

EXHIBIT C  
MUNICIPAL CODE

**OGDEN VALLEY  
Municipal Code**

**TITLE 1 GENERAL PROVISIONS**

**CHAPTER 1.01 ADOPTION OF MUNICIPAL CODE**

**CHAPTER 1.02 CONSTRUCTION OF MUNICIPAL CODE**

**CHAPTER 1.03 APPLICABILITY OF MUNICIPAL CODE**

**CHAPTER 1.04 PENALTIES AND ENFORCEMENT**

**CHAPTER 1.05 CITY IDENTITIES**

**CHAPTER 1.01 ADOPTION OF MUNICIPAL CODE**

1.01.010 Adoption

1.01.020 Title, Citation and Reference

**1.01.010 Adoption**

Pursuant to the provisions of Utah Code all ordinances currently in effect in Ogden Valley City, Utah, are hereby adopted, revised, codified and compiled as the Ogden Valley City Municipal Code.

**1.01.020 Title, Citation and Reference**

This Code shall be known, cited and referenced as the “Ogden Valley City Municipal Code” or “Municipal Code” or “Code.”

## **CHAPTER 1.02 CONSTRUCTION OF MUNICIPAL CODE**

1.02.010 Definitions

1.02.020 References to Municipal Code and Amendments

1.02.030 Title, Chapter and Section Headings

1.02.040 Reference to Specific Ordinances

1.02.050 Severability

1.02.060 Permissible Changes

### **1.02.010 Definitions**

A. As used in this Code, the following terms shall have the meanings herein set forth, unless an alternate definition of one of the following terms is specifically adopted elsewhere in this Code to govern only a specific Title, Chapter or Section of the Code. Definitions of additional terms not listed below may be found in specific Titles, Chapters and Sections of this Code.

1. "Code" shall mean the Ogden Valley City Municipal Code contained herein.
2. "Governing body" shall mean the Ogden Valley City Council.

### **1.02.020 References to Municipal Code and Amendments**

Whenever a reference is made to this Code or any portion thereof, or to any ordinance codified therein, the reference shall apply to all amendments, corrections, and additions hereafter made and then in effect, unless otherwise specified.

### **1.02.030 Title, Chapter, and Section Headings**

Title, Chapter and Section headings contained in this Code are for reference only and shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning, or intent of the provisions of any Title, Chapter, or Section hereof.

### **1.02.040 Reference to Specific Ordinances**

The provisions of this Code shall not negate any public or private reference to ordinances of Ogden Valley designated by number, but such reference shall be construed to apply to the corresponding provisions contained and codified within this Code.

### **1.02.050 Severability**

It is hereby declared to be the intention of the governing body that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any section, paragraph, sentence, clause or phrase of this Code shall be declared unconstitutional or without effect by any court, such judgment or decree shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Code.

### **1.02.060 Permissible Changes**

City officers and their agents are authorized to make any minor technical changes, corrections, modifications, additions and substitutions therein as permitted under state law and as deemed best to the end of publishing a simplified code free of inconsistencies.

## **CHAPTER 1.03 APPLICABILITY OF MUNICIPAL CODE**

1.03.010 Effective Date

1.03.020 Repeal of Existing Ordinances

1.03.030 Effect of Code on Past Actions and Obligations

1.03.040 Certain Ordinances Not Affected

1.03.050 Notice of Pending Ordinance

### **1.03.010 Effective date**

This Code shall become effective on the date the ordinance adopting this Code as the Ogden Valley Municipal Code is passed.

### **1.03.020 Repeal of Existing Ordinances**

All ordinances of Ogden Valley enacted prior to the adoption of this Code are hereby repealed.

### **1.03.030 Effect of Municipal Code on Past Actions and Obligations**

Neither the adoption of this Code nor any provision contained therein shall affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accrued before the effective date of this Code.

### **1.03.040 Certain Ordinances Not Affected**

Neither the adoption of this Code nor any provision contained therein shall be construed to repeal or otherwise affect the validity of the following: any ordinance promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds for the City, or any evidence of the City's indebtedness; any appropriation or ordinance providing for the levy of taxes or for an annual budget, or prescribing salaries for City officers and employees; any ordinance annexing territory to the City or discontinuing territory as part of the City; or any ordinance granting any franchise. All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out in full herein.

### **1.03.050 Notice of Pending Ordinance**

Pursuant to Utah Code Section 10-9a-509, the Ogden Valley City Council may formally initiate proceedings to amend City ordinances. In order to initiate proceedings to amend City ordinances as provided for herein, the City Council shall adopt a resolution specifying the nature of the proposed ordinance and directing that City staff prepare such an ordinance. The resolution shall take effect immediately, shall be effective for no more than 180 days, and shall provide that the proposed ordinance shall be enacted by the City Council within 180 days of adoption of the resolution. During the time the resolution is in effect, the City may prohibit activities that may violate the terms of the pending ordinance. This section shall not be construed to eliminate or diminish any power of the City in existence at the time this section is adopted.

## **CHAPTER 1.04 PENALTIES AND ENFORCEMENT**

1.04.010 General penalty

1.04.020 Liability of employers and agents

1.04.030 Presumption of responsibility for certain violations

1.04.040 Penalties not to excuse abatement of prohibited conditions

1.04.050 Double fee for failure to obtain required licenses

### **1.04.010 General Penalty**

Whenever in this Code or in any ordinance of the City an act is prohibited or is made or declared to be unlawful or an offense, or wherever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefore, the violation of any such provision of this Code or any such ordinance shall be punishable by a fine not to exceed the maximum Class B misdemeanor fine under Utah state law or by a term of imprisonment up to six months, or by both the fine and term of imprisonment. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense, unless otherwise provided.

### **1.04.020 Liability of Employers and Agents**

When the provisions of this Code or any other ordinance of the City prohibit the commission or omission of an act, not only the person actually doing the prohibited thing, or omitting the directed act, but also the employer and all other persons concerned or aiding or abetting therein shall be guilty of the offense described and liable to the penalty prescribed for the offense.

### **1.04.030 Presumption of Responsibility for Certain Violations**

The occupant and owner of any premises upon which a violation of any provision of this Code or of any City ordinance and the owner of any object or material placed or remaining anywhere in violation of any provision of this Code or of any City ordinance shall be presumed to be responsible for the violation so evidenced and subject to the penalty provided therefore.

### **1.04.040 Penalties Not to Excuse Abatement of Prohibited Conditions**

The application of any penalty under this Chapter shall not constitute the condoning or legalizing of any prohibited condition or prevent the abatement or enforced removal of such condition by any lawful means available to the City.

### **1.04.050 Double Fee for Failure to Obtain Required Licenses**

When work or activity for which a permit or license is required by this Code or by any City ordinance is commenced without first having acquired such permit or license, the specified fee shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with all the requirements of this Code or any applicable City ordinance, nor from any other prescribed penalties. Payment of such double fee or any unpaid portion thereof may be compelled by civil action in any court of competent jurisdiction. The acceptance of any portion less than the entire amount of such double fee by any officer or employee of the City shall not constitute a waiver or release of the balance thereof.

## **CHAPTER 1.05 CITY IDENTITIES**

1.05.010 Official Name of City

1.05.020 City Seal

1.05.030 Mission Statement

1.05.040 Vision Statement

1.05.050 Our Core Values

### **1.05.010 Official Name of City**

The official name of the City shall be “Ogden Valley City.” The city may be referred to herein as “Ogden Valley.”

### **1.05.020 City Seal**

The City Seal shall be used by the City Recorder and other City officials as required or allowed by law. The City Seal shall be rendered in a form and style approved by the City Council.

### **1.05.030 Mission Statement**

(Reserved)

### **1.05.040 Vision Statement**

(Reserved)

### **1.05.050 Our Core Values**

(Reserved)

**OGDEN VALLEY  
Municipal Code**

**TITLE 2 MUNICIPAL GOVERNMENT**

**CHAPTER 2.01 CITY OFFICERS**

**CHAPTER 2.02 CITY COUNCIL AND MEETING**

**CHAPTER 2.03 OGDEN VALLEY ADVISORY BOARDS, COMMISSIONS, AND COMMITTEES**

**CHAPTER 2.04 PLANNING COMMISSION**

**CHAPTER 2.05 BOARD OF ADJUSTMENT**

**CHAPTER 2.06 ELECTION AND CAMPAIGN FINANCE DISCLOSURE**

**CHAPTER 2.07 TAKING OFFICE**

**CHAPTER 2.08 RECORDS ACCESS AND MANAGEMENT**

**CHAPTER 2.09 ENFORCEMENT PROCEDURES AND ADMINISTRATIVE HEARINGS**

**CHAPTER 2.10 DISPOSITION OF REAL PROPERTY**

**CHAPTER 2.11 ETHICAL CONDUCT, CONFLICTS OF INTEREST & RECUSAL PROCEDURES**

**CHAPTER 2.12 OPEN AND PUBLIC MEETINGS**

**CHAPTER 2.01 CITY OFFICERS**

2.01.010 Form of Municipal Government

2.01.020 Mayor

2.01.030 City Council

2.01.040 City Recorder

2.01.050 City Treasurer

2.01.060 City Attorney

2.01.070 City Engineer

2.01.080 City Planning Administrator

2.01.090 City Zoning Administrator

**2.01.010 Form of Municipal Government**

Ogden Valley shall operate under the six-member council form of government as provided in the current version of the Utah Code as amended.

**2.01.020 Mayor**

The Mayor of Ogden Valley shall at all times have those powers and duties set forth in the current version of the Utah Code as amended.

**2.01.030 City Council**

The Ogden Valley City Council shall at all times have those powers and duties set forth in the current version of the Utah Code as amended.

**2.01.040 City Recorder**

The Mayor, with the advice and consent of the City Council, shall appoint a qualified person to the office of City Recorder. The City Recorder shall at all times have those powers and duties set forth in the current version of the Utah Code (Utah Code Ann. §10-3-916 and §10-6-139), as amended, and

also those powers and duties set forth in City ordinances, resolutions, and policies that are not inconsistent with State law.

**2.01.050 Treasurer**

The Mayor, with the advice and consent of the City Council, shall appoint a qualified person to the office of City Treasurer. The City Treasurer shall at all times have those powers and duties set forth in the current version of the Utah Code (including and not limited to Utah Code Ann. §10-6-135,136,137, 140 and 141), as amended, and also those powers and duties set forth in City ordinances, resolutions, and policies that are not inconsistent with State law.

**2.01.060 City Attorney**

The Mayor with the advice and consent of the City Council shall from time to time appoint a qualified person to the office of City Attorney. The City Attorney shall represent the interests of the City or their designee and shall have those powers and duties set forth in the current version of the Utah Code (Title 10 generally), as amended, and also those powers and duties set forth in City ordinances, resolutions, and policies that are not inconsistent with State Law.

**2.01.070 City Engineer**

The Mayor with the advice and consent of the City Council shall from time to time appoint a qualified person or firm who shall have a valid professional license in the state of Utah to the office of City Engineer. The City Engineer shall represent the interests of the City or their designee and shall have those powers and duties set forth in the current version of the Utah Code, as amended, and also those powers and duties set forth in City ordinances, resolutions, and policies that are not inconsistent with State Law.

**2.01.080 City Planning Administrator/Director**

(Reserved)

**02.01.090 Zoning Administrator Appointed**

(Reserved)

## **CHAPTER 2.02 CITY COUNCIL MEETINGS**

- 2.02.010 General Provisions
- 2.02.020 Presentation of Agenda Items
- 2.02.030 Form and Character of Motions
- 2.02.040 Requirements for the Submission of Requests
- 2.02.050 Documents Submitted to the City Council
- 2.02.060 Public Notice
- 2.02.070 Conduct of Members of the City Council
- 2.02.080 Time Limits on City Council Meetings
- 2.02.090 Remote Participation in Council Meetings

### **2.02.010 General Provisions**

- A. The City Council shall meet as set forth in the annually adopted notice of meeting schedule, to conduct its duly appointed business.
- B. A special meeting for any purpose may be held on the call of the Mayor or two members of the City Council. The City Recorder, in accordance with the provisions of City Code and State Law, shall notify City Council members and the public of such meetings.
- C. A quorum of the City Council shall consist of three voting members. A quorum shall be necessary to conduct business.
- D. A failure to vote by a member shall be counted as an abstention.
- E. Unless approved by the Mayor or three voting members of the City Council, the City Council will follow the published agenda for that meeting.
- F. The Mayor shall not vote or make motion except in those instances provided in the current version of the Utah Code as amended.
- G. An item may be placed on the agenda by the Mayor or two City Council members.
- H. Meetings will be governed by the current version of the Utah Code as amended and by the parliamentary rules as outlined in the current edition of *Roberts Rules of Order* or as otherwise adopted by the City Council. The Mayor shall chair the meetings and determine the agenda, including a moment of silence observed in opening comments.

### **2.02.020 Presentation of Agenda Items**

- A. No person shall be permitted to speak unless recognized by the Mayor, who shall designate time limits to persons permitted to speak on any matter properly before the City Council. Each person speaking before the City Council shall first state his/her name, address, and then the substance of his/her remarks.
- B. Matters before the City Council shall be presented in the following manner, unless otherwise directed by the Mayor.
  - 1. Presentation by staff.

2. Presentation by applicant.
3. Comments from the public, where appropriate (decided by the Mayor).
4. Comments and questions from the City Council
5. Further comments by applicant and public.
6. Concluding comments and recommendations from staff.

#### **2.02.030 Form and Character of Motions**

A. Upon review of the public record on a request and due deliberation among the members of the City Council, any member of the City Council, except the Mayor, may make a motion. The motion shall include not only the direction of the motion (table, continue for further investigation, return to referring body for further study, approval, approval with conditions, or denial), but also a recitation of the specific findings and conclusions supporting each motion.

B. A second shall be required for each motion (a motion shall die in absence of a second).

C. Discussion and amendments on the motion may then follow.

D. Reconsidering a motion enables a majority to bring back for further consideration a motion which has already been voted on. The purpose of reconsidering a vote is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote. It can be made only by a member who voted with the prevailing side.

#### **2.02.040 Requirements for the Submission of Requests**

A. The City Council may adopt standard forms for the submission of requests.

B. All request submissions shall be made and supporting documentation provided no later than 5 p.m., ten business days preceding a regular City Council meeting. Submissions that are incomplete as of said deadline shall be cause for the Mayor to withhold the submission from the City Council agenda. Any exceptions to this provision shall be approved at the sole discretion of the Mayor.

C. The City Recorder and the Planning Director, if appointed, shall verify the completeness of requests and, whenever possible, make staff reports available to the City Council no later than 5 p.m., five days preceding a regular City Council meeting.

D. The City Council may adopt a fee schedule for the submission of requests to cover staff review, processing, duplication, notices, and distribution of requests and related documents.

#### **2.02.050 Documents Submitted to the City Council**

A. Any and all materials submitted to the City Council regarding a request shall be entered into the public record unless privileged pursuant to governing law.

B. All notices, agendas, requests, letters or reports, staff reports, minutes of meetings, ordinances, and resolutions of record shall constitute the documents of the City Council.

**2.02.060 Public Notice**

A. Notice for all public hearings, work sessions, special meetings, and regular meetings shall conform to requirements of State law and City Code.

B. The regular meeting schedule for the calendar year following shall be determined at the first City Council meeting in January and may be modified from time to time by a Council majority.

**2.02.070 Conduct of Members of the City Council**

A. The Mayor and members of the City Council shall prepare themselves for hearings and meetings.

B. The Mayor and members of the City Council shall attend at least 60 percent of the City Council meetings within a calendar year, unless excused by the Mayor or Mayor Pro-tem. Failure to do so may be deemed by the City Council as cause for reduction in pay.

C. City Council members shall comply with the current version of the Municipal Officers and Employees Ethics Act as amended.

**2.02.080 Time Limits on City Council Meetings**

City Council meetings shall go no later than 10:00 p.m. unless a majority of the City Council votes to continue the meeting beyond this time limit. The vote to continue beyond the time limit shall be made on specific agenda items, and shall require a new motion for each agenda item considered after 10:00 p.m. In limiting the time allotted in City Council meetings, the City will, where possible, arrange the agenda to have all items that involve a public hearing to be put on the first part of the agenda. For items that do not involve public comment, applicants are put on notice that including an item on a City Council agenda does not guarantee that it will be heard in that meeting. If the time limit of 10:00 p.m. is exceeded, remaining items on the agenda will be continued to the next meeting.

**2.02.090 Remote Participation in Council Meetings**

A. A member of the City Council or the Mayor may participate in a duly noticed City Council meeting by means of electronic communication, including voice or video conferencing, when the individual is unable to be physically present, provided that the electronic communication allows the member to hear and be heard by the other Council members and the public in attendance.

B. A Council member participating electronically pursuant to this section shall be deemed present for purposes of quorum, deliberation, and voting.

C. The City shall make reasonable efforts to ensure that the electronic communication is accessible to the public to the same extent as in-person participation, consistent with applicable open meetings laws.

D. Participation by electronic communication shall not be permitted during a closed session unless authorized by law and approved by the presiding officer.

## **CHAPTER 2.03 OGDEN VALLEY ADVISORY BOARDS, COMMISSIONS, AND COMMITTEES**

2.03.010 Application

2.03.020 Committees Named

2.03.030 Council Authority to Establish, Exempt, and Dissolve Advisory Groups

2.03.040 Committee Officers and Duties

2.03.050 Mode of Appointment and Filling Vacancies

2.03.060 Meetings

2.03.070 Quorum and Conduct of Meetings

2.03.080 Order of a Regular Meeting

2.03.090 Order of a Public Hearing

2.03.100 Minutes

2.03.110 Conduct of Persons before the Commission

2.03.120 Form and Character of Motions

### **2.03.010 Application**

This Chapter shall apply to all City Commissions, Boards, and Committees unless specifically noted in their respective Title 2 Section.

### **2.03.020 Committees Named**

This Section shall pertain to the following advisory boards, commissions, and committees within Ogden Valley and any advisory boards, commissions or committees hereinafter created by the City Council (all Commissions, Boards, Agencies, Authorities, and Committees shall be hereinafter referred to in this Chapter as the "Commission"):

A. Planning Commission.

B. Board of Adjustment or Appeal Authority in accordance with Utah Code.

C. Any and all advisory boards, commissions or committees hereinafter created by the City Council.

### **2.03.030 Council Authority to Establish, Exempt, and Dissolve Advisory Groups**

In the interest of allowing for robust engagement of the community in less formal ways, the City Council, at its option, may exempt the additional advisory groups it may create hereunder from the provisions of Sections 2.03.040, et seq., or provide for alternative rules and procedures to apply. The City Council's power to create additional entities includes the power, in the Council's sole discretion, to limit or terminate their operation or otherwise guide their operation as it sees fit.

### **2.03.040 Rules of Conduct for all City Commissions, Boards, and Committees.**

The City Council shall adopt rules of procedure applicable to all entities established under this Section.

### **2.03.050 Mode of Appointment and Filling Vacancies**

A. Any vacancy in the Planning Commission membership shall be advertised in a newspaper of general circulation, posted in three public places and on the official Ogden Valley website.

Applications shall be accepted for a minimum of 14 days following the advertisement and posting. The Mayor, with the advice and consent of the City Council, shall appoint a new Commission member after appropriate review of the applications and interviews. Reappointments of existing Commission members may be made without advertising the vacancy.

B. Commission members shall be selected in accordance with the following policy adopted by the City Council.

1. Commission members shall be full-time residents and have lived in the city boundaries of Ogden Valley for a period of at least one year immediately prior to their appointment.
2. In making appointments to the Commission, the Mayor and the City Council will assure diversity in the membership to the extent practicable by considering all relevant factors such as geographic diversity, socioeconomic factors, cultural influences, and similar criteria.
3. Commission members shall be selected without respect to political affiliation.

C. The Mayor, with the advice and consent of the City Council, shall fill the unexpired term of any member whose office becomes vacant.

1. A member's office automatically becomes vacant if the member establishes residence outside of the City, or lives outside of City boundaries for a continuous period of more than 60 days.
2. A member's office automatically becomes vacant if the member misses more than 25 percent of the Commission's scheduled meetings during any twelve-month period. The Mayor, with advice and consent of the City Council, may waive this action should it be determined if there are circumstances that so justify.
3. Any member may be removed for cause by the City Council upon written charges and after a public hearing, if such a hearing is requested by the Commission member.

D. Subject to Section 2.11 Ethical Conduct, Conflicts of Interest & Recusal Procedures, any member who recognizes that he or she may have a possible conflict of interest relative to a matter on the Commission or Advisory Board agenda shall disclose his or her interest publicly before that matter is heard and shall excuse him or herself and leave the room during the Commission's or Advisory Board's deliberation and vote on that matter.

## **CHAPTER 2.04 PLANNING COMMISSION**

2.04.010 Introduction, Purpose, and Name

2.04.020 Number and Terms of Members

2.04.030 Authority and Duties

### **2.04.010 Introduction, Purpose, and Name**

A. Introduction. The Land Use Title of this Code, to be adopted, for the purpose of meeting specific requirements set forth by the Utah Code.

B. Name. The name of the organization shall be the Ogden Valley Planning Commission.

**2.04.020 Number and Terms of Members**

A. Regular Members. The terms of regular members shall be four years. Two consecutive four-year terms shall be the limit for regular membership. Partial terms shall not be considered in determining whether a person has served two consecutive terms. Terms for Regular Members shall begin on the first day of the new year in which the term commences. Terms for Regular Members end on the first day of the year following the year in which the term ends. Partial terms shall end on the first day of the new year after the expiration of the term.

B. Alternate Members. Whenever a regular member is absent, the Chair shall designate an alternate member to vote in the absent member's place. There are no limitations to the number of terms an alternate member may serve.

C. If an alternate member is not available the term of a regular member may be extended until a successor is chosen and qualified; except in the case of the member's death, resignation, removal or disqualification from holding office.

**2.04.030 Authority and Duties of the Planning Commission**

The Ogden Valley Planning Commission is authorized to fulfill all duties and obligations set forth in State Code which includes and shall not be limited to § 10-9a-300 through 303, § 10-9a-507 and 509, and § 10-9a-608.

**Chapter 2.05 – Appeal Authority**

- 2.05.010 Purpose and Authority
- 2.05.020 Establishment of Appeal Authority
- 2.05.030 Jurisdiction
- 2.05.040 Appeals Procedure
- 2.05.050 Hearing and Decision
- 2.05.060 Judicial Review
- 2.05.070 Severability

**2.05.010 Purpose and Authority**

This Chapter is adopted pursuant to Utah Code Ann. § 10-20-1101 and related provisions of state law. The purpose of this Chapter is to establish an appeal authority for Ogden Valley City to hear and decide appeals from administrative decisions as required by law, to ensure due process, and to provide a clear, fair, and orderly appeal process.

**2.05.020 Establishment of Appeal Authority**

A. Designation: The Ogden Valley City Council is hereby designated as the appeal authority for the City unless and until a separate appeal authority is established by ordinance.

B. Optional Delegation: The City Council may, by ordinance or resolution, establish and appoint a separate appeal authority or hearing officer to serve as the appeal authority as permitted by Utah law.

### **2.05.030 Jurisdiction**

The appeal authority shall hear and decide appeals from administrative decisions made by City officers, employees, or administrative bodies, including but not limited to decisions related to:

1. Land use and development matters, as provided in Title 10, Chapter 9a of the Utah Code and the Ogden Valley City Land Use Code;
2. Business licensing and permitting;
3. Enforcement actions and administrative determinations;
4. Any other administrative decision for which an appeal is authorized by state law or City ordinance.

### **2.05.040 Appeals Procedure**

A. Right to Appeal: Any person adversely affected by an administrative decision may appeal the decision to the appeal authority in accordance with this Chapter and applicable state law.

B. Filing of Appeal: An appeal shall be filed in writing with the City Recorder within the time period specified by applicable ordinance or state law. The appeal shall identify the decision being appealed and state the grounds for the appeal.

C. Record on Appeal: The appeal authority shall review the appeal based on the record of the administrative decision unless state law or City ordinance authorizes additional evidence.

D. Standard of Review: The appeal authority shall determine whether the administrative decision was arbitrary, capricious, illegal, or unsupported by substantial evidence, consistent with applicable Utah law.

### **2.05.050 Hearing and Decision**

A. Public Hearing: Appeals shall be heard at a public meeting unless a closed meeting is authorized under the Open and Public Meetings Act.

B. Decision: The appeal authority may affirm, modify, reverse, or remand the administrative decision. The decision shall be issued in writing and shall include findings sufficient to support the decision.

C. Finality: The decision of the appeal authority constitutes the City's final administrative action unless otherwise provided by law.

### **2.05.060 Judicial Review**

Any party aggrieved by a final decision of the appeal authority may seek judicial review in accordance with applicable provisions of Utah law.

**2.05.070 Severability**

If any provision of this Chapter is held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

## **CHAPTER 2.06 ELECTION AND CAMPAIGN FINANCE DISCLOSURE**

2.06.010 Election of Mayor and Council Members

2.06.020 General

### **2.06.010 Election of Mayor and Council Members**

Election for Mayor and Council Members shall be as provided in the current version of the Utah Municipal Code, as amended. The terms shall be for four years.

### **2.06.020 General**

All candidates for elective municipal office shall comply with the campaign finance disclosure requirements set forth in the Utah Elections Code, Utah Code Ann. § 20A-22-202 et seq., and all other applicable provisions of Titles 10 and 20A of the Utah Code, as amended from time to time.

## **CHAPTER 2.07 TAKING OFFICE**

- 2.07.010 Eligibility for Mayor and Council Members
- 2.07.020 Election of Mayor and Council Members
- 2.07.030 Term of Office for Mayor and Council Members
- 2.07.040 Vacancies in Office of Mayor or Council Member
- 2.07.050 Oath of Office
- 2.07.060 Bonds
- 2.07.070 Salaries
- 2.07.080 Failure to Qualify for Office
- 2.07.090 Duties and Powers Defined
- 2.07.100 Official Neglect or Misconduct
- 2.07.110 Transfer of Records

### **2.07.010 Eligibility for Mayor and Council Members**

A. Chosen by Voters. The Mayor and members of the City Council shall be elected by the registered voters of Ogden Valley.

B. Resident and Registered Voter. In accordance with Utah Code any person elected to the office of Mayor or member of the City Council must be a resident of and a registered voter in Ogden Valley. Each elected officer of Ogden Valley shall maintain residency within the boundaries of the City during his or her term of office, and each Council member shall maintain residency within the District the Councilmember represents. If an elected officer of the City establishes his or her principal place of residence outside the municipality during his or her term of office, that person's elected office is automatically vacant. If an elected officer is absent from the City anytime during his or her term of office for a continuous period of more than 60 days without the consent of the governing body, that person's elected office is deemed vacant, and the procedures set forth in State Code shall be followed to fill the vacated office.

C. City Employee. No member of the governing body shall, upon taking office, be an employee of Ogden Valley. Any employee of Ogden Valley shall be entitled to run for office while a municipal officer or employee but, if elected, shall comply with the provisions of this Section or the Utah Code as amended, prior to taking office.

### **2.07.020 Election of Mayor and Council Members**

A. Elected. The Mayor shall be elected in an at-large municipal election held on the Tuesday after the first Monday in November, as provided in Utah Code. Members of the City Council shall be elected per district.

B. Procedure. The municipal elections and primary elections for mayor and members of the City Council shall be conducted in the manner provided by the Utah Municipal Election Code for fourth class cities.

C. Primary Elections. No primary elections shall be held for the offices of Mayor or City Council and all openings for such offices shall be filled at the November general municipal election of Ogden Valley, unless:

- I. The number of candidates exceeds twice the number of offices to be filled; or

2. Primary election is otherwise required by law, in which cases a primary election shall be held in the manner provided in the Utah Code.

#### **2.07.030 Term of Office for Mayor and Council Members**

The elected Mayor and members of the City Council shall begin their term of office at noon on the first Monday in January following their election, and shall continue in office for four years thereafter and until their respective successors are chosen and qualified, except in case of death, resignation, removal, or disqualification from office pursuant to Utah Code.

#### **2.07.040 Vacancies in Office of Mayor or Council Member**

A. In accordance with Utah Code as amended, if any vacancy occurs in the office of Mayor or the City Council, the governing body shall appoint a registered voter in the City to fill the unexpired term of office vacated until the January following the next municipal election. This vacancy shall be filled in accordance with Utah Code Ann. § 20A-1-510.

#### **2.07.050 Oath of Office**

A. Required. In accordance with Utah Code as amended, before entering on their respective duties, all officers of Ogden Valley, whether elected or appointed, shall take the constitutional oath of office as set forth in the Constitution of Utah.

B. Time. Elected officials shall take their oath of office at noon on the first Monday in January following their election or as soon thereafter as is practical. Appointed officers shall take their oath of office at any time before entering on their duties.

C. Administered. The oath of office shall be administered by the City Recorder, any Judge, or any Notary Public.

D. Filed. All oaths of office shall be filed with the City Recorder.

E. Failure to Comply. No official act of any officer shall be invalid for the reason that he or she failed to take the oath of office.

#### **2.07.060 Crime Insurance and Bonds**

A. Required. Ogden Valley shall obtain Crime Insurance in accordance with Utah Code § 10-3-831 in an amount as set forth by resolution of the City Council.

B. Limitation on Treasurer's Bonds. In accordance with Utah Code as amended, the City Treasurer's bond may not be set at an amount less than that established by the State money management council pursuant to Utah Code

C. Filed. All Crime Insurance and bonds shall be filed with the City Recorder, except the City Recorder's bond, if different from the blanket bond, which shall be filed with the City Treasurer pursuant to Utah Code.

D. Premium Charge. In accordance with Utah Code as amended, the premium charged by a corporate surety for any official bond shall be paid by Ogden Valley.

E. Additional Bonds. The City Council may at any time require further and additional bonds of any or all elected or appointed officers of the City by resolution or ordinance pursuant to Utah Code as amended.

#### **2.07.070 Salaries**

A. Generally. In accordance with Utah Code elected and appointed officers of the City shall receive such compensation for their services as the governing body may fix by resolution, except to the extent the governing body has determined that such officers shall serve without compensation.

B. Adopting, Changing, or Amending Compensation. Upon its own motion, the governing body may review or consider the compensation of any officer or officers of the City or a salary schedule applicable to any officer or officers of the City for the purpose of determining whether it should be adopted, changed, or amended. In the event the governing body decides that the compensation or compensation schedules should be adopted, changed, or amended, it shall set a time and place of a public hearing at which all interested persons shall be given an opportunity to be heard. Notice of the time, place, and purpose of the meeting shall be published at least seven days prior thereto by a publication in at least one issue of a newspaper published in Weber County and generally circulated in Ogden Valley. After the conclusion of the public hearing, the City Council may enact an ordinance or resolution fixing, changing, or amending the compensation of any elected or appointed officer of the City or adopting a compensation schedule applicable to any officer or officers.

C. Monthly Compensation. The compensation of all City officers shall be paid at least monthly unless otherwise established by resolution.

#### **2.07.080 Failure to Qualify for Office**

Whenever any person duly elected to any office of the City fails to qualify for such office within 60 days after the date beginning of the term of office for which he or she was elected, such office shall thereupon become vacant and shall be filled as provided by law.

#### **2.07.090 Duties and Powers Defined**

The duties, powers, and privileges of all elected and appointed officers of the City shall be defined by the governing body pursuant to State Law.

#### **2.07.100 Official Neglect or Misconduct**

In accordance with Utah Code in case any officer of the City willfully omits to perform any duty, or willfully and corruptly commits oppression, misconduct, misfeasance, or malfeasance in office, the person, if guilty of a class A misdemeanor, shall be removed from office, and is not eligible for any City office thereafter.

#### **2.07.110 Transfer of Records**

Every officer and employee of the City, upon expiration of his or her term for any cause whatsoever shall, within five days after notification and request to do so, deliver to his or her successor all books and records which may be the property of the City.

## **CHAPTER 2.08 RECORDS ACCESS AND MANAGEMENT**

### **2.08.010 Intent for Records Access**

It is the City's intent to establish fair information practices to prevent abuse of personal information by the City while protecting the public's right of easy and reasonable access to unrestricted public records.

### **2.080.020 Adoption of State GRAMA**

Government records access and management in Ogden Valley shall be governed by the current version of the Utah Government Records Access and Management Act ("GRAMA"), as amended.

### **2.080.030 Administration to Be Set by Resolution**

The City shall adopt by resolution administrative rules governing record retention, records requests, fees, appeals process, records officers, and other administrative measures to comply with GRAMA.

## **CHAPTER 2.09 ENFORCEMENT PROCEDURES AND ADMINISTRATIVE HEARINGS**

- 2.09.010 Title and Purpose
- 2.09.020 Remedies not Exclusive
- 2.09.030 Notice of Violation
- 2.09.040 Service of Notice
- 2.09.050 Response to Notice of Violation and Request for Hearing
- 2.09.060 Administrative Hearing
- 2.09.070 Penalties and Fees
- 2.09.080 Abatement
- 2.09.090 Emergency Abatement
- 2.09.100 Recordation
- 2.09.110 Appeals

### **2.09.010 Title and Purpose**

This Chapter shall be known as the Ogden Valley Administrative Enforcement Ordinance. The purpose of this Chapter is to provide an efficient, effective mechanism for civil enforcement of the laws and ordinances of Ogden Valley while observing and protecting the rights of the citizens of the City to due process of law.

### **2.09.020 Remedies not Exclusive**

The existence or use of the procedures described in this Chapter shall not preclude the use by the City of other enforcement mechanisms unless prohibited by law.

### **2.09.030 Notice of Violation**

The City may issue to a person or entity believed to be in violation of a City law or ordinance a "Notice of Violation". The Notice of Violation shall be dated and shall state the name of the alleged violator, the address of the violation, the date(s) of the violation, the City laws or ordinances believed to have been violated, the steps the violator must take to cure the violation, the steps the City may take to enforce the law or ordinance allegedly violated, the penalties and fees that may be imposed if the violation is not corrected, a date by which the violation must be corrected to avoid imposition of penalties and enforcement action, and procedures by which the alleged violator may request an administrative hearing as described below.

### **2.09.040 Service of Notice**

The Notice of Violation and other notices required or contemplated by this ordinance, shall be hand-delivered to the alleged violator or posted in a conspicuous place on the affected property or mailed by U.S. Mail with delivery tracking. If these methods are unsuccessful in reaching the person, notice may be published in a newspaper of general circulation in the City.

### **2.09.050 Response to Notice of Violation and Request for Hearing**

A person who receives a Notice of Violation has a right to an administrative hearing. To receive a hearing, the alleged violator must request a hearing in writing. The request for hearing must be received by the City before the end of the tenth business day after the person's receipt of, or posting or publication of, the Notice of Violation. If no written request for hearing is received by the City within this time, the allegation in the Notice of Violation will be deemed by the City to

be true and to be the final administrative order of the City on the matter, the right to administrative appeal will be waived, and penalties and enforcement measures will be imposed.

#### **2.09.060 Administrative Hearing**

A. Within 45 days of receiving a written request for hearing, the City shall hold an administrative hearing. The hearing shall be conducted by an administrative law judge appointed by the Mayor with the advice and consent of the City Council. The administrative law judge may, but need not, be an employee of the City.

B. Notice of the hearing shall be given at least 14 days prior to the hearing. An alleged violator who fails to appear at an administrative hearing after the proper notice shall waive the right to an administrative hearing as if no hearing had been requested.

C. The hearing shall be a public meeting. The hearing shall be recorded or otherwise documented so that a true and correct transcript may be made of its proceedings.

D. Both the City and the alleged violator shall have the opportunity to speak and to call witnesses at the hearing. The administrative law judge may allow competent evidence and documents to be introduced at the hearing without observance of formal rules of evidence or procedure. Each side shall be allowed to question and cross-examine witnesses. Each side may be represented by an attorney, but if the alleged violator is to be represented by an attorney, that attorney shall contact the City attorney at least two business days prior to the hearing.

E. The City shall bear the burden of proof to establish the existence of a violation. Such proof shall be established by a preponderance of the evidence.

F. At the conclusion of the hearing, or within five business days thereafter, the administrative law judge shall issue a written order. The order shall find that the violation has or has not occurred. If the order finds that the violation has not occurred, the proceeding shall be dismissed. If the order finds that the violation has occurred, the order may impose penalties as provided in this or other City ordinances. The order may also direct the violator to cease and desist from the violation and may direct the City to abate the violation on its own as necessary. The order may give interim or temporary directives as necessary and may also embody agreements the two sides may make before, during or after the hearing.

#### **2.09.070 Penalties and Fees**

If the order issued after the administrative hearing finds that a violation has occurred, or if no hearing was requested, the City may impose penalties as specified in the law or ordinance found violated. In the absence of another applicable penalty provision, the City may impose a penalty not to exceed the maximum fine for a class C misdemeanor under Utah law per day of violation. In addition, the violator shall be assessed and required to pay all costs actually incurred by the City in abating and enforcing the law or ordinance in the case, and in holding the administrative hearing, if one was held, including but not limited to inspection costs, filing fees, title searches, equipment costs, attorney fees and administrative law judge fees.

#### **2.09.080 Abatement**

If the order issued after the administrative hearing finds that a violation has occurred, or if no hearing was requested, the City shall have authority to take reasonable measures to abate the

violation as specified in the order or Notice of Violation, including entering onto the property at the site of the violation and physically abating the violation.

**2.09.090 Emergency Abatement**

Nothing in this ordinance shall be construed to prohibit the City from taking emergency measures to immediately abate a violation when preservation of the life, safety or health of the public requires immediate action.

**2.09.100 Recordation**

The City may record the order issued by the administrative law judge, or, if no hearing was requested, the Notice of Violation, with the County Recorder, indexed to the property (if any) at which the violation occurred. If an order or notice is so recorded, and the violation is thereafter abated and the property comes into compliance, the City shall file with the County Recorder a notice of compliance retracting the stated violation within 30 days of the violation coming into compliance.

**2.09.110 Appeals**

Any person adversely affected by an administrative order issued following an administrative hearing under this ordinance may petition a Utah State District Court for review of the order pursuant to Utah Code within 30 days of the issuance of the order.

## **CHAPTER 2.10 DISPOSITION OF REAL PROPERTY**

2.10.010 Significant Parcel of Real Property

2.10.020 Notice of a Hearing

2.10.030 Fair Market Value

### **2.10.010 Significant Parcel of Real Property**

“Significant parcel of real property” owned by Ogden Valley is hereby deemed to include any real property owned by the City.

### **2.10.020 Notice of a Hearing**

Reasonable notice of a hearing on disposition by the City of real property is hereby deemed to require publication of the notice once in a newspaper of general circulation at least 14 days before the hearing and posting of the notice in at least three public places within Ogden Valley at least 14 days before the hearing.

### **2.10.030 Fair Market Value**

The City Council shall take whatever steps are necessary to insure, to the best of its ability, that the City obtains fair market value for any real property disposed of by the City.

## **CHAPTER 2.11 ETHICAL CONDUCT, CONFLICTS OF INTEREST & RECUSAL PROCEDURES**

- 2.11.010 Purpose
- 2.11.020 Municipal Officers and Employee Ethics Act
- 2.11.030 Definitions
- 2.11.040 Use of Office for Personal Benefit Prohibited
- 2.11.050 Nepotism Prohibited
- 2.11.060 Conflicts of Interest & Disclosure Generally
- 2.11.070 Compensation for Assistance in Transaction Involving Municipality
- 2.11.080 Interest in Entity Subject to City Regulation
- 2.11.090 Interest in Entity Conducting Business with the City
- 2.11.100 Private Investment and Interest Conflicts
- 2.11.110 Recusal Procedures
- 2.11.120 Avoiding the Appearance of Impropriety
- 2.11.130 Complaints Charging Violations
- 2.11.140 Penalties for Violation
- 2.11.150 Inducing Officer to Violate Ordinance Prohibited

### **2.11.010 Purpose**

The purpose of this ordinance is to earn the trust of city residents by promoting ethical government and avoiding any appearance of impropriety or bias in government services. Officials and employees are to conduct themselves in a manner that represents the City positively, by dressing professionally, using polite speech, refraining from derogatory language and personal attacks, and respecting views expressed by other officials, employees, and constituents.

This ordinance establishes standards of conduct for elected officials, appointed officers, employees, and volunteers serving on city boards, commissions, committees, agencies, councils, and foundations without regard to whether such individuals are compensated for their services. The ordinance also requires these persons to disclose actual or potential conflicts of interest between their public duties and their personal interests. Finally, the ordinance establishes recusal rules for determining whether a person's conflict of interest in a particular situation disqualifies the individual and the scope of such recusal.

Ethical practices by government personnel have special relevance in our modern world, as it directly affects the electorate's trust in their government. Ethical rules present a catalog of conduct that is prohibited, but such cannot be an exhaustive catalog, as the human imagination is sufficiently rich to discover a gap or loophole in ethical rules. Therefore, emphasis is put not on the letter of prohibition but the spirit of observance of ethical standards.

### **2.11.020 Municipal Officers and Employee Ethics Act**

Statutory provisions prohibiting certain conduct and governing conflicts of interest are outlined in the Utah Code. See Utah Code Ann. 10-3-1301, *et seq.* The statutory provisions are adopted

by this cross reference as the minimum rules of ethical conduct. To the extent these ordinances prescribe stricter ethical rules, the ordinances shall control.

### **2.11.030 Definitions**

A. **Appointed Officer.** Any person appointed to any statutory office or position or any other person appointed to any position of employment with the City. Appointed officers include, but are not limited to, persons serving on special, regular, part-time, or full-time committees, commissions, agencies, boards, councils, or foundations created by the governing body, whether or not such persons are compensated for their services. The use of the word "officer" in this part is not intended to make appointed persons or employees "officers" of the City according to any meaning that term may have elsewhere.

B. **Assist.** To knowingly act, or offer or agree to act, in such a way as to knowingly help, represent, aid, advise, furnish information to, or otherwise knowingly provide assistance to a person or business entity, believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to so assist such person or business entity.

C. **Business Entity.** A sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.

D. **Compensation.** Anything of economic value, however designated, which is paid, loaned, granted, given, donated, or transferred to any person or business entity by anyone other than the City for or in consideration of personal services, materials, property, or any other thing or service which may have a value placed on it.

E. **Elected Officer.** Any person elected or appointed to the office of Mayor or Council Member.

F. **Improper Disclosure.** Disclosure of private, confidential, or protected information to any person who does not have both the right and the need to receive the information.

G. **Municipal Employee.** A person who is not an elected or appointed officer who is employed on a full, part-time, and volunteers serving in operational roles that exercise influence over decisionmaking, or statutory roles or commissions by Ogden Valley.

H. **Private, Confidential, or Protected Information.** Information classified as private, or protected under Chapter 2, Title 63 of the Government Records Access and Management Act or other applicable provisions of law.

I. **Substantial Interest.** The ownership, either legally or equitably, by an individual, his spouse, or his minor children, or an entity he controls, of at least 10 percent of the outstanding shares of a corporation or 10 percent interest in any other business entity.

J. **Volunteer.** A person serving on city boards, commissions, committees, agencies, councils, and foundations. Volunteers shall be considered "appointed officers" under this ordinance.

### **2.11.040 Use of Office for Personal Benefit Prohibited**

A. No elected or appointed official shall:

1. Improperly disclose private, confidential, or protected information acquired by reason of his official position or use such information to secure special privileges or exemptions for him or others.
2. Use or attempt to use his official position to secure special privileges for himself or others; or
3. Knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift or loan for himself or another if the gift or loan tends to influence him in the discharge of his official duties, but this subsection does not apply to:
  - a. An occasional nonpecuniary gift having a value of less than \$50.
  - b. An award publicly presented.
  - c. Any bona fide loan made in the ordinary course of business.
  - d. Political campaign contributions if the contribution is actually used in a political campaign.

### **2.11.050 Nepotism Prohibited**

A. No elected or appointed officer shall employ, appoint, or vote for the appointment of his or her father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law in or to any position or employment, when the salary, wages, pay, or compensation of such appointee will be directly supervised by a relative. It is unlawful for such appointee to accept or to retain such employment when his initial appointment thereto was made in contravention of the foregoing sentence by a person within the degrees of consanguinity or affinity therein specified having the direct power of employment or appointment to such position, or by a board or group of which such person is a member.

B. The provisions of this section shall not apply among others to the following employment situations:

1. Where the employee or appointee was appointed or employed by the City prior to the time during which said related person, acting as supervisor, assumed said public position therein.

2. Where the employee or appointee was or is eligible or qualified to be employed by a department or agency of the City as the result of his compliance with civil service laws or regulations and merit system laws or regulations or as the result of a certification as to his qualification and fitness by a department, agency, or subdivision of the state or City authorized so to do by law.

3. Where the employee or appointee was or is employed by the employing unit because he was or is the only person available, qualified, or eligible for the position.

C. Each day any such person, father, mother, husband, wife, son, daughter, brother, sister, uncle, aunt, nephew, niece, first cousins, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law, is retained in office by any of said officials shall be regarded as a separate offense.

### **2.11.060 Conflicts of Interest & Disclosure Generally**

A. A potential conflict of interest exists if a reasonable person might conclude that the private interests of an officer or employee could affect his carrying out his public duties and public actions in an objective and non-biased manner. If this question is answered affirmatively, an actual conflict exists and the individual must be recused from participating in any deliberations or votes underlying the public duties and public actions affected by the conflicted matter. Recusal is an objective test using the “reasonable man” standard and may be required under these rules even though the official or employee believes no actual conflict exists or that the conflict will not affect his carrying out his public duties.

B. Conflicts of interest vary greatly and depend on the facts and circumstances. Some general guidance on identifying conflicts includes:

1. Utah Code Ann. § 10-3-1301, *et seq.* identifies several situations that may give rise to a potential conflict of interest, which an official, employees or subcontractor must disclose. These situations are elaborated upon in the following subsections—Sections 2.11.070 – 2.11.100.
2. A direct conflict arises where the officer or employee faces a private benefit or detriment resulting from the public decision or action.
3. An indirect conflict of interest arises where the private benefit or detriment flows to a relation or friend of the official or employee, or to a group or association which hold some share of a person’s loyalty.
4. Mere membership itself in a group or organization shall not be considered a conflict of interest, unless a reasonable person would conclude that such membership in itself could prevent an objective consideration of the matter.

**C. A potential conflict must be disclosed in a sworn written statement filed with the City. The City will from time to time publish a disclosure form to be used for this purpose. An individual must file and update (if necessary) such statement in connection with campaigning for office, upon becoming an officer or employee, and in January each year**

**while serving as an officer or employee. If the individual becomes aware of a potential conflict of interest after the foregoing reporting dates, the individual must file an updated statement as soon as possible.**

#### **2.11.070 Compensation for Assistance in Transaction Involving Municipality**

##### A. Compensation.

1. No elected or appointed officer or municipal employee may knowingly receive or agree to receive compensation for assisting any person or business entity in any transaction involving the City in which he/she is an officer unless he files with the Mayor a sworn statement giving the information required by this Section, and if an elected or appointed officer disclosed the same in open meeting to the members of the body of which he is a member immediately prior to the discussion the information required by this Section.
2. No municipal employee may knowingly receive or agree to receive compensation for assisting any person or business entity in any transaction involving the City unless he discloses the information required by this Section to his immediate supervisor and any other municipal officer or employee who may rely upon the employee's representations in evaluating or approving the transaction.

B. Disclosure Statement. The statement required to be filed by this Section shall be filed ten days prior to the date of any agreement between the elected or appointed officer or municipal employee and the person or business entity being assisted or ten days prior to the receipt of compensation by the business entity, whichever is earlier. The statement is public information and shall be available for examination by the public.

C. Disclosure Information. The statement and disclosure shall contain the following information:

1. The name and address of the officer or employee.
2. The name and address of the person or business entity being or to be assisted or in which the appointed or elected official has a substantial interest.
3. A brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed.

#### **2.11.080 Interest in Entity Subject to City Regulation**

A. Required. Every appointed or elected officer or municipal employee who is an officer, director, agent, or employee or the owner of a substantial interest in any business entity which is subject to the regulation of the City, shall disclose the position held and the nature and value of his interest upon first becoming appointed, elected, or employed by the City and again at any time thereafter if the elected or appointed officer's or employee's position in the business entity

has changed significantly or if the value of his interest in the entity has increased significantly since the last disclosure.

B. Form. The disclosure shall be made in a sworn statement filed with the Mayor. The Mayor shall report the substance of all such disclosure statements to the members of the governing body or may provide to the members of the governing body, copies of the disclosure statement within 30 days after the statement is received by him.

C. Exceptions. This Section does not apply to instances where the value of the interest does not exceed \$5,000, and life insurance policies and annuities shall not be considered in determining the value of any such interest.

#### **2.11.090 Interest in Entity Conducting Business with the City**

Every appointed or elected officer or employee who is an officer, director, agent, employee, or owner of a substantial interest in any business entity which does or anticipates doing business with Ogden Valley, shall publicly disclose, to the members of the body of which he is a member, or by which he is employed, immediately prior to any discussion by such body, concerning matters relating to such business entity, the nature of his interest in that business entity. The disclosure statement shall be entered in the minutes of the meeting. Disclosure by a municipal employee under this Section is satisfied if the employee makes the disclosure in a manner required in this Chapter.

#### **2.11.100 Private Investment or Interest Conflicts**

Any personal interest or investment by a municipal employee or by any selected or appointed official of the City which creates a conflict between the employee's or official's personal interests and his public duties shall be disclosed in open meeting to the members of the governing body in the manner required in this Chapter.

#### **2.11.110 Recusal Procedures**

A. In order to assure the public that the City's officers and employees are carrying out their duties and activities in an objective and non-biased manner, the decision whether to recuse an individual due to a potential conflict of interest must be made by an independent party without the individual being one of the decision makers. Nevertheless, the individual has the right to make a factual presentation and argument with respect to the recusal issue in a public meeting with the City Council. An individual may also choose to exclude themselves, without council determination.

B. Initially the recusal decision maker shall be the City Council, excluding the individual if he is a Council member. As the City government matures, the responsibility for considering recusal decisions, may be spread among two or more bodies within the City government.

C. The individual with the potential conflict of interest must request that the City Council decide whether recusal is appropriate under the circumstances. Another officer or employee also may initiate a recusal request.

D. A decision to recuse an individual due to an actual conflict of interest shall be made by simple majority vote by the City Council or successor bodies.

E. Once a recusal proceedings is requested, the individual must:

1. Be excused from any meeting where the discussion and action occur.
2. Refrain from ex parte communications with any other official or employee regarding the conflicted matter or the recusal determination.
3. Abstain from voting on the action.
4. Abstain from commenting on the conflicted matter or participating in deliberations with respect to the matter.

F. In the event an official or employee is recused with respect to a conflicted matter, the individual shall continue to follow the proscriptions specified in this paragraph with respect to the conflicted matter.

G. The City Council or other decision-maker must create a written record memorializing the recusal vote and the underlying factual and legal rationale in support of this decision.

#### **2.11.120 Avoiding the Appearance of Impropriety**

Each employee shall conduct his official affairs in such a manner that will give the clear impression that he cannot be improperly influenced in the performance of his official duties.

#### **2.11.130 Complaints Charging Violations**

Any complaint alleging a violation of this Chapter by a City officer or municipal employee shall be filed and handled in accordance with Utah Code § 10-3-1311. If the City has established a municipal ethics commission, complaints shall be filed with or processed by that commission as provided by law. If the City has not established a municipal ethics commission, complaints shall be filed with or forwarded to the Political Subdivisions Ethics Review Commission pursuant to Title 63A, Chapter 15.

#### **2.11.140 Penalties for Violation**

In addition to any penalty contained in any other provision of law, including but not limited to the Utah Code, any person who knowingly and intentionally violates this Chapter shall be guilty of a class B misdemeanor.

#### **2.11.150 Inducing Officer to Violate Ordinance Prohibited**

It is a class B misdemeanor for any person to induce or seek to induce any appointed or elected officer or municipal employee to violate any of the provisions of this ordinance.

## **CHAPTER 2.12 OPEN AND PUBLIC MEETINGS**

2.12.010 Title

2.12.020 Purpose

2.12.030 Application of the Utah Open and Public Meetings Act

2.12.040 Electronic Meetings

2.12.050 Approval of Minutes

### **2.12.010 Title**

This Chapter is known as the “Ogden Valley Open and Public Meetings Ordinance.”

### **2.12.020 Purpose**

The City believes that its government exists to aid in the conduct of the people’s business. It is the intent of the City to take all of its actions openly and conduct all of its deliberations openly.

### **2.12.030 Application of the Utah Open and Public Meetings Act**

All meetings, proceedings and other activities of all councils, boards, commissions, agencies and authorities established under the authority of this Title shall be governed by the provisions of the Utah Open and Public Meetings Act, Title 52, Chapter 4, Utah Code, as said Act may be amended from time to time.

### **2.12.040 Electronic Meetings**

A. All councils, boards, commissions, committees, agencies and authorities established under the authority of this Title may hold and conduct electronic meetings in accordance with this Section and the requirements of applicable Utah law.

B. Electronic meetings shall comply in all respects with the requirements of the Utah Open and Public Meetings Act, Title 52, Chapter 4, Utah Code (as amended from time to time), including providing required public notice of all meetings.

C. Notice of an electronic meeting to be held by any public body shall be given to each member of the body prior to the electronic meeting in the manner and time provided by the Open and Public Meetings Act in order to allow all members the opportunity to participate in the meeting electronically.

D. All electronic meetings (except for permissible closed meetings under the Open and Public Meetings Act) shall be held in a location that allows attendance by the public at the electronic meeting.

E. A recording and written minutes of all electronic meetings shall be made as required by the Open and Public Meetings Act.

### **2.12.050 Minutes**

Minutes shall be kept and approved in accordance with Utah Code Ann. Section 52-4-203, or as may otherwise be amended.

**OGDEN VALLEY  
Municipal Code**

**TITLE 4 REVENUE AND FINANCE**

**CHAPTER 4.01 FISCAL POLICIES AND PROCEDURES**

**CHAPTER 4.02 PROCUREMENT**

**CHAPTER 4.03 SALES AND USE TAXES**

**CHAPTER 4.04 PROPERTY TAXES**

**CHAPTER 4.05 FRANCHISE FEES (RESERVED)**

**CHAPTER 4.06 IMPACT FEES (RESERVED)**

**CHAPTER 4.01 FISCAL POLICIES AND PROCEDURES**

4.01.010 Capital Facilities Planning and Procedures

4.01.020 Investments

**4.01.010 Capital Facilities Planning and Procedures**

A. Definitions. For purposes of this Section, the following words and phrases shall have the meanings set forth below, unless a different meaning is expressly provided in this Section and specifically stated to apply. Any term not expressly defined herein shall be construed in a manner consistent with, and intended to effectuate, the Utah Uniform Fiscal Procedures Act and to protect the City's fiscal interests.

1. Capital Facilities Project Budget. The authority to expend funds for specific capital facilities projects as authorized in the annually adopted City budget and subsequent budget resolutions.
2. Capital Facilities Project Fund. Any of the several funds created in the City's annual budget which account for financial resources to be used for acquisition or construction of capital facilities projects.
3. Capital Facilities Plan. The five-year plan approved and adopted by the City Council for the scheduling, financing and construction of capital facilities to be undertaken by the City in the next fiscal year and projected to be undertaken in the following four fiscal years. The Capital Facilities Plan is not adopted as part of the Ogden Valley City General Plan, but should be consistent with such Plan.
4. Capital Facilities Project. An activity set forth in the Capital Facilities Plan for the acquisition of property, the construction of new facilities, or the physical betterment or improvement of City property including but not limited to:
  - i. Design and construction of any addition to the City's physical plant, including buildings, streets, utility lines, parks, or other public facilities; or
  - ii. Rehabilitation or reconstruction of an element of the City's physical plant to increase capacity; and

- iii. Is projected to cost more than thirty thousand dollars (\$30,000). Project cost shall include all phases, components, soft costs, and related work, regardless of whether such components are bid or contracted separately.

5. Capital Facilities Reserve. Appropriations made to a capital facilities fund from estimated revenue or fund balance for the purpose of financing future specific capital facilities identified in the Capital Facilities Plan.

#### B. Capital Facilities Plan.

- 1. By December 31<sup>st</sup> of each year, beginning in December 2026, the Mayor, with assistance of City staff, shall prepare and submit to the City Council an annual capital facilities plan. This plan shall include a summary of each capital facilities project and, at least, the following information:
  - a. A statement of the purpose.
  - b. A description of proposed projects, including:
    - i. Sufficient narrative to facilitate prioritization of the project, and
    - ii. A vicinity map and/or description of the proposed location of the project,
  - c. Current status of any related projects.
  - d. A description of known risks, regulatory constraints, and dependencies that may affect cost or schedule. Cost estimates shall include inflation assumptions and recommended contingency levels.
  - e. The anticipated schedule and estimated budget for planning and design, land acquisition, construction and any other associated capital facilities needs associated with the project.
  - f. Proposed source of funding or other funding resources that might be available.
  - f. A numerical priority City staff would assign to the project as compared to other capital improvement projects.

#### C. Budget Restrictions.

- 1. Capital facilities projects shall be funded only by monies appropriated in the Capital Facilities Budget.
- 2. Monies appropriated for a specific capital facilities project shall not be used for another capital facilities project without the approval of the City Council. No transfer shall occur

unless the City Council makes written findings that the transfer will not impair completion of the originally funded project.

3. When a specific capital facility project is complete, any balance remaining in the applicable capital project fund shall be transferred as follows:
  - a. If required by debt covenants, to the appropriate debt service fund;
  - b. For capital facilities projects, to the capital facilities reserve fund corresponding to the fund or funds from which the project was originally financed, and no remaining balance shall be transferred to any fund other than the fund from which the monies were appropriated or derived, except as expressly required by law or applicable debt covenants.
4. A contingency account shall be created within the capital facilities project budget for each capital facilities fund which shall be used only for cost overruns of an authorized capital facilities project. The amount of contingency fund monies which may be used for any one capital facilities project shall not exceed 10 percent of the budgeted cost of such project unless otherwise approved by the City Council. Use of contingency funds shall require written justification demonstrating that the cost overrun was unforeseeable and not the result of inadequate planning or contract management.
5. A capital facilities reserve fund shall be created for accumulation of resources needed for future capital facilities projects. Reserves may accumulate from fiscal period to fiscal period until the accumulated total is sufficient to permit economical expenditure for a particular capital facilities project. Disbursements from such reserves shall be made only by transfer to a revenue or transfer account within the capital facilities project fund, under a budget appropriation in a budget for the fund adopted in the manner provided by the Uniform Fiscal Procedures Act for Utah Cities, Utah Code. If monies are intended for specific projects, pending final design or other conditions of funding, the fund balance may be identified by a separately designated fund balance account.
6. All transfers from capital facilities reserve funds shall be reported to the City Council within ten (10) business days.

D. Capital Facilities Project Reporting. No later than December 31<sup>st</sup> of each year, starting December 2026, the Mayor, with the assistance of City staff, shall submit to the City Council a report on the status of each active capital facilities project. This report shall include at least the following information:

1. Budgeted amount for the project;
2. Estimated total cost, as revised by final design estimates, actual contract amounts, or cost overruns;
3. The cost to date;
4. Description and review of anticipated cost overruns;
5. Estimated completion date;

6. Whether the project is on schedule; and
7. Changes, if any, in anticipated funding.
8. If a project is behind schedule or over budget, the report shall identify causes, responsible parties, and proposed corrective actions.

E. Emergency Expenditures.

1. In the event an "emergency", as defined in Subsection 3 of this Section, occurs in the construction of a capital facilities project, which emergency requires an expenditure in excess of the amount budgeted for the project including a ten percent (10 %) contingency, the applicable city council member over the department may authorize, with approval of the Mayor, such expenditure from the following monies, subject to meeting the requirements of Subsection (2) of this Section:
  - a. The fund contingency account; and
  - b. Monies designated for other specific capital facilities projects within the applicable fund.
  - c. Emergency authorization shall not be used to circumvent competitive procurement, budgeting processes, or City Council oversight.
2. If expenditures are made for an emergency pursuant to Subsection 1 of this Section, the Mayor shall notify the City Council of such expenditure and shall within thirty (30) days submit to the City Council a report which describes the nature of the emergency and the source of additional funding. The City Council may review such budgetary action at the next available City Council meeting following submission of the report. As part of such review, the City Council may either ratify the source of funds used or take such other budgetary actions as are determined to be appropriate in order to fund the costs of such emergency. All emergency expenditures shall be subject to an internal audit within ninety (90) days to verify necessity, compliance, and proper documentation.
3. As used in this Section, "emergency" shall mean any circumstance or situation not reasonably anticipated as part of the capital facilities project which:
  - a. Threatens immediate injury or damage to persons or property; or
  - b. Would delay the capital facilities project and thereby:
    - i. Substantially affects life, property, health or convenience of the public; or
    - ii. Significantly increase the project cost authorized and approved under construction contracts for the project.

F. **Conflicting Provisions.** To the extent provisions of this Section impose stricter requirements or higher standards than required by the provisions of the Utah Uniform Fiscal Procedures Act for Utah Cities the provisions of this Section shall apply unless prohibited by the Act.

#### **4.01.020 Investments**

A. **Policy.** It shall be the policy of Ogden Valley to invest public funds in a manner which will provide for safety of principal, capital, liquidity, and rate of return, respectively. It shall also be the policy of the City that all invested funds shall be made in accordance with applicable State and local statutes, specifically the Money Management Act of the State of Utah which provisions are hereby incorporated as a part of this policy.

B. **Scope.** This investment policy shall apply to all financial assets of the City including all component units. These fund units are accounted for in the City of Ogden Valley's Annual Financial Report. Any new fund created will also be subject to this investment policy. Additional component units shall be subject to this investment policy subject to State statute and rulings of the Money Management Council.

C. **Prudence.** Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing the overall portfolio. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

D. **Objective.** The primary objectives, in priority order of Ogden Valley City's investment activities shall be:

1. **Safety.** Safety of principal/capital is the foremost objective of the investment program. Investments of Ogden Valley City shall be undertaken in a manner that seeks to ensure preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.
2. **Liquidity.** The City of Ogden Valley's investment portfolio will remain sufficiently liquid to enable the City to meet all operational requirements which might be reasonably anticipated.
3. **Return of Investment.** The City of Ogden Valley's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.

E. Delegation of Authority. Authority to manage Ogden Valley City's investment program is derived from the Utah Code. The responsibility for conducting investment transactions is hereby delegated to the City Treasurer who shall establish procedures for the operation of the investment program consistent with this investment policy, and subject to the City's organizational structure as established. No person may engage in an investment transaction except as provided under the terms of this Title and the general financial policies and procedures as adopted by the City.

F. Ethics and Conflicts of Interest. Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism worthy of the public trust and in accordance with the provisions of Chapter 2.17. Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper executions of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials shall avoid any material financial interests in financial institutions that conduct business within this jurisdiction, and they shall further avoid any large personal financial/investment positions that could be related to the performance of the City of Ogden Valley's portfolio. It shall be the responsibility of employees and investment officials to report to the Mayor any conflicts of interest as stated in this subsection of the investment policy.

G. Authorized Investments. Investments shall be made in compliance with the Utah State Money Management Act.

H. Authorized Dealers and Institutions. The City of Ogden Valley will restrict the purchase of securities, and make investments only with dealers and institutions which are qualified by the Money Management Council and any other applicable Sections or rules as may be found in the Money Management Act.

I. Maximum Maturities. To the extent possible, Ogden Valley City will attempt to match investments with anticipated cash requirements. Unless matched to a specific cash flow, the City of Ogden Valley will not directly invest in securities maturing more than one year from date of purchase.

J. Internal Control. The Treasurer shall establish an annual process of independent review by an external auditor. This review will provide internal control by assuring compliance with policies and procedures.

K. Performance Standards. The investment portfolio will be designed to obtain a market average rate of return during budgetary and economic cycles, taking into account the City of Ogden Valley's investment risk constraints and cash flow needs. In keeping with State of Utah statute and Ogden Valley City's investment strategy, funds will be placed for investment and not speculation.

L. Reporting. The Treasurer will report the status of investments as requested by the Mayor and or City Council.

## **CHAPTER 4.02 PROCUREMENT**

### 4.02.010 Purchasing

#### **4.02.010 Purchasing**

The City does hereby adopt Utah Code Ann. § 63G-6a in its entirety as its procurement code, and any other state statutes related to procurement related obligations. Where this Title imposes stricter requirements than Utah Code Ann. § 63G-6a, the stricter City requirement shall apply unless prohibited by State law. All officers and employees participating in procurement shall file written conflict-of-interest disclosures prior to involvement in any procurement action.

## **CHAPTER 4.03 SALES AND USE TAXES**

4.03.010 Title

4.03.020 Administration

4.03.030 Effective Date

4.03.040 Municipal Sales And Use Tax

4.03.050 Municipal Energy Sales and Use Tax

4.03.060 Municipal Transient Room Tax

4.03.070 Reserved

4.03.080 Penalties

4.03.090 Severability

### **Chapter 4.03.010 Title**

This Chapter shall be known as the "Ogden Valley Sales and Use Tax Ordinance." It is adopted pursuant to the authority granted to municipalities under Utah Code Titles 10 and 59, as amended.

### **4.03.020 Administration**

The taxes imposed under this Title shall be administered, collected, and enforced in accordance with applicable provisions of Utah law.

### **4.03.030 Effective Date**

This section shall become effective immediately upon Certification of the City by the Utah Lieutenant Governor.

### **4.03.040 Municipal Sales and Use Tax**

A municipal sales and use tax is hereby imposed pursuant to Utah Code §59-12-204 on all taxable sales and uses within Ogden Valley City. The rate of the municipal sales and use tax shall be 1.00 percent, or such other rate as may be authorized by state law. The tax shall be collected and administered by the Utah State Tax Commission in accordance with Utah Code Title 59, Chapter 12.

### **4.03.050 Municipal Energy Sales and Use Tax**

A municipal energy sales and use tax may be imposed pursuant to Utah Code §10-1-301 et seq. on the sale and use of taxable energy within Ogden Valley City, by formal resolution or ordinance. The tax shall be collected and remitted by energy suppliers as provided in Utah Code Title 10, Chapter 1, Part 3.

### **4.03.060 Municipal Transient Room Tax**

A municipal transient room tax may be imposed pursuant to Utah Code §59-12-352 on the rental of taxable accommodations within Ogden Valley City, by formal resolution or ordinance. The tax shall be collected and administered by the Utah State Tax Commission in accordance with Utah Code Title 59, Chapter 12.

**4.03.070 RESERVED**

**4.03.080 Penalties**

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine in an amount not less than \$1,000 or imprisonment for a period of not more than six months, or by both such fine and imprisonment. The City may also impose civil penalties, including interest, administrative fees, and costs of collection.

**4.03.090 Severability**

If any section, subsection, sentence, clause, phrase or portion of this section, including but not limited to any exemption is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section. It is the intention of the city council that each separate provision of this section shall be deemed independent of all other provisions herein.

## **CHAPTER 4.04 PROPERTY TAXES**

4.04.010 Authority

4.04.020 Continuation of Prior Municipal Services Rate

4.04.030 Truth in Taxation for Future Changes.

4.04.040 Administration and Collection

4.04.050 No Additional Levy

4.04.060 Severability

### **4.04.010 Authority.**

The City may levy a property tax pursuant to Utah Code Title 10, Chapter 6, and Utah Code Title 59, Chapter 2, as amended.

### **4.04.020 Continuation of Prior Municipal Services Rate.**

Upon incorporation, the City adopts and imposes a municipal property tax at the same rate previously levied by Weber County as the Municipal Unincorporated Services tax applicable to the territory now within the City. This rate remains in effect unless and until modified by ordinance of the City Council.

### **4.04.030 Truth-in-Taxation for Future Changes.**

Any increase in the municipal property-tax rate shall comply with Utah's Truth-in-Taxation requirements under Utah Code Title 59, Chapter 2, Part 9.

### **4.04.040 Administration and Collection.**

The municipal property tax imposed by the City shall be assessed and collected by Weber County in accordance with Utah law, unless the City designates a different method by ordinance.

### **4.04.050 No Additional Levy.**

The municipal property tax imposed under this Chapter is a continuation of the previously applicable Municipal Unincorporated Services tax and does not constitute an additional or new tax burden on residents.

### **4.04.060 Severability.**

If any provision of this ordinance is declared invalid, the remaining provisions shall remain in full force and effect.

**CHAPTER 4.05 FRANCHISE FEES (RESERVED)**

**CHAPTER 4.06 IMPACT FEES (RESERVED)**

**OGDEN VALLEY CITY  
Municipal Code**

**TITLE 5 PUBLIC HEALTH AND SAFETY**

CHAPTER 5.01 STATE CRIMINAL CODE  
CHAPTER 5.02 NUISANCE ABATEMENT  
CHAPTER 5.03 (RESERVED)  
CHAPTER 5.04 NOXIOUS WEED CONTROL  
CHAPTER 5.05 FLOOD DAMAGE PREVENTION  
CHAPTER 5.06 (RESERVED)  
CHAPTER 5.07 CIVIL INFRACTIONS

**CHAPTER 5.01 STATE CRIMINAL CODE**

**5.01.010 Adoption of State Criminal Code**

A. The Utah Code is adopted by reference and are made a part of the Ogden Valley City Code and shall take effect and be controlling within the limits of the City; provided, however, this Chapter is not intended to and does not purport to grant to the City any power or jurisdiction not specifically or by implication granted by law.

B. Any crimes specified within Titles 76 and 58 which are designated felonies are specifically excluded from inclusion in this Chapter.

**5.01.020 Failure to Appear**

Any person who willfully fails to appear before the Court pursuant to a citation issued by the Weber County Sheriff's Department under the provisions of Utah Code is guilty of a class B misdemeanor, regardless of the disposition of the charge upon which he or she was originally cited.

## **CHAPTER 5.02 NUISANCE ABATEMENT**

- 5.02.010 Noise
- 5.02.020 Smoke
- 5.02.030 Heat and Associated Glare
- 5.02.040 Vibrations
- 5.02.050 Fly Ash, Dust Fumes, Vapors, Gases, and Other Forms of Air Pollution
- 5.02.060 Liquid and Solid Wastes
- 5.02.070 Odors
- 5.02.080 Outdoor Lighting and Glare
- 5.02.090 Junk, Rubbish, Weeds and Debris
- 5.02.100 Excessive Motor Vehicle Noise
- 5.02.110 Sale or Use of Fire Works
- 5.02.120 Unlawful Discharge of Weapons
- 5.02.130 Public Nuisance Enforcement and Penalty

### **5.02.010 Noise**

A. Utah Code grants Municipalities the right to “declare what shall be a nuisance, and abate the same, and impose fines upon persons who may create, continue or suffer nuisances to exist.” Exercising this right, Ogden Valley City declares the following applies to all properties within the Ogden Valley City Corporate limits:

This chapter establishes minimum standards to:

1. Reduce the making and creation of excessive, unnecessary, or unusually loud noises within the limits of the city; and
2. Prevent excessive, unnecessary, or unusually loud noises that are prolonged, unusual, or unreasonable in their time, place, or use, and that affect and are a detriment to public health, comfort, convenience, safety, or welfare of the residents of the city; and
3. Secure and promote the public health, comfort, convenience, safety, welfare and the peace and quiet of the residents of the city.

### **B. Definitions**

1. A-weighted sound level (dBA). A sound level measured using the A-weighted scale on a sound level meter. Sound levels shall be measured with a sound level meter that meets the American National Standards Institute (ANSI) standard S1.4-1983 (R2006) or IEC 61672 requirements. Measurements shall be made using the “A weighted” filter of the sound level meter. Impulsive type noises shall be measured using an integrating meter that complies with these standards and uses the same measurement procedure.
2. Noise. Sound that is loud, excessive, or unreasonable under the circumstances.

3. Plainly audible. Sound that can be clearly heard by a person of normal hearing outside the property boundary from which the sound originates.
4. Quiet hours. 10:00 p.m. to 7:00 a.m.
5. In Agricultural zones, routine and normal agricultural operations are exempt from the noise limitations and protected under Utah Code § 17-15-1 et seq. (Utah Right to Farm Act).

**C. General Prohibition**

1. No person shall create or allow noise that is unreasonable and plainly audible beyond the property line, considering the time of day, duration, and rural character of the area; or
2. In times when fireworks are permitted to be used, they shall not be used in a way that is unreasonable or harasses neighbors or livestock; or
3. At any point on the property line exceeds the decibel levels shown Table 1. Sound level measurements are preferred, but not required, for enforcement.

Table 1. Noise Limits

<b>Property Use</b>	<b>Daytime (7 a.m.–10 p.m.)</b>	<b>Nighttime (10 p.m.–7 a.m.)</b>
Residential / Agricultural	60 dBA	50 dBA
Commercial	65 dBA	55 dBA
Industrial	70 dBA	65 dBA

**D. Construction Activity**

1. Daytime Construction: Shall not exceed 75 dBA at the property line.
2. Nighttime Construction: Prohibited unless approved by permit and notice given to affected residents.
3. Mitigation: Contractors shall use best practices (mufflers, scheduling, barriers) to minimize noise.
4. Violations may result in fines up to \$500 per occurrence and/or suspension of work permits. Repeat violations may lead to stop-work orders.

**E. Exemptions. This chapter does not apply to:**

1. Agricultural operations conducted in the normal course of business
2. Emergency vehicles, alarms, and emergency responses

3. Authorized public events, fairs, rodeos, and celebrations
4. Government, school, or church activities
5. Utilities, irrigation systems, and water delivery infrastructure
6. Lawfully conducted firearm use and hunting activities

F. Special events, parties, celebrations or other occurrences that will exceed the above noise levels may be granted a temporary use permit at the discretion of the Ogden City Council.

G. Enforcement

1. Authority: The County Sheriff or designated enforcement officer shall enforce this ordinance.
2. Violation: Any person or entity violating this ordinance shall be subject to:
  - a. First offense: Written warning.
  - b. Second offense: Fine up to \$250.
  - c. Subsequent offenses: Fine up to \$500 per occurrence.

II. Authority to Grant Variances. The Ogden Valley City Council may, in its discretion, grant variances from the requirements of this subsection in accordance with applicable law.

**5.02.020 Smoke**

A. Purpose. The purpose of this ordinance is to protect the health, safety, and comfort of city residents by reducing excessive or harmful wood-smoke emissions. Wood smoke can be injurious to health, offensive to the senses, and interfere with the enjoyment of property, and therefore may constitute a nuisance under Utah law. Utah Code § 76-10-801.

B. Definitions. For the purposes of this ordinance:

1. “Wood-burning device” means any fireplace, wood stove, pellet stove, fire pit, chiminea, outdoor boiler, or similar appliance that burns wood or other solid fuel.
2. “Visible emissions” means smoke that is visible to the naked eye.
3. “Nuisance wood smoke” means wood-smoke emissions that:
  - a. are injurious to health, offensive to the senses, or interfere with the comfortable enjoyment of life or property; or

- b. cross onto neighboring property in such quantity, density, or duration that a reasonable city resident would find them objectionable.

C. Prohibited Conduct

1. It is unlawful for any person within City limits to operate a wood-burning device in a manner that creates nuisance wood smoke.
2. The following conditions constitute prima facie evidence of nuisance wood smoke:
  - a. Visible emissions crossing onto neighboring property for more than 15 consecutive minutes.
  - b. Repeated smoke intrusions occurring on two or more days within a 30-day period.
  - c. Burning wet or unseasoned wood, or burning prohibited materials such as garbage, plastics, treated wood, construction debris, or yard waste.
  - d. Operating a wood-burning device during a Weber County or Utah Division of Air Quality burn restriction unless exempt.

D. Exemptions. The following are exempt from this ordinance:

1. Wood-burning devices used as a source of heat for a residence.
2. Outdoor fires used for public safety, firefighter training, or agricultural burning authorized by Weber County or the State of Utah.
3. Cooking fires using clean, dry wood or charcoal, provided they do not create nuisance wood smoke.
4. Ceremonial or community fires approved by the city, provided they are conducted in a manner that minimizes smoke impacts.

E. Enforcement. The City may enforce this ordinance through:

1. Warning notices;
2. Administrative citations;
3. Orders to cease operation of the wood-burning device until corrective measures are taken.
4. Each day a violation continues constitutes a separate offense.

F. Penalties.

1. First violation: Written warning.
2. Second violation within 12 months: Fine up to \$100.
3. Third and subsequent violations within 12 months: Fine up to \$300, and the City may require temporary suspension of the wood-burning device until compliance is demonstrated.

G. Severability. If any section of this ordinance is found invalid, the remaining sections shall remain in full force and effect.

**5.02.030 Heat and Associated Glare**

Any activity or process producing intense heat and associated glare shall be performed within a completely enclosed building or behind a sight obscuring fence in such a manner as not to create a nuisance or hazard beyond the property lines.

**5.02.040 Vibration**

No vibration, which is originated from a process or operation on a parcel or property, shall be permitted which is discernible beyond the lot line to the human sense of feeling for three minutes or more duration in any one hour of the day between the hours of 7 a.m. and 7 p.m., or of 30 seconds or more duration in any one hour during the hours of 7 p.m. and 7 a.m.

**5.02.050 Fly Ash, Dust Fumes, Vapors, Gases, and Other Forms of Air Pollution**

A. No emission shall be permitted from any source whatsoever of such quantities of air contaminants or other materials which can cause damage to health, animals, vegetation, or property, or which can cause any excessive soiling.

B. Excessive soiling as used in this Title means the deposition or accumulation of particulate matter, dust, smoke, soot, ash, or other airborne materials on surfaces in quantities, duration, or frequency that unreasonably interfere with the normal use and enjoyment of property, cause damage to property, or require repeated or extraordinary cleaning beyond ordinary maintenance.

**5.02.060 Liquid and Solid Wastes**

No materials deemed hazardous by the Utah Department of Environmental Quality, the United States Environmental Protection Agency, or any other body having jurisdiction, shall be discharged in a public or private sewerage system, upon the ground, below the ground, into a storm drain system, or in any other manner which would endanger the normal operation of the public or private water or sewerage system, the storm drainage system, contaminate soil, or would harm the water aquifer.

**5.02.070 Odors**

A. No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive in such a manner that annoys, injures, or endangers the comfort, repose, health, or safety of a person.

B. When as many as three complaints of an objectionable odor situation are registered with the City, or earlier, at the option of the City, it shall be the responsibility of the City to investigate the complaints by interview with the complainants, and/or other occupants of the area of concern to determine the source or sources of odorous matter and the circumstances surrounding its emission.

C. When necessary to ascertain the presence or absence of an objectionable odor, the determination shall be made by the City, using a panel of five people appointed by the Mayor, consisting of not more than two members of the City Council.

D. An odor shall be deemed objectionable for the purpose of this regulation when a majority of the members of the panel exposed to the odor determine that it does or tends to annoy, injure, or endanger the comfort, repose, health, or safety of a person, or which in any way renders a person insecure in life or the use of property.

E. If the panel determines that a person is causing or permitting the emission of an objectionable odor, that person shall take all steps required by the City to control the objectionable odor.

F. Odor-producing materials shall be stored and handled in a manner such that odors produced from such materials are confined. Accumulation of odor-producing materials resulting from spillage or other escape is prohibited.

#### **5.02.080 Outdoor Lighting and Glare**

Chapter 108-16 of the Weber County Code, entitled "Outdoor Lighting," is hereby adopted and incorporated by reference into this Code, as of the date of adoption, provided that all references to Weber County or the County therein shall be construed to mean Ogden Valley City and its respective governing bodies, officers, and employees.

#### **5.02.090 Junk, Rubbish, Weeds and Debris**

A. Section 108-7-6 of the Weber County Code, entitled "Garbage, Junk, And Weeds Unlawful" is hereby adopted and incorporated by reference into this Code, as of the date of adoption, provided that all references to Weber County or the County therein shall be construed to mean Ogden Valley City and its respective governing bodies, officers, and employees.

B. In accordance with Weber County Code Section 101-2-11:

1. "Junk" means all discarded metals, scrap metals, iron, glass, paper, wood, building materials, plastics, or fiberglass which may have value secondhand but not in their present condition; unused or discarded bicycles, tricycles, or other similar items or parts thereof; waste paper products; unused or discarded building materials, machinery, machinery parts, or lumber; accumulations of dirt, gravel, ashes, or fire remains; inoperable or abandoned vehicles or vehicle parts; or any other waste materials.
2. "Junkyard" means the use of any lot, portion of lot, or tract of land for the storage of salvage materials, keeping or abandonment of junk, including but not limited to, scrap metals or other scrap material, debris, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, or machinery or parts thereof; providing that this

definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone.

B. The City may inspect properties within the city and identify those needing weed, garbage, refuse, unsightly and deleterious object abatement and then serve notice in writing upon the owner and/or occupant of such land pursuant to Chapter 2.09 of this Code. The notice shall require the owner and/or occupant, as the case may be, to abate the weeds, garbage, refuse, unsightly and deleterious objects by a specific time pursuant to Chapter 2.09 of this Code. One notice shall be deemed sufficient on any lot or parcel of property for an entire year.

C. It shall be a Class C misdemeanor violation for any owner or occupant of lands described herein to fail or neglect to conform to the requirements hereof relating to the eradication or destruction or removal of accumulated weeds, garbage, refuse, objects or structures, and shall be punishable both by the imposition of civil remedies as provided in this Code and by criminal sanctions.

#### **5.02.100 Excessive Motor Vehicle Noise**

##### **A. Definitions.**

1. Engine Retarding Brake. A Dynamic Brake, Jake Brake, Jacobs Brake, C Brake, Paccar Brake, transmission brake or other similar engine retarding brake system which alters the normal compression of the engine and subsequently releases that compression.
2. Abnormal or Excessive Noise.
  - a. Distinct and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort and repose of any person or precludes their enjoyment of property or affects their property's value.
  - b. Noise in excess of that permitted by Utah Code as it may be amended from time to time, which requires every motor vehicle to be equipped with a muffler in good working order.

##### **B. Excessive Vehicle Noise.**

1. It shall be unlawful for any person to discharge the exhaust or permit the discharge of the exhaust from any motor vehicle except through a muffler that effectively prevents abnormal or excessive noise and complies with all applicable state laws and regulations.
2. It shall be unlawful for the operator of any vehicle to intentionally use an engine retarding brake on any public highway, street, parking lot or alley within the City which causes abnormal or excessive noise from the engine because of an illegally modified or defective exhaust system, except in an emergency.

C. Signing. Signs stating “VEHICLE NOISE LAWS ENFORCED” or “ENGINE BRAKES PROHIBITED” may be installed at locations deemed appropriate by the City Council to advise motorists of the prohibitions contained in this ordinance, except that no sign stating “VEHICLE NOISE LAWS ENFORCED” or “ENGINE BRAKES PROHIBITED” shall be installed on a state highway without a permit from the Utah Department of Transportation. The provisions of this Chapter are in full force and effect even if no signs are installed.

**5.02.110 Sale or Use of Fireworks**

The sale or use of fireworks shall be governed in strict accordance with the provisions of Utah Code. When authorized for use, they may not cause a noise nuisance (see Section 5.02.010 above). The city council may pass by resolution temporary rules restricting use of fireworks.

**5.02.120 Unlawful Discharge of Weapons**

A. Weber County Code § 26-1-3(d)(3) and (d)(4), entitled “Prohibited Acts,” as amended from time to time, are hereby adopted and incorporated by reference, and shall apply within Ogden Valley, except as otherwise provided by state law.

B. A violation of this Section is a class B misdemeanor.

**5.02.130 Public Nuisance Enforcement and Penalty**

A. Declaration of Penalty. Any violation of this Chapter is deemed a public nuisance and its use shall be discontinued. Violations of this Chapter shall be classified as a class C misdemeanor unless otherwise noted.

B. In addition to the penal remedy stated in this Section, the City Attorney may bring action before any competent court having jurisdiction to enjoin the continuation of any prohibited condition of nuisance and impose a civil penalty of up to \$1,000.00 per day plus costs and reasonable attorney’s fees.

C. Generally accepted practices associated with agriculture, farming, raising livestock, and related activities shall be exempt from the following:

1. Noise
2. Smoke
3. Vibration
4. Solid and Liquid Waste. Nevertheless, this exemption shall apply only to animal waste, fertilizers when legally and properly applied, and other generally accepted practices. It shall not apply to spills and other releases of chemicals such as fuels, solvents, and other such materials that are harmful to the groundwater, humans, animals, and so forth.

**CHAPTER 5.03 (RESERVED)**

## **CHAPTER 5.04 NOXIOUS WEED CONTROL**

5.04.01 Adoption of Management Plan

5.04.02 Requirements

5.04.03 Definition

5.04.04 Duty to Comply

5.04.05 Notice of Violation

5.04.06 Failure to Comply

5.04.07 (Deleted)

### **5.04.01 Adoption of Management Plan**

A. In an effort to comply with the Utah State Strategic Plan for the management of noxious and invasive weeds, Ogden Valley City adopts the Weber County Noxious Weed Law Enforcement Procedures and the Coordinate Noxious Weed Management Plan for Weber County.

B. The Utah Noxious Weed Act, Utah Code §§ 4-17-101 through 4-17-115, as amended from time to time, is hereby adopted and incorporated by reference.

### **5.04.02 Requirements**

A. An owner, agent or occupant of real estate within Ogden Valley City shall not permit or maintain on any such real estate any growth of noxious weeds in violation of the Utah Noxious Weed Act, as said Act may be amended from time to time. Violation of this provision shall be punishable as a Class C misdemeanor.

### **5.04.03 Definition**

Weeds shall include any vegetation commonly referred to as a weed, or which shall have been designated a noxious weed by the Utah Commissioner of Agriculture.

### **5.04.04 Duty to Comply**

It shall be the duty of the owner, agent or occupant of real estate within Ogden Valley City to cut and remove or destroy by lawful means all such noxious weeds and grass as often as may be necessary to comply with the provisions of this Chapter.

### **5.04.05 Notice of Violation**

Upon discovering a parcel of real estate containing noxious weeds, the City may give the owner, agent or occupant of the real estate a written notice to remove and eliminate the noxious weeds, pursuant to Chapter 2.14 of this Code.

### **5.04.06 Failure to Comply**

Pursuant to Utah Code Ann. § 4-17-110, as amended from time to time, if the owner or person in possession of the property fails to take action to control or prevent the spread of noxious weeds within five working days after the property is declared a public nuisance Ogden Valley City will give a copy of the notice of violation to Weber County for enforcement.

**CHAPTER 5.05 FLOOD DAMAGE PREVENTION**

5.05.010 Adoption of County Code

**5.05.010 Adoption of County Code**

Chapter 22 of the Weber County Code, entitled "Flood Damage Prevention," is hereby adopted and incorporated by reference into this Code, as of the date of adoption, provided that all references to Weber County or the County therein shall be construed to mean Ogden Valley City and its respective governing bodies, officers, and employees.

**CHAPTER 5.06 (RESERVED)**

## **CHAPTER 5.07 CIVIL INFRACTIONS**

5.07.010 Statement of Intent

5.07.020 Civil Violations Hearing Examiner – Powers and Duties

5.07.030 Acts Made Civil Infractions

5.07.040 Notice of Infraction

5.07.050 Response to Notice of Infraction – Payments by Mail

5.07.060 Fee for Infractions – Payment

5.07.070 Contesting an Infraction – Hearing – Appeals

5.07.080 Special Provisions Relating to Parking Regulations

5.07.090 Civil Appeals

5.07.100 Criminal Violation

5.07.110 Civil Collection Actions

### **5.07.010 Statement of Intent**

Ogden Valley City enacts this Chapter 5.07 with the intent to decriminalize, where possible, violations of municipal law which have traditionally been regulated by the criminal laws. This is done to assist residents of Ogden Valley City, and others, by expediting the resolution of cases and to remove the social stigma attached to criminal actions. With the enactment of this Chapter, Ogden Valley City is acting, in part, pursuant to authorization found in Utah Code Sections 10-8-84 and 41-6a-14. This Chapter 5.07 is intended to meet the constitutional issues described in 401 U.S. 395 (1971) and subsequent U.S. Supreme Court decisions.

### **5.07.020 Civil Violations Hearing Examiner – Powers and Duties**

A Hearing Examiner shall perform all duties and exercise all powers described in this Chapter. The amount of the Hearing Examiner's compensation shall not be based directly or indirectly upon the outcome of cases heard by the Hearing Examiner. The duties of the Hearing Examiner may be performed through subordinates, except that a hearing shall be conducted only by the Hearing Examiner if a person charged with an infraction so requests in writing.

### **5.07.030 Acts Made Civil Infractions**

A. The following acts are hereby declared to be civil infractions (and not criminal offenses) and within the jurisdiction of the City Civil Violations Hearing Examiner:

1. Violation of any of the parking regulations described in the Ogden Valley City Code;
2. Violations of parking laws and regulations not inconsistent with these ordinances which are described in State statutes, including benefiting disabled (handicapped) persons, which statutes are hereby adopted as a portion of the Ogden Valley City Code.

### **5.07.040 Notice of Infraction**

A. A written notice of infraction shall be issued to each person charged with a civil infraction, which notice shall contain not less than the following information:

1. The name and address of the person charged with the infraction. Notwithstanding anything in this Section to the contrary, a notice of infraction for a parking violation, placed on a parked motor vehicle, need not include a name and address;
2. The infraction charged;
3. The date, time and place of the infraction;
4. If the infraction involved a motor vehicle, the make, model and license plate number of the vehicle;
5. Notice that the notice of infraction must be responded to at the office of Ogden Valley City; and
6. Other information, including, in the discretion of the Civil Violations Hearing Examiner, information related to payments by mail.

**5.07.050 Response to Notice of Infraction – Payments by Mail**

A. Any person to whom a notice of infraction has been issued shall respond within ten (10) days thereof by:

1. Paying the fee described in Section 5.07.060 (for good cause, the Hearing Examiner may allow reasonable terms for payment);
2. Contesting the violation in the manner described in Section 5.07.070; or
3. Demonstrating the financial inability to pay the applicable fee on any reasonable terms. A person claiming under this Subsection (A)(3) shall agree with the Hearing Examiner to perform public service in lieu of paying the fee, which public service shall be performed in not more than thirty (30) days after the agreement is entered into.

B. Fees may be paid by mail, but the risk that payments may be lost in the mail shall be on the sender. All payments shall be received by the Hearing Examiner within the times required by this Chapter.

**5.07.060 Fee for Infractions – Payment**

A. Fees and other money related to civil infractions shall be paid to the Ogden Valley City Treasurer in such manner, not inconsistent with this Chapter, as the Treasurer shall direct. No Hearing Examiner or any subordinate thereof shall receive any fees or other money related to civil infractions over which the Hearing Examiner has jurisdiction.

B. The fee for the violations listed below shall be as shown in Subsection (H) of this Section:

1. All overtime restricted parking violations;

2. Parking within an intersection in violation of Article 8;
3. Double parking in violation of Article 8;
4. Parking out of stall in violation of Article 8;
5. Parking in a red or yellow curbed area in violation of Article 8;
6. Parking on or across a sidewalk in violation of Article 8;
7. Parking in noncompliance with a parking sign or parallel parking requirements in violation of Article 8;
8. Parking in a crosswalk in violation of Article 8;
9. Parking against a left side curb in violation of Article 8;
10. Parking too close to a fire hydrant or in a fire access lane in violation of Article 8
11. Parking or leaving a vehicle unattended over seventy-two (72) hours in violation of Article 8;
12. Parking along a public street or highway in a manner which obstructs or partially obstructs clear passage of vehicular ingress or egress to any driveway abutting upon the public street or highway in violation of Article 8;
13. Any other parking violation found in the Ogden Valley City Code not specifically mentioned in this Section.

C. The fee for violation of a civil infraction mentioned in this Section may qualify for a discount of up to fifteen dollars (\$15.00) for early payment if the fee is paid within five (5) business days after the notice of infraction is issued.

A. The fee for violation of a civil infraction paid or contested eleven (11) or more business days after a notice of infraction is issued shall be assessed a twenty-five percent (25%) late fee as shown in Subsection (8) of this Section.

B. The fee for any violation of a civil infraction mentioned in this Section may be discounted or waived at the discretion of the City, the Hearing Examiner, or their representative.

C. A civil infraction shall be deemed in default and subject to the penalties described in this Chapter, including, but not limited to, impoundment and towing, legal action for collection of all fees and costs, and criminal prosecution pursuant to Section 5.01.010 of the Ogden Valley City Code, if the applicable fee has not been paid or the action contested within sixteen (16) business days.

D. In addition to any other penalty or fine stated within this Chapter, and not in lieu of any other penalty or legal action which can be taken against a person or vehicle, any vehicle found to be in violation of any provision of this Chapter, including, but not limited to, a vehicle which blocks a driveway to a residence or business in such a manner that vehicles cannot safely enter or exit said driveway, may be towed and impounded upon the direction of any police officer, parking enforcement officer, or fire officer upon said officer finding said situation creates a nuisance which impairs the health or safety of the public. The registered owner of the vehicle shall be responsible for all towing and storage fees incurred in the event a vehicle is removed. The owner or the owner's agent may claim the vehicle only after paying any fines incurred and any towing and impounding fees incurred. Any contest of a removal shall be made by giving written notice, requesting a contest hearing to the Ogden Valley City Hearing Examiner, within fifteen (15) business days of the removal.

E. The fees established under this Section are set forth in the following table:

<b>Violation</b>	<b>Paid Early (within 5 business days)</b>	<b>Paid on Time (within 10 business days)</b>	<b>Paid Late (11 or more business days)</b>	<b>No Payment (after 16 or more business days)</b>
All Violations Listed in Section 5.07.060(B)	\$40.00	\$55.00	\$68.75	Default - Criminal Misdemeanor

**5.07.070 Contesting an Infraction – Hearing – Appeals**

A. Any person charged with an infraction may contest the same instead of paying the fee. An infraction is contested by causing written notice thereof to be delivered to the office of the Civil Violations Hearing Examiner. If the person charged with an infraction fails or refuses to give a correct mailing address when contesting an infraction, the action shall be deemed to be in default and not contested.

B. When an infraction is contested, the Hearing Examiner shall thereafter conduct a civil hearing with respect thereto. The notice of infraction shall constitute prima facie evidence that the infraction alleged therein actually occurred. The hearing shall be conducted as informally as the circumstances will allow and shall be based on the civil standard of a preponderance of the evidence. At the hearing, any party may be required to testify.

C. The Hearing Examiner shall decide if the alleged infraction occurred. If the Hearing Examiner finds the infraction alleged did not occur, the notice of infraction shall be without any further force or effect. If the Hearing Examiner finds at the hearing that the occur, the person to whom the notice of infraction was issued shall respond as provided in Section 5.07.050(A)(1) or (3). The response shall be within five (5) days after the hearing, unless the decision is given by mail and not at the hearing, in which event the response shall be within ten (10) days after the decision is mailed to the address given when the infraction was contested. A contested action shall be in default if not responded to in the time periods provided in this Subsection.

### **5.07.080 Special Provisions Relating to Parking Regulations**

A. If a civil infraction relates to a parking regulation, the following rules shall apply:

1. The notice of infraction may be issued by affixing the same to the subject motor vehicle in a conspicuous place.
2. Notwithstanding Section 5.07.040(1), a notice of infraction placed on a parked motor vehicle need not include a name and address.
3. Whenever a motor vehicle has been parked in violation of any parking regulation, the person in whose name such vehicle is registered shall be prima facie responsible for such violation and liable for payment of the applicable fee.
4. Any motor vehicle to which four (4) or more notices of infraction are in default is hereby declared to be a public nuisance and Ogden Valley City may authorize said motor vehicle to be towed from the public streets at the expense and risk of the registered owner. Said motor vehicle shall be held and not released until the unpaid fees and reasonable costs of towing and storage have been paid.
5. If a motor vehicle has been towed from the public streets pursuant to the provisions of this Chapter and is being held for the payment of fees and charges, the owner thereof, or the agent of the owner, may, in writing, request a hearing to determine the validity of the action taken with respect to said motor vehicle, and said hearing shall take place within three (3) City business days from the date of the request, unless the applicant agrees to a longer period of time before the hearing. The hearing may be conducted via electronic means. The Hearing Examiner may order the release of any motor vehicle without cost to the owner or the owner's agent if said motor vehicle was towed from the public streets or is being held in violation of this Chapter or other applicable law.

### **5.07.090 Civil Appeals**

Any person dissatisfied with a decision of a Hearing Examiner may appeal the same within fifteen (15) days to the Justice Courts, which shall hear the action de novo in the manner described in Section 5.07.070(B). Failure to respond to a notice of infraction shall not be a decision from which an appeal can be taken.

### **5.07.100 Criminal Violation**

A. Notwithstanding any contrary provision in this Chapter, it shall be a criminal misdemeanor violation, with the exclusive original jurisdiction in the Justice Courts:

1. For a person to whom a notice of infraction has been issued to allow the subject action to go into default;
2. For a registered owner to fail or refuse to respond to a notice of infraction issued pursuant to Section 5.07.080(B); or

3. For a person to willfully fail or refuse to completely perform the public service agreed to pursuant to Section 5.07.050(A)(3).

B. For the purposes of this Section it shall be a rebuttable presumption that the notice of infraction and any other notices have been received by the addressee.

**5.07.110 Civil Collection Actions**

Ogden Valley City may bring civil suit in the courts of the State of Utah to recover the amount of overdue and unpaid fees, and any other reasonable charges related thereto.

**OGDEN VALLEY  
Municipal Code**

- TITLE 6 GENERAL ADOPTIONS OF WEBER CODE**
- CHAPTER 6.01 AGRICULTURAL PROTECTIONS AREAS**
- CHAPTER 6.02 BEER**
- CHAPTER 6.03 BOATING AND WATER**
- CHAPTER 6.04 BUILDING AND CONSTRUCTION**
- CHAPTER 6.05 BUSINESS LICENSING**
- CHAPTER 6.06 CITY FEE SCHEDULE**
- CHAPTER 6.07 EXCAVATIONS**
- CHAPTER 6.08 FIRE**
- CHAPTER 6.09 HISTORIC PRESERVATION (RESERVED)**
- CHAPTER 6.10 PARKS (RESERVED)**
- CHAPTER 6.11 PUBLIC OFFENSES**
- CHAPTER 6.12 ROADS**
- CHAPTER 6.13 SEWERS**
- CHAPTER 6.14 SPECIAL EVENTS**
- CHAPTER 6.15 STORM DRAINAGE**
- CHAPTER 6.16 SURVEYING AND SURVEY MONUMENTS**
- CHAPTER 6.17 TRAFFIC CODE**
- CHAPTER 6.18 WILDLIFE RESOURCES**

**CHAPTER 6.01 AGRICULTURAL PROTECTIONS AREAS**

**6.01.010 Adoption Of County Code Title 4**

Weber County Code Title 4, entitled "Agriculture Protection Area," as amended from time to time, is adopted in its entirety and is hereby incorporated by reference as part of this Code. Wherever the terms "Weber County," "the County," "County Commission," "County Council," "County Department," or similar terms appear therein, such terms shall be deemed to refer to Ogden Valley and its respective governing bodies, officers, departments, or employees, as applicable, unless the context clearly indicates otherwise.

## **CHAPTER 6.02 BEER**

### **6.02.010 Adoption Of County Code Title 8**

Weber County Code Title 8, entitled "Beer," as amended from time to time, is adopted in its entirety and is hereby incorporated by reference as part of this Code. Wherever the terms "Weber County," "the County," "County Commission," "County Council," "County Department," or similar terms appear therein, such terms shall be deemed to refer to Ogden Valley and its respective governing bodies, officers, departments, or employees, as applicable, unless the context clearly indicates otherwise.

**CHAPTER 6.03 BOATING AND WATER**

**6.03.010 Adoption Of County Code Title 4**

Weber County Code Title 10, entitled "Boating And Water," as amended from time to time, is adopted in its entirety and is hereby incorporated by reference as part of this Code. Wherever the terms "Weber County," "the County," "County Commission," "County Council," "County Department," or similar terms appear therein, such terms shall be deemed to refer to Ogden Valley and its respective governing bodies, officers, departments, or employees, as applicable, unless the context clearly indicates otherwise.

## **CHAPTER 6.04 BUILDING AND CONSTRUCTION**

### **6.04.010 Adoption Of County Code Title 12**

Weber County Code Title 12, entitled "Building Regulations And Site Permits," as amended from time to time, is adopted in its entirety and is hereby incorporated by reference as part of this Code. Wherever the terms "Weber County," "the County," "County Commission," "County Council," "County Department," or similar terms appear therein, such terms shall be deemed to refer to Ogden Valley and its respective governing bodies, officers, departments, or employees, as applicable, unless the context clearly indicates otherwise.

## **CHAPTER 6.05 BUSINESS LICENSING**

### **6.05.010 Adoption Of County Code Title 14**

Weber County Code Title 14, entitled "Business Licensing," as amended from time to time, is adopted in its entirety and is hereby incorporated by reference as part of this Code. Wherever the terms "Weber County," "the County," "County Commission," "County Council," "County Department," or similar terms appear therein, such terms shall be deemed to refer to Ogden Valley and its respective governing bodies, officers, departments, or employees, as applicable, unless the context clearly indicates otherwise.

### **6.05.020 Adoption of Business License Fees**

Ogden Valley City Council shall from time to time adopt by resolution the fees to be paid for each business type regulated by this chapter.

## **CHAPTER 6.06 CITY FEE SCHEDULE**

### **6.06.010 Adoption Of County Code Title 16**

Weber County Code Title 16, entitled "County Fee Schedule," as amended from time to time, is adopted in its entirety and is hereby incorporated by reference as part of this Code. Wherever the terms "Weber County," "the County," "County Commission," "County Council," "County Department," or similar terms appear therein, such terms shall be deemed to refer to Ogden Valley and its respective governing bodies, officers, departments, or employees, as applicable, unless the context clearly indicates otherwise.

## **CHAPTER 6.07 EXCAVATIONS**

### **6.07.010 Adoption Of County Code Title 18**

Weber County Code Title 18, entitled "Excavations," as amended from time to time, is adopted in its entirety and is hereby incorporated by reference as part of this Code. Wherever the terms "Weber County," "the County," "County Commission," "County Council," "County Department," or similar terms appear therein, such terms shall be deemed to refer to Ogden Valley and its respective governing bodies, officers, departments, or employees, as applicable, unless the context clearly indicates otherwise.

## **CHAPTER 6.08 FIRE**

### **6.08.010 Adoption Of County Code Title 20**

Weber County Code Title 20, entitled "Fire Regulations," as amended from time to time, is adopted in its entirety and is hereby incorporated by reference as part of this Code. Wherever the terms "Weber County," "the County," "County Commission," "County Council," "County Department," or similar terms appear therein, such terms shall be deemed to refer to Ogden Valley and its respective governing bodies, officers, departments, or employees, as applicable, unless the context clearly indicates otherwise.

**CHAPTER 6.09 HISTORIC PRESERVATION  
(RESERVED)**

**CHAPTER 6.10 PARKS  
(RESERVED)**

## **CHAPTER 6.11 PUBLIC OFFENSES**

### **6.11.010 Adoption Of County Code Title 30**

Weber County Code Title 30, entitled "Public Offenses," as amended from time to time, is adopted in its entirety and is hereby incorporated by reference as part of this Code. Wherever the terms "Weber County," "the County," "County Commission," "County Council," "County Department," or similar terms appear therein, such terms shall be deemed to refer to Ogden Valley and its respective governing bodies, officers, departments, or employees, as applicable, unless the context clearly indicates otherwise.

## **CHAPTER 6.12 ROADS**

### **6.12.010 Adoption Of County Code Title 32**

Weber County Code Title 32, entitled "Roads," as amended from time to time, is adopted in its entirety and is hereby incorporated by reference as part of this Code. Wherever the terms "Weber County," "the County," "County Commission," "County Council," "County Department," or similar terms appear therein, such terms shall be deemed to refer to Ogden Valley and its respective governing bodies, officers, departments, or employees, as applicable, unless the context clearly indicates otherwise.

### **6.12.020 Motorized Use, E-Bikes, and Speed Regulations**

A. Purpose. The purpose of this section is to preserve the safety, health, welfare, enjoyment, and non-motorized character of the Ogden Valley pathway network by regulating the use of electric-assisted bicycles and prohibiting motorized vehicles that pose hazards to pedestrians, cyclists, and other pathway users.

B. Prohibited Motorized Vehicles. No person shall operate, ride, or otherwise use any of the following on any designated public pathway within Ogden Valley:

1. Electric or gas-powered motorcycles, including but not limited to dirt bikes, dual-sport motorcycles, pit bikes, and mini-motos.
2. ATVs, UTVs, side-by-sides, off-road vehicles, or any motorized recreational vehicle not expressly permitted.
3. Electric scooters, electric skateboards, or other personal motorized devices capable of speeds greater than 20 mph, unless specifically authorized by the City for maintenance or public safety.
4. Any motorized device not classified as a permitted e-bike under Section C. This prohibition applies regardless of whether the vehicle's engine or motor is engaged.

C. Electric Bike Definitions. The definitions of electric bikes contained in Utah Code § 41-6a-102(11)-(13) are hereby adopted as follows:

1. "Class 1 electric assisted bicycle" means an electric assisted bicycle equipped with a motor or electronics that:
  - (a) Provides assistance only when the rider is pedaling; and
  - (b) Ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
2. "Class 2 electric assisted Bicycle" means an electric assisted bicycle equipped with a motor or electronics that:
  - (a) May be used exclusively to propel the bicycle; and
  - (b) Is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

3. "Class 3 electric assisted bicycle" means an electric assisted bicycle equipped with a motor or electronics that:

- (a) Provides assistance only when the rider is pedaling;
- (b) Ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour; and
- (c) Is equipped with a speedometer

C. Permitted E Bikes. Class 1 and 2 electric bicycles are allowed on City pathways, provided that they operate at 20 mph or less. Class 3 e-bikes are prohibited on pathways.

D. Speed Limit. All users of the pathway—including permitted bicycles, e-bikes, and mobility-assist devices—shall comply with a maximum speed limit of 20 miles per hour, or a lower speed when required for safe operation based on conditions or congestion. Reckless riding, unsafe passing, or conduct endangering others is prohibited regardless of speed.

E. Exceptions. The following motorized uses are allowed:

1. Emergency response personnel acting in the course of duty.
2. Authorized City staff or contractors performing maintenance, inspection, or operational functions.
1. Mobility-assist devices used by individuals with disabilities, provided they operate at or below the posted speed limit and do not pose a safety hazard.

F. Enforcement. Violation of this ordinance constitutes an infraction and may result in citation, removal from the pathway, or other penalties.

G. Penalties. Violations of this section shall be punished as follows:

1. First violation: Civil infraction, \$100 fine.
2. Second violation within 12 months: Civil infraction, \$250 fine.
3. Third and subsequent violations within 12 months: Civil infraction, \$500 fine and may include impoundment of the prohibited vehicle.

## **CHAPTER 6.13 SEWERS**

6.13.010 Adoption Of County Code Title 36

6.13.020 Connection to Sewer Not Required

### **6.13.010 Adoption Of County Code Title 36**

Weber County Code Title 36, entitled "Sewers," as amended from time to time, is hereby adopted in its entirety and incorporated by reference as part of this Code, except that Section 36-1-1 is expressly excluded and replaced by Section 6.13.020 of this Code. Wherever the terms "Weber County," "the County," "County Commission," "County Council," "County Department," or similar terms appear therein, such terms shall be deemed to refer to Ogden Valley and its respective governing bodies, officers, departments, or employees, as applicable, unless the context clearly indicates otherwise.

### **6.13.020 Connection to Sewer Not Required**

A. The owner of any house, building, or property used for human occupancy, employment, commercial, institutional, recreational, or similar purposes, located within Ogden Valley, may, at the owner's option and expense, install suitable sanitary facilities and connect such facilities to an available public sewer system when any portion of the building is located within 300 feet of a public sewer line, provided that such connection is made in accordance with the provisions of this Title.

## **CHAPTER 6.14 SPECIAL EVENTS**

### **6.14.010 Adoption Of County Code Title 38**

#### **6.14.010 Adoption Of County Code Title 38**

Weber County Code Title 38, entitled "Special Events," as amended from time to time, is adopted in its entirety and is hereby incorporated by reference as part of this Code. Wherever the terms "Weber County," "the County," "County Commission," "County Council," "County Department," or similar terms appear therein, such terms shall be deemed to refer to Ogden Valley and its respective governing bodies, officers, departments, or employees, as applicable, unless the context clearly indicates otherwise.

**CHAPTER 6.15 STORM DRAINAGE**

6.15.010 Adoption Of County Code Title 40

**6.15.010 Adoption Of County Code Title 40**

Weber County Code Title 40, entitled "Storm Drainage," as amended from time to time, is adopted in its entirety and is hereby incorporated by reference as part of this Code. Wherever the terms "Weber County," "the County," "County Commission," "County Council," "County Department," or similar terms appear therein, such terms shall be deemed to refer to Ogden Valley and its respective governing bodies, officers, departments, or employees, as applicable, unless the context clearly indicates otherwise.

## **CHAPTER 6.16 SURVEYING AND SURVEY MONUMENTS**

### **6.16.010 Adoption Of County Code Title 45**

#### **6.16.010 Adoption Of County Code Title 45**

Weber County Code Title 45, entitled "Surveying and Survey Monuments," as amended from time to time, is adopted in its entirety and is hereby incorporated by reference as part of this Code. Wherever the terms "Weber County," "the County," "County Commission," "County Council," "County Department," or similar terms appear therein, such terms shall be deemed to refer to Ogden Valley and its respective governing bodies, officers, departments, or employees, as applicable, unless the context clearly indicates otherwise.

## **CHAPTER 6.17 TRAFFIC CODE**

### **6.17.010 Adoption Of County Code Title 42**

Weber County Code Title 42, entitled "Traffic Code," as amended from time to time, is adopted in its entirety and is hereby incorporated by reference as part of this Code. Wherever the terms "Weber County," "the County," "County Commission," "County Council," "County Department," or similar terms appear therein, such terms shall be deemed to refer to Ogden Valley and its respective governing bodies, officers, departments, or employees, as applicable, unless the context clearly indicates otherwise.

## **CHAPTER 6.18 WILDLIFE RESOURCES**

### **6.18.010 Adoption Of County Code Title 44**

Weber County Code Title 44, entitled "Wildlife Resources," as amended from time to time, is adopted in its entirety and is hereby incorporated by reference as part of this Code. Wherever the terms "Weber County," "the County," "County Commission," "County Council," "County Department," or similar terms appear therein, such terms shall be deemed to refer to Ogden Valley and its respective governing bodies, officers, departments, or employees, as applicable, unless the context clearly indicates otherwise.