

ORDINANCE NO. 23-09

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, VOIDING ORDINANCE 23-08 AND RE-ADOPTING AMENDMENTS TO SOUTH OGDEN CITY CODE 4-2-2 AND 7-1-1 CONCERNING THE MAINTENANCE OF ALLEYS; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

SECTION I - RECITALS:

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

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

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

WHEREAS, the City Council finds that it is necessary to re-inforce and clarify in the South Ogden City Code whose responsibility it is to maintain alleys in the City; and,

WHEREAS, the City Council wishes to amend South Ogden City Code (SOCC) 4-2-2 to clearly state that it is the adjoining property owner's responsibility to maintain their section of an alley; and,

WHEREAS, the City Council held the required public hearing on April 4, 2023 to receive and consider comments from residents concerning the amendments proposed to SOCC 4-2-2 and 7-1-1; and,

WHEREAS, no members of the public attended the public hearing, either in person or virtually; and,

WHEREAS, the City Council adopted Ordinance 23-08 approving the proposed amendments to SOCC 4-2-2 and 7-1-1, with some change to the wording, after the public hearing was held; and,

WHEREAS, the City Council discovered after the public hearing that those people with property abutting an alley had not received their mailed notices concerning the amendments and public hearing until after the public hearing had already been held; and,

WHEREAS, the City Council wished to give any residents the opportunity to make comment concerning the proposed changes to SOCC 4-2-2 and 7-1-1 concerning the maintenance of alleys; and,

WHEREAS, the City Council instructed staff to schedule another public hearing concerning amendments and re-send notices; and,

WHEREAS, the City Council has now given anyone who so wished the opportunity to make comment regarding the changes to SOCC 4-2-2 and 7-1-1 concerning the maintenance of alleys;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH that Ordinance 23-08 be made null and void and that the South Ogden City Code be changed and amended as follows:

Amended Sections:

Upon the adoption of this Ordinance, Title 4, Chapter 2, Section 2 shall be amended as follows:

4-2-2-2: Maintenance Unlawful; Exceptions

A. Violations; Zoning Considerations:

1. It shall be unlawful for any owner, occupant, agent or lessee of real property within the city, to allow, cause or permit the following material or objects to be in or upon any yard, garden, lawn, or outdoor premises of such property: junked, wrecked, dismantled, inoperative, discarded or abandoned vehicles; and refuse, debris, garbage, weeds and junk, as defined herein, or cause or permit the same to be in or upon any parking space, alley or sidewalk adjoining such yard, lot or piece of property within the city, [except when the same is temporarily deposited for removal.](#)

B. Exceptions:

1. This chapter shall not apply to antique farm machinery or other similar items when said items are used for decorative or landscaping purposes. When so used, however, the items must be placed in an orderly manner and must be maintained free from weeds, trash and other unsightly items.
2. This chapter shall not apply to an item or property, materials or objects used, kept or maintained in connection with a business enterprise lawfully situated and licensed for the same and operating in conformance with the zoning title or other provisions of this code; or
3. The outdoor storage of no more than one vehicle at a residence, as described in section 4-2-1 of this chapter.

- C. Prohibition On Park Strips, Sidewalks, Etc.: It is unlawful for any owner, occupant, agent or lessee of real property abutting and bordering on any public street in the city, for the distance such real property abuts and borders such street, to allow, cause or permit litter, or junk or salvage material, to be in or upon the area from the property line to the curb line of the street or edge of the roadway, except when the same is temporarily deposited for removal.
- D. Abutter's Alleys: It is unlawful for any owner, occupant, agent or lessee of real property facing on any abutter's alley, to allow, cause, or permit refuse, debris, garbage, weeds, litter ~~or,~~ junk or salvage material to be in or upon that portion of the abutter's alley for which the owner, occupant, agent or lessee is responsible ~~as defined in~~ under section 4-2-1 of this chapter, except when the same is temporarily deposited for removal.

7-1-1: Snow Removal

1. Required: It shall be unlawful for any person owning, having charge or control of or occupying any property, building, lot or part of a lot, land or real estate abutting on any sidewalk or alley of the city, to fail or refuse or neglect to remove promptly and effectively ~~every snowfall~~ snow, slush, and ice from ~~the any~~ sidewalk ~~in front of the property~~ or hard-surfaced alley for which the owner, occupant, agent or lessee is responsible under section 4-2-1, and to keep the sidewalk effectively clear from snow. For purposes of this section, hard-surfaced means any impervious surface as defined in 9-3A-1 of this code.
2. Depositing On Streets Prohibited: It shall be unlawful for any person to remove snow, ice or slush from private property and thereafter to deposit same by any means or device upon or within the dedicated confines of any city street.

SECTION II - 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 III - PRIOR ORDINANCES AND RESOLUTIONS:

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

SECTION IV - SAVINGS CLAUSE:

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative

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

SECTION V - DATE OF EFFECT

This Ordinance shall be effective on the 18th day of April, 2023, 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 18th day of April, 2023.

SOUTH OGDEN, a municipal corporation

Russell L. Porter,
Mayor

Attested and recorded

Leesa Kapetanov, CMC
City Recorder