

**ORDINANCE NO. 24-14**

**AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, AMENDING SOUTH OGDEN CITY CODE 10-14-12 HAVING TO DO WITH THE SETBACKS FOR PRIVATE SWIMMING POOLS; MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.**

**SECTION 1 - RECITALS:**

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

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

**WHEREAS**, the City Council finds, in concert with recommendations from the Planning Commission , that changes be made to the side setbacks of private swimming pools; and,

**WHEREAS**, the City Council finds that the amendments to the South Ogden City Code should be effective upon passage of this Ordinance;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH** that the City Code be changed and amended:

**AMENDED SECTION:**

Upon the adoption of this Ordinance, Title 1 Section 5 of the South Ogden City Code is readopted with the changes set out in **Attachment "A"**, which is incorporated herein, to read as indicated.

The foregoing recitals are incorporated herein.

**SECTION II - REPEALER OF CONFLICTING ENACTMENTS:**

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and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.

**SECTION III - PRIOR ORDINANCES AND RESOLUTIONS:**

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

**SECTION IV - SAVINGS CLAUSE:**

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

**SECTION V - DATE OF EFFECT:**

This Ordinance shall be effective on the 19<sup>th</sup> day of November, 2024, and after publication or posting as required by law.

**DATED** this 19<sup>th</sup> day of November, 2024.

**SOUTH OGDEN**, a municipal corporation

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Russell L. Porter, Mayor

Attested and recorded:

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Leesa Kapetanov, MMC  
City Recorder

# **ATTACHMENT “A”**

## **ORDINANCE NO. 24-14**

An Ordinance Of South Ogden City, Utah, Amending South Ogden City Code 10-14-12 Having To Do With The Setbacks For Private Swimming Pools; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

19 Nov 24

## 10-14-12: Private Swimming Pools, Tennis/Pickleball Courts, Skateboard Ramps, Basketball Standards Or Courts

1. Swimming Pool (private). No such pool shall be allowed in any zoning district except as an accessory use and unless it complies with the following conditions and requirements:
  1. It is an accessory use to a main building and is located within the side or rear yard thereof and accessory structure setbacks do not apply to the swimming pool;
  2. It is intended and is to be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located;
  3. It may not be located closer than ~~fifteen~~ six (6') feet to any side property line or 10' (10') from a rear property line on the property on which it is located; the setback is measured from the water's edge to the property line;
  4. On corner lots, the distance from the pool to the property line facing on a street shall not be less than the required side yard for an accessory building in that zone;
  5. The swimming pool, or the entire property on which it is located, shall be walled or fenced to a minimum height of six feet ~~or the combination of a minimum 4' high fence and a powered safety cover complying with ASTM F1346 and a keyed switch to operate the cover.~~ or the combination of a minimum 4' high fence and a powered safety cover complying with ASTM F1346 and a keyed switch to operate the cover. The fence shall be constructed to limit any individual from accessing the pool area. The fence shall comply with all current building codes. All gates on said fences shall be self-closing and fitted with a self-latching device located on the interior side of the gate;
  6. Where a swimming pool is completely enclosed in a building, the location and setback requirements for an accessory structure shall apply. Any above ground pool lighting shall be installed and directed such that the light source or light bulb is not directly visible from any point five feet high along the neighboring property line.