes.

~~A. — Fire Code: There is adopted by the City of North Ogden for the purpose of prescribing regulation governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain code known as the International Fire Code (IFC), 2015 Edition including appendices, as promulgated by the International Code Council; save and except such portions as are deleted, modified or amended by CCNO 10-2-5, are adopted and incorporated as fully as if set out at length herein, and from the date on which the ordinance codified in this chapter shall take effect, the provision thereof shall be controlling within the limits of the city.~~

~~B. — Appendices:~~

~~1. — The blanks in the following sections of the 2015 International Fire Code are filled in as follows:~~

- ~~a. — The blank in section 101.1 should read "North Ogden City";~~
- ~~b. — The first blank in section 109.4 should read "misdemeanor";~~
- ~~c. — The second blank in section 109.4 should read "\$299.00";~~
- ~~d. — The third blank in section 109.4 should read "180 days"; and~~
- ~~e. — Both blanks in section 111.4 should read "\$599.00."~~

HISTORY

Adopted by Ord. 1987 Code § 15.36.010 on 1/1/1987
 Amended by Ord. 2003-09 on 4/8/2003
 Amended by Ord. 2006 Code on 1/1/2006
 Amended by Ord. 2016-20 on 7/26/2016

(Code 2002, 10-2-1)

10-2-2 : ENFORCEMENT

A. Designated: The International Fire Code, as adopted and amended herein, shall be enforced by the North View fire department, which shall be operated under the supervision of the chief of the fire department.

B. Inspectors: The chief of the fire department may detail such members of the fire

⁴⁴ CITY: Change to provide that city adopts latest state adopted code.

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department as inspectors as shall from time to time be necessary.

HISTORY

Adopted by Ord. 1987 Code § 15.36.020 on 1/1/1987

Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, 10-2-2)

10-2-3 : JURISDICTION DEFINED

Wherever the term "jurisdiction" is used in the International Fire Code, it shall mean within the city limits.

HISTORY

Adopted by Ord. 1987 Code § 15.36.030 on 1/1/1987

Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, 10-2-3)

10-2-4 : ESTABLISHMENT OF LIMITS FOR STORAGE

A. Flammable Or Combustible Liquids In Outside Aboveground Tanks:

1. The storage of flammable or combustible liquids in outside aboveground tanks is prohibited, except for within the following limits unless the tanks meet the requirements set forth in appendix II-F of the International Fire Code:

- a. Not to exceed ten (10) gallons of Class I flammable liquids in all residential zones;
- b. Not to exceed sixty (60) gallons of Class II and III liquids in all residential zones;
- c. Not to exceed four hundred (400) gallons of Class I, II and III liquids in all other zones.

2. No bulk plant storage of flammable or combustible liquids shall be permitted within the corporate limits of the city.

B. Liquefied Petroleum Gas:

- 1. Not to exceed five hundred (500) gallons water capacity in all residential zones.
- 2. Not to exceed the allowable limits of the International Fire Code in all other zones.

HISTORY

Adopted by Ord. 1987 Code § 15.36.040, 15.36.050 on 1/1/1987

Amended by Ord. 2006 Code on 1/1/2006

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(Code 2002, 10-2-4)

10-2-5 : AMENDMENTS

~~A. The International Fire Code is amended and changed in the following respects to meet the requirements set forth by the Utah state fire marshal's office in section R710-9-3 of the state fire rules and regulations. The following International Fire Code standards are amended as follows:~~

- ~~1. International fire code standard 10-1, selection, installation, maintenance, and testing of portable fire extinguishers is amended to adopt NFPA, standard 10, 2013 edition.~~
- ~~2. International fire code standard 10-2, installation, maintenance and use of fire protection signaling systems is amended to adopt NFPA, standard 72, 2016 edition.~~
- ~~3. International fire code standard 52-1, compressed natural gas (CNG) vehicular fuel systems is amended to adopt NFPA, standard 52, 2013 edition.~~
- ~~4. International fire code standard 79-1, foam fire protection systems is amended to adopt NFPA, standard 11, 2016 edition.~~
- ~~5. International fire code standard 82-1, liquefied petroleum gas storage and use is amended to adopt NFPA, standard 58, 2017 edition.~~

HISTORY

~~Adopted by Ord. 1987 Code § 15.36.080 on 1/1/1987 Amended by Ord. 2006 Code on 1/1/2006~~

~~Amended by Ord. 2016-20 on 7/26/2016~~

(Code 2002, 10-2-5)

10-2-5 : APPEALS

Whenever the chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the chief to the city council within thirty (30) days from the date of the decision.

HISTORY

Adopted by Ord. 1987 Code § 15.36.090 on 1/1/1987

(Code 2002, 10-2-6)

10-2-6 : NEW MATERIAL, PROCESS OR OCCUPANCY REQUIRING PERMIT

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The city plan review committee, composed of the chief of the fire department, mayor, building official, chairperson of the planning commission and the chief of police, shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the International Fire Code. The [fire](#) chief shall post such list in a conspicuous place in ~~their~~^{his} office, and distribute copies thereof to interested persons.

HISTORY

Adopted by Ord. 1987 Code § 15.36.100; on 1/1/1987 Adopted by Ord. 2006 Code on 1/1/2006

(Code 2002, 10-2-7)

10-2-7 : PENALTY

A. Any person who shall violate any of the provisions of the code hereby adopted or fails to comply with any order made thereunder, or who shall build in violation of any detailed statement or specifications or plans submitted and approved hereunder or any certification or permits issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the chief or by a court of competent jurisdiction within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a Class B misdemeanor, subject to penalty as provided in CCNO 1-4-1. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

HISTORY

Adopted by Ord. 1987 Code § 15.36.110 on 1/1/1987
Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, 10-2-8)

10-3 : CONSTRUCTION PERMITS AND FEES

10-3-1 : NEW DWELLINGS

10-3-2 : NEW PUBLIC, COMMERCIAL OR INDUSTRIAL STRUCTURES

10-3-3 : STORM SEWER, PARK AND WATER FEES REQUIRED

10-3-4 : SURCHARGE

ARTICLE A: PLAN CHECK FEES

10-3-1 : NEW DWELLINGS

A. Scope: Notwithstanding the prescribed procedure set forth in other city ordinances

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pertaining to construction permits, the city will accept application for comprehensive construction permits.

B. Permits Included; Fee: The comprehensive construction permit includes all permits prescribed by other city ordinances and codes necessary in the construction of new buildings. The fee for a comprehensive construction permit for a new dwelling will be based on the entire area of the entire dwelling, including garage and carport. The permit fee is established in accordance with the provisions of the 1997 Uniform Building Code, as adopted by the city, or as the same may be amended from time to time.

Commented [JC1]: Do we want to update this?

C. Procedure Limited: The procedure set forth in this section is only for the construction of new dwellings and does not supersede or eliminate the procedure set forth in other city ordinances providing for alterations, additions, repairs and miscellaneous construction. Also, the procedure does not include water and sewer connection fees, street excavation permits or fees, nor does it include storm sewer fees.

HISTORY

Adopted by Ord. 1987 Code § 15.40.010; on 1/1/1987
Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, 10-3-1)

10-3-2 : NEW PUBLIC, COMMERCIAL OR INDUSTRIAL STRUCTURES

A. Scope: Notwithstanding the prescribed procedure set forth in other city ordinances and codes pertaining to construction permits, the city will accept applications for a comprehensive construction permit.

B. Permits Included; Fee: The comprehensive construction permit includes all permits necessary in the construction of new public, commercial or industrial buildings. The permit fee for a comprehensive construction permit for a public, commercial or industrial building will be based on the building valuation. The permit is established in accordance with the provisions of the Uniform Building Code as adopted by the city, or as the same may be amended from time to time.

C. Procedure Limited: The procedure set forth in this section is only for the construction of new public, commercial or industrial structures and does not supersede or eliminate the procedure referred to in other city ordinances providing for repair, alterations, additions and miscellaneous construction. Also, this procedure does not include water and sewer connection, street excavation permits or fees, nor does it include storm sewer fees.

HISTORY

Adopted by Ord. 1987 Code § 15.40.020 on 1/1/1987
Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, 10-3-2)

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10-3-3 : STORM SEWER, PARK AND WATER FEES REQUIRED

A. Storm Sewer: No building permit shall be issued by the city until a storm sewer fee has been paid, to be set from time to time by resolution; provided, however, the city council may, in proper cases and upon the recommendation of the planning commission, reduce the amount of storm sewer fee when in the opinion of the city council the property is so constructed that the normal storm runoff will be properly handled without placing a burden on public storm sewers.

B. Park And Water: In addition to other fees provided for in this chapter, no such permit will be issued until a sum to be set from time to time by resolution has been paid for park and water fees.

HISTORY

Adopted by Ord. 1987 Code § 15.40.030 on 1/1/1987

(Code 2002, 10-3-3)

10-3-4 : ⁴⁵SURCHARGE

~~The city imposes a one percent1% surcharge on each building permit issued by the city, to be collected and distributed as required by U.A.C.R. § 15A-1-209(5)(a). Pursuant to the terms of U.C.A. 1953, § 58-56-9(4), there is imposed a one percent surcharge on all building permits issued in the city. On April 30, July 31, October 31 and January 31 of each year, the city shall file a report of all surcharges which have been collected on building permits and shall remit eighty percent (80%) of that total to the division of occupational and professional licensing.~~

HISTORY

Adopted by Ord. 1987 Code § 15.40.040 on 1/1/1987

(Code 2002, 10-3-4)

ARTICLE A: PLAN CHECK FEES

10-3A-1: LIMITATION ON PLAN CHECK FEES

10-3A-2: IDENTICAL BUILDINGS

10-3A-1: LIMITATION ON PLAN CHECK FEES

The city's fees for reviewing and approving plans for commercial or residential buildings shall be the lesser of:

⁴⁵ U.C.A. 1953, § 58-56-9 has no subsection (4) that addresses building permit surcharges. **CITY:** We need to find the updated code section. I will ask my attorney friends. The 1% is still required, it is just allocated to a new state department (not building). **SFOX:** I think you may be thinking of the state administrative code (rather than state statutes) surcharge, 85% of which is distributed to the state. See suggested language applying the administrative regulation. Please confirm.

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- A. The city's actual cost of performing the review; or
- B. Either:
 - 1. In the case of commercial buildings, sixty-five percent (65%) of the amount the city has charged for the building permit; or
 - 2. In the case of residential buildings, fifty percent (50%) of the amount the city has charged for the building permit.

HISTORY

Adopted by Ord. 2002-03 on

3/12/2002 (Code 2002, 10-3A-1)

10-3 A-2: IDENTICAL BUILDINGS

- A. The city's fees for reviewing and approving identical plans shall be the greater of:
 - 1. The city's costs of ensuring that the plans are identical and reviewing and approving minor variations between the two (2) identical buildings; or
 - 2. One hundred dollars (\$100.00).
- B. Plans shall be considered to be identical if:
 - 1. The plans are substantially identical to plans that were previously reviewed and approved by the city;
 - 2. The plans describe a building that is in the same zone as the building described in the plans previously reviewed and approved; and
 - 3. The plans describe a building that is subject to the same geological and meteorological conditions and the same law as the building described in the plans previously reviewed and approved.

HISTORY

Adopted by Ord. 1987 Code § 15.60.020 on
1/1/1987 Amended by Ord. 2002-03 on
3/12/2002

(Code 2002, 10-3A-2)

10-4-1: STATUTORY AUTHORIZATION; FINDINGS OF FACT; PURPOSE;

METHODS

A. Statutory Authorization: The legislature of the state of Utah has delegated the authority to local governmental units, by virtue of Utah Code § 10-8-84, to pass ordinances and regulations designated to promote the public health, safety, and general welfare of its citizens, and to adopt regulations designed to minimize flood losses. Therefore, the city council of North Ogden City, Utah, does hereby ordain as follows.

B. Findings Of Fact:

1. The flood hazard areas of North Ogden City are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

C. Statement Of Purpose: It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and
7. Ensure that potential buyers are notified that property is in a flood area.

D. Methods Of Reducing Flood Losses: In order to accomplish its purposes, this chapter uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

10-4-2: DEFINITIONS

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application:

ALLUVIAL FAN FLOODING: Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high velocity flows, active processes of erosion, sediment transport, and deposition, and unpredictable flow paths.

APEX: A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

AREA OF SHALLOW FLOODING: A designated AO, AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one to three feet (3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zone A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

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BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

CRITICAL FEATURE: An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT: Any manmade change in improved and unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING: A nonbasement building: a) built, in the case of a building in zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in zone V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and b) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of section 60.3(e)(5) of the national flood insurance program regulations.

EXISTING CONSTRUCTION: For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures".

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the federal emergency management agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the federal emergency management agency. The report contains flood profiles, water surface elevation of the

base flood, as well as the floodway boundary-floodway map.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters;
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD PROTECTION SYSTEM: Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPLAIN OR FLOOD PRONE AREA: Any land area susceptible to being inundated by water from any source (see definition of Flood Or Flooding).

FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water, and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY FLOODWAY): The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE: A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the department of the interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register,
- B. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district,
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior, or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the secretary of the interior, or
 - 2. Directly by the secretary of the interior in states without approved programs.

LEVEE: A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM: A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non elevation design requirement of section 60.3 of the national flood insurance program regulations.

MANUFACTURED HOME: A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

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MEAN SEA LEVEL: For purposes of the national flood insurance program, the national geodetic vertical datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

NEW CONSTRUCTION: For which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE: A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred (400) square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION (For Other Than New Construction Or Substantial Improvements Under The Coastal Barrier Resources Act (Pub. L 97-348)): Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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STRUCTURE: A walled and roofed building, including a gas or liquid storage tank, that is principally aboveground, as well as a manufactured home.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This includes structures that have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary conditions, or
- B. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

VARIANCE: A grant of relief to a person from the requirements of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements see section 60.6 of the national flood insurance program regulations.)

VIOLATION: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: The height, in relation to the national geodetic vertical datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

10-4-3 : GENERAL PROVISIONS

- A. Lands To Which This Chapter Applies: This chapter shall apply to all areas of special flood hazard within the jurisdiction of North Ogden City.
- B. Basis For Establishing Areas Of Special Flood Hazard: The areas of special flood hazard identified by the federal emergency management agency in a scientific and engineering report entitled, "The Flood Insurance Study For North Ogden City", dated November 30, 2023, with accompanying flood insurance rate maps and flood boundary-floodway maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter.
- C. Establishment Of Development Permit: A development permit shall be required to ensure conformance with the provisions of this chapter.
- D. Compliance: No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.
- E. Abrogation And Greater Restrictions: This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation: In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements,
2. Liberally construed in favor of the governing body, and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

G. Warning And Disclaimer Of Liability: The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

H. Compliance: No structures or developments including buildings, recreation vehicles, or manufactured homes or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations. Nothing herein shall prevent North Ogden City from taking such lawful action as is necessary to prevent or remedy any violations.

I. Penalties for Noncompliance: In accordance with Section 59.2(b) of CFR 44, Chapter 1, of the NFIP regulation, to qualify for the sale of federally subsidized flood insurance, a community must adopt floodplain management regulations that meet or exceed the minimum standards of Section 60. "These regulations must include effective enforcement provisions." In accordance with Section 60.1(b) of CFR 44, Chapter 1, of the NFIP regulations, "These regulations must be legally enforceable, applied uniformly throughout the community to all privately and publicly owned land within flood-prone (i.e. mudflow) or flood-related erosion areas, and the community must provide that the regulations take precedence over less restrictive conflicting local laws, ordinances, or codes."

1. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be guilty of a class B misdemeanor with penalties as outlined in title 1 of this code, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent North Ogden City from taking such other lawful action as is necessary to prevent or remedy any violation.

J. Severability: If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of the ordinance shall not be

affected.

10-4-4: FLOODPLAIN ADMINISTRATOR

A. Designation: The North Ogden City building official is hereby appointed the floodplain administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (national flood insurance program regulations) pertaining to floodplain management.

B. Duties And Responsibilities: Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.
2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Review, approve or deny all applications for development permits required by adoption of this chapter.
4. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the federal water pollution control act amendments of 1972, 33 USC 1334) from which prior approval is required.
5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
6. Notify, in riverine situations, adjacent communities and the Utah state office of emergency management, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the federal emergency management agency.
7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data has not been provided in accordance with CCNO 10-4- 3B, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of CCNO 10-4-7.
9. When a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30, AE, and AH on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1.00* feet at any point within the community unless the community has adopted higher standard options.

10. _____

10-4-5: PERMIT PROCEDURES

- A. Application for a development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures,
 2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed,
 3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of CCNO 10-4-7B2.
 4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development,
 5. Maintain a record of all such information in accordance with CCNO 10-4-4B1.
- B. Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:
1. The danger to life and property due to flooding or erosion damage,
 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner,
 3. The danger that materials may be swept onto other lands to the injury of others,
 4. The compatibility of the proposed use with existing and anticipated development,
 5. The safety of access to the property in times of flood for ordinary and emergency vehicles,
 6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems,
 7. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site,
 8. The necessity to the facility of a waterfront location, where applicable,
 9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use,
 10. The relationship of the proposed use to the comprehensive plan for that area.

10-4-6 : VARIANCE PROCEDURES

- A. The appeal board consisting of the city council shall hear and render judgment on requests for variances from the requirements of this chapter.
- B. The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.
- C. Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.
- D. The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the federal emergency management agency upon request.
- E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this chapter.
- F. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in CCNO 10-4- 5B have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.
- G. Upon consideration of the factors noted above and the intent of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter (CCNO 10-4-1C).
- H. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- I. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- J. Prerequisites for granting variances:
 - 1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - 2. Variances shall only be issued upon:
 - a. Showing a good and sufficient cause,
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or

ordinances.

3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

K. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

1. The criteria outlined in subsections A through I of this section are met, and
2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

10-4-7: FLOOD HAZARD REDUCTION

A. General Standards: In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and
7. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

B. Specific Standards: In all areas of special flood hazards where base flood elevation data has been provided as set forth in: 1) CCNO 10-4-3B, 2) CCNO 10-4-4B8, or 3) subsection C3 of this section, the following provisions are required:

1. Residential Construction: New construction and substantial improvement

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- of any residential structure shall have the lowest floor (including basement), elevated to one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in CCNO 10-4-5A1, is satisfied.
2. Nonresidential Construction: New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to one foot above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practices as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.
 3. Manufactured Homes: Require that all manufactured homes to be placed within zone A on a community's FHBM or FIRM shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 - a. Manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites outside of a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot above the BFE, unless a higher standard option was selected, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 4. Enclosures: New construction and substantial improvements, with fully enclosed areas below the lowest floor that are to be used solely for parking of vehicles, building access, or storage in an area other than a basement, and are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:

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- a. A minimum of two openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than 1 foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - d. The development and construction of the structure must conform with the provision in FEMA/Federal Insurance Administration (FIA)-Technical Bulletins 1 and 2. Certification and documentation from a professional, licensed engineer or architect is required if the structure's lowest floor is built below the BFE.
5. Recreational Vehicle Standards: In all Areas of Special Flood Hazard, Recreational Vehicles, must either:
- a. Be on the site for fewer than 180 consecutive days;
 - b. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or addition, or
 - c. The recreational vehicle must meet all the requirements for ARTICLE IV, SECTION D PERMIT PROCEDURES, including the anchoring and elevation requirements of "manufactured homes" of this ordinance.

C. Standards For Subdivision Proposals:

- 1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with CCNO 10-4-1B, C, and D.
- 2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet development permit requirements of CCNO 10-4-3C, CCNO 10-4-5 and the provisions of this section.
- 3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is less, if not otherwise provided pursuant to CCNO 10-4-3B or CCNO 10-4-4-B8.
- 4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- 5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

D. Standards for Areas of Shallow Flooding (AO/AH Zones): within Zones AH or AO

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adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

E. Floodways: Floodways located within SFHAs are extremely hazardous areas due to the velocity of flood waters that carry debris, potential projectiles, and erosion potential, the following provisions shall apply:

1. Designate a regulatory floodway that will not increase the base flood elevation more than 1 foot.
2. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase greater than 0.00 feet, unless higher standard option selected, in flood levels within the community during the occurrence of the base flood discharge.
3. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article V in this ordinance.
4. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the NFIP Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in BFEs, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

~~10-4~~ ⁴⁶ **FLOOD-DAMAGE PREVENTION**

Commented [JC2]: Use ordinance from 11-14-23

⁴⁶ ~~This version of the model floodplain ordinance is now 15 years old. The city may wish to adopt a more recent model in the future. CITY: Looking into this.~~

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~~10-4-1: STATUTORY AUTHORIZATION; FINDINGS OF FACT; PURPOSE; METHODS~~
~~10-4-2: DEFINITIONS~~
~~10-4-3: GENERAL PROVISIONS~~
~~10-4-4: FLOODPLAIN ADMINISTRATOR~~
~~10-4-5: PERMIT PROCEDURES~~
~~10-4-6: VARIANCE PROCEDURES~~
~~10-4-7: FLOOD HAZARD REDUCTION~~

~~10-4-1: STATUTORY AUTHORIZATION; FINDINGS OF FACT; PURPOSE; METHODS~~

A.——Statutory Authorization: The legislature of the State of Utah has delegated the authority to local governmental units, by virtue of U.C.A. 1953, § 10-8-84, to pass ordinances and regulations designated to promote the public health, safety, and general welfare of its citizens, and to adopt regulations designed to minimize flood losses. Therefore, the city council of North Ogden City, Utah, does hereby ordain as follows:

B.——Findings Of Fact:

1.——The flood hazard areas of the city are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

2.——These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

C.——Statement Of Purpose: It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1.——Protect human life and health;

2.——Minimize expenditure of public money for costly flood control projects;

3.——Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4.——Minimize prolonged business interruptions;

5.——Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

6.——Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and

7.——Ensure that potential buyers are notified that property is in a flood area.

D.——Methods Of Reducing Flood Losses: In order to accomplish its purposes, this

chapter uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

HISTORY

Adopted by Ord. 2005-15 on 12/13/2005

(Code 2002, 10-4-1)

10-4-2: DEFINITIONS

Unless specifically defined below, words, terms or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ALLUVIAL FAN FLOODING: Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high velocity flows, active processes of erosion, sediment transport, and deposition, and unpredictable flow paths.

APEX: A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

AREA OF SHALLOW FLOODING: A designated AO, AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet (3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zone A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

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~~BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.~~

~~BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.~~

~~CRITICAL FEATURE: An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.~~

~~DEVELOPMENT: Any manmade change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.~~

~~ELEVATED BUILDING: A nonbasement building:~~

~~A. — Built, in the case of a building in zones A1—30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in zone V1—30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water; and~~

~~B. — Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.~~

~~In the case of zones A1—30, AE, A, A99, AO, AH, B, C, X, and D, the term "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of zone V1—30, VE, or V, the term "elevated building" also includes a building otherwise meeting the definition of the term "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of section 60.3(e)(5) of the National Flood Insurance Program regulations.~~

~~EXISTING CONSTRUCTION: For the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. The term "existing construction" may also be referred to as "existing structures."~~

~~EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed before the effective date of the floodplain management regulations adopted by a community.~~

~~EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.~~

~~FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:~~

~~A. —The overflow of inland or tidal waters;~~

~~B. —The unusual and rapid accumulation or runoff of surface waters from any source.~~

~~FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.~~

~~FLOOD INSURANCE STUDY: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the floodway boundary floodway map.~~

~~FLOOD PROTECTION SYSTEM: Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.~~

~~FLOODPLAIN OR FLOODPRONE AREA: Any land area susceptible to being inundated by water from any source (see definition of Flood Or Flooding).~~

~~FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency-preparedness plans, flood control works and floodplain management regulations.~~

~~FLOODPLAIN MANAGEMENT REGULATIONS: Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, such as a floodplain ordinance, grading ordinance and erosion control ordinance, and other applications of police power. The term "floodplain management regulations" describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.~~

~~FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.~~

~~FLOODWAY (REGULATORY FLOODWAY): The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.~~

~~FUNCTIONALLY DEPENDENT USE: A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term "functionally dependent use" includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not~~

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include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: Any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the national register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior; or

2. Directly by the Secretary of the Interior in states without approved programs.

LEVEE: A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM: A flood protection system that consists of levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME: A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a recreational vehicle.

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MEAN SEA LEVEL: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations

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shown on a community's flood insurance rate map are referenced.

NEW CONSTRUCTION: Structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, the term "new construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE: A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred (400) square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light-duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION (For Other Than New Construction Or Substantial Improvements Under The Coastal Barrier Resources Act (Pub. L. 97-348)): Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The term "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the term "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: A walled and roofed building, including a gas or liquid storage tank, that is principally aboveground, as well as a manufactured home.

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~~SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.~~

~~SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before start of construction of the improvement. This includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:~~

~~A. — Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary conditions; or~~

~~B. — Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.~~

~~VARIANCE: A grant of relief to a person from the requirements of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements see section 60.6 of the National Flood Insurance Program regulations.)~~

~~VIOLATION: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.~~

~~WATER SURFACE ELEVATION: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.~~

~~HISTORY~~

~~Adopted by Ord. 2005-15 on 12/13/2005-~~

~~(Code 2002, 10-4-2)~~

10-4-3 : GENERAL PROVISIONS

~~A. — Lands To Which This Chapter Applies: This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city.~~

~~B. — Basis For Establishing Areas Of Special Flood Hazard: The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study For North Ogden City," dated December 16, 2005, with accompanying flood insurance rate maps and flood boundary floodway maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter.~~

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~~C.—— Establishment Of Development Permit: A development permit shall be required to ensure conformance with the provisions of this chapter.~~

~~D.—— Compliance: No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.~~

~~E.—— Abrogation And Greater Restrictions: This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.~~

~~F.—— Interpretation: In the interpretation and application of this chapter, all provisions shall be:~~

- ~~1.—— Considered as minimum requirements;~~
- ~~2.—— Liberally construed in favor of the governing body; and~~
- ~~3.—— Deemed neither to limit nor repeal any other powers granted under state statutes.~~

~~G.—— Warning And Disclaimer Of Liability: The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.~~

~~HISTORY~~

~~Adopted by Ord. 2005-15 on 12/13/2005~~

~~(Code 2002, 10-4-3)~~

~~10-4-4 : FLOODPLAIN ADMINISTRATOR~~

~~A.——⁴⁷Designation: The North Ogden City building official is hereby appointed floodplain administrator shall be the official designated from time to time by the mayor to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (National Flood Insurance Program regulations) pertaining to floodplain management.~~

~~B.—— Duties And Responsibilities: Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:~~

⁴⁷~~Changed per city directive.~~

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1.——Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.

2.——Review permit applications to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

3.——Review, approve or deny all applications for development permits required by adoption of this chapter.

4.——Review permits for proposed development to ensure that all necessary permits have been obtained from those federal, state or local governmental agencies, including section 404 of the federal Water Pollution Control Act amendments of 1972, 33 USC 1334, from which prior approval is required.

5.——Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.

6.——Notify, in riverine situations, adjacent communities and the state office of emergency management, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

7.——Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

8.——When base flood elevation data has not been provided in accordance with CCNO 10-4-3B, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of CCNO 10-4-7.

HISTORY

Adopted by Ord. 2005-15 on 12/13/2005

(Code 2002, 10-4-4)

10-4-5 : PERMIT PROCEDURES

A.——Application for a development permit shall be presented to the floodplain administrator on forms furnished by him, and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1.——Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;

2.——Elevation (in relation to mean sea level) to which any nonresidential structure shall

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be floodproofed;

~~3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of CCNO 10-4-7B2;~~

~~4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;~~

~~5. A record of all such information in accordance with CCNO 10-4-4B1.~~

~~8. Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:~~

~~1. The danger to life and property due to flooding or erosion damage;~~

~~2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;~~

~~3. The danger that materials may be swept onto other lands to the injury of others;~~

~~4. The compatibility of the proposed use with existing and anticipated development;~~

~~5. The safety of access to the property in times of flood for ordinary and emergency vehicles;~~

~~6. The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;~~

~~7. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;~~

~~8. The necessity to the facility of a waterfront location, where applicable;~~

~~9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;~~

~~10. The relationship of the proposed use to the comprehensive plan for that area.~~

HISTORY

~~Adopted by Ord. 2005-15 on 12/13/2005-~~

~~(Code 2002, 10-4-5)~~

~~10-4-6 : VARIANCE PROCEDURES~~

~~A. The appeal board consisting of the city council shall hear and render judgment on requests for variances from the requirements of this chapter.~~

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~~B. The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.~~

~~C. Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.~~

~~D. The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.~~

~~E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this chapter.~~

~~F. Variances may be issued for new construction and substantial improvements to be erected on a lot of one half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in CCNO 10-4-5B have been fully considered. As the lot size increases beyond the one half (1/2) acre, the technical justification required for issuing the variance increases.~~

~~G. Upon consideration of the factors noted above and the intent of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter (CCNO 10-4-1C).~~

~~H. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.~~

~~I. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.~~

~~J. Prerequisites for granting variances:~~

~~1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.~~

~~2. Variances shall only be issued upon:~~

~~a. Showing a good and sufficient cause;~~

~~b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and~~

~~c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws~~

or ordinances:

3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

K. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

1. The criteria outlined in subsections A through I of this section are met; and

2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

HISTORY

Adopted by Ord. 2005-15 on 12/13/2005-

(Code 2002, 10-4-6)

10-4-7 : FLOOD HAZARD REDUCTION

A. General Standards: In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and

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~~7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.~~

~~B. Specific Standards: In all areas of special flood hazards where base flood elevation data has been provided as set forth in: CCNO 10-4-3B; CCNO 10-4-4B8; or subsection C3 of this section, the following provisions are required:~~

~~1. Residential Construction: New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection, as proposed in CCNO 10-4-5A1, is satisfied.~~

~~2. Nonresidential Construction: New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that, below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practices as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.~~

~~3. Manufactured Homes: Require that all manufactured homes to be placed within zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.~~

~~C. Standards For Subdivision Proposals:~~

~~1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with CCNO 10-4-1B, C, and D.~~

~~2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet development permit requirements of CCNO 10-4-3C, CCNO 10-4-5 and the provisions of this section.~~

~~3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is less, if not otherwise provided pursuant to CCNO 10-4-3B or CCNO 10-4-4B8.~~

~~4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.~~

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~~5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.~~

~~HISTORY~~

~~Adopted by Ord. 2005-15 on 12/13/2005-~~

~~(Code 2002, 10-4-7)~~

10-5 : SIDEWALK, CURB AND GUTTER REPLACEMENT PROGRAM

10-5-1 : FINDINGS

10-5-2 : PROGRAM ESTABLISHED

10-5-3 : REQUIREMENTS AND RESTRICTIONS

10-5-4 : PARTICIPATION IN PROGRAM

10-5-1 : FINDINGS

The city council finds that the condition of the sidewalks, curbs and gutters in many parts of the city are in need of repair and/or replacement. The condition of these sidewalks, curbs and gutters creates safety hazards, and detract from the attractiveness of the city. The city council finds that these conditions warrant the spending of public funds to cure the problems.

HISTORY

Adopted by Ord. 1987 Code § 15.56.010) on 1/1/1987

(Code 2002, 10-7-1)

10-5-2 : PROGRAM ESTABLISHED

There is established a sidewalk curb and gutter replacement program (the program) within the city. The purpose of the program shall be to assist residents of the city in repairing and replacing damaged and unsightly sidewalks, curbs and gutters. The city council shall not be obligated to provide funding for the program in each year's budget. To the extent the city council provides funding for the program, however, the program shall be administered pursuant to the terms and requirements of this chapter.

HISTORY

Adopted by Ord. 1987 Code § 15.56.020 on 1/1/1987

(Code 2002, 10-7-2)

10-5-3 : REQUIREMENTS AND RESTRICTIONS

Participation in the program shall be conditioned on the following requirements and restrictions:

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A. Limitation Of Expenditures: City expenditures under the program shall be limited to replacement and/or repair of existing sidewalks, curbs and gutters only; provided, however, that no city funds will be provided for replacement of driveway approaches, driveways and/or any section of sidewalk which is crossed by a driveway. Replacement of driveway approaches, driveways and sidewalks crossed by driveways shall be the exclusive responsibility of the property owner.

B. Approved Repairs: City funds will be used to repair sidewalks, curbs and gutters associated with:

1. Single-family residential properties, regardless of the zoning of the property; and
2. Property within residential zones.

C. Determination Of Properties: Only those properties which have been determined by the public works director to need replacement or repair of sidewalk, curb and gutter shall be eligible to participate in the program.

D. Condition Of Development Approval Not Eligible: Property owners who have been required to repair or replace sidewalks, curbs and/or gutters as a condition of development approval shall not be eligible to participate in the program.

E. First Come, First Served Basis: Funds provided to the program shall be available on a first come, first served basis.

F. Work Performed By City: All work completed under the program shall be performed by the city or contractors hired by the city.

HISTORY

Adopted by Ord. 1987 Code § 15.56.030 on 1/1/1987
Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, 10-7-3)

10-5-4 : PARTICIPATION IN PROGRAM

Participation in the program shall be as follows:

A. Inspection Required: No property owner shall be eligible to participate in the program until after their ~~his~~ property has been inspected by the public works director, appointed by the mayor. The public works director may conduct the inspection either at their ~~his~~ own discretion or at the request of the property owner.

B. Determination Of Need By Inspector: During the inspection, the public works director shall determine whether the sidewalk, curb and/or gutter are sufficiently deteriorated to justify participation in the program. The public works director shall also determine whether replacement of the deteriorated areas is necessary or whether the areas can be repaired. The decision of the public works director regarding the necessity of

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repair or replacement shall be final.

C. Ineligibility: In the event that the public works director determines that neither repair nor replacement is necessary, the property owner shall not be eligible to participate in the program.

D. Certification Of Eligibility: In the event that the public works director determines that repair or replacement is necessary, ~~they he~~ shall certify that fact to the property owner in writing. Together with the certification, the public works director shall provide the property owner with an application to participate in the program. ~~(1987 Code § 15.56.040; and, 2006 Code)~~

E. Application: If the property owner desires to participate in the program, ~~they he~~ shall complete the application and return it to the city recorder within thirty (30) days of the inspection. Application to participate in the program shall be made on a form provided by the city. All of the information requested in the form shall be provided and the form shall be signed in ink by the property owner.

F. Estimate By Engineer: Upon receiving an application to participate in the program, the city recorder shall forward a copy of the application to the city engineer, who shall inspect the site and prepare an estimate of the cost of the project, and an estimate of the city's portion of the costs and the property owner's portion of the costs. These estimates, together with the application, shall then be returned to the city recorder.

G. Excessive Cost; Abandonment: In the event the city engineer's estimate of the city's portions of the costs of the project exceed the amount remaining in the appropriation for the program for the year, the city recorder shall inform the property owner of that fact and the project shall be abandoned.

H. Deposit By Property Owner: The city recorder shall send copies of the estimates from the city engineer to the property owner. The property owner shall then have thirty (30) days to deposit the amount shown on the city engineer's estimate to be the owner's share of the costs with the city. If the property owner fails to make this deposit within thirty (30) days, the application shall be deemed to be withdrawn. No work may begin until the deposit of the owner's share of the costs has been made.

I. Actual Cost; Difference: At the completion of the work, the final costs of the project shall be determined. In the event those costs are higher than the city engineer's estimate, the property owner shall pay ~~their his~~ share of the difference to the city. In the event the costs are lower than the city engineer's estimate, the city shall refund a portion of the property owner's deposit.

HISTORY

Adopted by Ord. 1987 Code § 15.56.040 on 1/1/1987

Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, 10-7-4)

10-6 : STORMWATER AND DRAINAGE

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ARTICLE A: STORM DRAINAGE

ARTICLE B: STORMWATER CONSTRUCTION ACTIVITY PERMIT

ARTICLE C: MANDATED PRACTICES AND PROHIBITED ACTIVITIES

ARTICLE D: CIVIL PENALTY, ADMINISTRATIVE HEARING

ARTICLE A: STORM DRAINAGE

10-6A-1: DEFINITIONS

10-6A-2: OBSTRUCTIONS PROHIBITED

10-6A-3: DISCHARGES PROHIBITED

10-6A-4: STORAGE AND LITTERING PROHIBITED

10-6A-5: STORM SEWER CONNECTION PERMIT

10-6A-6: BEST MANAGEMENT PRACTICES

10-6A-7: EASEMENTS

10-6A-8: AUTHORITY TO INSPECT

10-6A-9: REQUIREMENT TO MONITOR AND ANALYZE

10-6A-10: NOTICE OF VIOLATION

10-6A-11: DAMAGE TO STORM SEWER SYSTEM OR IRRIGATION LINES

10-6A-12: MANHOLE COVERS

10-6A-13: DRINKING WATER PROTECTION

10-6A-14: COMPLIANCE WITH FEDERAL AND STATE LAW

10-6A-15: PENALTY

10-6A-1: ⁴⁸DEFINITIONS

The following words, terms and phrases, when used in this chapter, including articles A through D, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BEST MANAGEMENT PRACTICES (BMPs): A wide range of management procedures, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which have been demonstrated to effectively control the quality and/or quantity of stormwater runoff and which are compatible with the planned land use. BMPs also include treatment requirements, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material storage. A list of sample BMPs can be found in the city stormwater management plan dated August 2002.

CATCH BASIN: A drain inlet designed to keep out large or obstructive matter.

CLEAN WATER ACT: The federal Water Pollution Prevention and Control Act, 33 USC 1251 et seq.

DEBRIS: Any dirt, rock, sand, sediment, vegetation, rubbish or litter.

DETENTION BASIN: A depression designed to detain stormwater runoff until downstream storm sewer resources are less heavily taxed. A detention basin contains an inlet and an

⁴⁸ 10-8A-1: DEFINITIONS. Definition of "person" is stricken as duplicative of general code definitions.

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outlet, allows debris to settle out, and regulates water flow.

DEVELOPMENT: Any manmade change to improved or unimproved real estate, including, but not limited to, site preparation, filling, grading, paving, excavation and construction of buildings or other structures.

DISTURB: To alter the physical condition, natural terrain or vegetation of land by clearing, grubbing, grading, excavating, filling, building or other construction activity.

DRAIN OUTLET: A point of entry into a sump, detention basin or storm drain system.

HAZARDOUS MATERIAL: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to, a substantial presence or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of or otherwise managed. The term "hazardous material" includes, but is not limited to, any hazardous substance designated under 40 CFR 116 pursuant to section 311 of the Clean Water Act.

ILLICIT CONNECTION: Either of the following:

- A. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system. Examples include, but are not limited to, any conveyances which allow nonstormwater discharge such as sewage, process wastewater, or wash water to enter the storm drain system, and any connections to the storm drain system from indoor drains or sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved by a government agency; or
- B. Any drain or conveyance connected to or discharging to the storm drain system, which has not been:
 - 1. Documented in plans, maps or equivalent records submitted to the city; and
 - 2. Approved in writing by the city.

ILLICIT DISCHARGE: Any nonstormwater discharge to the storm sewer system. The term "illicit discharge" includes both direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm sewer system) and indirect connections (e.g., infiltration of debris, hazardous materials or pollutants into the storm sewer system or spills collected by drain inlets).

LAND DEVELOPMENT: Any development of a parcel, lot, subdivision plat or site plan. If there is more than one lot in the subdivision plat or site plan, all lots in the subdivision plat or site plan shall jointly be considered to be part of the land development.

NONSTORMWATER RUNOFF: Any runoff other than stormwater.

~~**PERSON:** Any individual, corporation, partnership, association, company or body politic, including any agency of the state of Utah and the United States government.~~

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POLLUTANT: Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal and agricultural waste, paints, varnishes and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter or other discarded or abandoned objects, articles and accumulations that may cause or contribute to pollution; floatables; pesticides, herbicides and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including, but not limited to, sediments, slurries and concrete resins); and noxious or offensive matter of any kind.

REDEVELOPMENT: Alterations of a property that change the footprint of a site or building in such a way that disturbs one acre of land or more.

STORM DRAIN: A closed conduit for conducting collected stormwater.

STORM SEWER SYSTEM: The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, detention basins, curbs, gutters, ditches, manmade channels, sumps, storm drains and groundwater) owned and operated by the city, which is designed and used for collecting or conveying stormwater. The storm sewer system is also referred to as a "municipal separate storm sewer system" or "MS4."

STORMWATER: Any flow that occurs during or following any form of natural precipitation. The term "stormwater" includes only the portion of such flow that is composed of precipitation.

STORMWATER RUNOFF: Water that is generated by stormwater flows over land.

SUMP: A formalized underground structure, surrounded by drain rock, which acts as a detention basin to allow the slow release of water into the surrounding subsoil. Sumps usually receive stormwater runoff from paved areas such as streets, parking lots, building roofs, etc.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8A-1)

10-6A-2: OBSTRUCTIONS PROHIBITED

A. Specified: It is unlawful for any person to:

1. Obstruct the flow of water in the storm sewer system.
2. Contribute to the obstruction of the flow of water in the storm sewer system, e.g., placement of dirt and or rock in the flow line of the gutter or stormwater system, and/or

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construction of a ramp between the edge of the roadway and the top of the curb without the use of permitted culvert (see BMP TCMC).

3. Cover or obstruct any drain inlet.

B. Exemptions: The following obstructions are exempt from the prohibitions of this section:

1. Street and/or storm sewer improvement projects authorized by the city.
2. Flood control and prevention activities performed by the city.
3. Obstructions approved by the city as part of a site's stormwater drainage plan.
4. Obstructions occurring during cleanup periods established by the city, provided that the materials are placed according to city directions and do not obstruct drain inlets.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8A-2)

10-6A-3: DISCHARGES PROHIBITED

It is unlawful for any person to cause or allow an illicit discharge to the storm sewer system. The following discharges to the storm sewer system are exempt from the prohibitions of this section:

- A. Discharges regulated under a valid national pollutant discharge elimination system (NPDES) storm discharge permit, provided that the discharge complies with the terms of the permit.
- B. Discharges from water line flushing performed by the city.
- C. Discharges from sprinkled landscape irrigation or sprinkled lawn watering.
- D. Discharges from individual residential car washing, provided that a biodegradable detergent is used.
- E. Discharges from natural riparian habitat or wetland flows.
- F. Discharges from natural groundwater flows.
- G. Discharges from air conditioning condensation.
- H. Discharges from firefighting or emergency management activities.
- I. Discharges from swimming pools constructed prior to April 10, 1990.

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J. Discharges from foundation drains, footing drains or crawl space or basement pumps if the discharges have been approved in writing by the city.

K. Discharges allowed by a city storm sewer connection permit.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8A-3)

10-6A-4: STORAGE AND LITTERING PROHIBITED

It is unlawful for any person to maintain, store, keep, deposit or leave any pollutant or hazardous material, or any item containing a pollutant or hazardous material, in a manner that is likely to result in the discharge of the pollutant or hazardous material to the storm sewer system.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8A-4)

10-6A-5: STORM SEWER CONNECTION PERMIT

A. Permit Required: No person shall connect to the city storm sewer system, either directly or indirectly, without first obtaining a storm sewer connection permit from the city.

B. When Permit Required: Any person beginning new construction (development of an undeveloped parcel) or "redevelopment" in the city, as that term is defined in this chapter, shall obtain a storm sewer connection permit before commencing construction.

C. Application: The applicant for a storm sewer connection permit shall submit the following to the city:

1. Application Form: A completed application form. Application forms will be available at the city offices.

2. [Best Management Practices \(BMP\)](#) Plan: A plan incorporating stormwater BMPs that meet the requirements of CCNO 10-6A-6.

3. Maintenance Plan: A plan outlining how the applicant will maintain the stormwater improvements listed in the application.

4. Fee: A fee in an amount set by resolution of the city council.

D. Submission: The application shall be submitted to the city building official.

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E. Review: The storm sewer connection permit application shall be reviewed by the building official and either approved, approved with conditions, or denied. Either the permit applicant or the city may appeal the building official's decision to the public works director. The appeal shall be made according to procedures established by the public works department.

F. Factors: When deciding whether to approve, conditionally approve or deny a storm sewer connection permit application, the following factors shall be considered:

1. Whether the application complies with applicable city ordinances and policies.
2. Whether the application complies with the city storm drainage master plan.
3. Whether the proposed connection incorporates effective best management practices.
4. Whether the proposed connection introduces pollutants into the storm drain system.
5. Whether the proposed connection creates a safety hazard.
6. Whether the proposed connection affects the integrity of the storm sewer system infrastructure.
7. Whether the proposed connection endangers the city drinking water.
8. Whether the applicant has submitted a maintenance plan ensuring the proper maintenance and upkeep of the applicant's connection and on-site stormwater improvements.

G. Failure: Failure to construct or maintain stormwater improvements in accordance with an approved storm sewer connection permit shall be a violation of this article.

H. As-Built Plans: Any person connecting to the storm sewer system shall provide the city storm sewer utility with as-built plans showing the details and the location of the connection. The plans shall be in a format that is acceptable to the city.

I. Rate: Connections to the storm sewer system shall be designed so that the discharge to the storm sewer system does not exceed two-tenths (0.2) cubic feet per second per acre.

J. Exempt Connections: The following connections to the storm sewer system are exempt from the permitting requirements of this section:

1. Single-Family Residences: Connections from single-family residences, provided that the runoff from the residences is handled according to a plat or site plan approved by the city. However, any person desiring to use a basement pump, foundation drain, or other related fixture directly or indirectly connecting to the storm sewer system must obtain a storm sewer connection permit.

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2. City: Connections made by the city.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8A-5)

10-6A-6: BEST MANAGEMENT PRACTICES

A. Required: Any person connecting to the storm sewer system or developing a commercial or residential site shall employ best management practices (BMPs) approved by the city. The city shall adopt a policy establishing a menu of BMPs that may be used to satisfy this requirement. The BMPs may be structural and/or nonstructural, depending on the needs of the site. The BMPs shall be designed to ensure that the quality and quantity of stormwater released to the city storm sewer system meets the requirements of federal, state and local laws and regulations and the city NPDES permit, and will not exceed the designed capacity of the storm sewer system or jeopardize the integrity of the storm sewer system.

B. Failure: Failure to conform to prescribed BMPs will result in the penalties as set forth in CCNO 10-6, Article D.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8A-6)

10-6A-7: EASEMENTS

City employees may enter all private properties through which the city holds an easement for the purpose of inspecting, observing, measuring, sampling, repairing or maintaining any portion of the storm sewer facilities lying within the easement, or the performance of any other duties pertinent to the operation of the storm sewer system.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8A-7)

10-6A-8: AUTHORITY TO INSPECT

A. Authorized: Whenever necessary to make an inspection to enforce any provision of this article, or whenever the city has cause to believe that there exists, or potentially exists, a condition which constitutes a violation of this article, the city may enter the premises at all reasonable times to inspect the same and to inspect and copy records related to stormwater compliance.

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B. Refusal: In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the city is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8A-8)

10-6A-9: REQUIREMENT TO MONITOR AND ANALYZE

If city tests or inspections indicate that a site is causing or contributing to stormwater pollution, illegal discharges and/or nonstormwater discharges to the storm sewer system or waters of the United States, and if the violations continue after notice from the city, the city may require any person engaged in the illicit activity and/or the owner or operator of the site to provide, at their own expense, monitoring and analyses required by the city to determine compliance with this article.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8A-9)

10-6A-10: NOTICE OF VIOLATION

A. Requirements: Whenever the city finds that a person has violated a prohibition or failed to comply with a requirement of this article, the city will order compliance by written notice of the violation. Such notice may require, without limitation:

1. The performance of monitoring, analyses and reporting;
2. The elimination of illicit connections or discharges;
3. That violating discharges, practices or operations shall cease and desist;
4. The abatement, remediation or cleanup of stormwater pollution or contamination hazards, and the restoration of any affected property;
5. Payment to cover administrative, remediation, monitoring, analyses and reporting costs; and
6. The implementation of source control or treatment BMPs.

B. Immediate Legal Action: The city may skip the notice requirements set forth in this section and immediately proceed with legal action against the violator if:

1. The violator has committed the same violation in the past;

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2. The violation, in the opinion of the city, creates a serious risk to persons, the environment or property; or
3. The city deems the violation to constitute an emergency.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8A-10)

10-6A-11: DAMAGE TO STORM SEWER SYSTEM OR IRRIGATION LINES

A. Responsibility For Repair: Any person who damages any portion of the storm sewer system, a city-owned irrigation line or a city-maintained irrigation line shall be responsible for repairing the damages. The damages shall be repaired by a licensed contractor bonded to do work in the city and shall be repaired in accordance with the city construction standards and specifications.

B. Permission Required To Remove Or Alter: It is unlawful to remove or alter any portion of the storm sewer system without permission from the public works director.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8A-11)

10-6A-12: MANHOLE COVERS

It shall be unlawful to open any storm sewer manhole or other storm sewer fixture (such as grates, lids or inlets) without permission from the public works director.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8A-12)

10-6A-13: DRINKING WATER PROTECTION

All stormwater and nonstormwater discharges shall comply with the city drinking water source protection ordinance.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8A-13)

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10-6A-14: COMPLIANCE WITH FEDERAL AND STATE LAW

Nothing in this article shall be interpreted to relieve any person from an obligation to comply with an applicable federal, state or local law relating to stormwater discharges or drinking water protection.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8A-14)

10-6A-15: PENALTY

See CCNO 10-6, Article D for violation and penalties.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8A-15)

ARTICLE B: STORMWATER CONSTRUCTION ACTIVITY PERMIT

10-6B-1: PURPOSE AND INTENT

10-6B-2: PERMIT FOR STORMWATER CONSTRUCTION ACTIVITY

10-6B-3: APPLICATION FOR PERMIT

10-6B-4: STORMWATER POLLUTION PREVENTION PLAN

10-6B-5: PROPER OPERATION AND MAINTENANCE

10-6B-6: INSPECTION AND ENTRY

10-6B-7: REVOCATION OR SUSPENSION OF PERMIT

10-6B-8: EXEMPTIONS

10-6B-9: APPEAL

10-6B-10: COMPLIANCE WITH FEDERAL AND STATE LAW

10-6B-11: ENFORCEMENT; PENALTY

10-6B-1: PURPOSE AND INTENT

The purpose of this article is to prevent the discharge of sediment and other construction related pollutants from construction sites. Sediment and debris from construction sites are a major source of pollution to waterways and water systems located within the city and surrounding areas. Each year, stormwater runoff carries tons of sediment from construction sites into local drainage systems, irrigation systems, canals, rivers and lakes. Sediment from stormwater runoff also clogs and obstructs storm drains, culverts and canals and causes damage to private property, wildlife habitat and water quality.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8B-1)

10-6B-2: PERMIT FOR STORMWATER CONSTRUCTION ACTIVITY

A city stormwater construction activity permit is required before any person or entity may excavate, grub and clear, grade or perform any type of construction activity that will disrupt or cause a change in the natural landscape upon any of the following types of property located within the city:

A. One Acre Or More: Any parcel, lot or land development, which is one acre (43,560 square feet) or greater in size. A subdivision development greater than or equal to one acre in size qualifies under this subsection even if each of the individual lots in the subdivision are smaller than one acre.

B. Special Concern Areas: Any parcel, lot or land development for which the building official determines that, because of the nature or type of the parcel, lot or development, disturbance of the land is likely to result in erosion or the transport of sediment off of the site by stormwater to a degree substantially greater than that which would occur under natural landscape conditions.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8B-2)

10-6B-3: APPLICATION FOR PERMIT

Any person or entity desiring a stormwater construction activity permit must first file an application with the city. The application shall be submitted as part of an application for a subdivision preliminary plat, site plan approval or building permit.

A. Content: The application shall include a stormwater pollution prevention plan which meets the criteria set forth in CCNO 10-6B-4.

B. Timing: The applicant shall file the application on the following dates:

1. Subdivision: The date that the applicant submits the subdivision preliminary plat application if the applicant proposes to develop a subdivision.

2. Site Plan: The date that the applicant submits a site plan application if the applicant proposes to develop a site plan or amended site plan.

3. Building Permit: The date that the applicant submits a building permit application if the applicant proposes to construct a building on an existing lot or parcel.

4. Other: At least two (2) weeks before the developer intends to perform any type of work not listed above that would require a stormwater construction activity permit pursuant to this article.

C. Compliance: If an applicant's development comes under more than one of the

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categories listed above, then the applicant shall submit the stormwater construction activity permit application on the earliest of the listed dates. Failure to comply with the application dates set forth above is not a criminal offense, but may delay the applicant's project. Failure to acquire a required stormwater construction activity permit is grounds for denying a related subdivision application, site plan application, conditional use permit application or building permit application. It is unlawful to commence work (move dirt) on a development site before obtaining a required stormwater construction activity permit.

D. Application Approval: The building official or designee shall approve the application and grant the permit if the application is complete and meets the criteria set forth in CCNO 10-6B-4 and the applicant has paid any permit fees that the city may prescribe by resolution. The building official shall deny the application or approve the application with conditions if ~~it is determined~~~~he determines~~ that the measures proposed in the plan fail to meet the criteria set forth in CCNO 10-6B-4. Conditions the building official may impose in connection with the approval of a permit include, but are not limited to, the establishment of specific measures and controls to prevent erosion and the discharge of sediment, debris and other construction related pollutants from the site by stormwater.

E. Term: Unless otherwise revoked or suspended, a stormwater construction activity permit shall be in effect for the full period of the construction activity. The construction activity will not be considered to be completed until the following events occur:

1. Subdivisions: For permits associated with a subdivision plat approval:
 - a. The permittee must complete all required subdivision improvements; and
 - b. One of the following three (3) events must occur:
 - (1) The city issues a final certificate of occupancy for each lot in the subdivision;
 - (2) Individual stormwater construction activity permits have been issued for each lot in the subdivision not having a final occupancy permit; or
 - (3) The property has been revegetated or landscaped in a manner that eliminates erosion and sediment discharge or that brings the property back to its natural state.
2. Site Plans: For permits associated with a site plan approval, the date that the permittee has completed all required landscaping and all outside construction work associated with the site plan.
3. Building Permits: For permits associated with a building permit application, the date that the city issues a final occupancy permit for the structure covered by the building permit.
4. Other: For permits issued that are not tied to other approvals from the city, the date that the permittee has completed all work associated with the permit and takes steps required by the permit to prevent further erosion and runoff from the site.

F. Termination: No stormwater construction activity permit shall be considered terminated until the permittee submits a notice of termination of construction activity

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permit (notice) to the city and the notice is accepted by the city. The city shall accept the notice if the permittee has met the requirements of the permit and this article. The permittee shall keep and maintain all permit required improvements on the site until the city accepts the notice.

G. Amendments: In the event that the proposed construction activity for a site to which a permit pertains is materially altered from that described in an original plan in a way that may have a significant impact upon the effectiveness of the measures and controls described in the original plan, the permittee shall file an amended stormwater pollution prevention plan which meets the criteria set forth in CCNO 10-6B-4.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8B-3)

10-6B-4: STORMWATER POLLUTION PREVENTION PLAN

A. Required Information: The stormwater pollution prevention plan (plan) shall contain the following information:

1. Site Description: A site description, including a map with spot elevations and contour lines, which includes a description of the nature and location of the construction activity, a description of the intended sequence of major activities which will disturb soils for major portions of the site (e.g., grubbing, excavation, grading, utilities and infrastructure installation, etc.), and estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading or other activities;
2. Control Description: A description of the proposed measures and controls that will be implemented during construction activity and/or while the site is not stable. The plan must clearly describe the times during the construction process that the measures will be implemented for each major activity identified pursuant to subsection A1 of this section. The plan shall also state the name and phone number of the person or entity responsible for implementation of each control measure.

B. Goals And Criteria: The proposed measures and controls described in the plan shall be designed to meet the following goals and criteria:

1. Prevent Or Minimize Discharge: The proposed measures and controls shall be designed to prevent or minimize, to the maximum extent practicable, the discharge of sediment, debris and other construction related pollutants from the construction site by stormwater runoff into the storm drainage system.
2. Prevent Or Minimize Construction Debris: The proposed measures and controls shall be designed to prevent or minimize, to the maximum extent practicable, the deposit, discharge, tracking by construction vehicles, or dropping of mud, sediment, debris or other potential pollutants onto public streets and rights-of-way. Any such discharge shall be cleaned up and removed immediately upon notification to the permittee or when it otherwise comes to the attention of the permittee. At a minimum, the deposit or

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discharge shall be cleaned and removed upon notification from the city within a twenty-four (24) hour period or penalty fees will be assessed.

3. BMPs: The proposed measures and controls shall consist of best management practices (BMPs) available at the time that the plan is submitted. BMPs may include, but shall not be limited to, temporary silt or sediment fences, sediment traps and detention ponds, gravel construction entrances and wash down pads to reduce or eliminate off-site tracking, straw bale sediment barriers, establishment of temporary grasses and permanent vegetative cover, use of straw mulch as a temporary ground cover, erosion control blankets, temporary interceptor dikes and swales, storm drain inlet protection, check dams, subsurface drains, pipe slope drains, level spreaders, rock outlet protection, reinforced soil retaining systems, and gabions.

4. Stabilization: The proposed measures and controls shall be designed to preserve existing vegetation, where possible. Disturbed portions of the site shall be stabilized. Stabilization practices may include temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation and other appropriate measures. Use of impervious surfaces for stabilization should be avoided. Stabilization measures shall be initiated as soon as practicable in disturbed portions of the site where construction activities have temporarily or permanently ceased, but in no case more than fourteen (14) days after the construction activity in that portion of the site has temporarily or permanently ceased, except under the following circumstances:

a. If the initiation of stabilization measures by the fourteenth day after construction activity temporarily or permanently ceases is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable; or

b. If construction activity on a portion of the site is temporarily ceased, and earth disturbing will resume within twenty-one (21) days, temporary stabilization measures need not be initiated on that portion of the site.

5. Minimize Risk Of Discharge Of Other Materials: The proposed measures and controls shall be employed to minimize the risk of discharge of construction related pollutants, such as paint, thinners, solvents and other chemicals, from the construction site. Such measures may include implementation of storage practices to minimize exposure of the material to stormwater as well as spill prevention and response.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8B-4)

10-6B-5: PROPER OPERATION AND MAINTENANCE

The recipient of a stormwater construction activity permit (the permittee) shall install the erosion and sediment control measures required by the approved stormwater pollution prevention plan before commencing any construction activity on the site to which the plan applies or at such times indicated in the plan. The erosion and sediment control measures

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shall be properly installed and maintained in accordance with the permit, the manufacturers' specifications and good engineering practices. The permittee shall maintain such measures on the site until the city accepts the termination of the permit pursuant to CCNO 10-6B-3F.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8B-5)

10-6B-6: INSPECTION AND ENTRY

The permittee shall allow any authorized employees and representatives of the city, representatives of the state division of water quality and representatives of the EPA to enter the site to which a permit applies at any time and to inspect the erosion and sediment control measures maintained by the permittee. The permittee shall also allow inspection of any records pertaining to the conditions of the permit.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8B-6)

10-6B-7: REVOCATION OR SUSPENSION OF PERMIT

A. Revocation Or Suspension: A stormwater construction activity permit may be revoked or suspended by the building official or ~~their~~^{his} designee upon the occurrence of any one of the following events:

1. Failure of a permittee to comply with the plan or any condition of the permit;
2. Failure of a permittee to comply with any provision of this article or any other applicable law, ordinance, rule or regulation related to stormwater; or
3. A determination by the building official or ~~their~~^{his} designee that the erosion and sediment control measures implemented by a permittee pursuant to the plan are inadequate to prevent or minimize, to the maximum extent practicable, the discharge of sediment, debris or other pollutants from the construction site by stormwater.

B. Notice: The city shall mail a permittee written notice of noncompliance before revoking or suspending a permit. The notice shall state the location and nature of the noncompliance and shall also specify what action is required for the permittee to avoid revocation or suspension of the permit. The notice shall allow the permittee a reasonable time to take the necessary corrective action to avoid revocation or suspension of the permit, which time, in the absence of exceptional circumstances, shall not be less than ten (10) nor more than thirty (30) days. The notice shall be mailed to the address listed for the permittee in the application. If the permittee fails to correct the problems identified in the notice during the time specified in the notice, the building official may suspend or

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revoke the permit by mailing or delivering written notice of the suspension or revocation to the permittee. The permittee may appeal a suspension or revocation of the permit pursuant to the appeal procedure set forth in CCNO 10-6B-9.

C. **Exceptional Circumstances:** For purposes of this section, the term "exceptional circumstances" includes, but is not limited to, situations that involve a risk of injury to persons, damage to storm drain facilities, or damage to other property or the environment. The city may take any steps the city deems necessary to alleviate any such "exceptional circumstances," as defined above, and may bill the owner, developer or contractor responsible for creating the exceptional circumstances for the cost of alleviating said circumstances.

D. **Stop Work Order:** A stop work order may be issued upon the revocation or suspension of a permit, or upon the discovery of work being conducted without a required permit. The stop work order may be issued by the building inspection department. No construction activity may be commenced or continued on any site for which a permit has been revoked or suspended until the permit has been reinstated or reissued.

E. **Reinstatement:** A stormwater construction activity permit may be reinstated or reissued upon compliance with all provisions of this article and all permit conditions, or in the case of a suspension for reasons provided in subsection A3 of this section, upon the filing of an amended stormwater pollution prevention plan which is designed to correct the deficiencies of the original plan.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004
Amended by Ord. 2006 Code on 1/1/2006

(Code 2002, 10-8B-7)

10-6B-8: EXEMPTIONS

The following activities are exempt from the requirements of this article:

- A. Actions by a public utility, the city or any other governmental entity to remove or alleviate an emergency condition, restore utility service or reopen a public thoroughfare to traffic;
- B. Actions by any other person when the city determines, and documents in writing, that the actions are necessary to remove or alleviate an emergency condition, restore utility service or reopen a public thoroughfare to traffic;
- C. Construction activities which disturb less than five hundred (500) square feet of land surface area, or which consist of the excavation and/or fill of less than twenty (20) cubic yards of material;
- D. Landscape maintenance activities on fully developed properties, necessary to maintain the existing developed landscape; and

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E. Bona fide agricultural and farming operations that constitute the principal use of any lot or tract of ground located within the city and which meet the requirements of the zoning ordinance.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8B-8)

10-6B-9: APPEAL

A. Time Limit; Information Required: An applicant for a stormwater construction activity permit or a permittee of a stormwater construction activity permit may appeal any decision or directive made by the city or its representatives pursuant to this article. The party desiring to appeal shall file a notice of appeal with the city recorder within ten (10) days of the decision or directive being appealed. The notice of appeal shall contain the following information:

1. The appellant's name, address and daytime telephone number;
2. A short statement describing the basis for the appeal; and
3. The relief sought by the appellant.

B. Informal Hearing: Upon receipt of the notice of appeal, the city recorder shall set a date for an informal hearing to consider the appeal. The informal hearing shall be conducted before the city hearing officer in accordance with policies established by the city administrator. The city hearing officer shall uphold the decision or directive being appealed unless the city hearing officer finds that there has been an error in the interpretation or implementation of this article. The city hearing officer shall render a decision on the appeal within ten (10) days of the informal hearing with the appellant. The city hearing officer shall have authority to affirm, reverse or modify any decision or directive appealed pursuant to this section.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8B-9)

10-6B-10: COMPLIANCE WITH FEDERAL AND STATE LAW

Nothing contained in this article is intended to relieve any person or entity from any obligation to comply with applicable federal and state laws and regulations pertaining to clean water and/or stormwater runoff.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

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(Code 2002, 10-8B-10)

10-6B-11: ENFORCEMENT; PENALTY

A. See CCNO 10-6, Article D for violation and penalties.

B. In addition to any civil fines and/or penalties which may be assessed for a violation of this article, the city shall have the right to issue a stop work order or to install and/or maintain appropriate erosion and sediment control measures on any site which is required to have such measures in the event that construction activity is commenced or continued without such measures having been installed as required by this article. The city shall have the right to have such measures installed or maintained by city personnel or to hire a private contractor to perform such work and the contractor and/or the property owner shall be liable for any and all expenses related to performing such work, plus a twenty-five percent (25%) penalty charge.

C. Violators of this article may also be subject to prosecution, fines and penalties from the state and the United States EPA.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8B-11)

ARTICLE C: MANDATED PRACTICES AND PROHIBITED ACTIVITIES

10-6C-1: INCLUSION

10-6C-1: INCLUSION

A. In addition to the mandated practices and prohibited activities described in articles A and B of this chapter, the mandated practices and prohibited activities described in CCNO 5-5 shall also be included in this chapter.

B. In any event that this chapter and CCNO 5-5 conflict, this chapter shall take precedence.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8C-1)

ARTICLE D: CIVIL PENALTY, ADMINISTRATIVE HEARING

10-6D-1: CIVIL PENALTIES FOR VIOLATIONS

10-6D-2: ENFORCEMENT OFFICERS

10-6D-3: NOTICES

10-6D-4: GENERAL CONTRACTOR RESPONSIBILITY

10-6D-5: PROPERTY OWNER RESPONSIBILITY

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10-6D-6: ASSESSMENT OF PENALTIES

10-6D-7: HEARINGS

10-6D-8: COLLECTION

10-6D-9: APPEALS

10-6D-1: CIVIL PENALTIES FOR VIOLATIONS

A. Any person violating any provision of articles A, B and C of this chapter shall be liable for a civil penalty. Any penalty assessed under this article may be in addition to other penalties that may be provided in other applicable laws. Each day that a violation occurs shall constitute a separate offense.

B. If, as the result of the violation of any provision of articles A, B and C of this chapter, the city or any other party suffers damages and is required to make repairs and/or replace any materials, the cost of repair and/or replacement shall be borne by the violating party and shall be in addition to any civil fines and/or penalties.

C. Violators of articles A, B and C of this chapter may also be subject to prosecution, fines and penalties from the state and the United States EPA.

HISTORY

Adopted by Ord. 2011-15 on 9/27/2011

(Code 2002, 10-8D-1)

~~49 10-8D-2: AMOUNT OF PENALTIES SET BY ORDINANCE~~

~~The amount of any civil penalty assessed under CCNO 10-8D-1 shall be established by ordinance and adopted by the city council.~~

~~HISTORY~~

~~Adopted by Ord. 2011-15 on 9/27/2011~~

~~(Code 2002, 10-8D-2)~~

10-6D-2: ENFORCEMENT OFFICERS

Employees of the [public works inspection department](#), building inspection department, police department or the code enforcement officer shall have the authority to issue notices under this article.

HISTORY

Adopted by Ord. 2011-15 on 9/27/2011

(Code 2002, 10-8D-3)

⁴⁹ Stricken per city directive. See section 10-8D-7 below regarding penalties.

10-6D-3: NOTICES

A. Requirements: Whenever the city finds that a person or company has violated or failed to comply with a requirement of articles A, B and C of this chapter, the city will order compliance by written notice of the violation. Such notice may require, without limitation:

1. The performance of monitoring, analyses and reporting;
2. The elimination of illicit connections or discharges;
3. That violating discharges, practices or operations shall cease and desist;
4. The abatement, remediation or cleanup of stormwater pollution or contamination hazards and the restoration of any affected property;
5. Payment to cover administrative, remediation, monitoring, analyses and reporting costs; and
6. The implementation of source control or treatment BMPs.

B. Immediate Legal Action: The city may skip the notice requirements set forth in this section and immediately proceed with criminal and/or civil action against the violator if:

1. The violator has committed the same violation in the past;
2. The violation, in the opinion of the city, creates a serious risk to persons, the environment or property; or
3. The city deems the violation to constitute an emergency.

HISTORY

Adopted by Ord. 2011-15 on 9/27/2011

(Code 2002, 10-8D-4)

10-6D-4: GENERAL CONTRACTOR RESPONSIBILITY

Whenever any violation of this chapter, including articles A, B and C of this chapter, and this article D, is found, there shall be a rebuttable presumption that the general contractor for the project from where the violation originated is responsible for the violation and subject to the civil penalty provided.

HISTORY

Adopted by Ord. 2011-15 on 9/27/2011

(Code 2002, 10-8D-5)

10-6D-5: PROPERTY OWNER RESPONSIBILITY

Whenever any violation of articles A, B and C of this chapter, and this article D, is found, and there is no general contractor responsible for the project, there shall be a rebuttable presumption that the property owner for the project from where the violation originated is responsible for the violation and subject to the civil penalty provided.

HISTORY

Adopted by Ord. 2011-15 on 9/27/2011

(Code 2002, 10-8D-6)

10-6D-6: ⁵⁰ASSESSMENT OF PENALTIES

The civil penalties that may be assessed for violation of any article of this chapter are as provided in the city fee schedule under building permit fees or as otherwise identified. ~~as provided in CCNO 1-9.~~

HISTORY

Adopted by Ord. 2011-15 on 9/27/2011

(Code 2002, 10-8D-7)

10-6D-7: HEARINGS

Hearings regarding violations of articles A, B and C of this chapter, and this article D, shall be provided in accordance with CCNO 1-8.

HISTORY

Adopted by Ord. 2011-15 on 9/27/2011

(Code 2002, 10-8D-8)

10-6D-8: COLLECTION

If any penalty, expenses and/or damages imposed pursuant to this article remains unpaid after forty (40) days from the receipt of the notice, or after ten (10) days from the date of a hearing pursuant to CCNO 10-6D-7, the city may act to recover the penalty, expenses and/or damages.

⁵⁰ Is this the penalty ordinance referred to in the preceding footnote? CITY: Keep this section and strike the prior. CITY UPDATE: Let's change it to say they are established by the adopted fee schedule. Fees and penalties are intermixed by category. The fee schedule is adopted by ordinance, but it would make sense to reference the fee schedule since it is updated periodically as needs arise.

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HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8D-9)

10-6 D-9: APPEALS

The hearing officer shall make final administrative determinations in all matters in which a violation of articles A, B and C of this chapter, and this article D, has been alleged.

HISTORY

Adopted by Ord. 2004-07 on 7/13/2004

(Code 2002, 10-8D-10)

10-7 : EXPLOSIVES

10-7-1 : SCOPE

10-7-2 : APPLICATION

10-7-3 : DEFINITIONS

10-7-4 : BLASTING PERMIT REQUIRED

10-7-5 : BLASTING PERMIT REPOSITORY AND RENEWAL

10-7-6 : BLASTING OPERATION PROCEDURES

10-7-7 : CITY ENGINEER CONDITIONS

10-7-8 : PENALTY PROVISIONS

10-7-1 : SCOPE

This chapter is intended to regulate blasting operations within the city.

HISTORY

Adopted by Ord. 2007-04 on 2/27/2007

(Code 2002, 10-9-1)

10-7-2 : APPLICATION

This chapter shall apply to any project or construction where a blasting permit is required unless the blast is determined to be a minor blast in which case the inspection requirements of this chapter shall not apply. Those persons or entities conducting major blasting shall comply with all the requirements of this chapter. The city engineer or the city engineer's authorized representative shall determine if a blast is minor.

HISTORY

Adopted by Ord. 2007-04 on 2/27/2007

(Code 2002, 10-9-2)

10-7-3 : DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

APPROVED BLASTER: A blaster who has been approved by the city engineer to conduct blasting operations in the city and who has been placed on the list of approved blasters.

BLASTER: Any person, corporation, contractor or other entity who uses, ignites, or sets off an explosive device or material.

BLASTING OPERATIONS: The use of an explosive device or explosive materials to destroy, modify, obliterate, or remove any obstruction of any kind from a piece of property.

BLASTING PERMIT: A written document issued by the city allowing blasting with explosives to be done by the permittee under the conditions specified therein.

CERTIFICATE OF INSURANCE: A written document, issued by an insurance company authorized to do business in the state, stating that the insurance company has issued a policy of liability insurance covering property damage and bodily injuries resulting from blasting operations occurring in the city.

MAJOR BLASTING: Any type of blasting operation other than "minor blasting," as defined herein.

MINOR BLASTING: Any blasting operation associated with minor trenching operations, digging holes for utility poles, and other single shot operations.

QUALIFIED BLASTING AGENCY: Someone who specializes in explosive management and that the city feels qualified to accomplish the blasting plan.

HISTORY

Adopted by Ord. 2007-04 on 2/27/2007

(Code 2002, 10-9-3)

10-7-4 : BLASTING PERMIT REQUIRED

All blasting operations within the city are prohibited unless a blasting permit is first obtained from the city.

A. Prerequisites: No blasting permit shall be granted or obtained unless the prerequisite conditions listed below are complied with and proof provided to the satisfaction of the city engineer.

B. Blasting Permit: The blaster shall obtain a blasting permit from the city.

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C. **Liability Insurance:** The property owner/developer or general contractor shall obtain liability insurance covering the blaster's activities in the minimum amount of two million dollars (\$2,000,000.00) for property damage and one million dollars (\$1,000,000.00) for bodily injury. The property owner/developer or general contractor shall file a copy of the certificate of insurance with the city. The blaster shall have liability insurance, property insurance, and bodily injury insurance in the minimum amount of five hundred thousand dollars (\$500,000.00) each. The City of North Ogden shall be named as coinsured.

D. **Blaster's Qualifications:** The blaster's qualifications shall be reviewed by the city engineer. Approval and placement on the list of approved blasters shall be based upon a review of the blaster's qualifications, past safety record, and history of complaints of job performance. Failure on the part of the blaster to comply with the terms and conditions under which approval is granted may result in suspension from the list of approved blasters for a period not exceeding one year.

HISTORY

Adopted by Ord. 2007-04 on 2/27/2007

(Code 2002, 10-9-4)

10-7-5 : BLASTING PERMIT REPOSITORY AND RENEWAL

A. **Blasting Permit:** The blasting permit shall be kept on file with the city. A copy of the blasting permit shall be retained by the general contractor or property owner/developer and by the blaster and shall be available at the job site for public or official inspection at all times during blasting operations. Blasting permits will not be issued unless the owner (developer) submits a comprehensive and detailed blasting plan prepared by a qualified blasting agency for city review. This plan must identify in detail the blasting procedures that will be used. Additionally, the plan must identify and address potential issues with all nearby structures including buildings, retaining walls, swimming pools, towers or any feature that may be affected by the blasting process. The city may ask for additional reviews if it feels that the independent analysis is incomplete or the review agency lacks qualifications. Blasting will then be permitted once the city feels that the blasting plan substantially addresses public safety and potential property damage concerns to nearby structures.

B. **Blasting Permit Cancellation:** Blasting permits are required to be canceled with the city engineer when a blaster completes or discontinues, for thirty (30) days, blasting operations at a construction site.

C. **Blasting Permit Expiration:** The blasting permit shall expire in thirty (30) days and must be renewed before any blasting operations are continued or resumed.

HISTORY

Adopted by Ord. 2007-04 on 2/27/2007

(Code 2002, 10-9-5)

10-7-6 : BLASTING OPERATION PROCEDURES

After the blasting permit has been issued, the blaster shall comply with the following procedures:

A. Notification Of Blasting Operation:

1. The contractor or property owner/developer shall give reasonable notice in writing, at the time of issuance of a blasting permit, to all residences or businesses within six hundred feet (600') of any potential blast location. The notice shall be in a form approved by the building official.

2. Any resident receiving such notice may request of the building department that the blaster give twenty-four (24) hours' advance notice of impending blasts. The general contractor or property owner/developer shall obtain the advanced notification list of residents from the building department and shall make every reasonable effort to contact any and all parties requesting the second advanced notice.

B. Blasting Hours: Blasting shall only be permitted between the hours of 9:00 a.m. and 4:00 p.m. during any weekday, Monday through Friday, unless special circumstances warrant another time of day and special approval is granted by the building official.

C. Building Department Inspections: The blaster shall permit building department personnel to inspect the blast site and blast materials or explosives at any reasonable time.

D. Building Department Witness Of Blasting: A city building inspector will be present at all blasts. Confirmation shall be made to the building department no less than one hour prior to the blast.

E. Blast Notification To Building Department: The blasting companies are required to notify the building department on the day of a tentative blasting operation, between the hours of 8:00 a.m. and 8:30 a.m.

F. Seismograph Monitoring: All blasting operations shall be monitored by an approved seismograph located at the nearest constructed structure. All daily seismograph reports shall be forwarded to the building department by the end of the blast week. Exception: Public utility companies are not required to seismographically monitor minor blasting operations.

G. Confiscation: Any explosives which are illegally manufactured, sold, given away, delivered, stored, used, possessed, or transported shall be subject to immediate seizure by the fire chief, issuing authority, or peace officer. When a permit has been revoked or has expired and is not immediately renewed, any explosive is subject to immediate seizure.

HISTORY

Adopted by Ord. 2007-04 on 2/27/2007

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(Code 2002, 10-9-6)

10-7-7 : CITY ENGINEER CONDITIONS

The city engineer may impose such additional conditions and procedures as it deems are reasonably necessary to protect the public health and safety based upon the peculiar and individual facts and circumstances of a particular blasting operation. The city engineer shall provide the blaster with the additional conditions or procedures in writing and the blaster shall comply with those requirements until such time as the city engineer is satisfied they are no longer required and cancels the additional requirements.

HISTORY

Adopted by Ord. 2007-04 on 2/27/2007

(Code 2002, 10-9-7)

10-7-8 : PENALTY PROVISIONS

A. Violation As Misdemeanor: Any person, firm, corporation, blaster, contractor, property owner or other person violating or causing the violation of any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than five thousand dollars (\$5,000.00) or by imprisonment in the county jail for six (6) months, or by both such fine and imprisonment.

B. False Or Misleading Information: It shall be unlawful and a violation of this chapter for any person, firm, corporation, blaster, contractor or other to provide false or misleading information or documentation to the city or to any of its departments during any phase of the permit process or blasting operations.

HISTORY

Adopted by Ord. 2007-04 on 2/27/2007

(Code 2002, 10-9-8)

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13: HUMAN RELATIONS AND SOCIAL SERVICES**13-1 : HOUSING****13-1 : HOUSING**ARTICLE A: ⁵⁸RELOCATION POLICY FOR ACQUIRED PROPERTY**ARTICLE A: RELOCATION POLICY FOR ACQUIRED PROPERTY**

13-1 A-1: INTENT

13-1 A-2: POLICY DESIGNATED

13-1 A-3: RULES AND REGULATIONS ADOPTED

13-1 A-1: INTENT

It is intent of the city to provide fair equitable relocation opportunities for persons displaced by city acquisition projects supported with community development block grant (CDBG) funds, to avoid economic hardship and provide a clear, concise procedure to accomplish this goal.

HISTORY

Adopted by Ord. 1987 Code § 15.48.010 on 1/1/1987

(Code 2002, 10-5-1)

13-1 A-2: POLICY DESIGNATED

A. Services Provided: The city will provide the following services for any property owner involved in relocation due to a city project as defined in CCNO 13-1A-1:

1. Fair And Reasonable Relocation Payments: The city will provide normal moving expenses to the property owner. The final amount of the repayment will be a negotiated figure between the city and the homeowner.
2. Advisory Service: Provide an advisory service to:
 - a. Determine the needs of the various persons being relocated;
 - b. Identify potential suitable new locations for business or farm operations which need to be relocated;
 - c. Supply information on assistance to displaced persons and businesses concerning

⁵⁸ 10-5: RELOCATION POLICY FOR ACQUIRED PROPERTY. These provisions are misplaced in this title. They should be included in a human rights, social services type title or chapter appropriately placed in accordance with SPS software limitations. **DONE**

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federal, state and local funds;

- d. Minimize adjustment hardships to displaced persons;
- e. Coordinate and plan all relocation projects with other community functions.

B. Plan Specifics: The specifics of each acquisition project will be written out and installed in a plan for each homeowner according to a set outline.

HISTORY

Adopted by Ord. 1987 Code § 15.48.020 on 1/1/1987

(Code 2002, 10-5-2)

13-1A-3: RULES AND REGULATIONS ADOPTED

A. Provisions: The city will promulgate and adopt rules and regulations to ensure:

1. All payments and assistance given under these conditions will be administered in a manner which is fair and reasonable and which is uniform in its application;
2. That any displaced persons who make proper application for payment authorized under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 shall be paid promptly after a move, or in hardship cases, be paid in advance;
3. That any person aggrieved by a determination of eligibility for a payment authorized by the Act, or the amount of payment, may have ~~their~~^{his} application reviewed by the mayor and city council;
4. The city agrees to adopt all other regulations and provisions of the Utah Relocation Assistance Act as may be necessary to carry out the Act.

B. Compliance With State Statute: The city agrees to comply with all of the requirements identified in U.C.A. 1953, ch. 57-12, as amended, when the acquisition is assisted by state or federal funds.

HISTORY

Adopted by Ord. 1987 Code § 15.48.030 on 1/1/1987

(Code 2002, 10-5-3)

14: ANIMALS

- 14-1 : ANIMAL CONTROL
- 14-2 : RESTRAINT, ANIMALS RUNNING AT-LARGE, AND IMPOUNDMENT
- 14-3 : RABID ANIMALS AND ANIMAL BITES
- 14-4 : ANIMAL LICENSING AND PERMITS

14-1 : ⁵⁹ANIMAL CONTROL

- 14-1-1 : DEFINITIONS
- 14-1-2 : ADMINISTRATION
- 14-1-3 : DANGEROUS OR VICIOUS ANIMALS
- 14-1-4 : NUISANCE ANIMALS AND ABATEMENT
- 14-1-5 : CRUELTY TO AND MISTREATMENT OF ANIMALS
- 14-1-6 : SALE OF ANIMALS
- 14-1-7 : PROHIBITED ACTS AND ACTIVITIES
- 14-1-8 : WILD ANIMALS
- 14-1-9 : VIOLATIONS
- 14-1-10 : ANIMALS AND FOWL

14-1-1 : DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ACTIVE POLICE SERVICE DOG: A dog trained and actively in service with a licensed police officer to aid the police, including, but not limited to, tracking criminals, detecting controlled substances and detecting explosive devices.

ANIMAL: Any living being which has the power of voluntary movement except human beings.

ANIMAL BOARDING ESTABLISHMENT: Any facility or establishment which temporarily takes in animals for the benefit of any person.

ANIMAL GROOMING PARLOR: Any establishment maintained for the purpose of offering cosmetological services for animals for profit.

ANIMAL SHELTER: A facility owned and/or operated by a governmental entity or any humane society which is incorporated or registered as a foreign corporation within the State of Utah and which keeps and cares for seized, stray, homeless, quarantined,

⁵⁹ SFox: I suggested that animal control be a separate title from offenses and received conflicting responses from the city in which one reviewer agreed and another directed that animal provisions be retained here. I have left the animal chapter as is pending further instruction from the city. **DONE**

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abandoned or unwanted animals.

AT-LARGE: Refers to an animal which is on or off the premises of its owner not under the control of the owner or ~~their~~^{his} agent by leash, cord, chain or other means of physical restraint which is reasonable for the specific animal.

ATTACK:

- A. An animal's attempt to bite a human being or another animal;
- B. Any other action committed by an animal which places a human being or another animal in danger of imminent bodily injury; or
- C. An attempt by an animal to place a human being or another animal in danger of imminent bodily injury.

BITE: An actual puncture, tear, or abrasion of the skin inflicted by the teeth of an animal.

CAT: Any type of feline which is typically domesticated, regardless of age.

COMMERCIAL ANIMAL: Any animal, including, but not limited to, dog, cat, rodent, fish, or bird, kept for sale by a pet store or other permitted use in a commercial zone.

DANGEROUS ANIMAL:

- A. Any animal which is of a wild or predatory nature;
- B. Any animal which is an unreasonable danger to human life, health or property if not kept, maintained or confined in a safe and secure manner. An animal may be classified as a wild or dangerous animal under this subsection based on the animal's size, growth propensity, vicious nature or other characteristics;
- C. Any animal which, as a result of its natural or wild condition, cannot be vaccinated effectively for rabies;
- D. Alligators and crocodiles;
- E. Bears;
- F. Any member of the feline family except common domestic cats;
- G. Any member of the canine family except common domestic dogs;
- H. Porcupines;
- I. All subhuman primates;
- J. Raccoons;
- K. Skunks;

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- L. Venomous fish and piranha;
- M. Venomous snakes and lizards;
- N. Bats;
- O. Snakes, venomous or not; and
- P. Weasels.

DOG: Any *Canis familiaris* which is over six (6) months of age. Any *Canis familiaris* under three (3) months of age is a puppy.

DOG BREEDER: A person who breeds purebred dogs, either for profit, as a hobby or for any other reason, and who sells, barter or gives away the puppies in the litters.

DOMESTICATED ANIMALS: Animals accustomed to living with or around human beings and may include animals kept for benefit or enjoyment. Domesticated animals may include, but are not restricted to:

- A. Horses;
- B. Cattle;
- C. Goats;
- D. Chickens;
- E. Geese;
- F. Ducks;
- G. Peacocks;
- H. Sheep;
- I. Minks;
- J. Ferrets; and
- K. Dogs, cats, fish and birds are domesticated animals if they are kept for benefit or enjoyment.

ENCLOSURE: A fence or structure of at least six feet (6') in height, forming or causing an enclosure suitable to confine an animal in conjunction with other measures which may be taken by the owner or keeper such as tethering of the animal.

EXOTIC ANIMALS: Any animals that are not normally kept as household pets or domesticated animals and are not native to North America.

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~~FERAL: Any untamed animal, wild, not domesticated or cultivated. Having escaped domestication and become wild.~~

~~GUARD DOG: A working dog used to guard any property or premises.~~

~~HOLDING FACILITY: Any pet shop, kennel, grooming parlor, riding school, stable, animal shelter, veterinary hospital, humane establishment or other facility which holds animals.~~

HOUSEHOLD PETS: Animals which are usually kept as pets and which are kept in residential areas solely for personal pleasure. Household pets shall not include horses, swine of any kind, cattle, goats, fowl, "dangerous animals" as defined herein, and "wild animals," as defined herein. Animals that are usually kept as household pets are domesticated animals if they are kept for benefit or enjoyment. Household pets include:

- A. Dogs;
- B. Cats;
- C. Fish;
- D. Gerbils;
- E. Hamsters;
- F. Rabbits;
- G. Guinea pigs;
- H. Non-venomous snakes;
- I. Turtles less than one foot long;
- J. Non-venomous lizards less than one foot long;
- K. Parrots;
- L. Parakeets;
- M. Budgerigars;
- N. Ferrets;
- O. Hedgehogs;
- P. Mice; and
- Q. Rats.

HUMANE SOCIETY: A society (such as the Society for the Prevention of Cruelty to

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Animals) whose purpose is to protect animals, provide for the welfare of animals, provide shelters for animals and/or prevent abuse of or cruelty to animals.

IMPOUNDED: Taken into custody of the police department or animal control authorities.

KENNEL: Any property upon which two (2) or more dogs over six (6) months of age are kept.

LEASH: Any chain, rope or other device used to restrain an animal. In order to qualify as a leash, the chain, rope or other device:

- A. Must actually be capable of restraining the animal;
- B. Must not harm the animal; and
- C. Must not exceed fifteen feet (15') in length or be less than four feet (4') in length.

LITTER ANIMAL: An animal which is part of a litter born to a household pet in a residential zone.

NUISANCE ANIMAL: Any animal which:

- A. Causes any damage to the property of anyone other than its owner;
- B. Is a vicious dog or "vicious animal," as defined herein, and kept contrary to CCNO 14-1-3;
- C. Is a "dangerous animal" (as defined herein) which is kept by any person other than a publicly-licensed and supervised zoo or zoological garden, a duly authorized and licensed circus or educational institution;
- D. Causes unreasonable fouling of the air by odors;
- E. Causes unsanitary conditions in enclosures or surroundings;
- F. Defecates on any public sidewalk, park, building, or private property without the consent of the owner of such private property unless the person owning, having a proprietary interest in, or having care, charge, control or custody of such animal shall remove any such defecation to a proper trash receptacle;
- G. Barks, whines, howls or makes other disturbing noises in an excessive, continuous, or untimely or unreasonable manner, which disturbs any person or neighborhood;
- H. [Molests-Harasses](#) passersby or chases passing vehicles, including automobiles, trucks, bicycles, scooters or other motorized or unmotorized vehicles;
- I. Attacks other animals;
- J. Is determined by the animal control officer to be a public nuisance by virtue of being offensive or dangerous to public health, welfare or safety; or

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K. By virtue of the number maintained, are determined to be offensive or dangerous to the public health, welfare, or safety.

OWNER: The person who owns an animal or any person having care, charge, custody or control of the animal.

~~PERSON: A natural person or any legal entity, including, but not limited to, corporations, firms, limited liability companies, partnerships or trusts.~~

PET SHOP: Any establishment where dogs, cats, birds or other commercial animals are for sale as pets.

PROVOKED OR PROVOCATION: Any deliberate act by a person towards any animal done with intent to tease, torment, abuse, assault or otherwise cause a reaction from the animal, provided that any act done with the intent to prevent or discourage an animal from attacking a human being or other animal shall not be considered provocation.

QUARANTINE: The isolation of an animal in an enclosure so that the animal is unable to contact other animals or unauthorized persons, provided that the methods used to prevent that contact may not harm the animal.

RIDING SCHOOL OR STABLE: Any establishment which offers boarding and/or riding instruction for any horse, pony, donkey, mule, burrow or other equine animal or which offers such animals for hire.

SERVICE ANIMAL: Any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. Although licensing as a service animal is not required, the possession of a bona fide license as a service animal issued by an accredited licensing agency provides prima facie evidence that an animal is a service animal unless otherwise determined by the available evidence.

~~SERVICE ANIMAL IN TRAINING: Any animal undergoing a bona fide training program under the direction of a qualified trainer with the intent to qualify such animal as a service animal under the Americans with disabilities act.~~

STRAY: Any animal which is "at-large," as defined herein.

THERAPY ANIMAL: Any dog trained and qualified to work with a healthcare professional as part of a treatment plan. Although licensing of such dog as a recognized therapy dog is not required, the possession of a bona fide license as a therapy dog issued by an accredited licensing agency provides prima facie evidence that an animal is a service animal unless otherwise determined by the preponderance of the available evidence. Note that therapy dogs have no particular protection under the ADA. Therapy dog owners who wish to take a therapy animal to a facility like a hospital or nursing home, must first seek out and receive the permission of administrators at the facility they wish to visit.

~~THERAPY ANIMAL IN TRAINING: Any dog undergoing a bona fide therapy training program under the direction of a qualified trainer with the intent to qualify such animal as a therapy dog.~~

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VICIOUS ANIMAL: Any animal which:

- A. Is dangerously aggressive;
- B. Approaches any person in a vicious or terrorizing manner upon the streets, sidewalks, or other public grounds or places;
- C. Has a known propensity, tendency or disposition to attack, cause injury to, or otherwise endanger the safety of persons or other animals;
- D. Has a disposition to mischief which might reasonably lead to attacks on humans or other animals without provocation; or
- E. Has, without provocation, bitten or in any other manner attacked or endangered the safety of persons, other animals or property.

WILD ANIMAL: Any animal (except for dangerous animals) which:

- A. Is native to the North Ogden area;
- B. Exists in North Ogden in a state of nature; and
- C. Has no owner.

HISTORY

Adopted by Ord. 2007-1 on 1/9/2007
 Amended by Ord. 2009-02 on 2/24/2009
 Amended by Ord. 2013-12 on 8/27/2013

(Code 2002, § 6-1-1)

14-1-2: ADMINISTRATION

- A. Animal Control Supervisor And Animal Control Officers Community Service Officers:
- 1. The office of animal control supervisor is hereby created. The chief of police is appointed to be the city's animal control supervisor until another person is appointed to the position by resolution of the city council. The chief of police, with the consent of the city council, may designate an officer to act as the city's animal control supervisor. The Community Services Officers are charged with the enforcement of this code, along with any sworn police officer as the situation may require.
- 2. The animal control supervisor may appoint ~~such~~ other animal control officers as ~~he shall~~ deemed necessary and for which the city council has allocated funding.
- 3. Animal control officers shall be considered employees of the police department.
- 4. Each animal control officer shall:
 - a. Be either:

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- (1) A law enforcement officer as defined in U.C.A. 1953, § 53-13-102 and 53-13-103;
- (2) A special function officer as defined in U.C.A. 1953, § 53-13-102 and 53-13-105; or
- (3) Certifiable as a law enforcement officer or special function officer within twelve (12) months of accepting a position as an animal control officer;

Commented [JC3]: Check this for compliance

- b. Take an oath of office;
- c. Have authority to enforce the provisions of this chapter;
- d. Be primarily engaged in the enforcement of this chapter and/or state laws relating to the control of animals.

5. The animal control supervisor, animal control officer or police officer shall have authority to apprehend and impound any animal found in violation of this chapter, including:

- a. Animals for which a license is required which are found without a license; and
- b. Animals which are at-large.

6. In enforcing this chapter, the animal control supervisor, animal control officers and other peace officers are authorized to enter into the open premises of any person to take possession of any animal involved in the violation of this chapter. Nothing in this subsection, however, shall:

- a. Dispense with the need for an arrest or search warrant which would otherwise be required; or
- b. Prevent an animal control officer from pursuing an animal into closed premises when the pursuit has been continuous and the officer has reasonable cause to believe the animal was off the premises in violation of this chapter.

7. Police officers may also enforce the provisions of this chapter.

B. Duties Of Animal Control Supervisor And Animal Control Officers:

1. The animal control supervisor shall:

- a. Enforce the terms of this chapter and perform other responsibilities assigned to ~~them~~him by the mayor;
- b. Keep adequate records of all animals impounded and all monies collected;
- c. See that all animals and holding facilities in the city are licensed, controlled and permitted in accordance with any applicable ordinances, regulations and/or laws and that all holding facilities are reasonably maintained and cleaned;

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- d. Establish, in cooperation with other cities, governmental agencies, humane organizations or others, adequate measures for rabies vaccination and control.
2. The animal control supervisor may delegate any of the duties described in this subsection B to a responsible animal control officer.
3. Each animal control officer shall:
- Enforce this chapter in all respects pertaining to animal control within the city, including the care and impounding of animals and prevention of cruelty to animals.
 - Carry out all duties prescribed in this chapter or delegated to the officer by the animal control supervisor or the mayor.
- C. Animal Shelter: The city shall provide suitable premises and facilities for the keeping of impounded animals. The city council may designate any animal shelter maintained by another governmental agency or humane organization as the city's official shelter.
- D. Interference With Officer Prohibited:
- It shall be unlawful for any person to interfere with the animal control supervisor, any animal control officer or any other peace officer in the discharge of the duties imposed upon ~~them-him~~ by this chapter.
 - It shall be unlawful for any person to take any animal out of the custody of the animal control supervisor, any animal control officer, or any other peace officer by stealth, fraud or force.
 - A violation of this subsection D shall be a Class B misdemeanor.

HISTORY

Adopted by Ord. 2007-1 on 1/9/2007

(Code 2002, § 6-1-2)

14-1-3 : DANGEROUS OR VICIOUS ANIMALS

- A. Keeping Of Dangerous Animals Prohibited: It is unlawful for any persons other than a publicly licensed and supervised zoo or zoological garden, a duly authorized and licensed circus or educational institution to keep and maintain or permit to be kept or maintained any "dangerous animal" (as defined in CCNO 14-1-1) within the city limits.
- B. Vicious Dogs And Animals To Be Muzzled: It is unlawful for the owner of any "vicious animal" (as defined in CCNO 14-1-1) to keep such animal without taking all reasonable and necessary steps to prevent the animal from causing any injury to any person or to permit or suffer the same to go or be off the premises of the owner unless such animal is safely muzzled or otherwise restrained as necessary so as to prevent it from injuring any person or property. Violation of this subsection shall be considered a

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Class B misdemeanor.

C. Killing Authorized During Attack: Any animal making a vicious and unprovoked attack on any person or other animal may be killed by any person while it is making such an attack.

D. Animals Attacking Other Animals Or Humans:

1. Attacking Animals Or Humans: It is unlawful for the owner of any animal to allow such animal to attack, chase, or worry any humans, any animal having commercial value, any species of hoofed protected wildlife or to attack fowl. As used in this subsection, the term "worry" means to harass by tearing, biting or shaking with the teeth.

Commented [JC4]: Is this in state code

2. Owner Liability: The owner of an animal which attacks another animal or human as described in subsection D1 of this section shall also be liable for any property damaged or to the owner of any animal which is injured or destroyed.

3. Defenses: The following shall be considered in mitigation of the penalties and/or damages for a violation of this subsection D:

- a. That the animal was properly restrained on the owner's premises;
- b. That the animal was deliberately or maliciously provoked.

4. Dangerous Animals A Nuisance: Any dangerous or vicious animal kept in violation of this section is a Class B misdemeanor and a nuisance and may be abated as described in CCNO 14-1-4.

HISTORY

Adopted by Ord. 2010-11 on 10/12/2010

(Code 2002, § 6-1-6)

14-1-4 : NUISANCE ANIMALS AND ABATEMENT

A. Nuisance Animals Prohibited: Any owner of any animals causing a nuisance as defined in CCNO 14-1-1 shall be guilty as follows:

1. The owner of an animal that causes any damage to the property of anyone other than its owner shall be guilty of an infraction;
2. The owner of a vicious dog or "vicious animal," as defined herein, and kept contrary to CCNO 14-1-3 shall be guilty of a Class B misdemeanor;
3. The owner of a "dangerous animal" (as defined herein) which is kept by any person other than a publicly licensed and supervised zoo or zoological garden, a duly authorized and licensed circus or educational institution shall be guilty of a Class B misdemeanor;
4. The owner of an animal that causes unreasonable fouling of the air by odors shall

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be guilty of an infraction;

5. The owner of an animal that causes unsanitary conditions in enclosures or surroundings shall be guilty of an infraction;

6. The owner of an animal that defecates on any public sidewalk, park, building, or private property without the consent of the owner of such private property unless the person owning, having a proprietary interest in, or having care, charge, control or custody of such animal shall remove any such defecation to a proper trash receptacle shall be guilty of an infraction;

7. The owner of an animal that barks, whines, howls or makes other disturbing noises in an excessive, continuous, or untimely or unreasonable manner, which disturbs any person or neighborhood, shall be guilty of an infraction Class C misdemeanor for the first offense. A second offense of this subsection shall be considered a Class B misdemeanor;

8. The owner of an animal that ~~molests-harasses~~ passersby or chases passing vehicles, including automobiles, trucks, bicycles, scooters or other motorized or unmotorized vehicles, shall be guilty of an infraction;

9. The owner of an animal that attacks other animals shall be guilty of a Class B misdemeanor;

10. The owner of an animal that is determined by the animal control officer to be a public nuisance by virtue of being offensive or dangerous to public health, welfare or safety shall be guilty of a Class B misdemeanor; or

11. The owner of animals that, by virtue of the number maintained, are determined to be offensive or dangerous to the public health, welfare, or safety shall be guilty of an infraction.

B. Abatement Of Nuisance Animals:

1. Notice: When it reasonably appears to the animal control supervisor or any animal control officer that any animal is a "nuisance animal," as that term is defined in CCNO 14-1-1, ~~they~~ ~~he~~ shall notify the owner of the animal of a hearing with regards to the matter. The notice shall contain a description of the facts supporting the conclusion that the animal is a nuisance animal.

2. Petition: The animal control supervisor or animal control officer shall file with the city's justice court a petition to have the animal declared a nuisance animal and abated. The petition shall set forth:

- a. All facts supporting the allegation that the animal is a nuisance;
- b. Address of the owner of the animal.

3. Notice Of Hearing: Upon receipt of the petition from the animal control supervisor or animal control officer the justice court shall set a hearing in the matter and notify the owner. The hearing shall be held not less than ten (10) days after the date of the notice.

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A notice of the hearing shall be sent to the owner by certified or registered mail and shall contain:

- a. The date, time and place of the hearing;
- b. A description of the alleged facts supporting the contention that the animal is a nuisance;
- c. A statement that the owner may attend the hearing, may be represented by counsel and may present evidence in ~~their~~^{his} own behalf and may cross examine witnesses presented by the city;
- d. A statement that if the owner does not appear at the hearing, the court will:
 - (1) Accept the allegations of the animal control supervisor or animal control officer as true;
 - (2) Find that the animal is a nuisance;
 - (3) Order the destruction of the animal; and
 - (4) Order the owner to pay the costs of impounding and keeping the animal prior to the hearing and the costs of destroying the animal.
4. Agreement: At any time the owner of the animal may enter into a written agreement stipulating that the animal is a nuisance and a method of abating the animal. The agreement and the method of abating the nuisance shall be approved by the animal control supervisor or animal control officer. If the parties agree that the animal is a nuisance, but are unable to agree on a method of abating the nuisance, the court may decide the appropriate method of abating the animal as provided in this subsection B.
5. Hearing: At the time and place described in the notice, the justice court shall hold a hearing on the issue of whether the animal is a nuisance and whether destruction or removal of the animal is necessary to abate the nuisance.
 - a. If the owner fails to appear at the hearing, the court shall find that the animal is a nuisance and order its destruction as set forth herein.
 - b. If the owner appears at the hearing, the court may consider any evidence presented by the owner or the city which it may consider relevant to determine whether the animal is a nuisance.
 - c. The city shall bear the burden of proving that the animal is a nuisance and the measures which are necessary to abate the nuisance. Both issues shall be decided based upon a preponderance of the evidence.
6. Findings: Within ten (10) days of the conclusion of the hearing, the justice court shall make findings regarding the animal as described in this subsection.
 - a. The justice court shall first make a finding regarding whether the animal is a

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nuisance.

(1) If the court finds that the animal is not a nuisance:

(A) The court need not make any further findings regarding disposition of the animal.

(B) A finding that the animal is not a nuisance under this subsection (1) shall not preclude a finding that the animal was running at-large, barking excessively or otherwise in violation of the law.

(2) If the court finds that the animal is a nuisance it shall also enter a finding regarding the measures necessary to abate the nuisance.

b. In ruling on the abatement of nuisance animals, the court shall proceed as follows:

(1) The court may find that the nuisance may be abated by restricting the animal to the premises of the owner. In that case, the court shall order that the animal shall be restricted to the premises of the owner, and the owner's failure to confine the animal to those premises shall be a contempt of court.

(2) The court may find that the nuisance may be abated by removing the animal from the city. In that case, the court shall order that the animal be removed from the city and any person returning the animal to the city with knowledge of the court's order shall be liable for contempt of court.

(3) The court may find that the nuisance may only be abated by destroying the animal. The court shall find that an animal must be destroyed if:

(A) The evidence presented during the hearing establishes that the animal has made two (2) or more unprovoked attacks on persons, regardless of whether the persons attacked were the owners, members of the owner's household, or any other person;

(B) The first attack is deemed severe enough to warrant destruction in the judgment of the animal control officer. In that case, the court shall issue a written order for the destruction of the animal and shall deliver the order to the animal control supervisor. The animal control supervisor shall destroy the animal within five (5) days of the date ~~they~~^{he} receives the order unless the destruction is stayed by a court of competent jurisdiction. The owner shall pay the costs of destroying the animal.

7. No Bar To Criminal Proceedings: Nothing contained in this subsection B shall prevent or bar the city from proceeding with criminal prosecution of the owner in addition to seeking a determination that the animal is a nuisance.

HISTORY

Adopted by Ord. 2010-11 on 10/12/2010

(Code 2002, § 6-1-7)

14-1-5: CRUELTY TO AND MISTREATMENT OF ANIMALS

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- A. Physical Abuse Prohibited: It is unlawful for any person to willfully or maliciously:
1. Kill any animal;
 2. Maim any animal;
 3. Disfigure any animal;
 4. Torture any animal;
 5. Beat any animal with a stick, chain, club or other object;
 6. Mutilate any animal; or
 7. Burn or scald any animal.
- B. Unnecessary Punishment And Overworking Prohibited: It is unlawful for any person to:
1. Overdrive any animal;
 2. Overload any animal or any wagon or other conveyance to be pulled by any animal;
 3. Overwork any animal;
 4. Deprive any animal of necessary sustenance;
 5. Unnecessarily or excessively punish any animal;
 6. Fail to provide a leash long enough (six feet (6') minimum) to give any animal freedom of movement (except for vicious dogs or animals); or
 7. Fail to provide adequate and appropriate shelter from the weather for any animal.
- C. Hobbling Animals: It is unlawful for any person to hobble livestock or other animals by any means which may cause injury or damage to the animal, except that hobbling for short periods shall be permitted as part of a rodeo or other similar event.
- D. Animals In Vehicles: It is unlawful for any person to carry or confine any animal in or upon any vehicle in a cruel or inhumane manner, including, but not limited to:
1. Leaving an animal in a vehicle without adequate ventilation or cooling;
 2. Leaving an animal in a vehicle for an unusual length of time or for a length of time likely to cause harm to the animal;
 3. Transporting an animal in a vehicle without providing enclosures, racks, crates or cages in which the animal may stand or lie down during transportation; or

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4. Transporting any animal in such a manner that the animal is likely to jump or fall out of the vehicle.

E. Abandoning Animals: It is unlawful for any person to abandon any animal within the city.

F. Animal Poisoning: It is unlawful for any person by any means to make accessible to any animal, with intent to cause harm or death to the animal, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. The provisions of this subsection shall not be construed to prohibit the use of poisons to control vermin in furtherance of the public health, provided that those poisons shall be used in such a manner as to reasonably prevent the poisoning of other animals.

G. Injury To Animals By Motorists:

1. Every operator of a motor vehicle upon the streets of the city shall, immediately upon injuring, striking, maiming or running down any animal, give such aid as is reasonable in the circumstances.

2. The operator of the motor vehicle shall also notify the owner of the animal of the injury. If the operator is unable to locate the animal's owner, the operator shall immediately notify an animal control officer and provide any facts relative to the injury that the animal control officer may request.

3. The operator of the motor vehicle shall also remain at or near the scene until such time as the appropriate authorities or the animal's owner arrives. Upon the arrival of the appropriate authorities, the operator shall immediately identify himself.

4. In an appropriate case, the operator of the motor vehicle may remove the animal from the scene and take the animal to the city's designated animal control facility or other appropriate facility. If the operator proceeds under this subsection, ~~they~~he shall immediately notify the animal control supervisor or animal control officer of the incident and the facility to which ~~they he has~~ removed the animal. The facility may accept the animal and treat it appropriately.

5. Operators of emergency vehicles responding to emergency calls are exempt from the requirements of this subsection G.

H. Animals For Fighting:

1. It is unlawful for any person to raise, possess, keep or use any animal, fowl or bird for the purpose of fighting or baiting.

2. It is unlawful for any person to be a party to, or a spectator at, any fighting or baiting of animals, fowl or birds.

3. It is unlawful for any person to knowingly rent or lease any building, shed, room, yard, ground, or premises for the purpose of fighting or baiting any animals, fowl, or birds.

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4. It is unlawful for any person to knowingly permit or suffer the use of any buildings, sheds, rooms, yards, grounds or premises for the purpose of animal fighting or baiting.

5. The animal control supervisor, an animal control officer or a police officer may enter any building or place where there is an exhibition of fighting or baiting of animals, fowl or birds, or where preparations are being made for such an exhibition. Upon entering the building or place, the officers may arrest the persons present in the building or place and impound all animals in the building or place. The officers may also seize any implements, equipment or tools used in the fighting. This provision shall not be interpreted to authorize a search or arrest without a warrant when a warrant is required by law.

I. Killing Of Birds: It is unlawful for any person to take or kill any birds or rob or destroy any nest, egg or young of any bird within the city. This prohibition shall not be construed to prevent any person from keeping domestic fowl and using those fowl and their eggs for domestic purposes.

J. Unauthorized Impounding: It is unlawful for any person maliciously to impound, remove, take, or hide the animal of another or to cause another person to take any of those actions. It shall be a defense to prosecution for a violation of this subsection, however, to show that the person reasonably believed that the animal was vicious, was in the act of attacking a person or was infected with rabies or another disease which could be passed from an animal to a human being.

K. Violations: A violation of any section of this section shall be a Class B misdemeanor.

HISTORY

Adopted by Ord. 2007-1 on 1/9/2007

(Code 2002, § 6-1-8)

14-1-6 : SALE OF ANIMALS

A. Animals Or Fowl:

1. It shall be unlawful for any person to sell, offer for sale, barter or give away ducklings in any quantity less than two (2). It shall also be unlawful for any person to sell, offer for sale, barter or give away any other fowl less than two (2) months old in any quantity less than six (6).

2. Nothing in this subsection A shall be construed as prohibiting any person from raising fowl for ~~their~~his personal use or consumption, provided that the owner shall maintain proper facilities for the care and containment of the fowl while they are in ~~their~~his possession and shall also comply with all applicable zoning ordinances.

B. Premiums And Novelties: No person shall offer any live animal as a premium, prize, award, novelty or incentive to purchase merchandise.

C. Dyeing Prohibited: Animals or fowl offered for sale within the city shall not be artificially dyed or colored.

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D. No Sales Of Prohibited Animals: It is unlawful for any person to sell, offer for sale, barter or give away any dangerous wild animal within the city or to sell, offer for sale, barter or give away any other animals which cannot be lawfully possessed or kept by an individual in the city.

HISTORY

Adopted by Ord. 2007-1 on 1/9/2007

(Code 2002, § 6-1-9)

14-1-7 : PROHIBITED ACTS AND ACTIVITIES

A. Interference With Humane Societies: It is unlawful for any person to interfere with an officer of a humane society or a person authorized to act on behalf of a humane society in carrying out the society's humane purposes or any duty imposed on a humane society under the provisions of this chapter.

B. Harboring Stray Animals: It is unlawful for any person, except for an animal shelter or humane society, to harbor or keep any lost or stray animal. Whenever any person finds or discovers a lost or stray animal, the person shall notify an animal control officer within twenty-four (24) hours. For purposes of this subsection, the term "harboring" shall mean to afford lodging to, to shelter or to give refuge to a stray animal. Violation of this subsection shall be a Class C misdemeanor.

C. Animals On Unenclosed Premises: It shall be unlawful for any person to chain, stake out or tether any animal on any unenclosed premises in such a manner that the animal may:

1. Go beyond the boundaries of the property upon which the animal is restrained, unless the person has the permission of the owner of the adjoining property; or
2. Go onto any sidewalk, street or other portion of the property commonly used by passing pedestrians or vehicles.

D. Places Prohibited To Animals; Exceptions:

1. It is unlawful for any person to take or permit any animals, whether on a leash, in the arms of their owners or otherwise, in any establishment or place of business where food or food products intended for human consumption are sold or distributed. This prohibition applies to, but is not limited to, restaurants, grocery stores, meat markets, and fruit or vegetable stands.
2. Animals, whether on a leash or not, are allowed only in specified areas of city parks and city play areas. The owner of any animal brought into an area of a city park or play area open to animals shall remove and dispose of any droppings left by the animal.
 - a. This prohibition shall not be construed to prohibit hearing or seeing eye dogs or other certified aid dogs, or dogs in the presence and under the control of their masters for

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the purpose of public education programs or law enforcement exercises.

b. This prohibition shall also not be construed to prohibit animals, such as ponies used in pony rides, from being used at city fairs or other city-sponsored events held in the parks.

3. A first violation of this subsection D shall be considered an infraction.

4. All subsequent violations of this subsection D shall be considered a Class C misdemeanor.

E. Trespassing Animals: It is unlawful for the owner of any animal to allow the animal to trespass on the property of any other person, unless the owner of the animal first obtains the permission of the owner of the other property.

F. Barns, Stables And Pens:

1. Any barn, stable, coop or other building or enclosure for the housing and keeping of animals other than household pets shall be kept, constructed or maintained at least one hundred feet (100') from any public street.

2. Any pen, house, run or other enclosure designed for the keeping or maintenance of any dog, cat or other household pet shall be constructed and located in such a manner that any waste, offal, drainage or other substance from the pet and any stench or smell associated with the pet remains confined on the property of the owner. In every event, the structure shall be constructed and located at least three feet (3') from any adjoining property line.

3. No animals or fowl, except for dogs, cats and other household pets, shall be kept or maintained closer than twenty feet (20') from any dwelling and not closer than seventy-five feet (75') from any dwelling on an adjacent lot.

G. Limits On Dogs And Cats:

1. It is unlawful for any person to keep, maintain, harbor or care for more than two (2) dogs ~~and~~ ⁶⁰or two (2) cats, or combination thereof in any dwelling unit, single-family home or place of business. The prohibition above does not apply to:

- a. Dogs and cats less than three (3) months of age;
 - b. Pet stores or other businesses licensed to sell live animals;
 - c. Kennels or other businesses licensed to board more animals on a temporary basis.
2. Violation of this subsection G is an infraction.

H. Exotic Animals: No person may keep an exotic animal within the city limits. A

⁶⁰ ~~This seems to conflict with CCNO 14-1-10 which says two in total. Please clarify the policy.~~

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violation of this subsection shall be considered a Class B misdemeanor.

HISTORY

Adopted by Ord. 2010-11 on 10/12/2010

(Code 2002, § 6-1-10)

14-1-8 : WILD ANIMALS

A. Disturbing Prohibited: It is unlawful for any person to attack, harass, chase, injure, or otherwise disturb any wild animal within the limits of the city.

B. Feeding Prohibited: It is unlawful for any person other than the animal control supervisor, an animal control officer, a designated person acting on behalf of the animal shelter or a designated employee of a humane society to feed any wild animal within the limits of the city. This subsection shall not be construed as prohibiting the feeding of ducks and geese in the city's parks and the feeding of other birds through the erection and maintenance of bird feeders.

C. Keeping Or Maintaining Prohibited: It is unlawful for any person to keep or maintain any wild animal within the limits of the city. The prohibition contained in this subsection shall not apply to the animal shelter or licensed humane societies.

D. Violation: The violation of any provision of this section shall be a Class B misdemeanor.

HISTORY

Adopted by Ord. 2007-1 on 1/9/2007

(Code 2002, § 6-1-11)

14-1-9 : VIOLATIONS

A. Unless otherwise indicated, each violation of the provisions of this chapter shall be a Class C misdemeanor.

B. For continuing violations of this chapter, each day the violation continues shall be a separate violation and the responsible party may be separately cited for each day's violation.

HISTORY

Adopted by Ord. 2007-1 on 1/9/2007

(Code 2002, § 6-1-12)

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14-1-10 : ⁶¹ANIMALS AND FOWL

A. Barns, Coops, Pens Or Corrals: No barn, coop, pen or corral shall be maintained closer than fifty feet (50') from any dwelling and not closer than seventy-five feet (75') from a dwelling on any adjacent lot. Any barn, stable, coop, pen or corral for the housing or keeping of animals or fowl shall be kept, constructed or maintained not less than one hundred feet (100') from a public street. A fenced pasture of one acre or more will be permitted to abut adjoining property lines and the property line adjacent to the public street, except as otherwise permitted in subsection E of this section.

B. Kenneling Of Dogs: The kenneling of not more than four (4) dogs will be permitted only in zones so designated as a conditional use. The pen or run in which the dog or dogs are kept shall not be built closer than one foot to the property lines, but in no case shall it encroach upon existing utility easements. The pen or run shall be designed so as not to permit runoff onto adjoining property.

C. Dogs And Cats; Conditional Use Permit: Except when a conditional use permit is issued for a kennel, there shall not be more than two (2) dogs or cats, ⁶²or combination thereof.

D. Limitation Of Pets: The limitation of household pets shall be as follows:

1. Fish, no limit.
2. Gerbils, hamsters, guinea pigs and/or rabbits, no more than four (4), either exclusively of one kind or in combination.
3. Non-venomous snakes less than three feet (3') long, no more than two (2).
4. Turtles less than one foot long, no limit.
5. Non-venomous lizards less than one foot long, no more than two (2).
6. Parrots, no more than two (2), exclusively or in combination.
7. Budgerigars and parakeets, no limit.

E. Keeping Of Backyard Chickens In Residential Zones:

Zone	Less Than 0.49 Acre (No Rooster)	0.5 Acre To 0.99 Acre (No Rooster)	1 Acre To 4.99 Acres	Over 5 Acres
RE-20	10 hens	15 hens	15 chickens per acre	30 chickens per acre
R-1-12.5	10 hens	15 hens	15 chickens per	

⁶¹ ~~This section is more in the nature of animal care and control regulations than zoning. I suggest this section be grouped with other animal provisions. **DONE**~~

⁶² ~~This seems to conflict with CCNO 14-1-7G which says two of each. Please clarify the policy.~~

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			acre	
R-1-10	10 hens	15 hens	15 chickens per acre	
R-1-8	10 hens	15 hens	15 chickens per acre	
R-1-8(A)	10 hens	15 hens	15 chickens per acre	
R-1-8(AG)	10 hens	15 hens	15 chickens per acre	30 chickens per acre
HP-1	10 hens	15 hens	15 chickens per acre	
HP-2	10 hens	15 hens	15 chickens per acre	
HP-3	10 hens	15 hens	15 chickens per acre	
RCC	10 hens	15 hens	15 chickens per acre	

1. Additional requirements:

- a. Coops will be treated the same as accessory buildings; however, coops must be maintained not closer than twenty-five feet (25') from any dwelling on any adjacent lot.
- b. Feed must be stored in a rodent proof container.
- c. Clean water shall be made available to the chickens at all times.
- d. Chickens must be housed in a covered, ventilated, and predator resistant coop.
- e. The coop must be located in the rear yard.
- f. The chickens must be contained within the owner's property lines.
- g. If the chickens have access to an outdoor run, the coop must have at least two (2) square feet per chicken.
- h. If chickens stay in the coop at all times, the coop must have at least six (6) square feet per chicken.
- i. The coop and enclosed area must be kept clean and sanitary to prevent any insect breeding, vermin attraction, nuisance, or offensive odor past the property line.
- j. Dead birds and discarded or rotting eggs shall be removed as soon as possible but no longer than twenty-four (24) hours and shall be properly disposed of.
- k. A chicken permit must be obtained annually from the animal control office at the cost as established by the city from time to time.
- l. The permit for keeping chickens may be revoked upon the conviction of the permit

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holder of a violation of this section.

F. Beekeeping:

1. Beekeeping Is Permitted In All Single-Family Residential And R-2 Zones: An apiary, consisting of not more than five (5) hives or an equivalent capacity may be maintained in a rear yard (or side yard) of any residential lot. On a residential lot which is one-half (0.5) acre or larger, the number of hives located on the lot may be increased to ten (10) hives.
2. Additional requirements:
 - a. A person shall not locate or allow a hive on property owned or occupied by another person without first obtaining written permission from the owner or occupant.
 - b. Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in U.C.A. 1953, ch. 4-11, as amended.
 - c. Hives shall be placed at least three feet (3') from any property line and six inches (6") above the ground, as measured from the ground to the lowest portion of the hive.
 - d. Hives shall be operated and maintained as provided in the Utah Bee Inspection Act.
 - e. Each hive shall be conspicuously marked with the owner's name, address, telephone number, and state registration number.
 - f. A hive shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals. If any portion of a hive is located between three feet (3') and fifteen feet (15') from any property line that does not have a six-foot (6') solid fence, a flyway barrier shall be established and maintained around the hive except as needed to allow access.
 - g. On all lots, if the apiary is located in an area that borders a public walk, street or public area, the area shall be separated from the public walk or street by a six-foot (6') solid fence or wall that extends at least ten feet (10') from the hive in each direction.
 - h. Each beekeeper shall ensure that a convenient source of water is available to the colony continuously. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.
 - i. Each bee-keeper shall comply with all state laws and regulations pertaining to bee keeping.
 - j. In the event of a conflict between any regulation set forth in this chapter and bee management regulations adopted by the State of Utah and/or Weber County health department, the most restrictive regulations shall apply.

HISTORY

Adopted by Ord. 2011-06 on 4/26/2011

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Amended by Ord. 2014-25 on 10/14/2014

(Code 2002, § 11-10-7)

14-2 : ⁶³RESTRAINT, ANIMALS RUNNING AT-LARGE, AND IMPOUNDMENT

14-2-1 : Restraint

14-2-2 : Permit For Driving Animals On The Streets Of The City

14-2-3: Female Dogs In Heat

14-2-4: Animals At-Large

14-2-5: Duty To Impound

14-2-6: Records Of Impounded Animals

14-2-7: Owner Notification

14-2-8: Maintenance And Other Fees

14-2-9: Disposition Of Impounded Animals

14-2-1 : RESTRAINT

All animals (except wild animals) shall be kept from running loose by physical, electric wire or electric wireless restraint. Every owner of any animal shall keep the animal securely confined on the person's premises, except that an owner may have an animal on the streets or public places in the city if controlled by human restraint on a leash. Violation of this provision shall be a Class C misdemeanor.

A. A second violation of this section shall be a Class B misdemeanor.

B. Three (3) or more violations of this section shall be a Class B misdemeanor and require a mandatory court appearance.

HISTORY

Adopted by Ord. 2010-11 on 10/12/2010

(Code 2002, § 6-1-4A)

14-2-2 : PERMIT FOR DRIVING ANIMALS ON THE STREETS OF THE CITY

The animal control supervisor or animal control officer may issue permits for the driving of cattle, horses, mules, sheep, goats, or swine on the streets of the city if ~~it is~~^{he} determined~~s~~ that the health, safety, welfare, peace, quiet and property of the city's residents will not be endangered or damaged by the animals. No person shall drive any animals on the streets of the city without a permit.

HISTORY

Adopted by Ord. 2010-11 on 10/12/2010

⁶³ This section also should be broken into separate sections in a new chapter (in a new animals title?). **DONE**

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(Code 2002, § 6-1-4B)

14-2-3 : FEMALE DOGS IN HEAT

The owner of any female dog in heat shall, in addition to restraining the dog as described in CCNO 14-2-1, cause the dog to be constantly confined in a building or secure enclosure sufficient to prevent the dog from attracting other dogs to the area by scent or otherwise becoming a nuisance. Violation of this section shall be an infraction.

HISTORY

Adopted by Ord. 2010-11 on 10/12/2010

(Code 2002, § 6-1-4C)

14-2-4 : ANIMALS AT-LARGE

A. Any animal found in the streets or public places of the city in violation of CCNO 14-2-1 shall be deemed to be at-large.

B. Any animal on the property of a person other than its owner without that person's permission shall also be deemed to be at-large.

HISTORY

Adopted by Ord. 2010-11 on 10/12/2010

(Code 2002, § 6-1-4D)

14-2-5 : DUTY TO IMPOUND

It shall be the duty of every animal control officer, every police officer and the animal control supervisor to apprehend and, if appropriate, impound the following animals:

- A. Any animal found at-large in the city;
- B. Any animal being kept or maintained contrary to the provisions of this chapter;
- C. Any animal which is required under the terms of this chapter to have a license tag which is not wearing the license tag;
- D. Sick or injured animals when the owner of the animal cannot be located;
- E. Abandoned animals;
- F. Animals which have not been vaccinated for rabies as required in this chapter;
- G. Animals which must be held for quarantine under the provisions of this chapter;
- H. Vicious animals which are not properly confined as required by this chapter; and

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I. Any animal which is required to be impounded under the provisions of this chapter.

HISTORY

Adopted by Ord. 2010-11 on 10/12/2010

(Code 2002, § 6-1-4E)

14-2-6 : RECORDS OF IMPOUNDED ANIMALS

For each animal impounded, the animal control supervisor or ~~their~~^{his} delegate shall keep records of the impounded animals in accordance with the policies established by the Police Department and Community Services Department.~~the following:~~

- ~~A. The species or breed, color and sex of each animal;~~
- ~~B. The reason for impounding the animal;~~
- ~~C. The date the animal was impounded;~~
- ~~D. The location where the animal was found;~~
- ~~E. The name of the officer impounding the animal;~~
- ~~F. If the animal is required to be licensed under this chapter, whether the animal was licensed and the number of the license;~~
- ~~G. The name and address of the animal's owner, if known;~~
- ~~H. All fees incurred on behalf of the animal during its impoundment;~~
- ~~I. The disposition made of the animal;~~
- ~~J. The date of disposition;~~
- ~~K. The name and address of the person retrieving or purchasing the animal, if the animal is retrieved or purchased; and~~
- ~~L. All fees paid to the shelter on account of the animal.~~

HISTORY

~~Adopted by Ord. 2010-11 on 10/12/2010~~

~~(Code 2002, § 6-1-4F)~~

14-2-7 : OWNER NOTIFICATION

No later than two (2) working days after impounding any animal, the animal control supervisor or ~~their~~^{his} delegate shall notify the owner (if known) of the impoundment. This

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notice may be given using any method reasonably likely to provide actual notice to the owner of the animal. The notice shall contain:

- A. A description of the impounded animal;
- B. A description of the reason the animal was impounded;
- C. A description of the maintenance fees and any other fees the owner must pay in order to retrieve the animal;
- D. The date upon which the city may dispose of the animal if the owner has not retrieved the animal; and
- E. The disposition which the city may make of the animal if the owner does not retrieve the animal.

HISTORY

Adopted by Ord. 2010-11 on 10/12/2010

(Code 2002, § 6-1-4G)

14-2-8 : MAINTENANCE AND OTHER FEES

A. The city council shall set maintenance fees for impounded animals by resolution in the fee schedule. Maintenance fees shall accrue at the set rate for every day the animal is impounded. Before any impounded animal may be retrieved by its owner, the owner shall pay all of the maintenance fees incurred by the animal during the entire period of its impoundment. In exceptional cases, the city may consider payment plans for the payment of these fees.

B. In addition to the maintenance fees described in subsection A of this section, the owner shall pay any additional fees incurred on behalf of the animal, such as for medical care, special dietary needs, extraordinary cleaning, or other unusual costs.

C. If the animal was required to be licensed under this chapter and did not have a license at the time it was impounded, the owner shall also apply for a license and pay the license fees and any applicable late fees before retrieving the animal.

HISTORY

Adopted by Ord. 2010-11 on 10/12/2010

(Code 2002, § 6-1-4H)

14-2-9 : DISPOSITION OF IMPOUNDED ANIMALS

A. The city shall not dispose of any impounded animal before three (3) days have passed, except:

- 1. To release the animal to its owner.

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2. To destroy or sell an animal when the owner has relinquished their-his rights to the animal.
 3. To alleviate overcrowding in the kennel.
 4. Due to excessive barking, animal breeds, animal size, animal behavior, medical condition or general welfare of the animal.
- B. If the city is aware of the identity of the animal's owner, the city may not dispose of the animal until three (3) days have passed since notice under CCNO 14-2-1 was sent to the owner, unless the owner gives their-his permission to destroy or sell the animal prior to the expiration of the three (3) day period.
- C. The time limits established in subsections A and B of this section shall not apply to any animal which, in the opinion of the animal control supervisor or animal control officer, should be destroyed immediately for humane reasons or to protect the public from imminent danger to persons or property.
- D. Any animal which is not retrieved within the time periods set in subsection A of this section may be sold, destroyed or relinquished to any shelter or rescue center contracted by the city as described in subsections E and F of this section.
- E. Animals which are not retrieved within the time periods set in subsection A of this section may be sold to any person desiring to purchase the animal or relinquish the animal to the city contracted shelter.
1. The animal control supervisor or animal control officer shall set the sales price of the animal, which need not be based on the fees and costs incurred by the city in impounding the animal.
 2. The purchaser shall pay the purchase price in full before receiving the animal, but need not pay any other fees or costs associated with the animal before receiving the animal.
 3. If the animal is required to be licensed under this chapter, the purchaser shall also pay the applicable license fees, provided that the purchaser need not pay the license fees if the purchaser resides outside the city and intends to keep the animal outside the city.
 4. Upon payment of the purchase price and any other fees, the purchaser shall receive title to the animal free and clear of the claims of the former owner and any person claiming title to the animal through the former owner.
 5. Before any dog or cat may be sold under this subsection E, the animal control supervisor or animal control officer shall ensure that the dog has been spayed or neutered and the costs of spaying or neutering shall be added to the price of the dog or cat.
 6. All animals which are not retrieved within the time periods set in subsection A of this section may be destroyed in any humane manner.

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7. Seriously ill animals for which the city can find no owner must be destroyed. They may not be sold under subsection B of this section.

8. The carcasses of animals destroyed under this section shall be disposed of in any sanitary manner selected by the animal control supervisor.

F. The animal control supervisor or ~~their~~^{his} delegate shall have discretion in deciding whether to destroy a particular animal or attempt to sell it. If the animal control supervisor or animal control officer initially decides to attempt to sell an animal, ~~they~~^{he} may later decide to have the animal destroyed.

HISTORY

Adopted by Ord. 2010-11 on 10/12/2010

(Code 2002, § 6-1-4I)

14-3 : ⁶⁴RABID ANIMALS AND ANIMAL BITES

- 14-3-1 : PROCLAMATION OF MAYOR
- 14-3-2 : RABIES VACCINATION REQUIRED FOR DOGS AND CATS
- 14-3-3 : DUTIES OF VETERINARIAN AND TAG REQUIREMENTS
- 14-3-4 : OBLIGATION TO PRESENT CERTIFICATE ON DEMAND
- 14-3-5 : EXCEPTION FOR TRANSIENT ANIMALS
- 14-3-6 : COMPLIANCE WITH STATE REGULATIONS
- 14-3-7 : IMPOUNDMENT OF ANIMALS WITHOUT VALID RABIES VACCINATION
- 14-3-8 : REPORTING OF RABID ANIMALS
- 14-3-9 : BITING ANIMALS
- 14-3-10 : RABID ANIMALS ATTACKING OTHER ANIMALS
- 14-3-11 : DESTRUCTION OF RABID ANIMALS
- 14-3-12 : DISPOSITION OF NON-RABID STRAYS

14-3-1 : PROCLAMATION OF MAYOR

The mayor is hereby authorized, upon reasonable apprehension of danger from dogs or other animals with rabies, to issue a proclamation requiring the animal control supervisor or animal control officer to impound all dogs and other animals found running at-large in the city.

A. The proclamation shall take effect immediately upon publication in a newspaper of general circulation in the city and posting in at least three (3) public places in the city.

B. After the issuing of the mayor's proclamation, the animal control supervisor and animal control officers shall have no discretion to release animals found running at-large, but shall impound all such animals.

C. Animals impounded under this section shall not be released until such time as a

⁶⁴ Same as preceding footnote. This section should be broken into multiple sections in a new chapter and perhaps new title. **DONE**

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veterinarian shall certify that the animal is rabies free.

HISTORY

Adopted by Ord. 2010-11 on 10/12/2010

(Code 2002, § 6-1-5A)

14-3-2 : RABIES VACCINATION REQUIRED FOR DOGS AND CATS

The owner or person having care, custody or control of any dog, cat or ferret over six (6) months of age shall have the animal vaccinated for rabies within ten (10) days after the animal reaches six (6) months of age.

- A. Dogs, cats and ferrets shall be vaccinated as recommended by a veterinarian, according to the type of vaccine used.
- B. Any person who permits any dog, cat or ferret over six (6) months of age to habitually be on the person's property, or who habitually feeds a dog, cat or ferret over six (6) months of age, or who habitually lodges a dog, cat or ferret over six (6) months of age within the person's house, yard or premises, shall be presumed to be the animal's owner and shall be responsible for obtaining the vaccinations described in this section.
- C. All vaccinations referred to in this section shall be performed by a licensed veterinarian using a rabies vaccine approved by the Weber/Morgan County health department.
- D. This provision shall not apply to licensed veterinarians or licensed animal holding facilities or kennels which temporarily maintain animals belonging to others on their premises.
- E. Violation of this section shall be a Class C misdemeanor.

HISTORY

Adopted by Ord. 2010-11 on 10/12/2010

(Code 2002, § 6-1-5B)

14-3-3 : DUTIES OF VETERINARIAN AND TAG REQUIREMENTS

A. It shall be the duty of any veterinarian vaccinating an animal for rabies to complete a certificate of rabies vaccination. The certificate shall be completed in duplicate and shall include the following information:

- 1. The animal owner's name and address;
- 2. A description of the animal, breed, sex, markings, age, name and other identifying information;

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3. The date of the vaccination;
4. The rabies vaccination tag number;
5. The type of rabies vaccine administered to the animal;
6. The manufacturer's serial number, lot number or other identifying information regarding the vaccine; and
7. The expiration date of the rabies vaccination.

B. The veterinarian shall give one copy of the certificate to the owner of the animal and shall retain one copy of the certificate. The owner and the veterinarian shall both retain their copies of the certificate until the time the next vaccination is required under this section.

C. In addition to a copy of the certificate, the veterinarian shall present the owner with a metal or durable plastic rabies vaccination tag. This tag shall be serially numbered and securely attached to the collar or harness of the animal. Any animal which is not wearing a rabies tag shall be deemed to be unvaccinated and may be impounded and dealt with according to the terms of this chapter. In lieu of the rabies tag, body markings may be used to indicate that the animal has been vaccinated, provided that the body marking has been approved by the animal control supervisor or animal control officer.

HISTORY

Adopted by Ord. 2010-11 on 10/12/2010

(Code 2002, § 6-1-5C)

14-3-4 : OBLIGATION TO PRESENT CERTIFICATE ON DEMAND

The owner of an animal required to be vaccinated for rabies under this chapter shall present the certificate described in CCNO 14-3-3 (or substantially equivalent proof of rabies vaccination) upon demand of any peace officer, animal control officer or the animal control supervisor. Failure to present the certificate or other proof of vaccination shall be a Class C misdemeanor. In addition, if the owner fails to present proof of vaccination as required in this section, the animal shall be deemed to be unvaccinated and must be vaccinated or impounded according to the provisions of this chapter.

HISTORY

Adopted by Ord. 2010-11 on 10/12/2010

(Code 2002, § 6-1-5D)

14-3-5 : EXCEPTION FOR TRANSIENT ANIMALS

The provisions of this chapter regarding rabies vaccinations shall not apply to any animal which remains in the city for less than thirty (30) days, provided that the owner of such

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animals must keep the animals under ~~his~~ strict supervision by use of a tether or other enclosure.

HISTORY

Adopted by Ord. 2010-11 on 10/12/2010

(Code 2002, § 6-1-5E)

14-3-6 : COMPLIANCE WITH STATE REGULATIONS

In addition to the provisions of this chapter, all animals brought into the city shall comply with all state and/or federal animal health and animal import regulations.

HISTORY

Adopted by Ord. 2010-11 on 10/12/2010

(Code 2002, § 6-1-5F)

14-3-7 : IMPOUNDMENT OF ANIMALS WITHOUT VALID RABIES VACCINATION

A. All animals found in the city without a valid rabies tag or whose owners fail or refuse to provide a current certificate or other proof of vaccination shall be impounded.

B. In addition to complying with all of the requirements of CCNO 14-2-9 on retrieving an animal, the owner of an animal impounded for failing to have a rabies vaccination shall present acceptable proof that the animal has received all required rabies vaccinations.

C. In the alternative, the owner of an animal impounded under this section may reclaim the animal by complying with all of the requirements of CCNO 14-2-9 regarding retrieval of animals and signing a written commitment to have the animal vaccinated within seventy-two (72) hours of the release of the animal.

1. An owner signing a commitment to have the animal vaccinated under this section must return within four (4) days and present proof that the animal received the vaccination within the seventy-two (72) hour period.

2. Failure by the owner to present this proof shall be a Class B misdemeanor.

3. In addition, if the owner fails to produce proof that the animal has been vaccinated, the animal shall be re-impounded and shall not be released until the owner presents proof that the animal has been vaccinated or makes arrangements to have the animal vaccinated at the place of impoundment. The owner shall bear all costs of having the animal re-impounded and of having a qualified veterinarian vaccinate the animal at the animal shelter.

D. Any animal impounded under the terms of this section and not reclaimed within seventy-two (72) hours shall be destroyed. The animal control supervisor or animal control officer shall not sell animals impounded under this section.

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HISTORY

Adopted by Ord. 2010-11 on 10/12/2010

(Code 2002, § 6-1-5G)

14-3-8 : REPORTING OF RABID ANIMALS

Any person having knowledge of an animal known to have been exposed to rabies, reasonably suspected of having rabies, or a person or animal bitten by an animal reasonably suspected of having rabies shall notify the animal control supervisor or animal control officer, the Weber/Morgan County health department or the state health department.

HISTORY

Adopted by Ord. 2010-11 on 10/12/2010

(Code 2002, § 6-1-5H)

14-3-9 : BITING ANIMALS

If a person has been bitten by any animal, the animal control officer or a police officer shall verify the current status of the rabies vaccination. The animal shall be held until it is determined whether the animal has been vaccinated for rabies.

A. If the owner is unable to demonstrate that the animal has been vaccinated for rabies, the animal shall be quarantined, at the owner's expense, for at least ten (10) days in order to determine whether the animal has rabies. This confinement may be:

1. At the city's designated animal control shelter;
2. At a veterinary hospital or other place approved by the animal control supervisor or animal control officer;
3. At the owner's home, if the owner can meet all of the qualifications for having a home contractual quarantine.

B. If the animal is found to be rabid:

1. The animal shall be immediately destroyed and the head shall be sent to the Utah state health laboratory for examination; and
2. Any person bitten by the animal shall be notified so that they can commence treatments.

C. If the animal dies for any reason during the ten (10) day quarantine period, the head shall be sent to the state health laboratory for examination and determination whether the animal was rabid. If the state health laboratory determines that the animal

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was rabid, the city shall notify those persons bitten so that they can begin treatment.

D. If the animal is determined not to be rabid, the animal may be returned to its owner, unless it is determined to be a vicious animal, in which case it shall be dealt with according to the provisions of this title.

E. The owner of every animal suspected of having rabies which bites a person or another animal shall surrender the animal upon demand to the animal control supervisor or an animal control officer and cooperate in determining whether the animal is rabid. Failure to surrender the animal or cooperate in determining whether the animal is rabid shall be a Class B misdemeanor.

F. A physician or other medical professional who treats a person bitten by any animal shall report that fact to the animal control supervisor, animal control officer or the Weber/Morgan County health department within twenty-four (24) hours of the time the first treatment is rendered. ~~he renders the first treatment.~~ The medical professional shall report the name, address and sex of the person bitten, the type and location of the bite and the location where the attack took place. If the medical professional knows the name and address of the owner of the animal that inflicted the bite, the medical professional shall report those facts as well. The medical professional shall also provide any other information to the city which the medical professional has and which may assist the city in determining whether the animal has received all of the required vaccinations and whether the animal is a vicious animal.

G. Any person treating an animal bitten, injured or mauled by another animal shall report the incident to the animal control supervisor or animal control officer. The report shall contain the name and address of the owner of the injured animal, any information the person has regarding the animal which caused the injury and, if known, the location of the attack.

H. Nothing in this section shall be construed as prohibiting the city from charging the owner of an animal which bites a person with any appropriate criminal charge.

HISTORY

Adopted by Ord. 2010-11 on 10/12/2010

(Code 2002, § 6-1-5I)

14-3-10 : RABID ANIMALS ATTACKING OTHER ANIMALS

If any animal is bitten by another animal which is rabid or reasonably suspected of having rabies, the animal control supervisor or the animal control officer must be notified immediately. The animal control supervisor or animal control officer shall then direct the disposition of the bitten animal and the biting animal, which may include quarantine of the animal for six (6) months (at the owner's expense) or destruction of the animal. If the bitten animal is a stray, it may be destroyed immediately. The head of any animal destroyed under this section shall be sent to the Utah state health laboratory for examination.

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HISTORY

Adopted by Ord. 2010-11 on 10/12/2010

(Code 2002, § 6-1-5J)

14-3-11 : DESTRUCTION OF RABID ANIMALS

All animals determined to be rabid shall be promptly destroyed by the animal control supervisor or any animal control officer.

HISTORY

Adopted by Ord. 2010-11 on 10/12/2010

(Code 2002, § 6-1-5K)

14-3-12 : DISPOSITION OF NON-RABID STRAYS

Any stray or unclaimed animal quarantined under this chapter may be destroyed or sold in the same manner as any other animal impounded under this chapter.

HISTORY

Adopted by Ord. 2010-11 on 10/12/2010

(Code 2002, § 6-1-5L)

14-4 : ⁶⁵ANIMAL LICENSING AND PERMITS

14-4-1 : LICENSE REQUIRED

14-4-2 : FEES

14-4-3 : APPLICATION FOR LICENSE

14-4-4 : TAGS

14-4-5 : TAG REMOVAL OR TRANSFER PROHIBITED

14-4-6 : PROHIBITED ACTS

14-4-7 : ANIMAL BOARDING ESTABLISHMENTS

14-4-8 : KENNELS

14-4-9 : PET SHOPS

14-4-10 : ANIMAL GROOMING PARLORS

14-4-11 : RIDING SCHOOLS OR STABLES

14-4-12 : OTHER ANIMAL RELATED BUSINESSES INCLUDING SERVICE DOG AND THERAPY DOG RELATED BUSINESSES

14-4-13 : EXEMPTIONS

14-4-14 : INSPECTIONS

14-4-15 : SUSPENSION OR REVOCATION OF PERMITS OR LICENSES

⁶⁵ This section goes well beyond licensing and permits. Each level one subsection should be a separate section in a new chapter (in a new animals title?) for improved organization.

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14-4-16 : LITTER ANIMALS

14-4-1 : LICENSE REQUIRED

- A. All dogs over six (6) months of age that reside in the city must be licensed each year. This includes dogs residing in the city that are being kept or used as therapy or service animals and active police service dogs as defined in CCNO 14-1-1.
- B. All animal licenses issued by the city shall expire on December 31 of each year.
- C. All new dogs within the city limits must be licensed.
- D. Violation of this section shall be a Class C misdemeanor.

HISTORY

Adopted by Ord. 2012-8 on 2/28/2012
 Amended by Ord. 2013-12 on 8/27/2013

(Code 2002, § 6-1-3A)

14-4-2 : FEES

- A. The city shall issue animal licenses upon payment of the fees established by the city council [by resolution in the fee schedule](#).
- B. Whenever a dog owner moves into the city or a person obtains a dog which will reside in the city the owner will be required to license the dog according to the following:
 - 1. If the dog is licensed between January 1 and June 30, a full year fee will be charged.
 - 2. For dogs licensed between July 1 and December 31 a half-year fee will be charged. Half-year fees apply only to new dogs.
- C. The city will allow a reduction in animal license fees for dogs which have been spayed, neutered and microchipped, provided that the credit will not be granted unless the owner of the animal presents a certificate from a veterinarian certifying that the dog has been spayed, neutered or microchipped or other proof acceptable to the city. The city council shall set the amount of the discounts by resolution.
- D. All license fees shall be paid at the city offices or another place approved by the city's finance director.
- E. No refunds of license fees shall be made for any reason, unless they are approved by the animal control officer.
- F. Owners who fail to license their dogs by March 1 of each year shall be subject to a late fee. The amount of the late fee shall be set by ~~resolution of~~ the city council [in the fee schedule](#).

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HISTORY

Adopted by Ord. 2012-8 on 2/28/2012
Amended by Ord. 2013-12 on 8/27/2013

(Code 2002, § 6-1-3B)

14-4-3 : APPLICATION FOR LICENSE

A. Before obtaining a license for an animal, the owner of the animal shall complete an application for license. The application shall be submitted on forms prepared by the city and shall contain:

1. The name, address and telephone number of the owner;
2. The number of dogs residing at that address;
3. The name, breed, color and sex of each dog residing at that address;
4. Whether the dog has been spayed, neutered and/or microchipped; and
5. Rabies vaccination expiration date.

B. The applicant shall supply proof that the animal to be licensed has up to date rabies vaccinations.

C. The applicant shall present proof of ~~their his~~ identity and age at the time the application is submitted ~~he submits the application~~ to the city.

D. The city shall not issue animal licenses to persons younger than eighteen (18) years of age, unless that person is an emancipated minor.

HISTORY

Adopted by Ord. 2012-8 on 2/28/2012
Amended by Ord. 2013-12 on 8/27/2013

(Code 2002, § 6-1-3C)

14-4-4 : TAGS

A. Upon payment of the license fee and any other fees or assessments, the city shall issue a license tag to the owner of the animal.

B. Every owner shall provide each of ~~their his~~ dogs with a collar to which the tag may be affixed and shall ensure that the dog constantly wears the collar and the tag.

C. If an owner loses the license tag, the city will issue a replacement tag as follows:

1. The owner shall certify that the tag was lost;

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2. The owner shall present a receipt showing that ~~he paid~~ the license fee for that year was paid; and
 3. The owner shall pay a replacement tag fee set by ~~resolution of~~ the city council in the fee schedule.
- D. Animal license tags are not transferable from one animal to another.

HISTORY

Adopted by Ord. 2012-8 on 2/28/2012
 Amended by Ord. 2013-12 on 8/27/2013

(Code 2002, § 6-1-3D)

14-4-5 : TAG REMOVAL OR TRANSFER PROHIBITED

It shall be unlawful to deprive a licensed dog of its collar and tag. It shall also be unlawful to place a license tag on an unlicensed dog. Violation of this section shall be an infraction.

HISTORY

Adopted by Ord. 2012-8 on 2/28/2012
 Amended by Ord. 2013-12 on 8/27/2013

(Code 2002, § 6-1-3E)

14-4-6 : PROHIBITED ACTS

The following actions are prohibited:

A. Keeping any animal other than a household pet (as defined in CCNO 14-1-1) within the residential areas of the city unless such animal is a qualifying service, therapy dog or "active police service dog," as that term is defined in CCNO 14-1-1 and obtains and possesses an appropriate permit and business license as described hereunder:

1. A permit as described in CCNO 14-4-12; and
2. A business license as described in CCNO 4-1.
3. Recognized therapy animal related businesses are limited to use of therapy dogs and may only be kept and/or operated by a professional person who is currently and properly licensed by the state division of occupational and professional licensing as a clinical social worker, psychiatrist, medical doctor, marriage and family therapist, physician's assistant, or nurse practitioner. Proof of such current licensing shall be required at the time of application for a permit and for any permit renewal under this section.
4. Keeping of therapy dogs or therapy dogs in training or operation of a therapy animal related business by any persons who do not meet the above-stated professional

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licensing requirements shall be strictly governed by other animal ordinances contained in this Code as they apply generally to animal owners, including limits on animal ownership numbers.

B. Keeping "domesticated animals" (as defined in CCNO 14-1-1) outside of the RE-20 and R-1-8(AG) zones of the city.

C. Keeping any dangerous animal in the city, except as permitted in subsection I of this section or CCNO 14-1-3A.

D. Capturing any "wild animal" (as defined in CCNO 14-1-1) in the city, except that residents may trap wild animals that have become a nuisance under the supervision of an animal control officer.

E. Keeping swine (including potbellied pigs) at any location in the city.

F. Keeping any "wild animal" (as defined in CCNO 14-1-1) in the city.

G. Operating an animal boarding establishment without first obtaining:

1. An animal board permit as described in CCNO 14-4-7; and
2. A business license as described in CCNO 4-1.

H. Keeping, caring for, owning, or possessing of three (3) or more dogs over six (6) months of age in the city without a kennel permit as described in CCNO 14-4-7 unless otherwise authorized under the exceptions described in subsection N of this section or CCNO 14-4-3. Furthermore, it is unlawful at any household address for any person or persons to keep or possess a total of five (5) or more dogs over six (6) months of age including any combination of pets (limited to two (2) pets per household address), any licensed therapy dogs and active police service dogs. In the event any person or persons at any household address owns, possesses or keeps any dogs as pets, such pet dogs shall count when calculating the total number of dogs (pet dogs, therapy dogs and active police service dogs) that may be permitted at any household or address.

I. Operating a pet shop without first obtaining:

1. A pet shop permit as described in CCNO 14-4-9; and
2. A business license as described in CCNO 4-1.

J. Operating an animal grooming parlor without first obtaining:

1. An animal grooming parlor permit as described in CCNO 14-4-10; and
2. A business license as described in CCNO 4-1.

K. Operating a riding school or stable without first obtaining:

1. A riding school or stable permit as described in CCNO 14-4-11; and

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2. A business license as described in CCNO 4-1.
- L. Breeding dogs in a residential area without first obtaining:
 1. A dog breeder permit as described in CCNO 14-4-12; and
 2. A business license as described in CCNO 4-1 if the dogs will be sold for a profit.
- M. Operating any other animal related business without obtaining:
 1. A permit as described in CCNO 14-4-12; and
 2. A business license as described in CCNO 4-1.
- N. Keeping, caring for, owning, or possessing of a combined total of five (5) or more therapy dogs or therapy dogs in training, and dogs kept, cared for, owned or possessed as pets, over six (6) months of age in any zone in the city without a kennel permit as described in CCNO 14-4-8.

HISTORY

Adopted by Ord. 2012-8 on 2/28/2012
 Amended by Ord. 2013-12 on 8/27/2013

(Code 2002, § 6-1-3F)

14-4-7: ANIMAL BOARDING ESTABLISHMENTS

- A. It shall be unlawful for any person to operate or maintain an animal boarding establishment unless the person first obtains a regulatory permit from the city building and zoning department, in addition to all other required licenses. The application shall include:
 1. The name, address and phone number of the person applying for the permit;
 2. The address of the location where the business will be operated;
 3. The kinds of animals which the person anticipates boarding;
 4. The maximum number of each kind of animal which the boarding establishment will be able to house at any one time;
 5. A copy of the building or site plans for the animal boarding establishment;
 6. The number of employees the boarding establishment anticipates having.
- B. All applications for permits to operate animal boarding establishments shall be submitted with the required permit fee, on a printed form provided by the city building and zoning department.

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C. The city council shall review all applications for permits for animal boarding establishments and shall grant the permit if it finds:

1. The animal boarding establishment is an appropriate use in the area proposed for the use;
2. The facilities (including the number of employees and sanitary facilities) proposed for the animal boarding establishment are sufficient for the number of animals the person is proposing to board;
3. The animal boarding establishment is unlikely to become a nuisance.

D. In granting a permit for an animal boarding establishment, the city council may attach conditions to the permit regarding the types of animals which may be boarded at the establishment, the maximum number of animals which may be boarded at any one time and other conditions which the council believes are appropriate for the operation of the particular business.

E. The city shall have the authority to suspend or revoke the license of any operator of an animal boarding establishment that is operating in violation of its permit, that is mistreating animals, that has failed to provide adequate facilities for the animals in its care, or which has become a nuisance or for other good cause.

F. A permit issued under this section may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the animal boarding facility is transferred to another owner, the new owner must apply for a new permit. If the permit holder desires to move the animal boarding facility to a new location, the permit holder must obtain a new permit for the new location.

G. Permits issued under this section are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications unless the permit holder has significantly changed ~~their~~^{his} operations.

H. Nothing in this section shall relieve the operator of an animal boarding establishment from the obligation to comply with all business license laws, this Code, health regulations or other applicable laws, statutes, ordinances, rules or regulations.

HISTORY

Adopted by Ord. 2012-8 on 2/28/2012
Amended by Ord. 2013-12 on 8/27/2013

(Code 2002, § 6-1-3G)

14-4-8: KENNELS

A. It shall be unlawful for any person to operate or maintain a kennel unless the person first obtains a regulatory permit from the city building and zoning department, all other required licenses and a conditional use permit as described in this Code.

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B. The application for a kennel permit from the city building and zoning department shall include:

1. The name, address and phone number of the person applying for the permit;
2. The address of the location where the business will be operated;
3. The services (training, boarding and/or letting for hire) which the kennel will offer to its customers;
4. The kennel's proposed hours of operation;
5. If the kennel will offer boarding services:
 - a. The maximum number of dogs the kennel will board at any one time; and
 - b. A plan of the facilities which the kennel will use to board the dogs, which must include a separate cage of reasonable size for each dog and a covered shelter for each dog;
6. If the kennel will offer training services:
 - a. A description of all training services the kennel will offer (such as basic obedience training, attack training, or training for certified aid animals);
 - b. The maximum number of people and dogs who will be allowed in each class; and
 - c. A plan of the facility that the operator will use for training classes.

C. All applications for permits to operate kennels shall be submitted with the required permit fee, on a printed form provided by the city building and zoning department.

D. The city council will review applications to operate a kennel within the city and shall approve the application if it finds that:

1. The kennel is an appropriate use in the proposed location;
2. The kennel's facilities are adequate for the proposed operations; and
3. The kennel is unlikely to become a nuisance.

E. In granting a permit to operate a kennel, the city council may set conditions regarding:

1. The kennel's proposed hours of operation;
2. If the kennel will offer boarding services, the maximum number of dogs the kennel may board at any one time; and

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3. If the kennel will offer training services, the maximum number of people and dogs who will be allowed in each class.

F. The city council may suspend or revoke the license of any kennel operator for failing to operate the kennel in compliance with the conditions in the permit, if the kennel becomes a nuisance or for other good cause.

G. A permit issued under this section may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the kennel is transferred to another owner, the new owner must apply for a new permit. If the permit holder desires to move the kennel to a new location, the permit holder must obtain a new permit for the new location.

H. Permits issued under this section are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications unless the permit holder has significantly changed ~~their~~^{his} operations.

I. Nothing in this section shall relieve the operator of a kennel from the obligation to comply with all business license laws, this Code, health regulations or other applicable laws, statutes, ordinances, rules or regulations.

HISTORY

Adopted by Ord. 2012-8 on 2/28/2012
Amended by Ord. 2013-12 on 8/27/2013

(Code 2002, § 6-1-3H)

14-4-9 : PET SHOPS

A. It shall be unlawful for any person to operate or maintain a pet shop unless the person first obtains a regulatory permit from the city building and zoning department, in addition to all other required licenses. The application shall include:

1. The name, address and phone number of the person applying for the permit;
2. The address of the location where the business will be operated;
3. The kinds of animals which will be sold, including the number of animals of each type that the operator anticipates having in the store at any one time;
4. The hours of operation of the pet shop;
5. A description of the kinds of commercial animals which will be sold at the pet shop; and
6. A plan of the pet shop, including plans for complying with all health and sanitary requirements.

B. All applications for permits to operate pet shops shall be submitted with the

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required permit fee, on a printed form provided by the city building and zoning department.

C. The city council shall review all applications for pet shop permits and shall grant the permit if it finds that:

1. The pet shop is an appropriate use in the location proposed;
2. The facilities are adequate for the proposed pet shop;
3. The pet shop is unlikely to become a nuisance.

D. In granting a permit to operate a pet shop, the city council may set conditions regarding:

1. The pet shop's proposed hours of operation;
2. The number of each type of animal which the pet shop may have at any given time;
3. The kinds of commercial animals which may be sold in the pet shop; and
4. The facilities to be used to ensure that the pet shop does not become a health hazard.

E. The city council may suspend or revoke the license of any pet shop operator for failing to operate the pet shop in compliance with the conditions in the permit, if the pet shop becomes a nuisance, if the pet shop becomes a health hazard, or for other good cause.

F. A permit issued under this section may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the pet shop is transferred to another owner, the new owner must apply for a new permit. If the permit holder desires to move the pet shop to a new location, the permit holder must obtain a new permit for the new location.

G. Permits issued under this section are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications unless the permit holder has significantly changed their-his operations.

H. Nothing in this section shall relieve the operator of a pet shop from the obligation to comply with all business license laws, this Code, health regulations or other applicable laws, statutes, ordinances, rules or regulations.

HISTORY

Adopted by Ord. 2012-8 on 2/28/2012
Amended by Ord. 2013-12 on 8/27/2013

(Code 2002, § 6-1-3I)

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14-4-10 : ANIMAL GROOMING PARLORS

A. It shall be unlawful for any person to operate or maintain an animal grooming parlor unless the person first obtains a regulatory permit from the city building and zoning department, in addition to all other required licenses. The application shall include:

1. The name, address and phone number of the person applying for the permit;
2. The address of the location where the business will be operated;
3. The kinds of animals which will be groomed in the animal grooming parlor;
4. The number of grooming stations the applicant anticipates including in the parlor;
5. The hours of operation of the grooming parlor;
6. The applicant's plans for complying with all health and sanitary requirements.

B. All applications for permits to operate animal grooming parlors shall be submitted with the required permit fee, on a printed form provided by the city building and zoning department.

C. The city council shall review all applications for animal grooming parlor permits and shall grant the permit if it finds that:

1. The animal grooming parlor is an appropriate use in the location proposed;
2. The facilities are adequate for the proposed animal grooming parlor; and
3. The animal grooming parlor is unlikely to become a nuisance.

D. In granting a permit to operate an animal grooming parlor, the city council may set conditions regarding:

1. The grooming parlor's proposed hours of operation; and
2. The facilities to be used to ensure that the animal grooming parlor does not become a health hazard.

E. The city council may suspend or revoke the license of any animal grooming parlor operator for failing to operate the grooming parlor in compliance with the conditions in the permit, if the grooming parlor becomes a nuisance or a health hazard, or for other good cause.

F. A permit issued under this section may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the grooming parlor is transferred to another owner, the new owner must apply for a new permit. If the permit holder desires to move the grooming parlor to a new location, the permit holder must obtain a new permit for the new location.

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G. Permits issued under this section are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications unless the permit holder has significantly changed ~~their~~^{his} operations.

H. Nothing in this section shall relieve the operator of an animal grooming parlor from the obligation to comply with all business license laws, this Code, health regulations or other applicable laws, statutes, ordinances, rules or regulations.

HISTORY

Adopted by Ord. 2012-8 on 2/28/2012
Amended by Ord. 2013-12 on 8/27/2013

(Code 2002, § 6-1-3J)

14-4-11 : RIDING SCHOOLS OR STABLES

A. It shall be unlawful for any person to operate or maintain a riding school or stable unless the person first obtains a regulatory permit from the city building and zoning department, in addition to all other required licenses. The application shall include:

1. The name, address and phone number of the person applying for the permit;
2. The address of the location where the business will be operated;
3. The number of horses the applicant anticipates keeping at the riding school or stable;
4. The kinds of classes and other services that the applicant anticipates offering through the riding school or stable;
5. A plan of the riding school or stable, including the stables where the horses will be housed; and
6. The hours of operation of the riding school or stable.

B. All applications for permits to operate riding schools and stables shall be submitted with the required permit fee, on a printed form provided by the city building and zoning department.

C. The city council shall review all applications for riding school or stable permits and shall grant the permit if it finds that:

1. The riding school or stable is an appropriate use in the location proposed;
 2. The facilities are adequate for the proposed riding school or stable; and
 3. The proposed riding school or stable is unlikely to become a nuisance.
- D. In granting a permit to operate a riding school or stable, the city council may set

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conditions regarding:

1. The riding school's or stable's proposed hours of operation;
 2. The number of horses the riding school or stable may keep on the property;
 3. The number of people who may be permitted in any single class; and
 4. The facilities to be used to ensure that the riding school or stable does not become a health hazard.
- E. The city council may suspend or revoke the license of any riding school or stable operator for failing to operate the riding school or stable in compliance with the conditions in the permit, if the riding school or stable becomes a nuisance or a health hazard, or for other good cause.
- F. A permit issued under this section may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the riding school or stable is transferred to another owner, the new owner must apply for a new permit. If the permit holder desires to move the riding school or stable to a new location, the permit holder must obtain a new permit for the new location.
- G. Permits issued under this section are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications unless the permit holder has significantly changed their ~~his~~ operations.
- H. Nothing in this section shall relieve the operator of a riding school or stable from the obligation to comply with all business license laws, this Code, health regulations or other applicable laws, statutes, ordinances, rules or regulations.

HISTORY

Adopted by Ord. 2012-8 on 2/28/2012
Amended by Ord. 2013-12 on 8/27/2013

(Code 2002, § 6-1-3K)

14-4-12 : OTHER ANIMAL RELATED BUSINESSES INCLUDING SERVICE DOG AND THERAPY DOG RELATED BUSINESSES

A. It shall be unlawful for any person to operate or maintain any business involving the keeping or use of live animals unless the person first obtains a regulatory permit from the city building and zoning department, in addition to all other required licenses. The application shall include:

1. The name, address and phone number of the person applying for the permit;
2. The address of the location where the business will be operated;
3. The nature of the business;

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4. The kinds of classes and services that the applicant anticipates offering through the business;

5. The number and types of animals that the business will use and the ways in which the animals will be used in the business;

6. A plan of the business showing the facilities for keeping the animals; and

7. The hours of operation of the business; and

8. In the case of a therapy animal related business, a copy of the required professional licensing certificate of the applicant.

B. All applications for permits to operate animal related businesses shall be submitted with the required permit fee, on a printed form provided by the city building and zoning departments.

C. The city council shall review all applications for animal related business permits and shall grant the permit if it finds that:

1. The animal related business is an appropriate use in the location proposed;

2. The facilities are adequate for the proposed animal related business; and

3. The proposed business is unlikely to become a nuisance.

D. In granting a permit to operate an animal related business, the city council may set conditions regarding:

1. The animal related business's proposed hours of operation;

2. The number and type of animals the animal related business may keep on the property. In the case of an animal therapy business, such limit shall be four (4) dogs or less;

3. The facilities to be used to ensure that the animal related business does not become a health hazard.

E. The city council may suspend or revoke the license of any animal related business operator for failing to operate the business in compliance with the conditions in the permit, if the business becomes a nuisance or a health hazard, in the case of a therapy related animal business, for expiration, withdrawal, revocation, or suspension of the applicant's required professional licensing and for other good cause.

F. A permit issued under this section may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the animal related business is transferred to another owner, the new owner must apply for a new permit and comply with all requirements of this section. If the permit holder desires to move the business to a new location, the permit holder must obtain a new permit for the new

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location.

G. Permits issued under this section are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications for general animal related businesses unless the permit holder has significantly changed their-his operations. However, the city council must consider renewal applications for any therapy animal related business.

H. Nothing in this section shall relieve the operator of a general animal related business from the obligation to comply with all business license laws, this Code, health regulations or other applicable laws, statutes, ordinances, rules or regulations, except that owners of service animal related businesses may be authorized to operate such business in any zone.

HISTORY

Adopted by Ord. 2012-8 on 2/28/2012
Amended by Ord. 2013-12 on 8/27/2013

(Code 2002, § 6-1-3L)

14-4-13 : EXEMPTIONS

A. Research facilities where bona fide medical or related research is conducted, humane shelters and other animal facilities established by state or local government agencies or which are licensed under federal law shall be exempt from the licensing and permit requirements of this chapter.

B. Active police service dogs shall be exempt from the limitation of pets per household address as described in section 14-4-6H.

HISTORY

Adopted by Ord. 2012-8 on 2/28/2012
Amended by Ord. 2013-12 on 8/27/2013

(Code 2002, § 6-1-3M)

14-4-14 : INSPECTIONS

All establishments required to obtain permits under this chapter shall be subject to periodic inspections by the animal control supervisor or their-his delegate. The inspector shall make a report of each inspection. The inspector shall give a copy of the inspection to the holder of the permit and shall file the original report with the city. Inspection reports shall be public documents.

HISTORY

Adopted by Ord. 2012-8 on 2/28/2012
Amended by Ord. 2013-12 on 8/27/2013

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(Code 2002, § 6-1-3N)

14-4-15 : SUSPENSION OR REVOCATION OF PERMITS OR LICENSES

A. A permit or license issued under this chapter may be suspended or revoked or a permit application rejected for any one or more of the following grounds:

1. Falsification of facts in any permit or license application or in the case of a service animal related business, suspension, expiration, termination or withdrawal of the applicant's required professional licensing;
2. Violation of any of the provisions of this chapter or any other law or regulation governing the keeping of the permitted or licensed animals, including, but not limited to, noise laws, nuisance laws, building codes, or this Code;
3. Conviction on a charge of cruelty to animals or mistreatment of animals, regardless of whether the animals involved in the charge are the same animals permitted or licensed;
4. Other good cause determined by the city council.

B. If an inspection of the premises of any person holding a permit or license under this chapter reveals a violation of this chapter, the person conducting the inspection shall notify the permit or license holder of the violations by leaving a copy of the inspection report or other written notice with the permit or license holder. If the permit or license holder is not available, the person conducting the inspection may leave the notice with any responsible person over sixteen (16) years of age at the facility. If no responsible person is available, the inspector may serve the notice on the permit or license holder by sending the notice by certified mail to the last-known address of the permit or license holder. The written notice shall:

1. Describe the specific nature of the violations the inspector found;
2. Establish a specific and reasonable period of time for the permit or license holder or the operator of the facility to correct the violations; and
3. State that failure to comply with the notice and the terms of this chapter may result in revocation or suspension of the permit or license.

C. If the permit or license holder fails to correct the violations in the time specified in the notice, the inspector shall notify the permit or license holder of the city's intention to revoke or suspend the license or permit. The notice shall:

1. Give the date, time and place that the city council will consider the matter. The time of the hearing shall be no less than fourteen (14) days from the date of the notice;
2. Inform the permit or license holder of ~~their~~his right to be present at the hearing;
3. Inform the permit or license holder that if ~~they do~~he does not appear at the hearing, the

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city may revoke or suspend the permit or license in the permit or license holder's absence;

4. Inform the permit or license holder of ~~their~~ ~~his~~ right to be represented by counsel at the hearing;

5. Inform the permit or license holder of ~~their~~ ~~his~~ right to question witnesses presented by the city; and

6. Inform the permit or license holder of ~~their~~ ~~his~~ right to call witnesses and present other evidence on ~~their~~ ~~his~~ own behalf during the hearing.

D. At the time and place set for the hearing, the city council shall hold a hearing on whether the permit or license should be suspended or revoked. The city may present witnesses and evidence on the issue and the permit or license holder shall also have an opportunity to present witnesses and evidence. At the close of the hearing, the city council shall vote on whether to suspend or revoke the license and the majority vote of the council shall be controlling.

E. If the council votes to suspend the permit or license, it shall set a minimum time of the suspension, which shall be at least six (6) months, and the council shall order that the license may not be reinstated until the specified time has run and all of the violations have been corrected.

F. A person whose permit or license has been revoked may not reapply for a new license or permit for at least two (2) years.

G. Notwithstanding the procedures for suspension or revocation above, the animal control supervisor or animal control officer may, without warning or a hearing, suspend any permit or license issued under this chapter if ~~it is found~~ ~~he finds~~ that the condition of the premises of the permit or license holder constitute a substantial and immediate threat to the health, welfare or safety of the residents of the city.

1. If the animal control supervisor or animal control officer suspends any permit or license under this subsection G:

a. The animal control supervisor or animal control officer shall impound the animals and take other steps to mitigate the threat; and

b. The city council shall review the action as soon as practicable and the permit or license holder shall be given notice of the hearing.

2. If the city council finds that the animal control supervisor's actions were justified, it shall:

a. Order that the permit or license holder pay all costs of impounding the animals;

b. Order that the permit or license holder pay all remediation costs incurred by the city;

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c. Order that the animals either:

- (1) Continue to be impounded until the permit or license holder's premises comply with the provisions of this chapter and any other applicable law, including health and building codes;
- (2) Be abated; or
- (3) Be made available for sale or adoption to third parties.

HISTORY

Adopted by Ord. 2012-8 on 2/28/2012
Amended by Ord. 2013-12 on 8/27/2013

(Code 2002, § 6-1-30)

14-4-16: LITTER ANIMALS

A. Notwithstanding the other provisions of this chapter, the owner of a household pet kept in a residential zone which delivers a litter may sell or give away the litter animals under the following conditions:

1. The owner shall have three (3) months to dispose of all of the litter animals which exceed the number of animals the owner may lawfully keep.
2. The owner may sell the litter animals or give them away.
3. The owner may use reasonable methods to advertise the availability of the litter animals, provided that no advertising method may result in a violation of this Code.

B. No person shall use the provisions of this section to avoid obtaining a business license or a regulatory license described in this section. A person shall be presumed to be using this section to avoid obtaining a business or regulatory license if ~~he sells or gives away~~ more than two (2) litters are sold or given away in a single year.

HISTORY

Adopted by Ord. 2012-8 on 2/28/2012
Amended by Ord. 2013-12 on 8/27/2013

(Code 2002, § 6-1-3P)



Staff Report to the North Ogden City Council

SYNOPSIS

Description: The Council recently turned down a request to extend the contract for the connection magazine with the associated cost increase. This discussion will focus on what the Council would like to do to continue getting important news to residents in a cost effective way.

Date: July 1, 2024

STAFF INFORMATION

Jon Call
jcall@nogden.org
801-737-9846

QUESTION FOR COUNCIL

What method does the Council think is the best way to get the word out about events, news, and other information monthly with the connection magazine going away.

STAFF RECOMMENDATION

Staff does not have a recommendation on the best method.

DISCUSSION

The city needs to come up with a good way to share information with residents that is effective and budget conscious. With the sunseting of the connection magazine in October we need to have a replacement ready to go with the critical information in it. For this discussion it would be helpful for the Council to identify a budget, important categories of items to be included, and frequency (monthly, quarterly).

Here are some highlights to get the council talking

- Currently the city mails out 5,100 utility bills each month and we can insert a black and white document for \$0.018, or just under \$100 monthly.
- Employee Time. There will be some time required to edit and create the document. Though we do spend some time currently helping gather city information for the magazine.
- With a reduction in the number of pages we need to prioritize information.

We need direction from the Council so staff can come back with some additional information, including potentially a newsletter format for the Council to review and approve.



Staff Report to the North Ogden City Council

SYNOPSIS

Description: City support for musical production(s) in the summer of 2025.
Date: July 2, 2024

STAFF INFORMATION

Christina Watson
cwatson@nogden.org

QUESTION FOR COUNCIL

In previous years, productions at the amphitheater have paid for themselves after revenue from ticket sales and sponsors. Does the council approve fronting costs for 2025 production(s) at the amphitheater?

STAFF RECOMMENDATION

N/A

DISCUSSION

In previous years, productions at the amphitheater have paid for themselves after ticket sales and sponsors. The city would need to front the money ahead before the production process can begin. The city would take the risk if the production did not bring in the revenue to cover the up-front costs.

This type of production takes many months of work. Local directors have shown interest for the 2025 summer season. Upon approval, directors can begin preparations.



Staff Report to the North Ogden City Council

SYNOPSIS

Description: In an effort to increase usage at the amphitheater, a suggestion has been made to offer a sale price for amphitheater rentals for the first 2 summers.

Date: July 2, 2024

STAFF INFORMATION

Christina Watson
cwatson@nogden.org

QUESTION FOR COUNCIL

Does the council approve holding a sale price on amphitheater rental prices from 2024 to 2025?

Would it be free (with a high refundable deposit) or at what percent discount (with refundable deposit)?.

STAFF RECOMMENDATION

N/A

DISCUSSION

This proposed free or discounted price would only be available for the first 2 years. This investment would showcase the amphitheater's new sound and lights system to attract potential customers for the future.

Discussion could also touch on if these events would be open to the public, with free entry.