

NOTICE AND AGENDA

SOUTH OGDEN CITY COUNCIL MEETING

Tuesday, July 21, 2015 – 6:00 p.m.

Notice is hereby given that the South Ogden City Council will hold their regular City Council Meeting, Tuesday, July 21, 2015, beginning at 6:00 p.m. in the Council Chambers located at 3950 So. Adams Avenue, South Ogden, Utah. Any member of the council may be joining the meeting electronically.

I. OPENING CEREMONY

- A. **Call to Order** – Mayor James F. Minster
- B. **Prayer/Moment of Silence** -
- C. **Pledge of Allegiance** – Council Member Russell Porter

- II. **PUBLIC COMMENTS** – This is an opportunity for comment regarding issues or concerns. No action can or will be taken at this meeting on comments made.
Please limit your comments to three minutes.

III. RECOGNITION OF SCOUTS AND STUDENTS

IV. CONSENT AGENDA

- A. Approval of July 7, 2015 Council Minutes
- B. Advice and Consent of the Appointment of John Bradley to the Planning Commission
- C. Award of Bid to Peck Striping Inc. for Street Striping

V. DISCUSSION / ACTION ITEMS

- A. Consideration of **Resolution 15-32** – Approving an Agreement with UDOT for Exchange of Federal Money
- B. Consideration of **Resolution 15-33** – Approving an Agreement With Peck Striping Inc. for Street Striping
- C. Consideration of **Resolution 15-34** – Approving a Memorandum of Understanding With Utah Highway Patrol for Evidence Retention and Disposal
- D. Consideration of Previously Continued **Ordinance 15-13** – Amending and Re-Adopting the City's Annexation Policy Plan
- E. Consideration of Previously Tabled **Ordinance 15-18** - Amending Title 11 of the City Code Having to Do With Subdivisions and Title 10, Chapter 12 of the City Code Having to Do with Cluster Subdivisions
- F. Consideration of **Ordinance 15-19** – Adopting Fireworks Restrictions in Certain Areas of the City

VI. DEPARTMENT DIRECTOR REPORTS

- A. Parks and Public Works Director Jon Andersen – Project Updates
- B. Police Chief Darin Parke – Quarterly Code Enforcement Report
- C. Good Landlord Program Coordinator Andrew Hyder – Good Landlord Program Quarterly Report

VII. REPORTS

- A. Mayor
- B. City Council Members
- C. City Manager
- D. City Attorney

VIII. RECESS CITY COUNCIL MEETING AND CONVENE INTO AN EXECUTIVE SESSION

- A. Pursuant to UCA §52-4-205 1(c) to discuss pending or reasonably imminent litigation

IX. ADJOURN EXECUTIVE SESSION, RECONVENE CITY COUNCIL MEETING AND ADJOURN

Posted and emailed to the State of Utah Website July 16, 2015

The undersigned, duly appointed City Recorder, does hereby certify that a copy of the above notice and agenda was posted at the Municipal Center (1st and 2nd floors), on the City's website (southogdencity.com) and emailed to the Standard Examiner on July 16, 2015. Copies were also delivered to each member of the governing body.


Leesa Kapetanov, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during the meeting should notify the City Recorder at 801-622-2709 at least 48 hours in advance.

FINAL ACTION MAY BE TAKEN ON ANY ITEM ON THIS AGENDA



MEMORANDUM

Date: July 17, 2015
To: Mayor and City Council
From: Matthew J. Dixon, City Manager
Re: **July 22, 2015 Council Meeting**

A handwritten signature in black ink that reads "Matthew J. Dixon". The signature is written in a cursive style and is positioned to the right of the "From:" field.

Below is a brief summary of the agenda items for your upcoming city council meeting. Please review this information as well as the staff reports and support materials contained within the packet. If you have any questions or need any additional information please let me know.

Discussion and Action Items

- *Resolution 15-32 – UDOT Agreement for exchange of federal money.* The state of Utah has a program that allows cities the opportunity to exchange their federally funded projects for state dollars. This program allows for an exchange of \$.85 of state money for every \$1.00 of federal money. Additionally, the local match requirement goes from 6.7 percent up to 10 percent. The reason this makes good fiscal sense is because of the money that the exchange allows the city to save by not having to comply with the federal requirements for a road project. Cities who have recently utilized the state exchange program reported that they saved well over the 15 percent exchange rate and that it was a very good move for them and they would highly recommend doing it, if we have the opportunity. Approving this agreement will allow the city to move forward in working with the state by moving into the design phase of the project. We are still looking at designing and acquiring ROW in late 2015 and 2016 with construction taking place in 2017.
- *Resolution 15-33 – Agreement with Peck Striping Inc.* This is the annual street striping bid award. Two bids were gathered for 500 gallons of reflective bead paint. The bids were only ten cents per gallon different, with the lowest qualified bidder being Peck Striping. Staff recommends approving the bid award to Peck.
- *Resolution 15-34 – Memorandum of Understanding with UHP for evidence retention and disposal.* This agreement allows the City attorney the authority to dispose of evidence that is no longer needed

to be held as evidence. It sets forth the guidelines for evidence retention and disposal that the city attorney agrees to follow.

- *Ordinance 15-13 – Amending and Re-adopting the City’s Annexation Policy Plan.* On May 5, 2015 the council members present voted in favor, “...to accept the Planning Commission’s recommendation that Areas 2,5 and 6 be removed from the Annexation Policy Plan as well as remove Area 3.” In a subsequent motion the council voted (3 yes 1 no) to, “...amend the last motion to reserve discussion and decision on Areas 3 and 5.” Since that meeting the city has filed a protest to the Annexation Petition filed by Mr. Bruce Stephens with Washington Terrace to annex a 300’ strip of property along 5700 South into Washington Terrace. A hearing was held with the Weber County Boundary Commission to hear our reasons for filing the protest. The commission voted in favor of allowing Mr. Stephen’s petition to go forward. South Ogden attempted a several occasions to set up a meeting with representatives from Washington Terrace to discuss the city’s concerns regarding the future development of the Stephen’s property. Washington Terrace denied our requests to meet leaving us no other option but to have the Boundary Commission hear our protest. This agenda item has been placed on the agenda to allow the council the opportunity to revisit the council’s motion “to reserve discussion and decision on Areas 3 and 5.”
- *Ordinance 15-18 – Amending Title 11 and Title 10 of City Code.* This item was tabled during your July 7, 2015 meeting. The questions raised in the meeting centered around the council’s discussions over the last year regarding legislative and administrative processes and what processes the council wants and/or should be involved in. The city attorney is working on addressing the questions that were raised in the meeting and we should have answers to your questions on Monday, at the latest. The questions being researched include:
 - Should the council be the body to approve proposed vacations or alterations of a recorded subdivision plat?
 - Should the council be the body to approve the vacation of public streets or alleys?
 - Is the approval and amendment of a subdivision an administrative or legislative act and does the council want to be the body to do either?
- *Ordinance 15-19 – Fireworks restrictions in certain areas of the City.* Due to a very wet spring and a hot, dry summer, the Fire Department is recommending the implementation of certain fireworks restrictions to protect public property and potential fire hazard areas within the city. The restrictions are effective July 1 through Aug. 31, 2015, unless otherwise extended or terminated by order of the Mayor, following consultation with the City Fire Marshal. Proposed restriction areas include:
 - *Within 300 ft. of any boundary of the City’s Nature Park*
 - *Within 300 ft. of the center line of Birch Creek on either side of the creek*
 - *Any areas within the City limits east of Harrison Blvd.*
 - *Urban – Wild land interface areas*

- *Open Fields*
- *Hillsides*
- *Vacant Lots*
- *In the immediate vicinity of oak brush, pine trees, evergreens, conifers or junipers*
- *Any City Park*
- *Other areas as may be designated by the City's Fire Code Official under authority of the International Fire Code, as amended by the Utah State Legislature.*

Department Reports

This meeting you will hear reports on City Projects, Code Enforcement and the city's Good Landlord Program.

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**MINUTES OF THE
SOUTH OGDEN CITY COUNCIL MEETING
Tuesday, July 7, 2015 – 6:00 p.m.
Council Chambers, City Hall**

COUNCIL MEMBERS PRESENT

Mayor James Minster, Council Members Sallee Orr, Wayne Smith and Bryan Benard

STAFF MEMBERS PRESENT

City Manager Matt Dixon, Police Chief Darin Parke, City Planner Mark Vlastic, Assistant City Manager Andrew Hyder and Recorder Leesa Kapetanov

CITIZENS PRESENT

Jim Pearce, Jerry Cottrell, Carolyn Felder, Adam Hensley, Jason Carter, Sheldon Dennis, Matthew Hughes, Riley Hart, Jeff Smith, Taysen, Stauffer, Lincoln, Jarman

I. OPENING CEREMONY

A. Call to Order

Mayor Minster called the meeting to order at 6:00 pm and called for a motion to convene.

Council Member Smith moved to convene as the South Ogden City Council, with a second from Council Member Orr. In a voice vote Council Members Strate, Orr, Benard and Smith all voted aye.

B. Prayer/Moment of Silence

The mayor invited everyone to participate in a moment of silence.

C. Pledge of Allegiance

Council Member Benard directed those present in the Pledge of Allegiance.

The Mayor excused Council Members Porter and Strate who were unable to be in attendance. He then opened the floor for public comment, but reminded those present that no action would be taken on comments made that evening.

II. PUBLIC COMMENTS

Carolyn Felder, 864 Holroyd – Ms. Felder asked the Council if a section of the dog park could be fenced off to create an area for small dogs; there was a diagonal area that would work well. She said her small dog was too afraid to use the park if large dogs were there. She thought an area only for small dogs would work well. She was willing to help any way she could to accomplish getting the fencing.

III. RECOGNITION OF SCOUTS/STUDENTS PRESENT

Mayor Minster invited any scouts or students to come forward. Members of Troop 175 came forward. Council Member Smith presented each person with a South Ogden pin and asked them

49 to state their name. Leader Jason Carter introduced himself and said the boys were there to earn
50 their Citizenship in the Community Merit Badge. Scouts who came forward and introduced
51 themselves were Sheldon Dennis, Matthew Hughes, and Taysen Stauffer. Other leaders present
52 were Jeff Smith, Riley Hart, and Lincoln Jarman.

53

54 **IV. CONSENT AGENDA**

55 **A. Approval of June 16, 2015 Council Minutes**

56 **B. Approval of June Warrants Register**

57 The mayor read through the items on the consent agenda and asked if there were any
58 questions.

59 Council Member Orr requested that Haylee Olsen's name be corrected on line 46 of the
60 minutes. Her name was Katie Olsen. There were no other comments. The mayor
61 called for a motion to approve the consent agenda.

62

63 **Council Member Smith moved to approve the consent agenda, followed by a second from**
64 **Council Member Benard. In a voice vote, Council Members Orr, Benard, and Smith all**
65 **voted aye.**

66

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68 **V. DISCUSSION / ACTION ITEMS**

69 **A. Consideration of Ordinance 15-18 – Amending Title 11 of the City Code Having to Do With**
70 **Subdivisions and Title 10, Chapter 12 of the City Code Having to Do with Cluster**
71 **Subdivisions**

72 Mayor Minster invited City Planner Mark Vlasic to come forward and comment on this item.
73 Mr. Vlasic explained the Subdivision Ordinance had been updated to be in line with the
74 recently adopted Public Works Standards. He then spoke about the Cluster Subdivision
75 Ordinance, saying the only major change in it was the addition of regulations concerning the
76 maintenance of the common areas.

77 Council Member Benard referred to 11-5-2 of the Subdivision Ordinance and asked if the
78 approving of the plat was administrative or legislative. If it was administrative, he
79 questioned whether the council had to be involved in the approval process. He also
80 pointed out the following approval procedures did not seem to be consistent with those in
81 11-5-2. He said it appeared the Council could amend a subdivision without a petition.
82 Mr. Benard wondered if 11-5-2 could be eliminated because the process was outlined
83 below.

84 Council Member Orr asked if they were going to re-approve the Public Works Standards
85 after some errors were corrected, or if they would just be changed and not be re-approved.
86 If they were just going to be changed, she would like to see them with the changes. City
87 Manager Dixon said they would send her a copy. Ms. Orr suggested they wait until the
88 next meeting to vote on the ordinance. Mayor Minster said they could table this item if
89 they wished. Council Member Smith said he felt it should be tabled.

90 City Recorder Kapetanov asked for some clarification; did the Council believe a subdivision
91 approval was administrative and the Council should not be part of the approval process?

92 Council Member Benard said they had discussed it earlier and he could not remember
93 where a subdivision approval had been categorized; under administrative or legislative.

94 City Manager Dixon said he understood a subdivision approval was an administrative
95 function, but the Council had decided they, like most cities, would be the approving body.

96 Any amendments would also come before them in order to be consistent.

97 After a brief discussion, the Council determined they would table the ordinance.

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Council Member Smith moved to table Ordinance 15-18 until they sorted through the items they had discussed. The motion was seconded by Council Member Orr. The mayor asked if there were any further discussion. City Manager Dixon asked if there were any additional things the Council would like staff to look at in the interim. There were no other items suggested. Mayor Minster called the vote:

| | |
|------------------------|-----|
| Council Member Smith- | Yes |
| Council Member Orr- | Yes |
| Council Member Benard- | Yes |

Ordinance 15-18 was tabled.

B. Consideration of Resolution 15-30 – Adopting and Approving a Municipal Wastewater Planning Program

City Manager Dixon explained adopting a Municipal Wastewater Planning Program was a requirement of the Department of Environmental Quality. The plan set in place what things the City would be monitoring and also outlined the maintenance of the system. Once the resolution was passed, the report would be sent to the state. Council Member Orr commented part one and part two seemed to be missing. City Recorder Kapetanov said she had verified with Parks and Public Works Director Jon Andersen that what the Council had was complete. There were no more questions. The mayor called for a motion.

Council Member Benard moved to adopt Resolution 15-30, followed by a second from Council Member Smith. The Mayor asked if there were further discussion, and seeing none, called the vote:

| | |
|------------------------|-----|
| Council Member Benard- | Yes |
| Council Member Smith- | Yes |
| Council Member Orr- | Yes |

Resolution 15-30 was adopted.

C. Consideration of Resolution 15-31 – Approving an Agreement With BCI for Use of UCJIS

Mayor Minster invited Police Chief Darin Parke to come forward and speak to this item. Chief Parke explained this was an annual agreement that allowed the police department to access criminal histories and drivers' licenses of employees within the police department, as well as coaches or other volunteers for city activities. Council Member Orr asked if the department had done checks on the volunteers for South Ogden Days. The Chief said they hadn't, but had done them on the carnival workers. There were no further questions. Mayor Minster called for a motion.

Council Member Orr moved to adopt Resolution 15-31. Council Member Benard seconded the motion. There was no further discussion. The Mayor called the vote.

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|------------------------|-----|
| Council Member Orr- | Yes |
| Council Member Benard- | Yes |
| Council Member Smith- | Yes |

The agreement with BCI was approved.

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D. Discussion on Food Trucks

City Manager Dixon reported staff had recently received many inquiries concerning food trucks but the City currently had no regulation in place for them. Staff felt they should bring the matter to the Council first, before going to the work of creating regulations, to determine if the Council even wanted to allow food trucks in the City. Council Member Orr said she would like to allow them in the City, but they should be regulated. Mayor Minster pointed out the health department regulated them as well. Council Member Smith said the trucks themselves were signs, and the City would have to address that issue. He agreed the trucks should be regulated. Council Member Benard feared that if the trucks had to get their own South Ogden City Business License, they would not come here. He did not want to take opportunities away from them. He also would be interested to know what smaller cities were doing to regulate them, although he was inclined to put distance restrictions from brick and mortar restaurants on them. Council Member Smith asked how the sales tax on the food trucks worked. City Recorder Kapetanov said the tax commission required the trucks to fill out a form designating the profits from each city. Council Member Benard pointed out some trucks may not know where the borders of the cities were and may put Ogden City on their form when they were actually in South Ogden City. City Manager Dixon said many good reasons had been given to regulate the trucks, and based on the Council's discussion staff would move forward with creating some type of regulation for the trucks. Council Member Benard also suggested Special Events Coordinator Jill McCullough get involved as a liaison between the City, brick and mortar restaurants, and food trucks.

REPORTS

- A. Mayor** – thanked all those involved in South Ogden Days; he felt it went very well. The mayor then said he had been receiving updates from UDOT concerning the Harrison Blvd./Hwy. 89 construction. The updates were being put on the city's web site. Council Member Orr also suggested the information be put in the newsletter.

- B. City Council Members**
 - Council Member Orr** – reported South Ogden Days had been fun but hot. She also commented it was sad to see that HR Specialist Patti Randolph was leaving. She then thanked Council Member Benard for defending the city's protest with Washington Terrace at the recent Boundary Commission Meeting. His presentation was well done. She concluded her remarks by reporting there had been a positive test for West Nile Virus in an area close to Classic Water Slides.

 - Council Member Benard** – also thanked everyone who had worked for South Ogden Days. He received comments every year about what a great event it was. He then thanked others who had been present at the Boundary Commission Meeting to lend their support. He felt the City had made an effort to avoid an overlap with Washington Terrace, whether they agreed to meet with us or not. The council would need to meet soon to determine what it was going to do with its Annexation Policy Plan.

 - Council Member Smith** – reported the new elementary school was coming along nicely, however he was worried about the tractor trailers from the construction site that were using Burch Creek Drive. Concerned residents had called him about the speed of the trucks as well as the impact the trucks were having on the road itself as well as on the infrastructure. Homes that had been there a long time were having issues with cracked

205 foundations and water leaks. He requested that City Engineer Brad Jensen look at the
206 area.
207
208

209 C. **City Manager** – Mr. Dixon reported on several items:
210 **40th Street Project** – The City had received the agreement for the exchange of state dollars
211 for federal dollars. He anticipated it would be on the next meeting’s agenda.
212 **City Logo** – Jibe Media anticipated some new ideas by the end of the week. Mr. Dixon
213 would forward them to the Council.
214 **Rear Access to Ogden Athletic Club** – staff had determined the best solution for the gate at
215 the rear of the Ogden Athletic Club would be to move the access further south. They were
216 currently gathering bids to determine the cost.
217 **South Ogden Days Debriefing** – Staff had held a debriefing meeting for South Ogden Days.
218 The Council would have their opportunity to give their feedback at the next meeting.
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221 D. **City Attorney Ken Bradshaw** – not present
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226 VII. **RECESS CITY COUNCIL MEETING AND CONVENE INTO AN EXECUTIVE SESSION**

227 A. **Pursuant to UCA §52-4-205 1(c) to discuss pending or reasonably imminent litigation**
228 Mayor Minster indicated it was time to hold an executive session and entertained a motion
229 to do so.
230

231 **Council Member Benard moved to convene into an executive session. The motion was**
232 **seconded by Council Member Smith. The vote was unanimous in favor of the motion.**
233

234 City Manager Dixon said there was not much to report and questioned whether it was
235 necessary to hold an executive session. Council Member Benard said he would like to hold
236 one as he had not heard any news for several weeks.
237

238 The Council moved to the adjoining conference room for the executive session at 7:10 pm.
239
240

241 VIII. **ADJOURN EXECUTIVE SESSION, RECONVENE CITY COUNCIL MEETING AND ADJOURN**

242 At 7:21 pm, the Council re-entered the Council Chambers and Mayor Minster called for a motion to
243 adjourn the executive session, reconvene Council Meeting and adjourn.
244

245 **Council Member Orr so moved, followed by a second from Council Member Smith. The vote was**
246 **unanimous in favor of the motion.**
247
248

249 I hereby certify that the foregoing is a true, accurate and complete record of the South Ogden City
250 Council Meeting held Tuesday, July 7, 2015.
251

252 
253 Leesa Kapetanov, City Recorder
254

255 Date Approved by the City Council _____

City Council Staff Report



Subject: Road Striping 2015
Author: Jon Anderson
Department: Public Works
Date: July 21, 2015

Recommendation

The City is recommending that the bid be awarded to Peck Striping, Inc.

Background

The City bids out the striping of its streets annually because the City does not have the equipment to accomplish this. For the last three years, South Ogden City has placed the information on Bid Sync website to conduct the bidding process. South Ogden does utilize lowest bidder. The lowest bidder was Peck Striping, Inc.

Analysis

During this process each Contractor/Company must bid per gallon with reflective beads with a 500 gallon limit. They must be able to paint a 4" and 8" strips in yellow and white and follow South Ogden City specs. The following Contractors/Companies bid:

| | | |
|-----------------------------------|----------------------------------|--------------------------------|
| <i>Peck Striping, Inc.</i> | <i>\$19.95/per gallon</i> | <i>\$9,975.00 Total</i> |
| Interstate Barricade | \$20.05/per gallon | \$10,025.00 Total |

The prices/quotes we did receive were very competitive.

Significant Impacts

Peck Striping, Inc. was \$19.95 per gallon and the total for the project is \$9,975.00. In the past few years the price from the bidding process has ranged from \$18.00 to \$23.75. In this year's contract we are adding the option to have the contracted renewed on an annual basis for up to three years.

Attachments

See attached documents from Bid sync.



Welcome jrbrennan@southogdencity.com | [Logout](#)

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Bid #1207-001 - Street Striping

Creation Date **Jun 4, 2015**

End Date **Jul 10, 2015 3:00:00 PM MDT**

Start Date **Jun 9, 2015 3:18:40 PM MDT**

Awarded Date **Not Yet Awarded**

| 1207-001-01-01 Street Striping | | | | | |
|--------------------------------|-----------------------|--------------------------------|-------------|--------|------|
| Supplier | Unit Price | Qty/Unit | Total Price | Attch. | Docs |
| Peck Traffic Safety | First Offer - \$0.00 | 500 / gallon | \$0.00 | | |
| Product Code: Paint | | Supplier Product Code: | | | |
| Agency Notes: | | Supplier Notes: see attachment | | | |
| Interstate Barricades | First Offer - \$20.05 | 500 / gallon | \$10,025.00 | | |
| Product Code: Paint | | Supplier Product Code: | | | |
| Agency Notes: | | Supplier Notes: | | | |

Supplier Totals

| | | |
|--|-------------------------------------|--------------------|
| Peck Traffic Safety | | \$0.00 |
| Bid Contact Dale Morgan | Address PO Box 70076 | |
| dale@peckstriping.com | West Valley, UT 84170 | |
| Ph 801-965-9995 | | |
| Fax 801-965-9996 | | |
| Agency Notes: | Supplier Notes: | |
| Interstate Barricades | | \$10,025.00 |
| Bid Contact Brandon Hardison | Address 858 N. McCormick Way | |
| audreyana@interstatebarricades.com | Layton, UT 84041 | |
| Ph 801-546-0220 | | |
| Agency Notes: | Supplier Notes: | |

Close

**All bids/proposals submitted for the designated project are reflected on this tabulation sheet. However, the listing of the bid/proposal on this tabulation sheet shall not be construed as a comment on the responsiveness of such bid/proposal or as any indication that the agency accepts such bid/proposal as being responsive. The agency will make a determination as to the responsiveness of the vendor responses submitted based upon compliance with all applicable laws, purchasing guidelines and project documents, including but not limited to the project specifications and contract documents. The agency will notify the successful vendor upon award of the contract and, as according to the law, all bid/proposal responses received may be available for inspection at that time.

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Peck Striping, Inc.
 P. O. Box 70076
 West Valley City, Utah 84170
 Phone: (801)965-9995 Fax: (801)965-9996
peckstriping.com

July 10, 2015

BID FOR SOUTH OGDEN STREET STRIPING #1207-001

| ITEM # | DESCRIPTION | QTY | \$/UNIT | TOTAL |
|--------|--|---------|--------------|-------------------|
| 1 | STREET STRIPING - 4" AND 8" YELLOW & WHITE | 500 GAL | \$19.95 | \$9,975.00 |
| | PRICES DO NOT INCLUDE LAYOUT, SWEEPING, TRAFFIC CONTROL OR ANYTHING NOT SPECIFICALLY INCLUDED | | TOTAL | \$9,975.00 |

GENERAL PAINTING AND OUTDOOR SIGNS CONTRACTORS LICENSE #7054777-5501 - EXPIRES 11/30/2015

*****PRICES GOOD FOR 60 DAYS FROM DATE OF BID*****

THIS BID IS FOR ESTIMATE ONLY. ACTUAL BILLING WILL BE FOR QUANTITIES IN PLACE.

THIS BID IS BASED UPON BID INFORMATION FROM BID PACKAGE ON BIDSUNC AND BASED ON APWA SPECIFICATION PAINT AND REFLECTIVE GLASS BEAD.

ESTIMATE INCLUDES 4 MOBILIZATIONS FOR COMPLETION OF PAVEMENT MARKING PAINT.

THERE WILL BE A CHARGE OF \$330.00 FOR EACH ADDITIONAL MOBILIZATION DUE TO THE PRIME CONTRACTOR OR THE CUSTOMER.

THERE WILL ALSO BE A CHARGE OF \$55.00 PER MAN HOUR, AFTER THE FIRST HOUR, FOR ANY WAIT TIME ON THE JOB DUE TO THE PRIME CONTRACTOR OR THE CUSTOMER.

PLEASE CALL IF THERE ARE ANY QUESTIONS. USE OF PECK STRIPING, INC. IMPLIES ACCEPTANCE OF THESE TERMS.

THANK YOU,
 DALE MORGAN

SAVE VALUABLE TIME WITH THE NEW WATERBLASTING TECHNOLOGY FOR YOUR PAVEMENT MARKING REMOVAL NEEDS. VACUUM'S UP THE WATER AND REMOVAL DEBRIS.

ADDITIONAL SERVICES AVAILABLE

- TRAFFIC CONTROL; RENTAL AND SALES
- TRAFFIC CONTROL PLANS
- SIGNS; MANUFACTURE, INSTALLATION AND REMOVAL
- DELINEATORS AND FLOWABLE MARKERS; INSTALLATION, REPAIR AND REMOVAL
- PAVEMENT MARKING REMOVAL; WATERBLAST, SANDBLAST, BLACKOUT OR GRIND
- SWEEPING: ROADWAYS AND PARKING LOTS
- LAYOUT; STANDARD, CHIP SEAL TABS AND GPS LOCATING
- SALES; TRAFFIC SAFETY SUPPLIES



South Ogdren City

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Schedule Task Note
Award Multiple Suppliers

Go to Bid Information Tabulation Report Award Report

Awarding Bid #1207-001 - Street Striping

Weighted | Reorder Bidders

Description

1207-001-01-01 - Street Striping

Table with columns: Award, Supplier, Qualifications, Unit Price, Qty, Price, Attch., Docs, Offer Notes, My Notes, Reject. Rows include 'Not Awarded', 'Peck Traffic Safety', and 'Interstate Barricades'.

Supplier Notifications

Agency Invited 3
No Bid Count 0

Close

All bids/proposals submitted for the designated project are reflected on this tabulation sheet. However, the listing of the bid/proposal on this tabulation sheet shall not be construed as a comment on the responsiveness of such bid/proposal...

Questions? Contact a BidSync representative: 800-990-9339 or email: support@bidsync.com

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Leave Feedback

Resolution No. 15-32

RESOLUTION OF SOUTH OGDEN CITY APPROVING AND AUTHORIZING ENTERING INTO AN AGREEMENT WITH UTAH DEPARTMENT OF TRANSPORTATION FOR EXCHANGE OF FEDERAL MONEY FOR THE 40TH STREET PROJECT; AUTHORIZING THE CITY MANAGER TO SIGN THE NECESSARY DOCUMENTS ON BEHALF OF THE CITY TO GIVE EFFECT TO THE INTENT HEREOF; AND, PROVIDING FOR AN EFFECTIVE DATE.

SECTION I - RECITALS

WHEREAS, the City Council finds that the City of South Ogden ("City") is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code ("UC") § 10-3-717 the governing body of the city may exercise all administrative powers by resolution including, but not limited to regulating the use and operation of municipal property and programs; and,

WHEREAS, the City Council finds it is necessary to contract with Utah Department of Transportation for Exchange of Federal Money for the 40th street project; and,

WHEREAS, the City Council finds that contracting with Utah Department of Transportation for Exchange of Federal Money for the 40th street project should be approved and adopted as necessary to the support of improved transportation services within the city; and,

WHEREAS, the City Council finds that City now desires to further those ends by contracting with Utah Department of Transportation for Exchange of Federal Money for the 40th street project to provide such services; and,

WHEREAS, the City Council finds that the public convenience and necessity requires the actions contemplated,

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF SOUTH OGDEN AS FOLLOWS:

SECTION II - CONTRACT AUTHORIZED

That The **Cooperative Agreement**, Attached Hereto As **Attachment "A"** And By This Reference Fully Incorporated Herein, Is Hereby Approved And Adopted; And That The City Manager Is Authorized More Fully Negotiate Any Remaining Details Under The Agreement On Behalf Of The City And Then To Sign, And The City Recorder Authorized To Attest, Any And All Documents Necessary To Effect This Authorization And Approval.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS

The body and substance of all prior Resolutions, with their provisions, where not otherwise in conflict with this Resolution, are reaffirmed and readopted.

SECTION IV - REPEALER OF CONFLICTING ENACTMENTS

All orders, and Resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Resolution, 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 Resolution shall be held or deemed or shall be invalid, inoperative or unenforceable such shall not have the effect of rendering any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Resolution being deemed the separate independent and severable act of the City Council of South Ogden City.

SECTION VI - DATE OF EFFECT

This Resolution shall be effective on the 21st day of July, 2015, and after publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, STATE OF UTAH, on this 21st day of July, 2015.

SOUTH OGDEN CITY

James F. Minster
Mayor

ATTEST:

Leesa Kapetanov
City Recorder

ATTACHMENT “A”

Resolution No. 15-32

Resolution Of South Ogden City Approving And Authorizing
Entering Into An Agreement With Utah Department Of Transportation For Exchange Of Federal Money
For The 40th Street Project; Authorizing The City Manager To Sign The Necessary Documents On
Behalf Of The City To Give Effect To The Intent Hereof; And, Providing For An Effective Date.

21 Jul 15

COOPERATIVE AGREEMENT

Project for trade of State dollars for Federal dollars

THIS COOPERATIVE AGREEMENT, made and entered into this _____ day of _____, 2015 by and between the **UTAH DEPARTMENT OF TRANSPORTATION** hereinafter referred to as “**UDOT**” and **South Ogden City**, a political subdivision of the State of Utah, acting through its **CITY Council**, hereinafter referred to as the “**CITY.**”

RECITALS

WHEREAS, the **CITY** desires to build that section of roadway known as the 40th Street; Washington Blvd. to Gramercy Avenue, F-R199(70), located in South Ogden City, and

WHEREAS, the **CITY** desires to pursue design, environmental clearances and construction for the project utilizing their own dollars and then being reimbursed at 90% of eligible costs (10% required local match), up to a maximum reimbursement of \$6,375,000.00 with state funds, set aside and exchanged for federal dollars that would otherwise have been available for the project; and

WHEREAS, \$7,500,000.00 in STP Rural (Non-Urban) Federal aid has been programmed for this project for Federal FY 2016; and

WHEREAS, UDOT’s designated exchange rate for the trade of Federal Non-Urban Funds for State Funds is **85%**. Eighty Five percent of \$7,500,000.00 is \$6,375,000.00; and

WHEREAS, State funds have been identified amounting to \$6,375,000.00 that would be paid to the **CITY** on a reimbursement basis for work completed, as specified by this agreement.

WHEREAS, State funds under this agreement will come from the Transportation Investment Fund (TIF). Once the funds under this agreement have been exchanged the **CITY** recognizes and agrees UDOT will be under no obligation to provide future TIF funds to operate or maintain the section of roadway constructed by the **CITY** under this agreement.

NOW THEREFORE, it is agreed by and between the parties hereto as follows:

1. **CITY** will relinquish any claim or right to the \$7,500,000.00 in STP Rural (Non-Urban) Federal aid money to UDOT. In exchange, UDOT will reimburse the **CITY** up to \$6,375,000.00 of state funds for the cost of the 40th Street; Washington Blvd. to Gramercy Avenue, F-R199(70) project, located in South Ogden City.

2. The CITY will perform the following for the project:
 - a. Acquire all needed right-of-way for the project.
 - b. Complete the environmental work and design for the project.
 - c. Obtain any required environmental permits.
 - d. Provide the initial funding for the project.
 - e. Make periodic payment requests, which will include a summary of expenditures, to UDOT for reimbursement of 90% of the project costs.
 - f. Will provide a minimum local match of 10% of the project costs.
 - g. Send payment requests to UDOT's Project Manager for this project, Nathan Peterson, 166 West Southwell Street, Ogden, Utah 84414, telephone (801) 620-1684
 - h. Will be responsible for any project costs in excess of \$6,375,000.00.
 - i. Construct the project in accordance with AASHTO standards or in accordance with state law.
 - j. Comply with the local bidding process for awarding contracts related to this project.
 - k. Comply with the requirements in Utah Code Ann. Sections 72-6-107 and 109.
3. CITY will be responsible for all aspects of the project and that the UDOT does not give any assurances or guarantees regarding the quality of work.
4. UDOT's Project Manager (PM) for this project, Nathan Peterson, will verify that all the conditions of this agreement have been met. Upon review and approval of the payment requests, the PM will forward the requests to the UDOT Comptroller's Office. UDOT will charge the project for the PM's time, including administrative charges. Charges to this project for the UDOT PM will be minimal and controlled. Such charges will be deducted from the \$6,375,000.00.
5. This Agreement shall be governed by the laws of the State of Utah both as to interpretation and performance.
6. This Agreement may be executed in counter parts by the parties.
7. Each party represents that it has the authority to enter into this Agreement.
8. This Agreement shall constitute the entire agreement and understanding of the Parties with respect to the subject matter hereof, and shall supersede all offers, negotiations and other agreements with respect thereto. Any amendment to this Agreement must be in writing and executed by an authorized representatives of each Party.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their duly authorized officers as of the day and year first above written.

ATTEST:

South Ogden City,
a Political Subdivision of the State of Utah

By: _____

By: _____

Title: CITY Clerk/ Auditor

Title: CITY Mayor

Date: _____
(IMPRESS SEAL)

Date: _____

UTAH DEPARTMENT OF TRANSPORTATION

By: _____
Region Director

Date: _____

COMPTROLLER OFFICE

By: _____
Contract Administrator

Date: _____

Resolution No. 15-33

RESOLUTION OF SOUTH OGDEN CITY APPROVING AN AGREEMENT WITH PECK STRIPING INC. FOR 2015 STREET STRIPING PROJECT, AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AND FINAL PASSAGE.

WHEREAS, the City Council finds that the City of South Ogden ("City") is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code ("UC") § 10-3-717 the governing body of the city may exercise all administrative powers by resolution including, but not limited to regulating the use and operation of municipal property and programs; and,

WHEREAS, the City Council finds that it necessary to address 2015 Street Striping needs within the city; and,

WHEREAS, the City Council finds that the city staff recommends that the city contract with Peck Striping Inc. for the provision of 2015 Street Striping Project; and,

WHEREAS, the City Council finds that Peck Striping Inc. has the professional ability to provide for these services to meet the city's needs; and,

WHEREAS, the City Council finds that City now desires to further those ends by contracting with Peck Striping Inc. to provide such services; and,

WHEREAS, the City Council finds that the public convenience and necessity requires the actions contemplated,

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF SOUTH OGDEN AS FOLLOWS:

SECTION II - CONTRACT AUTHORIZED

That The "Contract Agreement" Attached Hereto As **Attachment "A"** And By This Reference Fully Incorporated Herein, Is Hereby Approved And Adopted; And That The City Manager Is Authorized To More Fully Negotiate Any Remaining Details Under The Agreement On Behalf Of The City And Then To Sign, And The City Recorder Authorized To Attest, Any And All Documents Necessary To Effect This Authorization And Approval.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS

The body and substance of all prior Resolutions, with their provisions, where not otherwise in conflict with this Resolution, are reaffirmed and readopted.

SECTION IV - REPEALER OF CONFLICTING ENACTMENTS

All orders, and Resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Resolution, 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 Resolution shall be held or deemed or shall be invalid, inoperative or unenforceable such shall not have the effect of rendering any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Resolution being deemed the separate independent and severable act of the City Council of South Ogden City.

SECTION VI - DATE OF EFFECT

This Resolution shall be effective on the 21st day of July, 2015, and after publication or posting as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY,
STATE OF UTAH, on this 21st day of July, 2015**

SOUTH OGDEN CITY

James F. Minster
Mayor

ATTEST:

Leesa Kapetanov
City Recorder

ATTACHMENT “A”

Resolution No. 15-33

Resolution Of South Ogden City Approving An Agreement With Peck Striping Inc., For 2015 Street Striping Project, And Providing That This Resolution Shall Become Effective Immediately Upon Posting And Final Passage.

21 Jul 15

CONTRACT AGREEMENT

THIS AGREEMENT is by and bet ween SOUTH OGDEN CITY CORPORATION (~~hereinafter called~~
(“OWNER”))

and Peck Striping, Inc. (~~hereinafter called~~(“CONTRACTOR”).)

OWNER and CONTRACTOR, in consideration of the mutual covenants ~~hereinafter~~ set forth, agree as follows:

ARTICLE 1- WORK

1.01 CONTRACTOR shall complete all Work as specified or ~~indicated~~stated in the Contract Documents. The Work is ~~generally~~ described as follows:

DESCRIPTION OF WORK: The work consists of providing the labor, materials and equipment to restripe existing roadways throughout the C ity using white and y ellow paint in a 4” and 8” pattern.

ARTICLE 2-THE PROJECT

2.01 The Project, for which the Work under the Contract Documents may be the whole or only a part, is ~~generally~~ described as follows:

STREET STRIPING (Various Roads)

ARTICLE 3- CONTRACT TIMES

3.01 *Time of the Essence:* All time limits for completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

3.02 *Dates for Completion and Final Payment:* The Work will be completed within **60** working days following Notice to Proceed.

3.03 *Liquidated Damages:* CONTRACTOR and OWNER recognize that time is of the essence of this Agreement and that OWNER will suffer financial loss if the Work is not completed within the times specified in paragraph 3.02 above, plus any extensions thereof allowed. The parties also recognize the delays, expense, and difficulties involved in proving, in a legal or ar bitration proceeding, the actual loss suffered by OWNER if the Work is not completed on time. ~~Accordingly, instead~~ Instead of requiring any such proof,

OWNER and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty), CONTRACTOR shall pay OWNER \$200.00 for each day that expires after the time specified in paragraph 3.02 for Completion until the Work is accepted.

OWNER and CONTRACTOR may negotiate a one year extension for a possibility of up to 3 years.

ARTICLE 4- CONTRACT PRICE

4.01 OWNER shall pay CONTRACTOR for completion of the Work ~~in accordance with~~under the Contract Documents an amount in current funds equal to the ~~sum of the~~ amounts determined ~~pursuant to~~under the paragraph below:

For all Unit Price Work, an amount equal to the sum of the established unit price for each separately identified item of Unit Price Work times the actual quantity of that item as measured in the field.

UNIT PRICE WORK

| <u>No.</u> | <u>Item</u> | <u>Quantity</u> | <u>Unit</u> | <u>Unit Price</u> | <u>Amount</u> |
|------------|---|-----------------|-------------|-------------------|---------------|
| 1 | Restripe existing roadways throughout the City. | 500 | Gallon | \$19.95 | \$9,975.00 |

TOTAL OF ALL UNIT PRICES Nine thousand nine hundred and seventy five dollars and no Cents (\$ 9,975.00).

ARTICLE 5- PAYMENT PROCEDURES

5.01 *Submittal and Processing of Payments:* CONTRACTOR shall submit Applications for Payment to OWNER no more than one time per each month.

5.02 *Progress Payments; Retainage:* OWNER shall make progress payments ~~on account of for~~ the Contract Price on the basis of CONTRACTOR's Applications for Payment on or about the 15th day of each month during performance of the Work as provided in paragraphs 5.02(1)(A) and 5.02(1)(B). All such payments will be measured by the schedule of values indicated:

1. Prior to ~~-~~Completion, progress payments will be made in an amount equal to the percentage ~~indicated~~stated below but, in each case, less the aggregate of payments previously made and less such amounts as OWNER may determine or OWNER may withhold, ~~in accordance with under~~ the following:

A. 95% of Work completed (with the balance being retained). If the Work has been 50% completed as determined by the OWNER, and if the character and progress of the Work have been satisfactory, OWNER, may determine that ~~as long as if~~ the character and progress of the Work remain satisfactory to them, there will be no retainage ~~on account of for~~ Work subsequently completed, in which case the remaining progress payments prior to Substantial Completion will be in an amount equal to 100% of the Work completed less the aggregate of payments previously made; and

B. 25% of cost of materials and equipment not incorporated in the Work (with the balance being retained).

2. Upon Completion, OWNER shall pay an amount sufficient to increase total payments to CONTRACTOR to 100% of the Work completed.

5.03 *Final Payment:* Upon final completion and acceptance of the Work, OWNER shall pay the remainder of the Contract Price.

ARTICLE 6- INTEREST

6.01 All moneys not paid when due shall bear interest at ~~the rate of~~ 1% per annum.

ARTICLE 7- CONTRACTOR'S REPRESENTATIONS

7.01 ~~In order to~~ To induce OWNER to enter into this Agreement CONTRACTOR makes the following representations:

A. CONTRACTOR has examined and carefully studied the Contract Documents and the other related data identified in the Bidding Documents.

B. CONTRACTOR has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.

C. CONTRACTOR is familiar with and is satisfied ~~as to~~ on all federal, state, and local Laws and Regulations that may affect cost, progress, and performance of the Work.

D. CONTRACTOR has obtained and carefully studied (or assumes responsibility for having done so) all additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions at, or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by CONTRACTOR, including applying the ~~specific~~ means, methods, techniques, sequences, and procedures of construction, ~~if any,~~ expressly required by the Contract Documents to be employed by CONTRACTOR, and safety precautions and programs incident thereto

F. CONTRACTOR does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for ~~the performance of performing~~ the Work at the Contract Price, within the Contract Times, and ~~in accordance with~~ under the other terms and conditions of the Contract Documents.

G. CONTRACTOR ~~is aware~~ knows of the general nature of work to be performed by OWNER and others at the Site that relates to the Work as ~~indicated~~ stated in the Contract Documents.

H. CONTRACTOR has correlated the information known to CONTRACTOR, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

I. The Contract Documents ~~are~~ will generally ~~sufficient to~~ indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 8- CONTRACT DOCUMENTS

8.01 *Contents:*

A. The Contract Documents ~~consist of~~comprise the following:

1. This Agreement;
2. Performance Bond;
3. Payment Bond;
4. Addendum;
5. Exhibits this Agreements;
 1. Notice to Proceed;
 2. CONTRACTOR's Bid;
 3. Documentation submitted by CONTRACTOR prior to Notice of Award;

11. The following which may be delivered or issued on or after the Effective Date of the Agreement and are not attached hereto:

Written Amendments;
Work Change Directives;
Change Order(s).

B. The documents ~~listed~~ in paragraph 8.01 A are attached to this Agreement (except as ~~expressly~~ noted otherwise above).

C. ~~There are no~~ Contract Documents other than those listed above in this Article 8.

D. The Contract Documents may only be amended, modified, or supplemented by OWNER through work change orders or quantity modifications.

ARTICLE 9- MISCELLANEOUS

9.02 *Assignment of Contract:* Assignment by a party hereto of any rights under or interests in the Contract will not be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys ~~that are~~ due may not be assigned without such consent (except ~~to the extent that~~if the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

9.03 *Successors and Assigns:* OWNER and CONTRACTOR each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives ~~in respect to~~regarding all covenants, agreements, and obligations contained in the Contract Documents.

9.04 *Severability*: Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon OWNER and CONTRACTOR, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement in duplicate. One counterpart each has been delivered to OWNER and CONTRACTOR. All portions of the Contract Documents have been signed or identified by OWNER and CONTRACTOR or on their behalf.

This Agreement will be effective on _____ (which is the Effective Date of the Agreement).

OWNER:

CONTRACTOR:

SOUTH OGDEN CITY CORPORATION

Peck Striping, INC.

By: _____

By: _____

[CORPORATE SEAL]

[CORPORATE SEAL]

Attest _____

Attest _____

Address for giving notices:

Address for giving notices:

(If CONTRACTOR is a corporation or a partnership, attach evidence of authority to sign)

Designated Representative:

Name: _____

Name: _____

Title: _____

Title: _____

Address: _____

Address: _____

Phone: _____

Phone: _____

Resolution No. 15-34

RESOLUTION OF SOUTH OGDEN CITY APPROVING AND AUTHORIZING ENTERING INTO AN AGREEMENT WITH UTAH HIGHWAY PATROL FOR EVIDENCE RETENTION AND DISPOSAL; AUTHORIZING THE CITY ATTORNEY TO SIGN THE NECESSARY DOCUMENTS ON BEHALF OF THE CITY TO GIVE EFFECT TO THE INTENT HEREOF; AND, PROVIDING FOR AN EFFECTIVE DATE.

SECTION I - RECITALS

WHEREAS, the City Council finds that the City of South Ogden ("City") is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code ("UC") § 10-3-717 the governing body of the city may exercise all administrative powers by resolution including, but not limited to regulating the use and operation of municipal property and programs; and,

WHEREAS, the City Council finds it is necessary to contract with Utah Department Of Public Safety, Utah Highway Patrol ("UHP") for Evidence retention and disposal; and,

WHEREAS, the City Council finds that contracting with UHP for Evidence retention and disposal should be approved and adopted as necessary to the support of improved transportation services within the city; and,

WHEREAS, the City Council finds that City now desires to further those ends by contracting with UHP for Evidence retention and disposal to provide such services; and,

WHEREAS, the City Council finds that the public convenience and necessity requires the actions contemplated,

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF SOUTH OGDEN AS FOLLOWS:

SECTION II - CONTRACT AUTHORIZED

That The **Memorandum Of Understanding Between The South Ogden City Attorney And The Utah Department Of Public Safety**, Attached Hereto As **Attachment "A"** And By This Reference Fully Incorporated Herein, Is Hereby Approved And Adopted; And That The City Attorney Is Authorized More Fully Negotiate Any Remaining Details Under The Agreement On Behalf Of The City And Then To Sign, And The City Recorder Authorized To Attest, Any And All Documents Necessary To Effect This Authorization And Approval.

SECTION III - PRIOR ORDINANCES AND RESOLUTIONS

The body and substance of all prior Resolutions, with their provisions, where not otherwise in conflict with this Resolution, are reaffirmed and readopted.

SECTION IV - REPEALER OF CONFLICTING ENACTMENTS

All orders, and Resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Resolution, 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 Resolution shall be held or deemed or shall be invalid, inoperative or unenforceable such shall not have the effect of rendering any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Resolution being deemed the separate independent and severable act of the City Council of South Ogden City.

SECTION VI - DATE OF EFFECT

This Resolution shall be effective on the 21st day of July, 2015, and after publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, STATE OF UTAH, on this 21st day of July, 2015.

SOUTH OGDEN CITY

James F. Minster
Mayor

ATTEST:

Leesa Kapetanov
City Recorder

ATTACHMENT "A"

Resolution No. 15-34

Resolution Of South Ogden City Approving And Authorizing
Entering Into An Agreement With Utah Highway Patrol For Evidence Retention And Disposal;
Authorizing The City Attorney To Sign The Necessary Documents On Behalf Of The City To Give Effect
To The Intent Hereof; And, Providing For An Effective Date.

21 Jul 15

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE SOUTH OGDEN CITY ATTORNEY AND
THE UTAH DEPARTMENT OF PUBLIC SAFETY**

Memorandum of Understanding for the Retention and Disposal of Evidence

This Memorandum of Understanding (“MOU”) is entered into by the South Ogden City Attorney (“Prosecutor”) and the Utah Department of Public Safety (“UDPS”) (collectively referred to as the “Parties”).

Purpose

The purpose of the MOU is to abide by the statutory authority granted to the Prosecutor to authorize the disposal of evidence that is no longer needed to be held as evidence. *See* Utah Code Ann. § 24-3-103. The MOU will function as the understanding between the Parties with regard to evidence retention and disposition. In an effort to alleviate the cost associated with the actual physical maintenance and accounting of the evidence collected in regards to misdemeanor or infraction prosecution, the Parties to agree to the guidelines established below.

Scope

This MOU only addresses the disposal of evidence as it relates to the criminal prosecution of the case for which the evidence was seized. This memorandum does not address any other interest in the evidence, including the ownership interest by the rightful owner. The possessing agency is responsible for the proper disposition of the property. Where evidence is privately owned and can otherwise be lawfully possessed and owned, efforts should always be taken to return the evidence to the rightful owner. *See* Utah Code Ann. § 24-3-103. Furthermore, this MOU does not address property that is money or weapons as described in Utah Code Ann. § 24-3-103(a) or (b), which require a court order before disposing of such property.

Duration

Unless otherwise stated herein, this MOU shall remain in effect until terminated, modified, or amended in writing by either party. This MOU may be terminated with or without cause by either Party, upon thirty (30) days prior written notice being given the other Party. The party moving to terminate the MOU shall deliver written notice either by personal delivery or mail to the other party.

Retention of Evidence

The Prosecutor may decline to authorize the disposal of any evidence in accordance with Utah Code Ann. § 24-3-102. If the Prosecutor considers it necessary to retain control over the evidence and decline to authorize the disposal of evidence, the Prosecutor shall immediately notify UDPS in writing. Upon written request from a prosecutor, the UDPS will maintain evidence longer than the time limits listed below.

Disposal of Evidence Guidelines

In accordance with Utah Code Ann. § 24-3-103, the South Ogden City Attorney directs UDPS to dispose or retain all evidence lawfully in control or possession of UDPS pertaining to a misdemeanor or infraction case as follows:

1. Evidence in cases where a verdict was reached:

Evidence that was collected in an incident where the defendant was *found not guilty* may be disposed of sixty (60) days after the final disposition.

Evidence that was collected in an incident where the defendant was *found guilty* may be disposed of sixty (60) days after the final disposition and sentence is imposed, provided no appeal or other post-verdict motion has been filed. However, in negligent homicide cases, authorization from the assigned prosecutor must first be obtained before any evidence related to the negligent homicide may be disposed of as provided herein.

2. Evidence in cases where charges were never filed:

Evidence that was collected in an incident where *no charges* were later filed may be disposed of no less than two (2) years from the date of the alleged crime, unless the evidence was collected in relation to a negligent homicide incident. *See Utah Code Ann. § 76-1-302(b) and (c).*

3. Evidence in cases that were filed but later dismissed:

Evidence that was collected in an incident where *charges were filed but later dismissed* may be disposed of no less than two (2) years from the date of the alleged crime, unless the evidence was collected in relation to a negligent homicide incident.

4. Evidence in cases where charges were filed but defendant is a fugitive:

Evidence that was seized in an incident where *charges were filed* but the defendant has fled and is a fugitive may be disposed of no less than (10) ten years from the time the defendant failed to appear.

Alcoholic beverages and container disposal

Alcoholic containers and beverages will be immediately photographed or videoed upon seizure and disposed unless UDPS policy dictates otherwise.

Professionalism and Civility

To ensure the successful prosecution of criminal matters while attempting to alleviate the costs associated with the actual physical maintenance and accounting of the evidence collected in regards to criminal matter, the Parties will continue to communicate with professionalism and civility while working under this MOU. Nothing in this MOU is intended to deter, curtail or discourage communication between the Parties.

In WITNESS WHEREOF, the Parties have signed this Agreement to be effective as of this
_____ day of _____, 2015.

SOUTH OGDEN CITY ATTORNEY'S OFFICE

(Printed name and title) _____

UTAH DEPARTMENT OF PUBLIC SAFETY

Keith Squires
Commissioner



ORDINANCE NO. 15-13

AN ORDINANCE OF THE CITY OF SOUTH OGDEN CITY, UTAH, AMENDING AND READOPTING ITS ANNEXATION POLICY DECLARATION FOR THE CITY; ADDING ADDITIONAL LAND TO CERTAIN AREAS; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS ADOPTION AND DEPOSIT WITH THE CITY RECORDER.

Section 1. Recitals:

WHEREAS, the City Council finds that the City of South Ogden City (“City”) is a municipal corporation and a city of the fourth class duly organized and existing under the laws of the State of Utah; and,

WHEREAS, the City Council finds that in conformance with UCA §10-3-717, the governing body of the city may exercise all administrative powers by resolution; and,

WHEREAS, the City Council finds that in conformance with UCA §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 in conformance with UCA §10-2-401.5, the governing body of the city may pass adopt an annexation policy plan; and,

WHEREAS, the City Council finds that it has previously adopted such an annexation policy plan; and,

WHEREAS, the City Council finds that certain changes to that prior plan should be made; 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; and,

WHEREAS, the City Council finds that the requisite notices and public hearings have been distributed and held;

NOW THEREFORE, BE IT ORDAINED By The City Council Of South Ogden City, Utah as follows:

The “South Ogden City Annexation Policy Plan - February 2015,” attached hereto as Attachment “A”, and by this reference incorporated herein, copies of which are on file in the Office of the City Recorder, is hereby amended by way of the addition of land is more particularly described as follows:

Area 1: Included Not Included *As decided on May 5, 2015*
Area 2: Included Not Included *As decided on May 5, 2015*

Area 3: Included _____ Not Included _____ Continued on May 5, 2015
Area 4: Included _____ Not Included X As decided on May 5, 2015
Area 5: Included _____ Not Included _____ Continued on May 5, 2015
Area 6: Included _____ Not Included X As decided on May 5, 2015

Section 2. Repealer of Conflicting Enactments:

All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed, except that 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 and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

Section 4 - Savings Clause:

If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of 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

This Ordinance shall be effective on the 21st day of July, 2015, and after publication or posting as required by law.

PASSED AND ADOPTED AND ORDERED POSTED by the City Council of South Ogden City, Utah this 21st day of July, 2015.

SOUTH OGDEN, a municipal corporation

by: _____
James F. Minister, Mayor

Attested and recorded

Leesa Kapetanov
City Recorder

ATTACHMENT “A”

ORDINANCE NO. 15-13

An Ordinance Of The City Of South Ogden City, Utah, Amending And Readopting Its Annexation Policy Declaration For The City; Adding Additional Land To Certain Areas; And Providing That This Ordinance Shall Take Effect Immediately Upon Its Adoption And Deposit With The City Recorder.

21 Jul 15

[Attachment previously provided by Planning Director]



**SOUTH OGDEN CITY ANNEXATION POLICY PLAN
(2008)
PROPOSED AMENDMENT 2015
AREAS 1-6**

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1. Background

Overview of the Process for Annexing Land into South Ogden City¹

Nature of the decision

This is a legislative decision that is made in two phases:

First, as a municipality that is willing to grow (some are not) and with an existing annexation policy plan in place, South Ogden must adopt a new annexation policy plan that reflects the new direction and changes. The existing South Ogden Annexation Policy Plan was adopted in 2008, replacing previous versions that were adopted in 1997 and modified in 2003 and 2006. This amendment modifies the 2008 South Ogden Amendment Policy Plan incorporating two of the existing annexation areas with minor modifications/ clarifications (Areas 1 and 2), maintaining one existing annexation area "as is" with minor text modifications (Area 3), deleting Annexation Area 4 in its entirety (the area has been annexed into South Ogden since the 2008 amendment was adopted), and adding two new annexation areas (Areas 5 and 6.)

Once the plan is adopted, individual annexation requests can be considered as legislative acts. Such proposals usually begin with a petition by the owners of more than 50 percent of the property in the proposed annexation area. The issue on a specific annexation request is whether or not South Ogden wishes to make the annexation; it typically has no duty to do so and has virtually complete discretion whether to make an annexation. In some cases, if enough landowners or residents within the proposed annexation area protest the annexation, the annexation cannot occur.

Who makes the decision?

In order for a property to be annexed, it must first be included in the city's annexation policy plan. The city council, by majority vote, adopts the annexation policy plan based on recommendations from the planning commission. Once the plan has been adopted, the decision to annex a property requires a simple majority of the council.

What notice is required?

There are several stages of meetings required and public notices provided for, but no specific notice to a particular property owner is required. However, notices to affected entities are required. When a particular property or area is slated for annexation, there is yet another set of public notice requirements, but still no requirement that affected property owners be notified directly. See the statute for specific language and requirements.

¹ Information contained in the *Utah Citizen's Guide to Land Use Regulation - Specific Legislative Issues and How They are Resolved*, p.60-62. http://www.utahlanduse.org/pages/Citizens_Guide_Links.html was utilized as the basis of this section.

What public input is required?

The notice periods, public meetings and public hearings required in the preparation of an annexation policy plan are relatively extensive. Once the petition for a specific annexation is received, not only are public notices required, but specific notices to affected municipalities, Weber County, Weber School District, special service districts and other affected entities also must be provided.

What are the issues?

The question of annexation is simple: Is this addition a good thing for the community?

How is the decision appealed?

Property owners can protest the petition to annex and refer it to a local appeals body called the Boundary Commission. This can also be done by the school district, special service district (a government utility provider), the county or a neighboring town. Once the Boundary Commission has made a decision, the local city council is to follow the commission's directive and annex the land or deny the request as instructed. Within 20 days of the boundary commission's decision, those who disagree must file a petition with the district court or their challenge will be too late.

Basic Annexation Criteria

In 1979, the Utah State Legislature passed an annexation law that outlined the criteria, policy declaration and standards required for annexation. The law also provided for a boundary commission to settle annexation disputes within each county. Changes to the law in 1997 eliminated the policy declaration requirement of the annexation law and made other procedural changes. In 2001, the Legislature further amended portions of the annexation law to further define the requirements and responsibilities of counties and municipalities regarding annexation. As of January 2002, the basic criteria under State Law are as follows:

1. A petition requesting annexation, signed by a majority of the owners of property in the area to be annexed (i.e., a majority of the private land and equal to at least 1/3 of the value of all private property, or 100 percent of owner if the area is within an agricultural protection area) be filed with the city recorder;
2. The properties to be annexed must be contiguous to each other;
3. The area to be annexed must be contiguous to the corporate boundaries of the municipality;
4. The area must not leave or create an unincorporated island or peninsula, except that existing islands or peninsulas within a city may be annexed in portions, leaving islands (See UCA 10- 2-418(1)(b), 1953)[
5. The area must be within the municipality's expansion area;
6. An accurate and recordable plat, prepared by a licensed surveyor must accompany the petition; and
7. The plat and ordinance declaring the annexation be recorded by the County Recorder.

Specific Requirements of the Annexation Policy Plan

In addition to the above criteria, the amended Utah State Law requires that after December 2002, a municipality may not annex unincorporated land unless it has adopted an annexation policy

plan. The policy plan is a description of those areas the city would consider annexing if petitioned by the owners, and the criteria that will be used to decide when to annex.

Specifically, the policy plan must include the following:

1. A map of the expansion area; and
2. A statement of the specific criteria that will guide the decision whether or not to grant future annexation petitions. The statement should include matters relevant to those criteria including the following:
 - The character of the community.
 - The need for municipal services in developed and undeveloped unincorporated areas.
 - The municipality's plans for extension of municipal services.
 - How the services will be financed.
 - An estimate of the tax consequence to residents both currently within the municipal boundaries and in the expansion area.
 - The interests of all affected entities.
3. Justification for excluding from the expansion area any area containing urban development within ½ mile of the municipality's boundary

In developing, considering and adopting the annexation policy plan, the Planning Commission and City Council must:

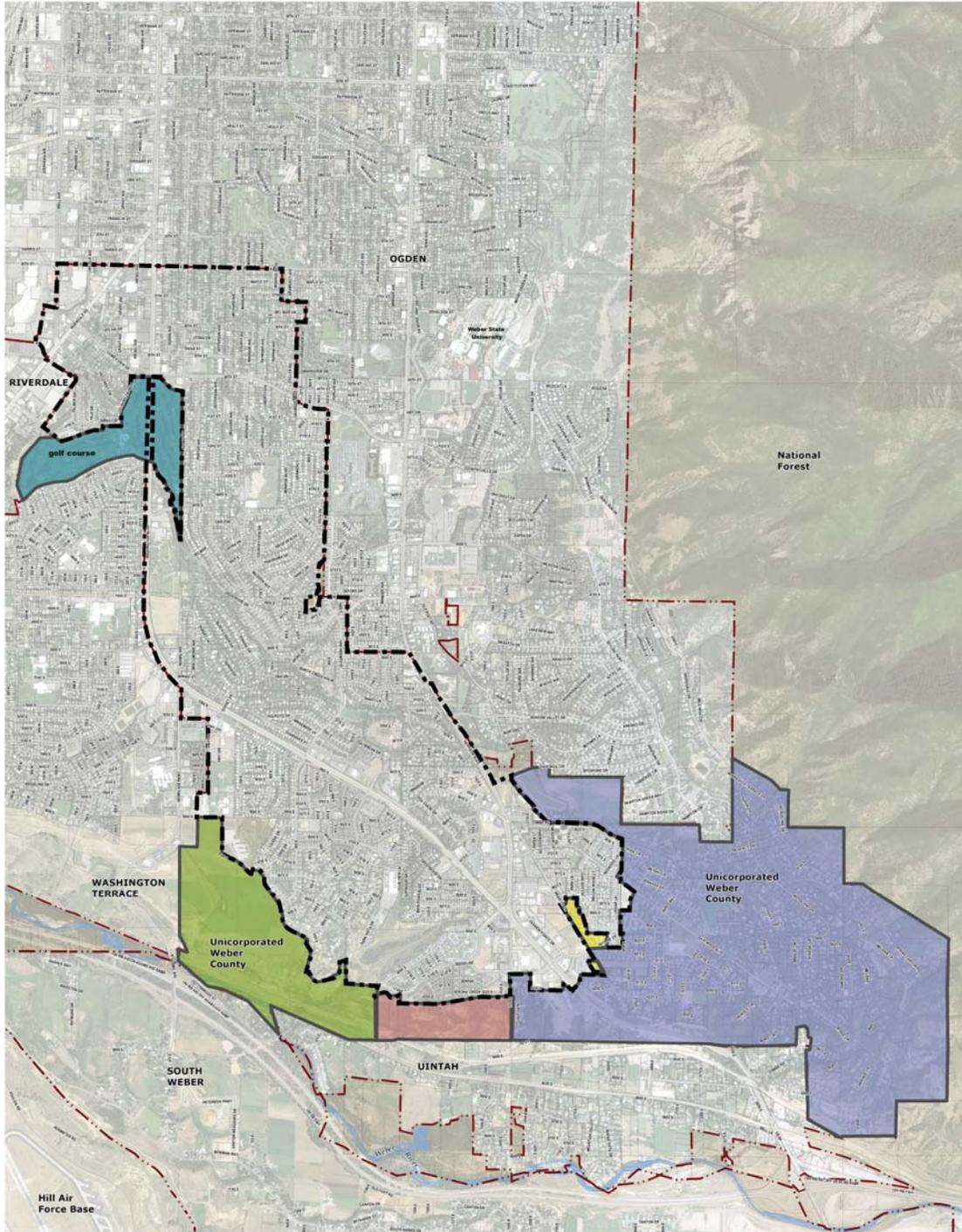
- Attempt to avoid gaps between or overlaps with the expansion areas of other municipalities;
- Consider population growth projections for the municipality and adjoining areas for the next 20 years;
- Consider current and projected costs of infrastructure, urban services and public facilities necessary to facilitate full development of the area within the municipality and to expand the infrastructure, services and facilities into the area being considered for inclusion in the expansion area;
- Consider the need over the next 20 years for additional land suitable for residential, commercial and industrial development;
- Consider the reasons for including agricultural lands, forests, recreational areas and wildlife management areas in the municipality; and
- Be guided by the principles set forth in UCA 10-2-403 (5), 1953.

2. Annexation Policy Plan Amendment 2015

NOTE

Expansion Areas 1-4 were originally approved by the City Council in 2003, and amended in 2006 and 2008. Area 4 (the South Ogden Junior High School Expansion Area) has since been incorporated into the City. In this Plan Amendment, three existing annexation areas are modified or clarified (Areas 1-3); Area 4 is removed; and two new annexation areas are added (Areas 5 and 6.) Map 1 illustrates the location of Annexation Areas 1, 2, 3, 5 and 6 from a citywide context. Detailed maps of the same are provided in the descriptions that follow.

Map 1 Annexation Areas



ANNEXATION AREA OVERVIEW

-  South Ogden City Boundary
-  Adjacent Municipal/County Boundary
-  Annexation Area 1
-  Annexation Area 2
-  Annexation Area 3
-  Annexation Area 5
-  Annexation Area 6

South Ogden General Plan
Map Analysis

February 2015



0 0.25 0.5
Miles



ESTIMATE OF TAX CONSEQUENCES

The estimated tax consequences would be minimal, having little impact on the existing South Ogden City tax burden or benefit. The loss to Weber County would likewise be minimal.

THE AFFECTED ENTITIES

- Riverdale City
- Washington Terrace
- Ogden City
- Weber School District
- Weber County
- Central Weber Sewer Improvement District
- Weber Mosquito Abatement District
- Weber Area 911 Dispatch
- Pine View Water
- Weber Fire District

AREA 2

CHARACTER OF THE COMMUNITY

The immediate developed community in South Ogden City that surrounds this 74-acre site is mixed, with a range of existing office buildings and high, medium and low density residential uses. Vacant property planned for the expansion of these uses and some future commercial retail are also found in the vicinity. The adjoining developed Weber County properties to the east are low-density residential dwellings that have been in existence for many years. Most of the proposed annexation area consists of steep, sensitive and undevelopable hillsides, with swaths of flat land interspersed that have a potential for development. The flat areas above the hillside do not present any obvious significant development issues.

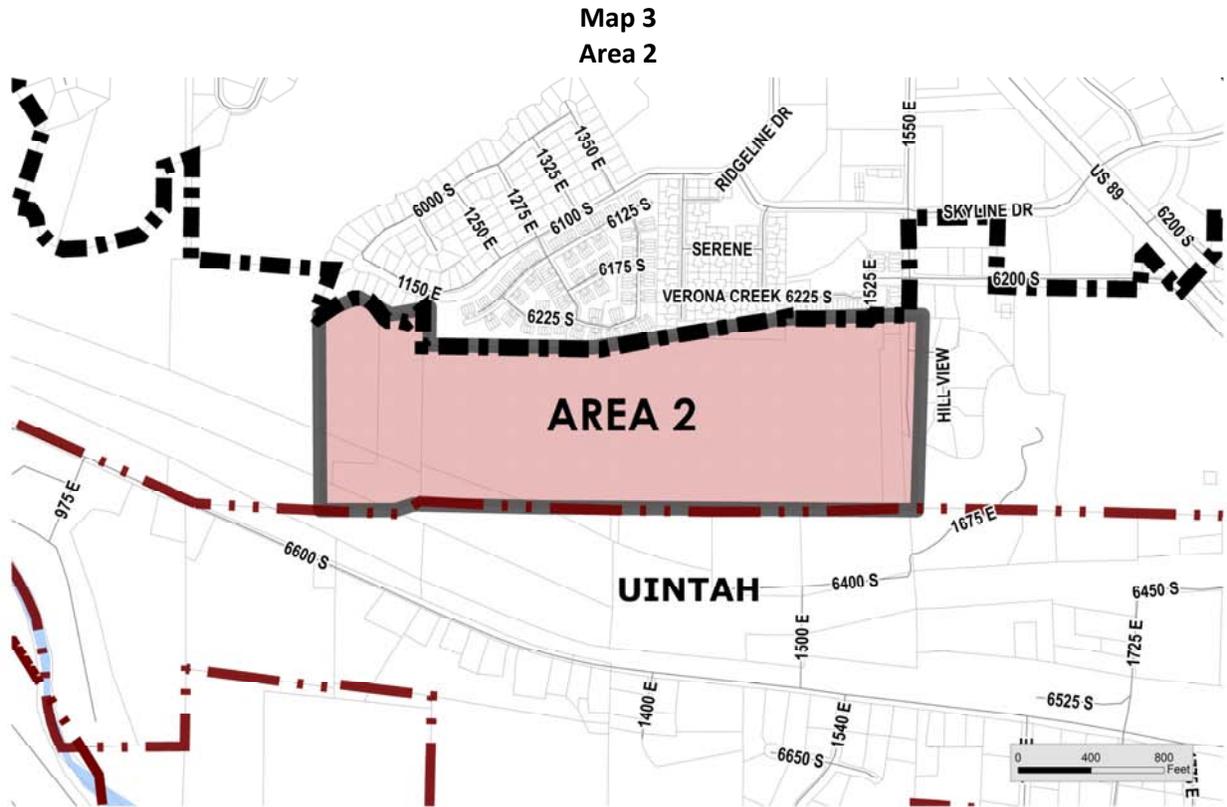
The area is visible from Uintah City in the valley to the west. Drainage, utility, access, and visual impacts of the hillside are of concern to both communities, as is the stability of the steep slopes.

NEED FOR MUNICIPAL SERVICES

Due to the steep topography of the hillside area, provision of municipal services is the most obvious concern. Access could possibly be provided from the South Ogden City street system, although the possibility of providing more than one access could be difficult, creating a safety problem. Furthermore, the development of a public access road may not be serviceable, requiring a private access road with less stringent requirements than public roads. Obviously, this would be a grave concern to the city.

The provision of cost-effective sewer lines would also be challenging, as the site is generally located elevations to flow into the existing South Ogden City lines. It may be necessary to extend these services downhill to Uintah City for sewer connections. All development costs would be the responsibility of the developer, while the maintenance of improvements may or may not become the responsibility of South Ogden City, depending on the type of improvements made. An inter-local agreement between South Ogden City and Uintah City may be required to ensure

sewer, roads and other services are provided in an equitable manner. It should be noted that Uintah City also includes a portion of the area in their annexation policy plan. Both cities have obvious interests in the area, and the intent would be that both would participate in future annexation and development decisions.



ESTIMATE OF TAX CONSEQUENCES

The area is undeveloped at this time and generates a minimum of taxes to Weber County. If the land were developed, more taxes would be generated, although it is unclear if these would be sufficient to offset costs. It may be desirable to make some of the costs site specific, and others absorbed into the municipal tax base. Until a development is proposed and evaluated, it cannot be pre-determined whether tax liabilities will be similar to other areas in the city.

THE AFFECTED ENTITIES

- Weber County
- Weber School District
- Uintah City
- Central Weber Sewer Improvement District
- Weber Mosquito Abatement District
- Weber Area 911 Dispatch
- Weber Basin Water Conservancy District
- Weber Fire District

AREA 3

CHARACTER OF THE COMMUNITY

This area consists of two small portions comprising a total of 11 acres. The surrounding South Ogden community was developed primarily in 1970's, and is primarily lower-density residential in character. The area also includes a few older homes in addition to a few newer homes that have been developed in recent years. Wasatch Drive is a collector street that services most of the community. The proposed annexation area is located at the southern extents of this roadway, where it is anticipated that the properties located on the east side of the street will be developed with residential homes similar to those that surround it, while the properties on the west side of Wasatch Drive will be commercial in nature, matching the uses to the southwest. It is expected that office buildings and/or retail uses will be located on the latter site. The unincorporated area to the south and east are dominated by low-density residential neighborhoods that have been in existence for several decades.

Map 4
Area 3



NEED FOR MUNICIPAL SERVICES

Area 3 has been planned for development expansion for several years. The utilities necessary to facilitate this development are available through South Ogden City and the Uintah Highlands Improvement District. As development is approved, costs to connect to or expand the utilities will be paid by the developers, with the costs to maintain public improvements will be offset by the anticipated increase in tax revenues.

ESTIMATE OF TAX CONSEQUENCES

The small size of this annexation area, coupled by the fact that infrastructure is readily available supports the notion that costs can be easily absorbed by the increase in tax revenue generated by new development. Service costs will either remain the same or be reduced assuming South Ogden City provides the services.

THE AFFECTED ENTITIES

- Weber County
- Weber School District
- Uintah Highlands Water Improvement District
- Central Weber Sewer Improvement District
- Weber Mosquito Abatement District
- Weber Area 911 Dispatch
- Weber Basin Water Conservancy District
- Weber Fire District

AREA 4

Area 4 has been removed from the Annexation Policy Plan as it has been annexed into South Ogden City.

AREA 5

CHARACTER OF THE COMMUNITY

This area is located on the southern extent of South Ogden, encompassing 265-acres in total. The existing character of South Ogden City in this area is primarily low-density residential in nature, located on flat bluff lands to the north and east. The site is located just south of South Ogden Junior High School, and is dominated by flat pasturelands with potential for development, with steep slopes demarcating the southern edges of the site. The area is visible from Uintah City in the valley below.

The area is visible from Uintah City in the valley to the west. Drainage, utility, access, and visual impacts of the hillside are of concern to both communities, as is the stability of portions with steep slopes. It should be noted that both Washington Terrace and Uintah City have included portions of the area in their annexation policy plans.

NEED FOR MUNICIPAL SERVICES

An assessment of the flat area immediately south of the junior high school has been conducted, which indicates that 365 new homes could potentially be built on 168 acres, assuming the R-1-10 zoning which defines the surrounding areas in South Ogden are applied. Based on this assumption, the following are key municipal service implications:

- South Ogden water sources are generally adequate to service this area. However, water distribution systems have not been developed with consideration of the need to service this

area. Storing water to meet the need is possible, although it will likely have a negative impact on the emergency water storage capacity currently established for the City as a whole.

**Map 5
Area 5**



- While there appears to be adequate sewer capacity, it is unclear whether this could be achieved through gravity flow.

Other engineering challenges exist, most notably related to how sewer needs might be met. Based on the site conditions, there is a clear possibility that a sewer pump station could be required. Similarly, storm drain facilities were not planned to meet the additional needs of this area. Storm runoff will most likely need to be pumped beneath the Union Pacific Railroad and I-84 through Uintah City and directed to the Weber River, which poses engineering and coordination challenge.

A cost estimate for the provision of off-site municipal services has been prepared for the 168-acre portion just south of South Ogden Junior High School. The estimate addressed water, sewer and storm drainage only, and was based upon the assumption that gravity-flow systems are possible; if lift stations are required, costs will be significantly higher. According to these assumptions, infrastructure costs would be more than \$2 million in 2015 dollars. It is assumed that these costs will be assumed by the developers of the land.

The areas immediately surrounding the 168-acre portion include steep slopes and susceptible soils which would need to be stabilized and/or avoided if development occurs. Adjacent areas in Washington Terrace are similar to the surrounding areas in South Ogden, dominated by flat pasture areas with low-density residences to the east. Access and infrastructure is generally available.

ESTIMATE OF TAX CONSEQUENCES

Area 5 is generally undeveloped at this time and generates a minimum of taxes to Weber County. If the land is developed additional taxes will be generated, although it is unclear if this would be sufficient to offset the costs incurred. It may be desirable to make some of the costs site specific, while other costs could be absorbed into the municipal tax base. Until a development is proposed and evaluated, it cannot be determined ahead of time if the tax liability is comparable to others in the adjacent areas.

Service costs to Weber County will be reduced in this area, as South Ogden City will provide the services. The maintenance of improvements may or may not become the responsibility of South Ogden City, depending upon the type of infrastructure required and how it is provided. Development may require the establishment of an inter-local agreement between South Ogden City and Uintah City, particularly for the provision of sewer and storm water needs. Likewise, development may require the establishment of an inter-local agreement between South Ogden City and Washington Terrace, which also includes this area in their annexation plan. Both cities have obvious interests in this area and how it is developed, and it is assumed that both cities would participate in the decisions related to development and provision of services.

THE AFFECTED ENTITIES

- Washington Terrace
- Uintah City
- Weber County
- Weber School District
- Central Weber Sewer Improvement District
- Weber Mosquito Abatement District
- Weber Area 911 Dispatch
- Weber Basin Water Conservancy District
- Weber Fire District
- South Weber City

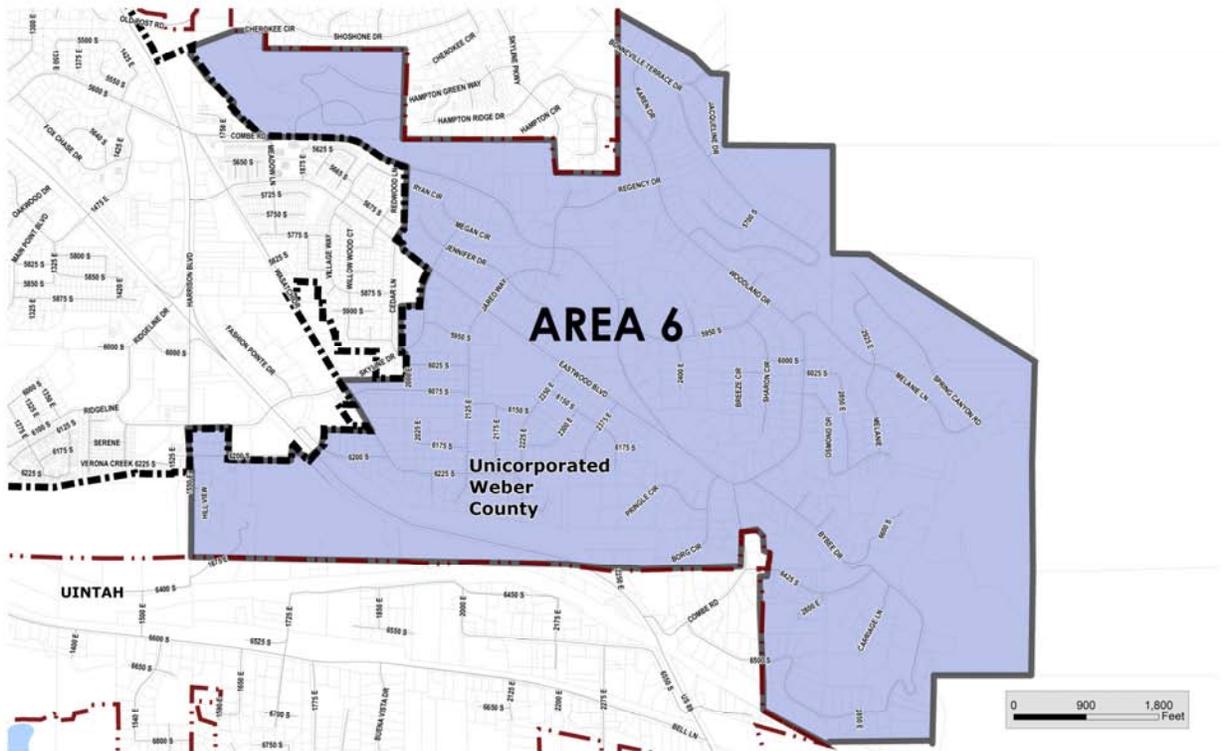
AREA 6

CHARACTER OF THE COMMUNITY

The existing South Ogden community character adjacent to this 1,136 acre area is primarily low-density, single-family residential, with some higher density residential portions located near US-89. The areas to the south and east are dominated by low-density, single-family residential dwellings that have been in existence for many years. These homes and associated development patterns differ significantly from those found in the adjacent South Ogden neighborhoods, and are dominated by less-contiguous road systems, a variety of road standards (including private

roads), and patterns that generally reflect the steep topography of the hillsides and ravines where they are located.

**Map 6
Area 6**



NEED FOR MUNICIPAL SERVICES

The area is primarily developed and planned for development expansion for several years. This includes major utilities, which are provided by Uintah Highlands Water Improvement District. If any additional infill development is approved, costs to connect to or expand the utilities will be paid by the developer. It is also assumed that South Ogden City would need to assume operation of the Uintah Highland Water Improvement District when this area is annexed, including monitoring and upkeep of wells.

There is concern that existing infrastructure is inadequate and does not meet the standards of South Ogden City.

ESTIMATE OF TAX CONSEQUENCES

The area generates some taxes for Weber County, which it is assumed are equal to costs incurred. If additional land is developed, more taxes would be generated although it is unclear if these would offset costs, particularly when South Ogden infrastructure standards are implemented and associated upgrading of municipal services are accounted for. Furthermore, it is likely that Uintah Highlands Water Improvement District services will need to be upgraded, further increasing the tax cost South Ogden City. A detailed analysis of the costs and benefits will be required before any positive decision could be reached regarding future annexations.

THE AFFECTED ENTITIES

- Uintah City
- Weber County
- Weber School District
- Central Weber Sewer Improvement District
- Weber Mosquito Abatement District
- Weber Area 911 Dispatch
- Weber Basin Water Conservancy District
- Weber Fire District

3. State Law Regarding Annexations

In 1979, the Utah State Legislature passed an annexation law that outlined the criteria, policy declaration and standards required for annexation. The law also provided for a boundary commission to settle annexation disputes within each county. Changes to the law in 1997 eliminated the policy declaration requirement of the annexation law and made other procedural changes. In 2001, the Legislature further amended portions of the annexation law to further define the requirements and responsibilities of counties and municipalities regarding annexation

After December 31, 2002, laws were adopted that ensured that no municipality may annex an unincorporated area located within a specified county unless the municipality has adopted an annexation policy plan as provided below.

To adopt an annexation policy plan the planning commission shall:

- prepare a proposed annexation policy plan that complies with Subsection (3);
- hold a public meeting to allow affected entities to examine the proposed annexation policy plan and to provide input on it;
- provide notice of the public meeting under Subsection (2)(a)(ii) to each affected entity at least 14 days before the meeting;
- accept and consider any additional written comments from affected entities until 10 days after the public meeting under Subsection (2)(a)(ii);
- before holding the public hearing required under Subsection (2)(a)(vi), make any modifications to the proposed annexation policy plan the planning commission considers appropriate, based on input provided at or within 10 days after the public meeting under Subsection (2)(a)(ii);
- hold a public hearing on the proposed annexation policy plan;
- provide reasonable public notice, including notice to each affected entity, of the public hearing required under Subsection (2)(a)(vi) at least 14 days before the date of the hearing;
- make any modifications to the proposed annexation policy plan the planning commission considers appropriate, based on public input provided at the public hearing.

The Planning Commission shall submit its recommended annexation policy plan to the municipal legislative body (city council) and the municipal legislative body shall

- hold a public hearing on the annexation policy plan recommended by the planning commission;
- provide reasonable notice, including notice to each affected entity, of the public hearing at least 14 days before the date of the hearing;
- after the public hearing under Subsection (2)(b)(ii), make any modifications to the recommended annexation policy plan that the legislative body considers appropriate; and
- adopt the recommended annexation policy plan, with or without modifications.

Each annexation policy plan shall include:

- a map of the expansion area which may include territory located outside the county in which the municipality is located;
- a statement of the specific criteria that will guide the municipality's decision whether or not to grant future annexation petitions, addressing matters relevant to those criteria including:
 - (i) the character of the community;
 - (ii) the need for municipal services in developed and undeveloped unincorporated areas;
 - (iii) the municipality's plans for extension of municipal services;
 - (iv) how the services will be financed;
 - (v) an estimate of the tax consequences to residents both currently within the municipal boundaries and in the expansion area; and
 - (vi) the interests of all affected entities;
- justification for excluding from the expansion area any area containing urban development within 1/2 mile of the municipality's boundary; and
- a statement addressing any comments made by affected entities at or within 10 days after the public meeting under Subsection (2)(a)(ii).

In developing, considering, and adopting an annexation policy plan, the planning commission and municipal legislative body shall:

- attempt to avoid gaps between or overlaps with the expansion areas of other municipalities;
- consider population growth projections for the municipality and adjoining areas for the next 20 years;
- consider current and projected costs of infrastructure, urban services, and public facilities necessary:
 - (1) to facilitate full development of the area within the municipality; and
 - (ii) to expand the infrastructure, services, and facilities into the area being considered for inclusion in the expansion area.

- consider, in conjunction with the municipality's general plan, the need over the next 20 years for additional land suitable for residential, commercial, and industrial development;
- consider the reasons for including agricultural lands, forests, recreational areas, and wildlife management areas in the municipality; and
- be guided by the principles set forth in Subsection 10-2-403 (5) of the Utah State Code.

Within 30 days after adopting an annexation policy plan, the municipal legislative body shall submit a copy of the plan to the legislative body of each county in which any of the municipality's expansion area is located.

Nothing in this chapter may be construed to prohibit or restrict two or more municipalities in specified counties from negotiating and cooperating with respect to defining each municipality's expansion area under an annexation policy plan.

ORDINANCE NO. 15-18

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING AND READOPTING TITLE 11 OF THE CITY CODE AND AMENDING AND READOPTING TITLE 10, CHAPTER 12 OF THE CITY CODE MAKING CHANGES TO CLUSTER SUBDIVISIONS SPECIAL REGULATIONS; MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

Section 1 - Recitals:

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

WHEREAS, the City Council finds that in conformance with Utah Code (“UC”) §10-3-717, and UC §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

WHEREAS, the City Council finds that in conformance with UC §10-3-717, and UC §10-3-701, the governing body of the city has previously adopted a City Code which deals with Subdivisions and Cluster Subdivisions within certain zones for the city and related issues; and,

WHEREAS, the City Council finds that South Ogden City Code, at Title 11, deals with certain subdivision and development issues within certain zones of the city and that certain changes should be made thereto based on advice and recommendation of the city Planning Commission and in conformance with the authority granted to the City by UCA Title 10; and,

WHEREAS, the City Council finds that South Ogden City Code, at Title 10, Chapter 12, deals with certain cluster subdivision and development issues within certain zones of the city and that certain changes should be made thereto based on advice and recommendation of the city Planning Commission and in conformance with the authority granted to the City by UCA Title 10; and,

WHEREAS, the City Council finds that it is in the public interest to manage and regulate the procedures governing these subdivision and cluster subdivision development issues; and,

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

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

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

City Code, Title 11 Is Amended And Readopted As Set Out In **Attachment "A"**, And The Title 10, Chapter 12, Cluster Subdivisions Special Regulations Is Amended And Readopted As Set Out In **Attachment "B"**, And Both Are Incorporated Fully Herein By This Reference.

Section 2 - Repealer of Conflicting Enactments:

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

Section 3 - Prior Ordinances and Resolutions:

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

Section 4 - Savings Clause:

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

Section 5 - Date of Effect

This Ordinance shall be effective on the 21st day of July, 2015, and after publication or posting as required by law.

DATED this 21st day of July, 2015

SOUTH OGDEN, a municipal corporation

by: _____
Mayor James F. Minster

Attested and recorded

Leesa Kapetanov
City Recorder

ATTACHMENT "A"

ORDINANCE NO. 15-18

An Ordinance Of South Ogden City, Utah, Revising And Amending And Readopting Title 11 Of The City Code And Amending And Readopting Title 10, Chapter 12 Of The City Code Making Changes To Cluster Subdivisions Special Regulations; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

21 Jul 15

Title 11

Subdivision Regulations

Chapter 1

GENERAL PROVISIONS; DEFINITIONS

11-1-1: PURPOSE AND INTENT:

- A. Specified: The underlying purpose and intent of this title is to promote the health, safety, convenience and general welfare of the inhabitants of the city in the matter of subdivision of land and related matters affected by such subdivision.
- B. Evidence Of Best Interest: Any proposed subdivision and its ultimate use shall be supported by the General Plan.
- C. Variations, Exceptions: Where unusual topographical or other exceptional conditions exist, variations and exceptions from this title may be made by the city council after recommendation by the planning commission. (Ord. 793, 7-11-1989)

11-1-2: SCOPE:

- A. Compliance Required: No person shall subdivide any tract of land located wholly or in part in the city, except in compliance with this title.
- B. Sales, Exchanges Of Land: No person shall sell or exchange or offer to sell or exchange any parcel of land which is a part of a subdivision of a larger tract of land, nor offer for recording in the office of the county recorder any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created under and in accordance with the provisions of this title; provided, this title shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of the initial subdivision regulations adopted by the city on August 10, 1955. (Ord. 793, 7-11-1989)

11-1-3: DEFINITIONS:

The words and terms defined in this chapter shall have the meanings indicated. Words used in the present tense include the future; words in the singular number include the plural; and words in the plural include the singular. Words not included herein but defined elsewhere in the city ordinances shall be construed as termed therein. The word "shall" is mandatory.

ALLEY: A public thoroughfare less than twenty six feet (26') wide. (Approval of public alleys will be given by city council only.)

BLOCK: The land surrounded by streets and other right of way, other than an alley, or land designated as a block on any recorded subdivision plat.

BONA FIDE DIVISION OR PARTITION OF AGRICULTURAL LAND FOR AGRICULTURAL DEVELOPMENT PURPOSE: The division of a parcel of land into two (2) or more lots or parcels, none of which is less than five (5) acres in area; and provided, that no dedication of any street is required to serve any such lots or parcels of agricultural land so created.

CITY: South Ogden City, Utah.

CITY COUNCIL: City Council of South Ogden City, Utah.

CITY ENGINEER: Any registered civil engineer appointed by the city council or city manager to accomplish the objectives of this title; provided, that no such person may serve the city and a subdivider in the city simultaneously where the engineer would have to check his own work or the work of a member of his firm regarding any subdivision in the city.

EASEMENT: That portion of a lot or lots reserved, granted or arising in behalf of and for the present or future use by a person or agency other than the legal owner or owners of the property or properties. The easement may be for use under, use on, or use above the lot or lots.

~~HALF STREETS: Approval and construction of half streets is not allowed in the city.~~

LOT: A parcel of land comprising a unit within a subdivision or a unit of land for building development or transfer of ownership, with such yards, open spaces, lot width and area as required by the zoning title of South Ogden City having frontage upon street or upon right of way approved by the planning commission and/or the board of adjustment.

LOT COMBINATION: The altering of a subdivision plat by joining two (2) or more of an owner's contiguous, residential lots into one lot.

LOT RIGHT OF WAY: An easement of not less than sixteen feet (16') wide reserved by the lot owners as private access to serve the lots through which it passes.

MASTER STREET PLAN: A plan, labeled "master street plan of the city of South Ogden", approved by the city council.

OFFICIAL MAP: A map adopted by the city council under Utah Code Annotated sections 10-9a-103(33); 10-9a-401(2)(j); or, 10-9a-407(2)(a) as may, from time to time be amended.

PARCEL OF LAND: A contiguous quantity of land, in the possession of, or owned by, or recorded as the property of the same claimant or person.

PLAT VACATION: The elimination of a plat, in whole or in part, which vacation may apply to subdivided lots, roads, alleys, easements, and other areas depicted or dedicated on the plat.

PERSON: Any individual, corporation, partnership, firm or association of individuals however styled or designated.

PLANNING COMMISSION: The South Ogden City planning commission.

PROPERTY LINE ADJUSTMENT: The adjustment of a mutual boundary line between the owners of adjacent parcels described by either a metes and bounds description or as a lot within a recorded plat.

PROTECTION STRIP: A strip of land running parallel and adjacent to a public street and the abutting private property, created to control the access of property owners abutting the street.

STREET: A thoroughfare dedicated to the public and accepted by proper public authority, or a thoroughfare of standard width which has become a public thoroughfare by right of use and which affords the principal access to the abutting property.

STREET, ARTERIAL: A street existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan, may be classified a controlled-access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

STREET, COLLECTOR: A street, existing or proposed, of considerable continuity which is the main means of access to the major street system.

STREET, CUL-DE-SAC: A terminal street provided with a turnaround.

STREET, HALF: Half-street means a right-of-way dedicated for a new street by a developer along such developer's perimeter property line equal to only one-half of the total right-of-way width required by this Code. Dedication of a "half-street" presumes future dedication of a corresponding amount of right-of-way from adjoining land in order to provide the total right-of-way required for a proposed street.

The dedication of additional right-of way along an existing street is not considered a "half-street."

Approval and construction of half streets is not allowed in the city.

Comment [LK1]: Mr. Bradshaw to create a description of a half street.

STREET, MARGINAL ACCESS (FRONTAGE ROADWAY): A street which is parallel to and adjacent to a limited access major or minor arterial street and which provides access to abutting properties and provides protection from through traffic.

STREET, PRIVATE: A street, existing or proposed, within a subdivision and/or planned residential development reserved by dedication unto the subdivider, lot owners or homeowners association; to be private access to serve the lots and homes within the subdivision and/or planned residential development. Any private street shall be maintained by the subdivider or other private agency.

STREET, PUBLIC OR PUBLIC ALLEY: Any street or alley, including a right of way or public access easement, that was dedicated as a public thoroughfare by means of recordation of a subdivision plat or street dedication plat. It also includes public streets or alleys, rights of way, and public access easements established by use or conveyed to the city, or its predecessor, by deed, declaration, legislative act or other instrument of conveyance other than a subdivision plat or street dedication plat.

STREET, STANDARD RESIDENTIAL: A street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

SUBDIVISION:

A. The division of any tract, lot or parcel of land owned as an undivided tract by one individual, or entity, or by joint tenants or tenants in common or by the entirety, into two (2) or more lots, plots or other divisions of land for the purpose, whether immediate or future, of sale or of building development; provided, that said term shall not include a bona fide division or partition of agricultural land for agricultural development purposes. The word "subdivide" and any derivative thereof shall have reference to the term "subdivision", as herein defined.

B. For these regulations, a subdivision of shall land include: 1) the dedication of a road, highway, or street through a tract of land, regardless of area, which may create a division of lots or parcels constituting a "subdivision"; 2) resubdivision of land heretofore divided or platted into lots, sites or parcels.

SUBDIVISION, CLUSTER1: A subdivision of land in which the residential lots have areas less than the minimum lot area of the zone in which the subdivision is located, but which complies with the cluster subdivision provisions of the zoning title and in which a significant part of the land is privately reserved or dedicated as permanent open space to provide an attractive low density character for the residential lots in the subdivision.

SUBDIVISION, PRUD: A Planned Residential Unit Development is a residential development planned as a complete, single complex. It incorporates a definite development theme which includes the elements of usable open spaces, diversity of lot design or residential use, amenities, a well-planned circulation system, attractive entrances and similar elements as part of the design. The incorporation of one or two (2) of these elements into a development does not make a PRUD. The combination of all of these elements is necessary for the development of a PRUD to be considered.

ZONING ORDINANCE: The zoning ordinance of South Ogden City as adopted by the city council of South Ogden City, on January 8, 1980, as amended from time to time (codified as title 10 of this code). (Ord. 793, 7-11-1989; amd. 2001 Code)

Chapter 2

PLAT PROCEDURES

11-2-1: PRELIMINARY PLAT:

A. Preliminary Information: Each person who proposes to subdivide land in the city shall confer with the planning commission staff before preparing any plats, charts or plans to become familiar with the city subdivision requirements and existing master plans for the territory in which the proposed subdivision lies and to discuss the proposed plan of development of the tract. (Ord. 793, 7-11-1989)

B. Preliminary Plan Filing: A preliminary plan shall be prepared in conformance with the *Public Works Standard Drawings, Details & Technical Specifications* and rules and regulations contained herein and the current required number of copies thereof shall be submitted to the planning commission for approval or disapproval. One print shall be delivered by the planning commission to each of the affected entities such as the city departments, power company, school district, service district, UDOT, etc., for their information and recommendations. A public hearing notice of the date, time, location, and project information shall be published ten (10) days prior to the hearing or mailed to the adjoining property owners to provide a minimum three (3) day notice before the planning commission. (Ord. 06-09, 3-7-2006, eff. 3-7-2006)

C. Preliminary Plan Requirements:

1. All drawings and/or prints shall be clear and legible, and drawn according to professional engineering practices. The preliminary plan shall be drawn to a scale not smaller than one hundred feet to the inch (1" = 100'), on a 24'x36' sheet and shall show:
 - a. The proposed name of the subdivision (such name must be cleared through the county recorder's office).
 - b. Its location as forming a part of a larger tract or parcel, where the plat submitted covers only a part of the subdivider's tract or only a part of a larger vacant area. In such case, a sketch of the prospective future street system of the unplatted parts shall be submitted, and the street system of the part submitted shall be considered in the light of adjustments and connections with the future street system of the larger area and other surrounding areas.
 - c. Sufficient information to locate accurately the property shown on the plan.
 - d. The names and addresses of the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be subdivided.

- e. Contours at intervals of two feet (1'), or as otherwise approved.,
- f. The boundary lines of the tract to be subdivided shall be indicated.
- g. The location, widths and other dimensions of all existing or platted streets and other important features such as railroad lines, watercourses, exceptional topography, utility conduits, and buildings within or immediately adjacent to the tract to be subdivided.
- h. Existing sanitary sewers, storm drains, water supply mains, culverts and natural drainage channels within the tract and immediately adjacent thereto.
- i. The locations, widths and other dimensions of proposed public streets, private streets, alleys, utility easements, parks, other open spaces and lots, with proper labeling of spaces to be dedicated to the public or designated as private streets.

2. Plans or written statements regarding the proposed storm water drainage facilities and other proposed improvements, such as planting and parks, and any grading of individual lots. (Ord. 793, 7-11-1989)

D. Preliminary Plan Approval: The preliminary plan shall be reviewed by the planning commission which shall act on the plan as submitted or modified within sixty (60) days after its presentation. If approved, the planning commission shall express its written approval with or without conditions. If the preliminary plan is disapproved, the planning commission shall indicate its disapproval in writing and list the reasons for such disapproval. Approval of the preliminary plan shall be authorization for the subdivider to proceed with the preparation of the final plat improvement drawings and specifications for the minimum improvements required by this title and the *Public Works Standard Drawings, Details & Technical Specifications*.

E. Time Limitation: Approval of the preliminary plan by the planning commission shall be valid for a maximum period of one year after approval, unless upon application of the subdivider, the planning commission grants an extension. If the final plat has not been submitted within the one year or approved extended period, the preliminary plan must again be submitted to the planning commission for reapproval; however, preliminary approval of a development shall not be voided; provided, that the final plat of the first section is submitted for final approval within the one year period. (Ord. 793, 7-11-1989; amd. 2001 Code)

F. Grading Limitation: No large scale excavation, grading or regrading shall take place on any land for which a subdivision preliminary plan has been submitted until such plan has been given preliminary approval by the planning commission. (Ord. 793, 7-11-1989)

11-2-2: FINAL PLAT:

A. Tentative Final Plat Required:

- 1. Prior to the submission of the final plat, the subdivider shall submit two (2) copies of the tentative final plat to the planning commission, who shall check the tentative final plat against the requirements and conditions of approval of the preliminary plan, and refer one copy to the city engineer for checking.
- 2. The planning commission shall return one copy of the checked tentative final plat to the subdivider indicating thereon any changes required by the planning commission and/or the city engineer.

B. Final Plat Required:

- 1. After compliance with the provisions of section 11-2-1 of this chapter, the subdivider shall submit a final plat with the current required number of copies thereof to the planning commission. Such plat shall be accompanied by a "letter of certification" by the subdivider's engineer and/or surveyor, indicating that all lots meet the requirements of the zoning title.

2. The final plat and accompanying information shall be submitted to the planning commission at least ~~seven~~-~~ten~~ (710) days prior to a regularly scheduled planning commission meeting to be considered at the meeting.

C. Final Plat Requirements:

The final plat shall be clear and legible, and drawn according to professional engineering standards. Size of drawing shall be twenty four inches by thirty six inches (24" x 36") with one-half inch (1/2") border on top, bottom and right sides, left side border shall be one and one-half inches (1 1/2".)

The plat shall be so drawn that the top of the sheet faces either north or east, whichever accommodates the drawing best. The plat shall be made to a scale large enough to clearly show all details, in any case not smaller than one hundred feet to the inch (1" = 100'), and the workmanship on the finished drawing shall be neat, clean cut and legible. The plat shall be signed by all parties mentioned in subsection C7 of this section, duly authorized and required to sign, and shall contain the following information:

1. The subdivision name, and the general location of the subdivision, in bold letters at the top of the sheet.
2. Where a subdivision complies with the cluster subdivision provisions of the zoning title and this chapter, the final plat shall indicate underneath the subdivision name, the words "cluster subdivision".
3. A north arrow and scale of the drawing, and the current date.
4. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision. These lines should be slightly heavier than street and lot lines.
5. The names, widths, lengths, bearings and curve data on center lines of proposed streets, alleys and easements; also the boundaries bearing and dimensions of all portions within the subdivision as intended to be dedicated to the use of the public; the lines, dimensions bearings and numbers of all lots, address of lots within the subdivision. All lots are to be numbered consecutively under a definite system approved by the planning commission. The street naming/numbering and lot addressing shall be provided by the city engineer and written on the plat by the subdivider's engineer and/or surveyor.
6. Parcels of land to be dedicated as public park, storm water detention basins or to be permanently reserved for private common open space shall be included in the lot numbering system and shall also be titled "public park" or "private common open space", whichever applies.
7. The standard forms approved by the planning commission for all subdivision plats lettered for the following:
 - a. Description of land to be included in subdivision, with total acres.
 - b. Land surveyor's certificate of survey.
 - c. Owner's dedication certificate.
 - d. Notary public's acknowledgement.
 - e. Planning commission's certificate of approval.
 - f. City engineer's certificate of approval.
 - g. City attorney's certificate of approval.
 - h. City council's certificate of acceptance, signed by the mayor and attested by the city recorder.
8. A three inch by three inch (3" x 3") space in the lower right-hand corner of the drawing for recording information.

D. Construction Drawings shall conform with South Ogden City *Public Works Standard Drawings, Details & Technical Specifications* and as indicated [in 11-2-3\(C\)](#) below:

E. Engineer's Cost Estimate: The subdivider shall cause to be prepared by a qualified engineer, not in the employ of the city, a complete cost estimate, which shall indicate a list of all the required construction items, quantities and estimated unit bid prices and/or lump sum bid prices. This

estimate shall be submitted to the city engineer with the plat and construction drawings to assist the city engineer in determining the escrow amount or other agreements required of the developer. (This estimate shall include any contingencies and/or inflation factors as determined applicable by the city engineer.) (Ord. 793, 7-11-1989)

F. Approval Of Final Plat:

1. Prior to approving and signing the final plat, the planning commission shall submit the plat for approval to the city engineer who shall collect all checking fees from the subdivider and who shall check the engineering requirements of the drawings, and determine the escrow amount, or other agreements, to assure construction of the improvements where necessary. After approval and signature by the city engineer, the plat shall be submitted to the planning commission for approval and signing by the chair. The plat and financial guarantee shall be submitted to the city attorney and the city council, respectively, for their approval. The final plat, bearing all official approvals as above required, shall be deposited in the office of the county recorder for recording at the expense of the subdivider who shall be notified of such deposit by the office of the county recorder. No building construction shall be started until recording of the final plat. (Ord. 930, 12-2-1997, eff. 12-2-1997)
2. No plats shall be recorded in the office of the county recorder and no lots in such plat shall be sold or exchanged unless the plat is approved, signed and accepted by the city.
3. At the time of recording, the subdivider shall pay all costs associated with supplying a reproducible mylar of the plat for filing in the office of the city engineer. (Ord. 793, 7-11-1989)

11-2-3: FILING:

A. General: This section summarizes the procedure required by the city for submitting preliminary and final plats, utility construction drawings and other supporting data for construction of subdivisions within the corporate limits of the city.

B. Preliminary Plat: The following procedure shall be followed in submittal and review of the preliminary plat:

1. **Master Plan Review:** A review shall be made by the subdivider with the planning commission to determine the master plan requirements for the area proposed to be subdivided.
2. **Plat Submittal:** Applicant shall submit copies of the preliminary plat as required by staff who will distribute copies to the planning commission/consultant, and city engineer. Applicant shall be responsible to deliver a copy to each utility company (power, gas, telephone, television, irrigation, etc.).
3. **Engineer's Report:** After completion of his review, the city engineer will prepare and transmit to the planning commission a report summarizing the requirements for utilities and surface improvements, with results of his review of the preliminary plat.
4. **Approval/Rejection:**
 - a. After completion of its review, the planning commission shall approve, reject or conditionally approve the preliminary plat.
 - b. Approval or conditional approval is authorization for the subdivider to proceed with preparation of the final plat.

C. Final Plat: The following procedure shall be followed in submittal and review of the final plat:

1. **Plat Submittal:** Copies as required by staff, shall be submitted to the planning commission.
2. **Fees:** There shall be paid to the city by the owners or developers of the land petitioning for subdivision approval such sum of money as the city council may require to cover engineering review and field inspection costs. Fees shall be paid to the city treasurer as per adopted fee schedule which may be amended from time to time by the city council..

3. Construction Drawings: Drawings as required by the city engineer showing engineer proposed construction shall be sent to the city engineer for approval.
4. Subdivision Agreement: An agreement between the city council and subdivider shall be approved by the city attorney. This agreement shall include the city engineer's approved estimate of improvement costs, which shall be the basis for determination of the amount of required security to cover said improvements.
5. Notice of Approval: After review and approval of the planning commission, city council, city engineer and city attorney, the subdivider will be notified by the planning commission that the plat has been approved.
6. Recording: The plat shall be recorded by the city recorder within a period of seven (7) days after all required signatures have been obtained.. . The owners or developers shall pay all recording fees, with the cost to provide the city with a reproducible mylar copy of the recorded plat. (Ord. 793, 7-11-1989)
7. Construction: Construction of improvements shall not proceed until recording of the plat has been accomplished. (Ord. 793, 7-11-1989; amd. 2001 Code)
8. 8. Intermediate Inspection: At completion of construction, the city engineer shall make an inspection of all improvements and shall inform the subdivider and city council of the results of the inspection. "As-built drawing" prints shall be submitted to the city engineer prior to his making this inspection. Final Inspection: One year after completing construction of improvements (date of intermediate inspection), a final inspection shall be made by the city engineer. The results shall be made known to the city council and subdivider and if all work is satisfactory, a recommendation will be made to release the escrow or other security held by the city council. (Ord. 793, 7-11-1989)

11-2-4: MINIMUM IMPROVEMENTS REQUIRED:

For a statement of the improvements required for development within the city, see section 11-4-1 of this title, adopting development standards and specifications for the city and providing that such standards shall be on file with the city engineer. (Ord. 793, 7-11-1989; amd. 2001 Code)

Chapter 3 DESIGN STANDARDS

11-3-1: GENERAL PROVISIONS:

- A. Relation To Adjoining Street System:
 1. The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) where deemed necessary by the planning commission for public requirements. The street arrangement must not cause unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access.
 2. Minor streets shall approach the major or collector streets at an angle of not less than eighty degrees (80°).
- B. Street Widths, Cul-De-Sacs, Easements, Etc.:
 1. Street Dedication: All streets in subdivisions in the city shall be dedicated to the city.
 2. Arterial And Collector Streets: Arterial and collector streets shall conform to the width designated on the master street plan wherever a subdivision falls in an area for which a master street plan has been adopted. For territory where such street plan has not been completed at the time the preliminary plan is submitted to the planning commission, arterial

and/or collector streets provided as required by the planning commission, with minimum widths according to *Public Works Standard Drawings, Details & Technical Specifications*.

3. Standard Residential Streets And Terminal Streets: Standard residential streets and terminal streets shall have a minimum width as required by the *Public Works Standard Drawings, Details & Technical Specifications*. Terminal Streets (Cul-De-Sacs):

a. Terminal streets (cul-de-sacs) shall be designed and constructed in accordance with *Public Works Standard Drawings, Details & Technical Specifications*

b. Where a street is designed to remain only temporarily as a dead-end street, an adequate asphalt/road base temporary turning area shall be provided as indicated in the Public Works Standard Drawings and Details in order to remain and be available for public use so long as the dead-end condition exists.

4. Marginal Access Streets (Frontage Roadway): Marginal access streets (frontage roadway) of not less than sixty feet (60') in right-of-way width shall be required paralleling all limited access arterial streets, unless the subdivision is so designed that lots back onto such limited access streets, and shall be designed and constructed in accordance with *Public Works Standard Drawings, Details & Technical Specifications*

5. Half Streets: Half streets proposed along a subdivision boundary or within any part of a subdivision shall not be approved.

6. Street Cross Section Standards: All proposed streets shall conform to the city street cross section standards indicated in the Public Works Standard Drawings and Details as recommended by the planning commission and adopted by the city council.

7. Street Grades: Except where due to special circumstances, street grades over any sustained length shall not exceed the following percentages:

a. On arterial and collector streets, eight percent (8%);

b. On standard residential and private streets, twelve percent (12%).

8. Alleys: Alleys shall have a minimum easement width of twenty feet (20'). Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are found to be necessary by the planning commission and approved by the city council. The alley cross section shall be approved by the planning commission.

9. Protection Strips: Where subdivision streets parallel contiguous property of other owners, the subdivider may place in trust a protection strip of not less than one foot (1') in width between said street and adjacent property; provided, that an agreement with the city and approved by the city attorney has been made with the subdivider, contracting to place in trust the one foot (1') or larger protection strip free of charge to the city, to be dedicated for street purposes upon payment by the then owners of the contiguous property to the subdivider or their heirs, of a consideration named in the agreement, such consideration to be equal to the current cost of the street improvements properly chargeable to the contiguous property, plus the value of one-half (1/2) the land in the street at the time of the agreement, until time of subdivision of such contiguous property.

C. Blocks:

1. The maximum length of blocks shall be one thousand three hundred feet (1,300') and the minimum length of blocks shall be five hundred feet (500'). Blocks over eight hundred feet (800') in length may, at the discretion of the planning commission, be provided with a dedicated walkway through the block at approximately the center of the block. Such walkway shall be not less than ten feet (10') in width and shall be fenced.

2. The width of blocks shall allow two (2) tiers of lots, or as otherwise approved by the planning commission because of design, terrain or other unusual conditions.

3. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities.

D. Lots:

1. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, and to existing and probable future requirements.
 2. All lots must conform to the minimum area and width requirements of the zoning title for the zone in which the subdivision is located; or
 - a. Except as otherwise permitted by the City's Appeal Authority; or
 - b. As in accordance with cluster subdivision provisions of the zoning title.
 3. Each lot shall abut on a public street, dedicated by the subdivision plat or an existing publicly dedicated street, or on a street which has become public by right of use with the asphalt width meeting the requirements of Public Works Standard Drawings and Details , or as approved by the City Council. Interior lots having frontage on two (2) streets shall be allowed access on only one street except where unusual conditions make such other design undesirable and then only with planning commission approval. (The planning commission shall cause a note to be placed on the plat indicating the no access side.)
 4. Flag Lots: Flag lots shall be approved by the hearing officer after a recommendation by the planning commission has been provided A lot or lots not having frontage or not having adequate frontage (flag lot) on a street, as required by the zoning title for the zone in which the subdivision is located, but upon a right of way, may be included within a subdivision, provided the following requirements are met:
 - a. The planning commission determines that it is impractical to extend streets to serve such lots.
 - b. The area of the right of way shall be in addition to the minimum lot area requirements of the zone in which the lot is located.
 - c. The grade of any portion of the right of way not exceed fifteen percent (15%).
 - d. Lots so created shall be large enough to comply with all yard and area requirements of the zone in which the lot is located.
 - e. The building setback line shall be established and approved by the planning commission and indicated on the plat.
 5. Corner Lots: Corner lots shall have extra width sufficient for maintenance of required building lines on both streets.
 6. Side Lines: Side lines of lots shall be approximately at right angles or approximately radial to the street line. Lot lines not radial shall be so noted on the final recording plat.
 7. Remnants: All remnants of lots below the minimum size left over after subdividing a larger tract must be added to adjacent lots, rather than allowed to remain as nonconforming or unusable parcels.
 8. Parcels In Separate Ownership: Where the land covered by a subdivision includes two (2) or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to either single or joint ownership before approval of the final plat, and such transfer certified to the planning commission by the county recorder.
 9. Natural Drainage And Other Easements: The planning commission may require that easements for drainage through this and adjoining property be provided by the subdivider, and easements of not less than fourteen feet (14') in width for water, sewers, drainage, power lines and other utilities shall be provided in the subdivision when required by the planning commission.
- E. Parks, School Sites And Other Public Places:**
1. In subdividing property, the planning commission shall give consideration to suitable sites for schools, parks, playgrounds and other areas for similar public use.
 2. Such sites shall be indicated on the preliminary plan, which shall be referred to the city council and/or school board for their concurring approval.
 3. If approved, the site shall be indicated on the approved preliminary subdivision plan in order that the city council and/or school board and subdivider may commence negotiations in exercising the option on the site granted by the subdivider to the city and/or school board

during annexation of the land to the city in accordance with the then current annexation ordinance of the City1 .

F. Cluster Subdivision; Special Provisions:

- 1. Design Standards:**
 - a.** The design of the preliminary and final plat of the subdivision in relation to streets, blocks, lots, common open spaces and other design factors shall be in harmony with the intent of zoning regulations, elements of the master plans adopted by the city council, and design standards recommended by the planning commission and approved by the city council.
 - b.** Streets shall be so designed as to take advantage of open space vistas and to create drives with a rural or open space character.
- 2. Provision For Common Open Space:**
 - a.** The subdivider of a cluster subdivision shall submit plans of landscaping and improvements for the common open space. He shall also explain the intended use of the open space and provide detailed provisions of how the improvements thereon are to be financed and the area maintained. A cluster subdivision must meet the requirements of the zoning title, must assure proper use, construction and maintenance of open space facilities, and must result in a development superior to conventional development in terms of its benefits to future residents of the subdivision, surrounding residents and the general public.
 - b.** The planning commission may place whatever additional conditions or restrictions it may deem necessary to ensure development and maintenance of the desired residential character, including plans for disposition or reuse of property if the open space used is not maintained in the manner agreed upon or is abandoned by the owners.
- 3. Guarantee Of Common Open Space Improvements:** As assurance of completion of common open space improvements, the subdivider, at the request of the city council, shall be required to file with the city council a bond or cash surety, or other agreement, in a form satisfactory to the city attorney guaranteeing such completion within two (2) years after such filing. Upon completion of the improvements for which a bond or cash surety, or other agreement, has been filed, the subdivider shall call for inspection by the city engineer, such inspection to be made within thirty (30) days from the request. If inspection shows that landscaping and construction have been completed in compliance with the approved plan, the bonds therefor shall be released. If the bonds are not released, refusal to release and reasons therefor shall be given the subdivider in writing.
- 4. Continuation Of Common Open Space:** As assurance of continuation of common open space approved by the planning commission, the subdivider shall grant to the city an "open space easement" on and over the common open space prior to recording the final plat, which easement will not give the general public the right of access but will provide that the common open space remains open.
- 5. Maintenance Of Common Open Space, Etc.:**
 - a.** To ensure maintenance of the common open space and other improvements where so required, the subdivider, prior to recording the final plat, shall cause to be incorporated under the laws of the state, a lot/homeowners' association. By proper covenants running with the land and through the articles of incorporation and bylaws of the association it shall provide that:
 - (1)** Membership in the association shall be mandatory for each lot/home purchaser, their grantees, successors and assigns.
 - (2)** The common open space restrictions shall be permanent and not just for a period of years.
 - (3)** The association must maintain liability insurance, paying general property taxes and maintaining recreational and all other facilities.
 - (4)** All lot owners shall pay their pro rata share of the costs of upkeep, maintenance and operation.

- (5) Any assessment levied by the association may become a lien on the real property of any lot owner which may be foreclosed and the property sold as on sales under execution.
- (6) The association shall be able to levy and to adjust assessments on the lot owners to meet current conditions. (Ord. 793, 7-11-1989)

11-3-2: SUBDIVISION IMPROVEMENTS REQUIRED:

A. Required; Time Limit: The owner of any land to be platted as a subdivision shall at their own expense install all improvements within a two (2) year time table following the date of recording of the final plat in accordance with the public works specifications adopted by the city council, except for septic tanks (see subsection A2b of this section), which must be installed according to the specifications contained in *Public Works Standard Drawings, Details & Technical Specifications* and under the inspection of the Weber-Morgan County Health Department. (Ord. 793, 7-11-1989; amd. 2001 Code)

1. Water Lines: Where an approved public water supply is reasonably accessible or procurable, the subdivider shall install water lines, to provide the water supply to each lot within the subdivision, including laterals to the property line of each lot. The location and size of water mains shall be approved by the city engineer. (Ord. 793, 7-11-1989)
2. Sewage Disposal:
 - a. Where a public sanitary sewer is within three hundred feet (300') or is otherwise close enough in the opinion of the city council after recommendation of the city engineer to require a connection, the subdivider shall connect with such sanitary sewer and provide adequate lateral lines to the property line of each lot. Such sewer connections and subdivision sewer systems shall comply with the regulations and specifications of, and shall be approved by, the city council and city engineer. (Ord. 793, 7-11-1989; amd. 2001 Code)
 - b. Where a public sanitary sewer is not reasonably accessible, the subdivider shall obtain approval from the state department of health for sewage disposal with a septic tank and drain field for each of the lots. Subdividers shall furnish to the board of health a report of percolation tests completed on the property proposed for subdivision under the regulations of the Utah State Department of Public Health governing individual sewage disposal systems as currently adopted. A tentative final plat of the subdivision shall accompany the report showing thereon the location of test holes used in completing the tests. Percolation tests shall be completed and reports prepared and signed by a qualified registered sanitarian or a licensed engineer not in the employ of the city. Written approval from the board of health shall be submitted to the planning commission before consideration of the final plat. Design of an individual system will be such that when a public sanitary sewer system is installed, the private system can connect to the public sanitary sewer system. (Ord. 793, 7-11-1989)
 - c. Notwithstanding anything to the contrary in this subsection, should there be a conflict between the requirements of this subsection and the requirements of section 8-3-1 of this code (adopting the wastewater control rules and regulations of the Central Weber Sewer Improvement District), the requirements of section 8-3-1 of this code, to the extent of such conflict, shall control. (Ord. 793, 7-11-1989; amd. 2001 Code)
3. Storm Water: The city council will require the subdivider to manage and dispose of storm water per the city engineer's recommendations. If easements are required across abutting property to permit drainage of the subdivision, it shall be the responsibility of the subdivider to acquire such easements.

4. **Street Grading And Surfacing:** All public streets shall be graded in accordance with the specifications and drawings adopted by the city council.
5. **Curbs And Gutters:** Curbs and gutters shall be installed on existing and proposed streets by the subdivider in accordance with the specifications and drawings adopted by the city council.
6. **Street Drainage and Drainage Structures:** Street drainage and drainage structures shall be required where necessary in the opinion of the city council after recommendation by the city engineer in accordance with the specifications and drawings adopted by the city council.
7. **Sidewalks:** Sidewalks shall be required and installed in accordance with the specifications and drawings adopted by the city council.
8. **Monuments:** Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat except those outlining individual lots. Monuments shall be of a type shown on the drawings and all subdivision plats shall be tied to a survey monument of record. (Ord. 793, 7-11-1989)
9. **Street Trees:** Street trees are to be provided as required in approved development plans and following approval from and by the City's Urban Forestry Commission (Ord. 793, 7-11-1989; amd. 2001 Code)
10. **Fire Hydrants:** Fire hydrants shall be installed. Such fire hydrants shall be of the type, size, number and installed in such locations as determined by recommendation of the fire department and/or city engineer and contained in the *Public Works Standard Drawings, Details & Technical Specifications*.
11. **Street Signs:** The city will furnish and install necessary street signs. The cost will be charged to the subdivider (see *Public Works Standard Drawings, Details & Technical Specifications*).
12. **Fencing Of Hazards:** A solid board, chain link or other non-climbable fence not less than six feet (6') nor greater than seven feet (7') in height shall be installed on both sides of existing irrigation ditches or canals which carry five (5) second feet or more of water, or bordering open reservoirs, railroad rights of way or nonaccess streets, and which are located within or adjacent to a subdivision, except where the planning commission and city council determine that park areas including streams or bodies of water shall remain unfenced (see *Public Works Standard Drawings, Details & Technical Specifications*).
13. **Staking Of Lots:** Survey stakes shall be placed at all lot corners to completely identify the lot boundaries on the ground.
14. **Street Lighting:** Street lighting shall be installed by the subdivider/developer in such locations as determined by the city engineer. (Ord. 793, 7-11-1989) (see *Public Works Standard Drawings, Details & Technical Specifications*).

B. Guarantee Of Improvements: See *Public Works Standard Drawings, Details & Technical Specifications*.

1. In lieu of actual installation of the improvements required by this chapter, the subdivider may guarantee the installation thereof by one of the methods specified :
 - a. The subdivider may furnish and file with the city recorder a bond with corporate surety, or irrevocable letter of credit by a financial institution approved by the city council and city attorney, in an amount equal to the cost of the improvements plus ten percent (10%) contingency/inflation factor for improvements not previously installed, as

estimated by the city engineer, to assure the installation of such improvements within two (2) years immediately following the approval of the subdivision plat by the city council, and to secure the ten percent (10%) guarantee amount for one year beyond the date of conditional final acceptance of improvements. The bond required by this subsection shall be approved by the city council and city attorney.

b. The subdivider may deposit in escrow with an escrow holder approved by the city council an amount of money equal to the cost of improvements, plus ten percent (10%) contingency/inflation factor for improvements not then installed, as estimated by the city engineer, as aforesaid, under an escrow agreement conditioned for the installation of the improvements within two (2) years from the approval of the subdivision plat by the city council, as aforesaid. The escrow agreement aforesaid shall be approved by the city council and the city attorney and shall be filed with the city recorder to secure the ten percent (10%) guarantee amount for one year beyond the date of conditional final acceptance of improvements.

2. The city council may prescribe by administrative rule or regulation, forms and procedures to ensure the orderly, regular and efficient processing of applications for approving a proposed subdivision and the strict compliance with the requirements of this subsection.

3. Whenever the subdivider develops a subdivision a portion at a time, such development shall be in an orderly manner and in such a way that the required improvements will be provided for the full, effective practical use and enjoyment thereof by the lessees or grantees of any of the lands subdivided within the time hereinbefore specified.

4. If the developer defaults, fails or neglects to satisfactorily install the required improvements within two (2) years from the date the final plat is recorded, the city may declare the bond or escrow deposit forfeited, and the city may install or cause the required improvements to be installed using the proceeds from the collection of the bond or escrow to defray the expense thereof. The city council may, but shall not be required, upon proof of difficulty, extend the completion date for a maximum period of one additional year. (Ord. 930, 12-2-1997, eff. 12-2-1997)

C. Engineering Checking Fees: There shall be paid to the city by the owners of the land petitioning for subdivision approval such sums of money as the city council may require to cover engineering review and field inspection costs. Fees shall be paid to the city treasurer as per adopted fee schedule which may be amended from time to time by the city council.

D. Inspection Of Improvements: The building official and city engineer shall inspect or cause to be inspected all buildings, structures, streets, fire hydrants and water supply, and sewage disposal systems and other improvements in the course of construction, installation or repair. All concrete forms are to be inspected and approval given prior to the placement of any concrete. Excavations for fire hydrants and water and sewer mains and laterals shall not be covered over or backfilled until such installations shall have been approved by the city engineer, nor shall any pavement on any street be laid unless the city engineer has been notified of the intention and the time and place of the paving and unless the engineer has approved the paving of the street in all its aspects. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the building official and if any paving of any street is done without prior notification and approval of the city engineer, then the subdivider and any other responsible person would be liable for any costs incurred by the city in inspecting, repairing or replacing said pavement, whenever such inspection, repair or replacement shall result from inadequate paving by the subdivider or other responsible person. (Ord. 793, 7-11-1989)

11-3-3: GUARANTEE OF WORK: (see *Public Works Standard Drawings, Details & Technical Specifications*) The subdivider shall warrant and guarantee (and post bond or other security as required by this title) that the improvements provided, and every part thereof, will remain in good condition from the date of the construction completion inspection report by the city engineer for a period as specified in *Public Works Standard Drawings, Details & Technical Specifications*. . The subdivider shall agree to make all

repairs to and maintain the improvements, and every part thereof, in good condition during the warranty period with no cost to the city. The subdivider shall agree that the determination for necessity of repairs and maintenance of the work rests with the city engineer. His decision upon the matter shall be final and binding upon the subdivider, the guarantee required shall extend to and include, but shall not be limited to, the entire streetbase, all pipes, joints, valves, backfill, compaction, as well as the working surface, curbs and sidewalks, as determined by the city engineer. (Ord. 793, 7-11-1989)

11-3-4: ENFORCEMENT AND PERMITS:

The building official shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conforms to all provisions of this title. No officer of the city shall grant any permit or license for any building, structure or land, when such land is a part of a subdivision not been approved and recorded in the county recorder's office. Any license or permit issued in conflict with this title shall be null and void. (Ord. 793, 7-11-1989; amd. 2001 Code)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: See title 1, chapter 8 of this code.

Footnote 2: See title 7, chapter 2 of this code.

Chapter 4 IMPROVEMENTS

11-4-1: STANDARDS AND SPECIFICATIONS ADOPTED BY REFERENCE:

The standards and specifications for subdivision improvements, including any amendments thereto, are adopted by this reference as if fully set forth. Said standards and specifications are on file in the city engineer's office. (Ord. 793, 7-11-1989; amd. 2001 Code) (see *Public Works Standard Drawings, Details & Technical Specifications.*)

Chapter 5 SUBDIVISION AMENDMENTS, ALTERATIONS AND VACATIONS

~~11-5-1: DEFINITIONS:~~

~~LOT COMBINATION: The altering of a subdivision plat by joining two (2) or more of an owner's contiguous, residential lots into one lot.~~

~~PLAT VACATION: The elimination of a plat, in whole or in part, which vacation may apply to subdivided lots, roads, alleys, easements, and other areas depicted or dedicated on the plat.~~

~~PROPERTY LINE ADJUSTMENT: The adjustment of a mutual boundary line between the owners of adjacent parcels described by either a metes and bounds description or as a lot within a recorded plat.~~

~~PUBLIC STREET OR ALLEY: Any street or alley, including a right of way or public access easement, that was dedicated as a public thoroughfare by means of recordation of a subdivision plat or street dedication plat. It also includes public streets or alleys, rights of way, and public access easements established by use or conveyed to the city, or its predecessor, by deed, declaration, legislative act or other instrument of conveyance other than a subdivision plat or street dedication plat.~~

~~11-5-2:~~11-5-1: PLAT AMENDMENTS, ALTERATIONS AND VACATIONS - CITY COUNCIL AUTHORITY:

- A. The city council may, with or without petition, consider and approve any proposed vacation, alteration, or amendment of a recorded subdivision plat as provided under this chapter and Utah Code Annotated section 10-9a-608 as amended.
- B. The city council may, with or without petition, consider and approve any proposed vacation of a public street or alley, after public hearing and notice as provided in this chapter and Utah Code Annotated section 10-9a-208 or future amended section.

~~11-5-3:~~11-5-2: STANDARDS AND PROCEDURES:

- A. Compliance with Zoning Title and Subdivision Title Requirements: Any amendment, alteration, or vacation of a recorded subdivision plat shall comply with the requirements of the zoning title. Approving an amended subdivision plat shall comply with the standards and procedures for approving a new subdivision plat, except for those procedural requirements expressly waived in this title.
- B. Preliminary Plat Approval:
 - 1. Besides the petition requirements under section 11-1-2-1 of this chapter, any information or documents otherwise required for preliminary plat approval for any proposed amended subdivision plat that:
 - a. Requires the additional dedication of any land for street or other public purposes; or
 - b. Creates over five (5) new additional lots.
 - 2. Under such circumstances, the petitioner shall meet with the City Planner prior to submission of the petition to determine what additional documents or information will be necessary to adequately review the proposal.
- C. Resubdivision: Whenever an owner or developer desires to vacate all or a portion of a recorded subdivision plat for the resubdivision of land, the owner or developer shall first, or concurrently therewith, obtain approval for the new or resubdivided plat by the same procedures prescribed for the subdivision of land.
- D. Approval and Recording: All subdivision amendments shall be approved by recording an amended plat in the office of the Weber County recorder meeting all requirements of this title for approving a final plat, except where approval by another instrument is authorized.
- E. Waiver of Requirement to File Amended Plat: filing an amended plat shall not be required to implement a subdivision amendment, alteration or vacation under the following circumstances:
 - 1. A property line adjustment approved by [staff](#). ~~the director under section 14-7-9 of this chapter.~~
 - 2. The vacation of an easement, other than a public access easement, dedicated to the city may be approved by recording of a deed signed by the mayor, following approval by the City Council, quitclaiming any interest the city may have in the described easement.
 - 3. The vacation of an entire subdivision plat, where the resubdivision of the property is not intended, may be approved by recording a resolution duly adopted by the city council containing a legal [description of the entire subdivision](#).
- F. Planning Commission Review: All petitions to vacate, alter or amend a subdivision plat shall be reviewed by the planning commission and its recommendations made to the city council.
- G. Required Owner Signatures: Any amended plat, or conveyance document effectuating a property line adjustment, shall be signed and acknowledged by all owners of the real property which is the subject of the amended plat or property line adjustment.
- H. Effective Period of Approval: Approval of a petition to amend a plat shall be valid for twelve (12) months, unless, upon application of the subdivider, the planning commission grants an extension upon the showing of good cause. If the amended plat has not been recorded within twelve (12) months, or the end of any approved extended period, the amended plat must be submitted anew for approval.
- I. Time Limit for Recording: After the mayor has approved a petition to amend a plat, an amended plat shall be prepared and approved in the same manner as final plats under the previous provisions of this title. An approved amended plat, in the form of a final plat, shall be

recorded within one month after receiving approval from the city. If a final plat is not recorded within one month after receiving final approval, the approval shall be null and void and the petitioner must again submit for final approval.

11-5-4;11-5-3: PETITION REQUIREMENTS:

A. A fee owner of land, as shown on the last county assessment roll, in a subdivision laid out and platted as provided in this title may file a written petition with the city to have some or all of the plat vacated, altered, or amended. A separate petition is required if the applicant proposes to vacate a public street or alley as part of the vacation, alteration or amendment of a plat. A petition to vacate, alter or amend a plat shall be made on forms provided by the department, upon payment of fees as required. A petition shall include at a minimum:

1. The name and address of each owner of record of the land contained in the entire plat.
2. The signature of each of these owners within the plat who consents to the petition.
3. The name, address, telephone number, fax number and e-mail address of the designated contact person.
4. A copy of the recorded plat to be amended, and a current copy of the Weber County ownership plats depicting the subdivision and the adjacent properties.
5. Copies of the proposed amended plat as determined by staff.
6. A recent title report covering the property, which identifies ownership, easements of record, liens or other encumbrances, and verifies payment of taxes and assessments. Such requirement may be waived by the staff if the city attorney determines that the ownership records of Weber County or other documentation of ownership provided by the petitioner will be adequate.
7. Any additional information or documents required to adequately review the proposed amendment, alteration or vacation.

B. Unless an amended plat is not required under this chapter, a copy of the proposed amended plat is required.

C. No petition shall be accepted unless accompanied by the fee required. Regardless of the outcome of any action on the petition, the petitioner will have no right to a refund of any monies, fees, or charges paid to the city nor to the return of any property or consideration dedicated or delivered to the city except as may have been agreed to or approved by the city in writing, specific to the petition.

D. To determine whether all owners in the subdivision have signed a petition or an amended plat, ownership may be determined as of the date of the petition requesting the amendment, alteration or vacation.

11-5-5;11-5-4: CRITERIA:

The vacation, alteration, or amendment of a recorded subdivision plat may be approved upon a finding there is good cause for the vacation, alteration, or amendment and on such terms and conditions as are reasonable to protect public health, safety, and welfare, or as is necessary to meet the requirements for new subdivisions.

11-5-6;11-5-5: NOTICE:

A. Except for a lot combination or a property line adjustment involving unsubdivided properties, notice of a proposed subdivision vacation, alteration, or amendment shall be made by:

1. Mailing the notice to each record owner of property within three hundred feet (300') of the property that is the subject of the proposed plat change, and all record owners of property subject to the change, addressed to the owner's mailing address appearing on the rolls of the Weber County assessor at least ten (10) calendar days before a public meeting or public hearing where the matter will be considered. The notice shall include:
 - a. A statement that anyone objecting to the proposed plat change must file a written objection to the change within ten (10) days of the date of the notice;
 - b. A statement that if no written objections are received by the city within the time limit, no public hearing will be held; and

- c. The date, place, and time when a public meeting or public hearing, if one is required, will be held to consider a vacation, alteration, or amendment without a petition when written objections are received or to consider any petition that does not include the consent of all landowners as required.
 2. Posting the date, place, and time of the public meeting or public hearing, in lieu of mailing, on the property proposed for subdivision vacation, alteration or amendment in a visible location, with a sign of sufficient size, durability, and print quality reasonably calculated to give notice to passersby, or as may otherwise be required by law.
- B.** The public meeting or, if required, the public hearing will be held within forty five (45) days after the petition is filed. A public hearing will be required, if:
1. Any owner within the plat notifies the city of the owner's objection in writing within ten (10) days of mailed notification;
 2. All of the owners in the subdivision have not signed the revised plat; or
 3. Any owner of property within three hundred feet (300') of the property that is the subject of the proposed plat change notifies the city of their objection in writing within ten (10) days of mailed notification.

~~11-5-7:~~11-5-6: STREET OR ALLEY VACATIONS:

A. Procedure:

1. Any person desiring to have a public street or alley vacated as part of a subdivision amendment or as a separate action must file a petition making the request and provide a recordable plat if such vacation is approved in any manner. The plat may be a street vacation plat or, if the vacation is proposed as part of a resubdivision of property, a subdivision plat. The petition shall include:
 - a. The name and address of each owner of record of land that is adjacent to the section of public street or alley proposed to be vacated and that is accessed by or within three hundred feet (300') of said section;
 - b. The signature of each owner under subsection A1a of this section who consents to the vacation;
 - c. A title report disclosing how the section of public street or alley proposed to be vacated was acquired by the city or dedicated to public use.
2. No petition shall be accepted unless accompanied by the fee required by this code. Regardless of the outcome of any action on the petition, the petitioner will have no right to a refund of any monies, fees, or charges paid to the city nor to the return of any property or consideration dedicated or delivered to the city except as may have previously been agreed to or approved by the city, in writing.
3. No portion of any public street or alley may be vacated by the city council unless the vacation has been proposed by the planning commission or first submitted to the planning commission for its recommendation. Notice of the date, place and time of the planning commission meeting where such vacation shall be considered shall be mailed at least ~~seven~~ ten (7-10) days in advance to the record owner of each parcel within three hundred feet (300') of the portion of the street or alley to be vacated regardless of whether such parcel is within the jurisdictional boundaries of the city.
4. The recommendation of the planning commission shall be forwarded to the city council.
5. The city council shall hold a public hearing for any proposed vacation of a public street or alley. At least ten (10) days before the public hearing, notice of the date, place and time of the hearing shall be:
 - a. Mailed to each affected entity;
 - b. Published in a newspaper of general circulation in the city;
 - c. Mailed to the record owner of each parcel accessed by the portion of the public street or alley proposed to be vacated or that is within three hundred feet (300') of the portion of the street or alley to be vacated regardless of whether such parcel is within the jurisdictional boundaries of the city; and

- d. Posted on or near the public street or alley in a manner calculated to alert the public.
- 6. The city council may approve the proposed vacation if it finds that good cause exists for the vacation and neither the public interest nor any person will be materially injured by the vacation. The ordinance approving the vacation or narrowing of a public street or alley shall contain a legal description of the vacated portion.
- 7. The plat reflecting the vacation shall be signed by those persons within the city who sign subdivision plats, and shall be effective when recorded with the Weber County recorder's office. The plat and ordinance shall be recorded:
 - a. Within thirty (30) days of approval or of complying with any required conditions if the vacation is not part of a resubdivision of property; or
 - b. When the subdivision plat is filed if the vacation is included as part of a resubdivision of property.
- 8. The action of the city council vacating some or all of a public street or alley dedicated to public use operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the city's fee in the vacated street or alley, but may not be construed to impair any right of way or easement of any lot owner or the franchise right of any public utility with existing utility lines in the portion vacated.
- 9. The action of the city council in vacating some or all of a public street or alley acquired by the city by use or conveyance to the city, or its predecessors, by deed, declaration, legislative act or other instrument of conveyance, other than a subdivision plat or street dedication plat, operates to remove the property from the category of public use property and the portion vacated shall be held and managed by the city according to the property management requirements of title 4, chapter 3, article A of this code.

~~11-5-8~~11-5-7: PLAT VACATION BY CITY:

- A. Planning Commission Recommendation: The planning commission, on its own motion, may recommend that the plat of any recorded subdivision be vacated when:
 - 1. No lots within the approved subdivision have been sold within five (5) years from the date that the plat was recorded;
 - 2. The developer has breached a subdivision improvement agreement or otherwise failed to install the required public improvements and the city cannot obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots then owned by the developer or its successor;
 - 3. The plat has been of record for over five (5) years and the planning commission determines that the further sale of lots within the subdivision presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots then owned by the developer or its successor.
- B. Procedure: Upon motion of the planning commission to vacate the plat of any previously approved and recorded subdivision, the proposed vacation shall be referred to the City Council, which may approve the vacation of the subdivision plat, by way of an adopted resolution, containing a legal description of the entire vacated subdivision, after notice and public hearing as provided in this chapter. The approved resolution shall be recorded in the records of Weber County.
- C. Authority Not Restricted: The authority granted herein shall not be interpreted to restrict the power of the city to approve, without petition, other amendments, alterations or vacations of recorded subdivision plats.

~~11-5-9~~11-5-8: PROPERTY LINE ADJUSTMENTS:

- A. A property line adjustment may be approved by the City Council after the required notice and public hearing, that:
 - 1. No new lot, dwelling unit, or remnant parcel will result from the property line adjustment;

2. The adjoining property owners have agreed, or intend to agree, to the property line adjustment through means of a recorded agreement or an agreement suitable for recording; and
 3. The adjustment does not result in violation of applicable zoning requirements.
- B.** The conveyance document effecting the property line adjustment shall recite the descriptions of both the original parcels or lots and the parcels or lots created by the adjustment or exchange of title, and be signed and acknowledged by the owners.
- C.** If the City Council approves a property line adjustment, a notice of approval shall be recorded in the Weber County recorder's office, either as an attachment to the conveyance document or as a separate document, in a form suitable for recording, approving such conveyance document.
- D.** The city engineer shall review and approve the legal descriptions used in the conveyance document. The city attorney shall review and approve the form of the conveyance documents for compliance with this chapter and the requirements of state law.

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ATTACHMENT "B"

ORDINANCE NO. 15-18

An Ordinance Of South Ogden City, Utah, Revising And Amending And Readopting Title 11 Of The City Code And Amending And Readopting Title 10, Chapter 12 Of The City Code Making Changes To Cluster Subdivisions Special Regulations; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

21 Jul 15

Title 10
Chapter 12
CLUSTER SUBDIVISIONS SPECIAL REGULATIONS

10-12-1: PURPOSE AND INTENT:

Cluster subdivisions are intended to allow flexibility in neighborhood and subdivision lot design by permitting the development of single-family and two-family dwellings on lots smaller than normally required for the zone in which the subdivision is located and by dedicating or reserving the land so saved to needed open space. It is not intended that this type of subdivision be universally applied but only where circumstances or natural features and land use make it appropriate and of special benefit to the residents of the subdivision and surrounding area. (Ord. 673, 1-8-1980)

10-12-2: GENERAL REGULATIONS:

A. Zones Allowed As Conditional Use: A cluster subdivision shall be a conditional use in R-1-10, R-1-8, R-1-6 and R-2 zones, and notwithstanding any other provisions of this title, the provisions as hereinafter set forth shall be applicable if any conflict exists; provided, however, that no such cluster subdivision shall contain more than twenty five (25) dwelling units. (Ord. 919, 8-5-1997, eff. 8-5-1997)

B. Lot Area Reduction: Where land is proposed for subdivision into lots and a subdivider dedicates or permanently reserves land within the subdivision for recreational use or open space, a reduction in the minimum lot area required for the zone in which the cluster subdivision is located, may be approved by the planning commission, provided the provisions of this chapter are met, and further; provided, that the cluster subdivision receives subdivision approval. (Ord. 673, 1-8-1980)

10-12-3: SITE DEVELOPMENT STANDARDS:

A. Minimum Lot Area: The minimum lot area for dwellings may be reduced below the area normally required in the zone in which the cluster subdivision is located, but no lot shall have an area less than two-thirds ($\frac{2}{3}$) of the minimum lot area required for such dwelling in the respective zone.

B. Minimum Lot Width And Yard Setbacks: The minimum lot width and side yard may be reduced below the side yard normally required in the zone in which the cluster subdivision is located, but no lot shall have a width or side yard of less than or three-fourths ($\frac{3}{4}$) of the minimum lot width or side yard required in the respective zone. (Ord. 673, 1-8-1980)

10-12-4: OPEN SPACE PROVISION:

There shall be permanently reserved within the subdivision for recreation and/or open space, parcels of land whose total area is not less than the amount by which the areas of the residential lots are reduced below the minimum area normally required in the zone in which the cluster subdivision is located. (Ord. 673, 1-8-1980)

10-12-5: OPEN SPACE PRESERVATION AND MAINTENANCE:

Recreation and/or open space areas to be permanently reserved shall be imposed, landscaped and maintained in accordance with a plan approved by the planning commission and the cluster subdivision provision of the subdivision title. (Ord. 673, 1-8-

1980)

10-12-6: PROCEDURE:

A preliminary plan of the cluster subdivision showing the areas within the subdivision to be permanently reserved for recreation and/or open space, and plans showing the proposed use, improvements and method of maintenance of such areas shall be approved by the planning commission before the cluster subdivision proposal becomes allowed. (Ord. 673, 1-8-1980; amd. 2001 Code)

10-12-7: COMMON OPEN SPACE; OTHER REQUIREMENTS AUTHORIZED:

A. The subdivider of a cluster subdivision shall submit plans of landscaping and improvements for the common open space. The subdivider shall also explain the intended use of the open space maintained. A cluster subdivision must assure proper use, construction, and maintenance of open space facilities and must result in a development superior to conventional development in terms of its benefits to future owners of the subdivision, surrounding residents and the general public.

B. The Planning Commission may place whatever additional conditions or restrictions it may deem necessary to ensure development and maintenance of the desired character for common open space, including plans for disposition or reuse of property if the open space use is not maintained in the manner agreed upon or is abandoned by the owners.

10-12-8: DESIGN STANDARDS

See Chapter 11-1-3-F Cluster Subdivision; Special Provisions for Cluster Subdivision design standards and requirements.

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City Council Staff Report



Subject: Firework Restrictions
Author: Chief Cameron West
Department: Fire
Date: 7/21/2015

Recommendation

It is recommended that the South Ogden City Council approve ordinance 15-19 restricting firework discharge areas within the city.

Background

South Ogden City has restricted the discharge of fireworks in the areas of the city with high fuel levels in the past. With the high level of heat and excess of vegetation, it is recommended that the city implement restrictions for the remainder of 2015.

Analysis

In order to mitigate the possibility of fire caused by fireworks, there will be restrictions on areas within the city where discharging of fireworks will not be allowed.

Significant Impacts

There will be no fireworks discharged in the high level hazards within city limits. These areas are detailed on the attached ordinance.

Attachments

Ordinance 15-19

ORDINANCE NO. 15-19

AN ORDINANCE OF SOUTH OGDEN CITY ADOPTING CERTAIN RESTRICTIONS ON THE USE OF FIREWORKS WITHIN CERTAIN AREAS OF THE CITY; RATIFYING THE DESIGNATION OF THE CITY'S FIRE OFFICIAL; PROVIDING FOR FUTURE IMPLEMENTATION OF FIREWORKS LIMITATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City Council finds that in conformance with UCA §10-3-717, and UCA §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

WHEREAS, the City Council finds that in 2011 the Utah legislature modified the state law by amending the types of fireworks which may be discharged in Utah which appears to have increased the use of fireworks within the City; and

WHEREAS, the City Council finds that in 2012 State law changed the dates allowed for the lawful discharge of fireworks; and

WHEREAS, the City Council finds there is and may be a high risk of fire when fireworks may be discharged; and

WHEREAS, the City Council finds that local fire officials are authorized to enforce the state fire code, under Utah Code Annotated §53-7-104; and

WHEREAS, the City Council finds that local fire officials may prohibit the use of fireworks and other ignition sources when hazardous environmental conditions necessitate controlled use, under Utah Code Annotated §15A-5-202(3)(b) which amends the 2009 International Fire Code; and

WHEREAS, the City Council finds it has appointed a Local Fire Official as described by Utah Code Annotated §53-7-104 and §15A-5-102(2)(c), with such appointment ratified and denominated as the City Fire Marshal; and

WHEREAS, the City Council finds that the Governor of the State of Utah has, from time to time, recommended that cities and towns consider a ban on fireworks due to high fire danger; and

WHEREAS, the City Council finds that similar conditions creating high fire danger may exist again requiring City response; and

WHEREAS, the City Council finds it is in the best interest of the municipality and the general health, safety and welfare of the public this ordinance should be passed;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF SOUTH OGDEN CITY AS FOLLOWS:

1. Definition. All terms relating to fireworks used in this ordinance shall have the same meaning as they are defined in Utah Code Ann. §53-7-202 of the Utah Fire Prevention Act.

2. Sale, Discharge and Possession of Certain Fireworks Restricted.

a. It is unlawful and for any person to sell or offer for retail sale, or to discharge, or to have in their possession any fireworks in this municipality, other than Utah state approved explosives used in accordance with, and only on the dates allowed by, Utah Code Ann. §53-7-220 through §53-7-225; the rules adopted pursuant thereto; and this ordinance, except as may otherwise permitted by state law.

b. It is unlawful for any person to discharge any fireworks within 20 feet of any residence, dwelling, or structure.

c. Due to unusually extreme hazardous fire conditions that exist within certain portions of the municipality, the discharge of all fireworks including class C common fireworks is prohibited in the areas of the municipality described as follows:

- Within 300 Feet of Any Boundary of the City's Nature Park
- Within 300 Feet Of the Center Line of Birch Creek On Either Side of the Creek
- Any Area within the City Limits East of Harrison Blvd.

Additionally, the discharge of all fireworks including class C common fireworks is prohibited in, upon, or around any of the following areas:

- Urban - Wild land Interfaces
- Open Fields
- Hillsides
- Vacant Lots
- In the Immediate Vicinity of Oak Brush, Pine Trees, Evergreens, Conifers, or Junipers
- Any City Park
- Other Areas As May Be Designated by the City's Fire Code Official under Authority Granted by the International Fire Code As Amended by the Utah State Legislature.

d. These restrictions and limitations shall be effective from July 1 through August 31, 2015 unless otherwise extended or terminated by order of the Mayor following consultation with the City Fire Marshal; or, as determined under the authority granted by paragraph 5, below.

3. Enforcement.

a. Every officer charged with enforcement of State and municipal laws including the Fire Marshal is charged with the responsibility to enforce this ordinance.

b. Fireworks possessed, sold or offered for sale in violation of this ordinance may be seized and destroyed and the license of the person selling or offering fireworks for sale may be revoked.

4. Punishment. Violation of this ordinance shall be a class B misdemeanor punishable by both fine and imprisonment as set forth in Utah law.

5. Continuing Authority. By order of the Mayor, following consultation with the City Fire Marshal, and without need for further action by the City Governing Body, the terms, conditions, requirements and limitations of this ordinance may be extended in any future year where the Mayor and Fire Marshal make specific findings that unusual and extreme hazardous fire conditions exist within the municipality.

6. Effective Date. This ordinance shall take effect immediately upon passing.

PASSED AND DATED this 21st day of July, 2015.

SOUTH OGDEN, a municipal corporation

by: _____
Mayor James F. Minster

Attested and recorded

Leesa Kapetanov
City Recorder

City Council Staff Report



Subject: Code enforcement quarterly update
Author: Darin Parke
Department: Police
Date: July, 22, 2015

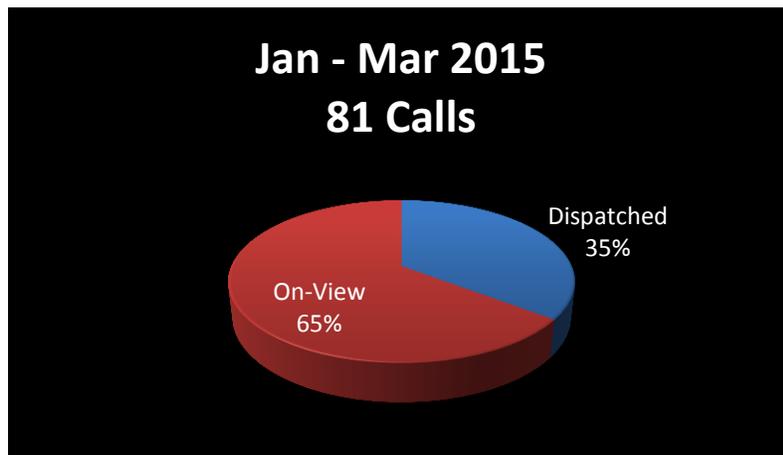
Recommendation

This is information regarding ordinance enforcement. There is no recommendation.

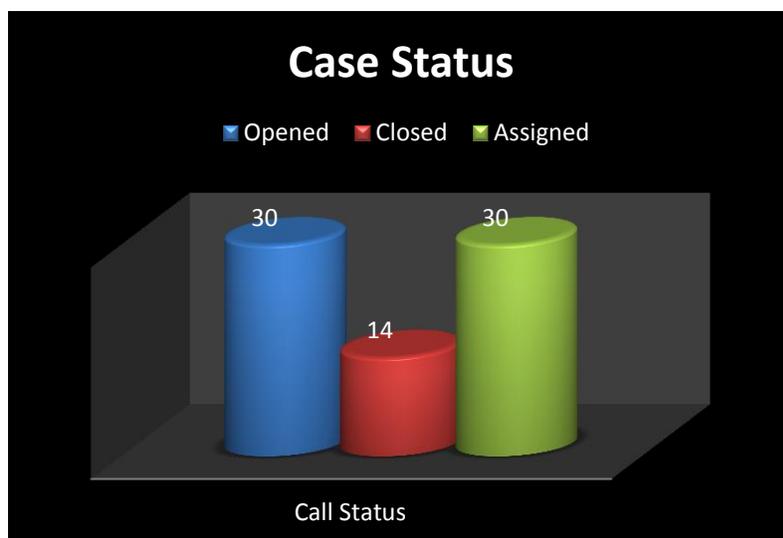
Background

Elected officials have asked to be updated on code enforcement quarterly.

Analysis

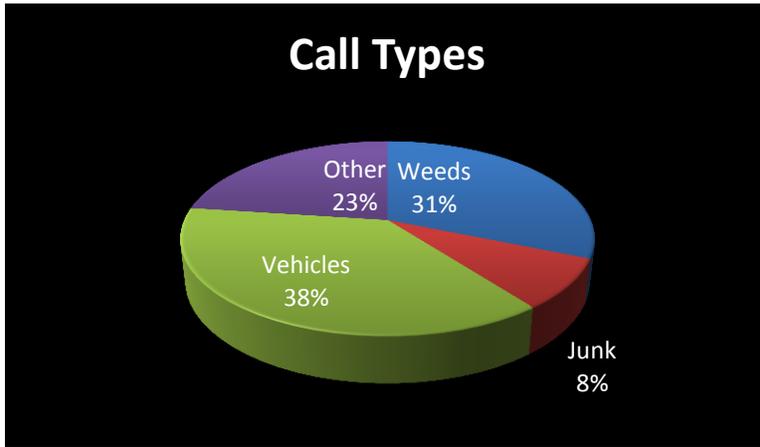


Apr – Jun, 2015, a total of 82 calls for ordinance violations were received/noted. Of those 82, 29 were dispatched and 53 were officer initiated.



Of the 82 calls, a total of 30 cases were generated for investigation and follow up.

As of the end of the quarter, 22 remain open for investigation and 14 were closed.



30 weed 8 junk 36 veh 22 other

The “vehicle” percentage also reflects contact with snowbound vehicles in the roadway. “Other” is any other contact that officers handled regarding city ordinance, i.e. skateboarders, solicitors, juvenile issues (not including those handled by the school resource officer.)



Five of the cases assigned in the second quarter required more than the initial contact with the violator.

No citations were issued for ordinance violations. One abatement was ordered. The city paid a contractor \$2,010.00 to clean junk from a yard. The cost will be attached to the property tax.

Good Landlord Program Activity

April

13 calls
7 officer viewed
6 dispatched

May

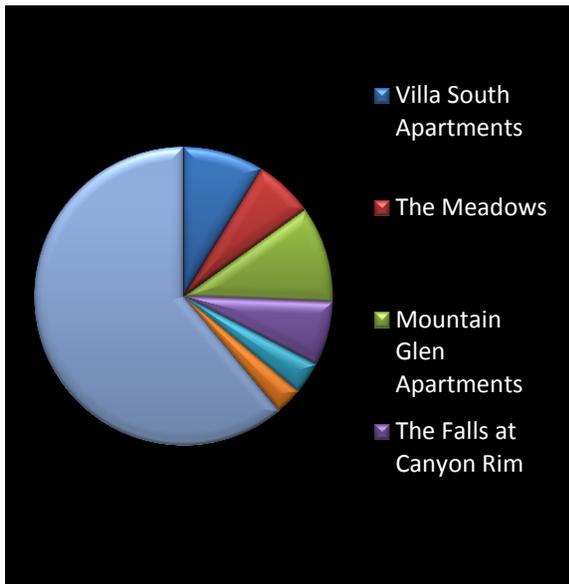
38 calls
25 officer viewed
13 dispatched

June

31 calls
21 officer viewed
10 dispatched

| Location | Total Calls | Total Follow-Ups | Percentage | # Open F/U's |
|--------------------------|-------------|------------------|------------|--------------|
| Villa South Apartments | 15 | 1 | 7% | 0 |
| The Meadows | 11 | 0 | 0% | n/a |
| Mountain Glen Apartments | 18 | 0 | 0% | n/a |
| The Falls at Canyon Rim | 12 | 0 | 0% | n/a |
| H & H Apartments | 6 | 0 | 0% | n/a |
| Burch Creek Apartments | 5 | 0 | 0% | n/a |
| All Other Locations | 105 | 2 | 2% | 1 |
| Totals | 172 | 3 | 9% | 1 |

Total Calls



Significant Impacts

No significant budget impacts.

City Council Staff Report



Subject: Good Landlord Program Quarterly Report
Author: Andrew Hyder
Department: Administration
Date: 07/21/15

Background

The Good Landlord Program was adopted on June 18, 2013 and has been steadily growing. The program has been in effect long enough that some property owners are renewing their licenses for the second time, thus the building the program's validity.

Analysis

This quarter, staff has been working on completing applications that have, for one reason or another, not been completed. Some of the applications date as far back as the previous coordinator. Staff has made adjustments to prevent partial applications from being submitted, with good success. The majority of applications are complete, or the applicant has a registered date of when they will complete the Good Landlord class, which is the most common reason for turning in a partial application. Staff has also been reconciling the master list with Weber County.

During the last quarterly report, staff answered questions concerning the amount of exempt properties. Since then, staff has researched the exempt list to clear off properties that have been sold, or transitioned into rentals. The City will mail letters to 147 property owners who remain on the exempt list. This is down from the original of 466 properties, as 170 of those have been removed from the list.

The City has issued 377 Rental Dwelling Licenses, 115 of which have chosen not to participate in the Good Landlord Program. The most common reason given for not becoming a member is the inconvenience of taking the Good Landlord class.

The last and final letter stating that the City will begin taking legal action against property owners who have not responded to previous attempts to contact them will be mailed soon. The staff has been working to ensure the accuracy of the mailing addresses. The last letter will be sent out via registered mail to 94 people.

The Good Landlord Program has grown quite a bit during the last two years but there are still a significant number of properties that are not licensed.

| | |
|--------------------------------|-------------|
| Total properties | 1029 |
| Percentage of licenses | 38% |
| Exempt | 29% |
| New Owners | 17% |
| Applications in process | 16% |

Out of the licensed properties **44%** are not participating in the Good Landlord Program.