

ORDINANCE NO. 25-06

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING TITLE 10, CHAPTER 3; MAKING NECESSARY LANGUAGE CHANGES RELATED TO PLANNING COMMISSION VOTING PROCEDURES; AND ESTABLISHING AN EFFECTIVE DATE.

SECTION I - RECITALS:

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

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

WHEREAS, the City Council finds that in conformance with UC §10-3-717, and UC §10-3-701, the governing body of the city has previously adopted a City Code which deals with Planning Commission Voting Procedures; and,

WHEREAS, the City Council finds that South Ogden City Code, Title 10, Chapter 3 and their various sections deal with Planning Commission Voting Procedures and is based on and adopted in conformance with the authority granted to the City by UCA Title 10; and,

WHEREAS, the City Council finds that it is in the public interest to manage and regulate the procedures governing Planning Commission Voting Procedures; and,

WHEREAS, the City Council finds that South Ogden City Code, at Title 10, Chapter 3 should be amended by adding new language defining what a quorum is as well as allowing the Planning Commission Chair to vote on all items; and,

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

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH that City Code, Title 10, Chapter 3, Be Changed And Amended To Read As Set Out In **Attachment "A"**, And By This Reference Fully Incorporated Herein, And That These Amendments Are Adopted, From the Effective Date of this Ordinance Forward.

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been adopted by the City, or parts, which are in conflict with this Ordinance, are, to the extent of such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.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 and all 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 have the effect of rendering any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

SECTION V - DATE OF EFFECT

This Ordinance shall be effective on the 6th day of May, 2025, and after publication or posting as required by law.

DATED this 5th day of May, 2025

SOUTH OGDEN CITY, a municipal corporation

Mayor Russell L. Porter

Attested and recorded

Leesa Kapetanov, MMC
City Recorder

ATTACHMENT "A"

ORDINANCE NO. 25-06

An Ordinance Of South Ogden City, Utah, Revising And Amending Title 10, Chapter 3; Making Necessary Language Changes Related To Planning Commission Voting Procedures; And Establishing An Effective Date For Those Changes.

06 May 25

10-3-1: Membership

There is created a planning commission consisting of seven (7) members, all of whom shall be duly qualified electors of the city. The term of office shall be for five (5) years and continuing until a successor is appointed. The members shall be appointed such that the term of at least one member shall expire each year. Vacancies shall be filled in the same manner for any unexpired term. Appointments shall be made by the mayor with the advice and consent of the city council. The members of the commission shall appoint a chairperson to serve for the term of one year or the unexpired portion of an existing term. ~~Three (3) voting members plus the chair shall be required to constitute a quorum. An affirmative vote of the majority, but not less than four (4) of the voting members present at the meeting, shall decide all matters under consideration by the planning commission. The chair, or vice chair absent the chair, shall vote only in case of a tie unless his or her presence at the meeting is necessary to constitute a quorum in which case the chair shall be a voting member.~~ At least four (4) members of the planning commission must be present to constitute a quorum to conduct any official business of the planning commission. An affirmative vote of the majority present at the meeting shall decide all matters under consideration. The Chair or Vice Chair, as the case may be, may vote on all items being considered.

The mayor with the advice and consent of the city council may appoint an associate member of the commission to take the place temporarily of any regular member unable to act. (Ord. 15-25, 12-15-2015, eff. 12-15-2015)