

## **Chapter 101-1 Creation, Implementation, Amendment, And Effect**

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### **Sec 101-1-1 Short Title**

This title shall be known as the "Uniform Land Use Code of Ogden Valley City, Utah" and may be referred to as the "Land Use Code," "this Code," or the "LUC." The planning commission or other entity designated herein shall be the land use authority, with due responsibility to administer the Land Use Code. Appeals from decisions of the land use authority will be heard by the appeal authority designated in this Land Use Code.

### **Sec 101-1-2 Purpose**

This title is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Ogden Valley City, State of Utah, including amongst other things, the lessening of congestion in the streets, or roads, securing from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the city's agricultural and other industries, and the protection of both urban and non-urban development. The City further recognizes that land use, stormwater, groundwater, and surface waters within Ogden Valley are interconnected within a shared watershed system. In administering this Land Use Code, consideration should be given to cumulative watershed impacts and the long-term protection of water quality and watershed health, consistent with adopted plans and standards.

### **Sec. 101-1-2 Supersession of Prior Regulations**

Upon adoption of this Title, all prior county land use regulations governing property within Ogden Valley City boundaries shall no longer apply except where specifically incorporated by reference or where required by Utah law. Existing legally established approvals shall remain valid subject to their original conditions.

### **Sec 101-1-3 Interpretation**

In interpreting and applying the provisions of this title, the requirements contained herein are declared to the minimum requirements for the purpose set forth. Specific uses listed as permitted or conditional uses in a zone are allowed; uses not listed are not allowed in that zone.

### **Sec 101-1-4 Conflict**

**(a) General Rule.** Where any covenant, agreement, ordinance, or law imposes requirements more restrictive than this Title, the more restrictive provision shall apply. Where any covenant, agreement, ordinance, or law imposes requirements less restrictive than this Title, this Title shall control. Where state or federal law preempts or limits the application of this Title, such law shall control.

**(b) Interpretation Authority.** Where a conflict exists between provisions of this Title, the Planning Director shall have initial authority to determine which provision applies. Upon written request, the Planning Director shall issue a written determination within 30 days stating the basis for the interpretation. Failure to issue a determination within 30 days shall be deemed a denial and may be appealed as provided in subsection (c).

**(c) Appeal.** Any person aggrieved by a determination of the Planning Director under this section may appeal to the Appeal Authority by filing a written notice of appeal within **30 days** of the date of the Planning Director's written determination, or within **30 days** of the date a determination is deemed denied under subsection (b). The notice of appeal shall identify the determination being appealed and state the grounds for the appeal. The Appeal Authority shall hear and decide the appeal in accordance with the appeal procedures set forth in this Code. The Appeal Authority's decision shall be final, subject to judicial review as provided by law.

### **Sec 101-1-5 Effect On Previous Ordinances And Maps**

The existing ordinances of the city covering the zoning of areas and districts in the city, in their entirety and including the maps heretofore adopted and made a part of said

ordinances are hereby superseded and amended to read as set forth herein; provided, however, that this Land Use Code, including the attached maps, shall be deemed a continuation of previous ordinances, and not a new enactment, insofar as the substance of revisions of previous ordinances is included in this Land Use Code, whether in the same or different language; and this Land Use Code shall be so interpreted upon all questions of construction, including but not limited to questions of construction, relating to tenure of officers and boards established by previous ordinances and to questions of conforming or nonconforming use, buildings and structures, and to questions as to the dates upon which such uses, buildings or structures become conforming or nonconforming.

### **Sec 101-1-6 Rules Of Construction**

1. *Generally.* The words used in this Code shall be construed to effect the intended purposes. Definitions of various words and phrases used throughout the Code are provided in this title. Other definitions may be found in specific sections of the Code and apply only to that section or portion of the Code. All words or phrases not specifically defined shall be given their common and usual meanings as determined by general usage and standard dictionary references (Webster's Merriam Collegiate Dictionary, 11th edition, 2003).
2. *Usage; general rules of construction.* The following general rules of interpretation shall apply:
  1. The present tense includes the future, and, where appropriate, the past.
  2. The singular number includes the plural, and vice versa. The male gender includes the female, and vice versa.
  3. The word "shall" is mandatory; the word "may" is permissive.
  4. Reference in one section of this Code to another section of this Code or the Ogden Valley City Code of Ordinances by section number shall include all subsections within that section.
  5. Where appropriate to the context, words and terms defined in U.C.A. 1953, § 10-20-103 shall apply here.
  6. Where appropriate to the context, words not included herein but defined in Title 1 ("General Provisions") of the Ogden Valley City Code of Ordinances shall be construed as defined in title 1 ("General Provisions") of the Ogden Valley City Code of Ordinances.

7. Words not included herein but defined in the building code or other city codes shall be construed as defined therein.
8. Some sections of this Code contain separate definitions sections intended primarily for use in connection with the relevant section or portion of the Code.
9. Determinations as to the meaning of a word or term shall be the responsibility of the planning director, whose decision may be appealed as provided herein.

### **Sec 101-1-7 (Reserved)**

### **Sec 101-1-8 Amendments To Code; Effect Of New Ordinances; Amendatory Language**

1. All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. When subsequent ordinances repeal any chapter, section or subsection or any portion thereof, the repealed portion may be excluded from this Code by omission from reprinted pages.
2. Amendments to any of the provisions of this Code shall be made by the City Council amending the provisions by specific reference to the section of this Code in substantially the following language: "Section \_\_\_ of the Land Use Code of Ogden Valley City, Utah, is hereby amended to read as follows: ... (Set out new provisions in full)."
3. When the City Council desires to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the Code, which the commission desires to incorporate into the Code, a section in substantially the following language shall be made a part of the ordinance:

"Section \_\_\_. It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Land Use Code of Ogden Valley City, Utah, and the sections of the Code and this ordinance may be renumbered to accomplish that intention."

4. All sections, articles, chapters or provisions of this Code desired to be repealed shall be specifically repealed by section or chapter number, as the case may be.
5. Where necessary to avoid a conflict with existing provisions of this Code, amending ordinances may be renumbered by the official codifier for the city to carry out the

intent of the commission, provided that no such numbering change shall be made without prior approval of the city.

### **Sec 101-1-9 Supplementation Of Code**

1. By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the Council. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the Council during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.
2. In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
3. When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
  1. Organize the ordinance material into appropriate subdivisions;
  2. Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
  3. Assign appropriate numbers to sections and other subdivisions to be inserted in the Code, and, where necessary to accommodate new material, change existing section or other subdivision numbers;
  4. Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections \_\_\_ to \_\_\_" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
  5. Make other non-substantive changes necessary to preserve the original meanings of ordinance sections inserted in the Code; but in no case shall the

codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

#### **Sec 101-1-10 Catchlines Of Sections**

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of such sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

#### **Sec 101-1-11 Altering Code**

It shall be unlawful for any person in the city to change or amend by additions or deletions, any part or portion of this Code, or to insert, or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby.

#### **Sec 101-1-12 Severability Of Parts Of Code**

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the city council without incorporation in this Land Use Code of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

#### **Sec 101-1-13 (Reserved)**

#### **Sec 101-1-14 Certain Ordinances Not Repealed Or Affected By Adoption Of Code**

1. Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:
  1. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code;
  2. Any ordinance or resolution promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness;

3. Any contract or obligation assumed by the city;
4. Any ordinance or resolution fixing the salary of any city officer or employee, unless superseded;
5. Any ordinance or resolution establishing and/or prescribing employment, benefits, and/or personnel policies and procedures;
6. Any right of franchise granted by the city to any person, firm, or corporation;
7. Any ordinance or resolution dedicating, naming, establishing, locating, relocating, closing, opening, widening, paving, widening, vacating, etc., any street or public way in the city;
8. Any ordinance or resolution establishing and prescribing the street grades of any street in the city;
9. Any appropriation ordinance;
10. Any ordinance or resolution which, by its own terms, is effective for a stated or limited term;
11. Any ordinance or resolution providing for local improvements and assessing taxes therefor;
12. Any zoning ordinance or amendments thereto, and any ordinance establishing an appeal authority or planning commission, including joint commissions;
13. Any ordinance or resolution dedicating or accepting any subdivision plat or providing for subdivision regulations;
14. Any ordinance or resolution describing or altering the boundaries of the city or annexing property to the city;
15. The administrative ordinances or resolutions of the city not in conflict or inconsistent with the provisions of this Code;
16. Any ordinance levying or imposing taxes not included in this Code;
17. Any ordinance or regulation prescribing traffic regulations for specific locations concerning through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones, not in conflict or inconsistent with this Code;
18. Any ordinance or resolution of agreement with another political subdivision;

19. Any provision regarding the title of an ordinance adopted by the city council;  
and
  20. Any other ordinance or resolution, or part thereof, which is not of a general and permanent nature; or which is referred to elsewhere in this Code as continuing in effect.
2. Nor shall the repeal of any such ordinance or resolution be construed to revive any ordinance, resolution or part thereof that has been repealed or superseded by a subsequent ordinance or resolution which is repealed or superseded by this title. All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.