

ORDINANCE NO. 26-08

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, AMENDING THE CITY CODE REGARDING VACANCIES IN OFFICE; MAKING CERTAIN AND NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES.

Section 1. Recitals:

WHEREAS, South Ogden City (herein “City”) is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, in conformance with UCA § 10-3-707, the governing body of the City may revise, codify, and compile from time to time and to publish in book, pamphlet, or loose leaf form all ordinances of the municipality of a general and permanent character and to make such changes, alterations, modifications, additions, and substitutions as it may deem best; and,

WHEREAS, South Ogden City has adopted and promulgated City ordinances and rules regarding vacancies in office and certain requirements of candidates to hold public office; and,

WHEREAS, the City Council finds that the City now wishes to have certain changes to the City Code be made to coincide better with the Utah State Code; and,

WHEREAS, the City Council finds that the public convenience and necessity, public safety, health and welfare is at issue in this matter and requires action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH that:

1. Certain portions of the South Ogden Code Title 1, Chapter 5 shall be amended, which changes to the language are in red and are attached as Attachment “A” to this Ordinance.
2. The foregoing Recitals are fully incorporated herein.

Section 2. Repealer of Conflicting Enactments:

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adopted by the City, or parts thereof, which conflict with the provisions of this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order, or resolution, or part thereof, heretofore repealed.

Section 3. Prior Ordinances and Resolutions:

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

Section 4 - Savings Clause:

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

Section 5 - Date of Effect:

BE IT FURTHER ORDAINED this Ordinance will become effective on the 6th day of October 2026 and after publication or posting as required by law.

DATED this 6th day of October 2026.

SOUTH OGDEN, a municipal corporation

by: _____
Mayor Russell Porter

Attested and Recorded

Danielle Bendinelli, City Recorder

RECORDER'S CERTIFICATION

STATE OF UTAH)
 : ss.
County of Weber)

I, DANIELLE BENDINELLI, the City Recorder of South Ogden, Utah, in compliance with UCA §10-3-713 and UCA §10-3-714 does hereby certify that the above and foregoing is a full and correct copy of **Ordinance No. 26-08, entitled “AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, AMENDING THE CITY CODE REGARDING VACANCIES IN OFFICE; MAKING CERTAIN AND NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES.”** adopted and passed by the City Council of South Ogden, Utah, at a regular meeting thereof on October 6, 2026 which appears of record in my office, with the date of posting or publication being October 6, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this _____ day of _____ 2026.

Danielle Bendinelli
City Recorder

(city seal)

ATTACHMENT “A”

Attached to Ordinance 26-08

AMENDMENTS TO TITLE 1, CHAPTER 5 OF THE SOUTH OGDEN CITY CODE

1-5-5: Vacancies In Office

Vacancies occurring in the Office of Mayor or City Council shall be filled as provided in Utah Code Annotated section 20A-1-510. ~~(2001 Code)~~

1-5-6: Residence Required

- A. Definitions.** For purposes of this section, “absent”, “principal place of residence”, and “secondary residence” have the meaning provided in the Utah Code §10-3-301, as amended.
- B. Residence Requirement.** Each elected officer of the City shall maintain a principal place of residence within the City during the officer's term of office.
- C. Vacancy.** Except as provided in ~~subsection C~~ **Subsection D** of this section, an elected City office is automatically vacant if the officer elected to the City office, during the officer's term of office:
1. Establishes a principal place of residence outside the City,
 2. Resides at a secondary residence outside the City for a continuous period of more than sixty (60) days while still maintaining a principal place of residence within the City,
 3. Is absent from the City for a continuous period of more than sixty (60) days; or,
 4. Fails to respond to a request, within thirty (30) days after the day on which the elected officer receives the request, from the County Clerk or Lieutenant Governor seeking information to determine the officer's residency.
- D. Temporary Absence or Secondary Residence.**
1. Notwithstanding anything in ~~subsection B~~ **Subsection C** of this section to the contrary, if an elected City officer obtains the consent of the City's legislative body as set out below, before the expiration of the sixty (60) day period described in ~~subsections B2 and B3~~ **Subsections C(2) and C(3)** of this section, the elected City officer may:
 - a. Reside at a secondary residence outside the City while still maintaining a principal place of residence within the City for a continuous period of up to one year during the officer's term of office; or,

- b. Be absent from the City for a continuous period of up to one year during the officer's term of office.
- 2. At a public meeting, the City's legislative body may give consent as described in ~~subsections C1a and C1b~~ Subsections D(1)(a) and D(1)(b) of this section by majority vote after taking public comment regarding:
 - a. Whether the legislative body should give consent; and
 - b. The length of time to which the legislative body should consent.