

ORDINANCE NO. 24-09

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, AMENDING SOUTH OGDEN CITY CODE 4-3-1 AND 8-1-3 IN ORDER TO CLARIFY THAT ALL UTILITY FEES ARE MANDATORY; AND ESTABLISHING AN EFFECTIVE DATE.

SECTION I - RECITALS

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

WHEREAS, in conformance with Utah Code ("UC") §10-3-717, the governing body of the city may exercise all administrative powers by resolution; and,

WHEREAS, in conformance with UC §10-3-702, the governing body of the city may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and,

WHEREAS, the City Council finds that the City Code did not clearly state that all utility fees were mandatory; and,

WHEREAS, the City Council finds that for the clarity of South Ogden residents and the ability of staff to assess and collect utility fees, the wording of the City Code should be changed; and

WHEREAS, the City Council finds that amendments to the City Code must be done by ordinance;

NOW THEREFORE, BE IT ORDAINED by the City Council of South Ogden City that the City Code be amended.

SECTION II – CITY CODE AMENDED

Upon the adoption of this Ordinance, the various titles set out in “**Attachment A**”, are amended and adopted.

Be It Also Ordained, that the Foregoing Recitals are Incorporated Herein.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS:

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

SECTION IV - REPEALER OF CONFLICTING ENACTMENTS:

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and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part repealed.

SECTION V - SAVINGS CLAUSE:

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

SECTION VI - DATE OF EFFECT

This Ordinance shall be effective on the 3rd day of September, 2024, and after publication or posting as required by law.

DATED this 3rd day of September, 2024.

SOUTH OGDEN CITY, a municipal corporation

by: _____
Russell Porter, Mayor

Attested and recorded

Leesa Kapetanov, MMC
City Recorder

ATTACHMENT "A"

ORDINANCE NO. 24-09

An Ordinance Of South Ogden City, Utah, Amending South Ogden City Code 4-3-1 And 8-1-3 In Order To Clarify That All Utility Fees Are Mandatory; And Establishing An Effective Date.

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8-1-3: Fees, Rates and Charges

The City Council shall set rates and fees for water and sewer service, connection, reconnection, late penalties, interest, and returned checks by ordinance or resolution. The rates and fees shall be kept in the City's Consolidated Fee Schedule.

All customers are required to pay in full all utility base and usage fees as billed by the City.

4-3-1: ~~Removal Required~~City Trash Service Required

~~All persons having accumulated garbage and similar wastes are hereby required to make proper arrangements for the removal thereof, not inconsistent with the provisions of this chapter~~The owners, agents, and occupants of all properties within the City, shall have its trash, or recyclable materials if that service is provided by the City, removed by the City or the City's contracted service provider. Exception: Commercial or multi-family buildings requiring the use of a dumpster may contract with other service providers for the removal of trash or recyclable materials from the dumpster.

- A. ~~The city council may, in its discretion, arrange for the removal of any such accumulated garbage or rubbish from such premises and may charge the costs of such removal to the owner or occupant of the premises on which such accumulated garbage was permitted and may proceed with legal action to collect such expense if not promptly paid on demand.~~
The owners, agents, and occupants of all properties within the City shall be billed for the removal of trash and/or recyclable materials, whether or not they choose to use the trash or recycle services provided by the City.
- ~~B. In lieu of having accumulated garbage or rubbish removed from the premises as trash, each person having accumulated garbage and similar wastes of a recyclable nature, may participate in the city's recycling program as set out herein.~~
- A.B. ~~Fees to participate in the city's~~for the City's trash removal and/or recycling program will be as promulgated from time to time by the public works department as ratified~~determined~~by the city council and set forth in the consolidated fee schedule.
- C.
- ~~D. Items amenable to recycling will be~~determined by the Director of Public Works based upon the City's ability to recycle such materials in a reasonable and economical manner.~~promulgated from time to time by the city and are expected to include, by way of example and not limitation or specific inclusion, some or all of the following:~~
- ~~1. Corrugated cardboard.~~
 - ~~2. Newspapers.~~
 - ~~3. Magazines.~~
 - ~~4. Plastics in bottle form.~~

- ~~1. Polyethylene terephthalate (PET) resin #1 such as soft drink bottles, mouthwash bottles, salad dressing bottles, etc.~~
- ~~2. High density polyethylene (HDPE) resin #2 such as milk and water jugs, detergent bottles, etc.~~
- ~~5. Ferrous metals such as steel/tin cans, pots and pans, silverware, and all other small ferrous metals.~~
- ~~6. Aluminum such as soft drink cans, pots and pans, pie plates and other small scrap pieces.~~

~~E.D.~~ -The City Council finds that the City's solid waste collection system, sanitary sewer system, storm sewer system, and culinary water system are interrelated services and, along with the transportation system, are part of the unified City plan to provide for the health, safety, and welfare of its citizenry in an environmentally responsible manner. The fees for each of these utilities and services are included on the City's regular utility bill for any given property. Failure to pay any portion of the utility bill may result in termination of service.