

Ogden Municipal Code Amendment

Eliminating Newspaper Notice Requirements



Draft December 29, 2022

SECTION 1. Subsection amended. Section 7-1-2C of the Ogden Municipal Code is hereby amended to read and provide as follows:

C. [Public Hearing; Notice; Approval:] The City Council may approve a change to a street name by ordinance after public hearing and notice as provided herein. Prior to any such approval, the proposed change shall be reviewed by the Planning Commission, the City Engineer, the Police Department and the Fire Department. ~~Notice of the public hearing shall be published in a newspaper of general circulation at least seven (7) days before the date of the hearing. In addition to publication, a~~ A reasonable effort shall be made to identify and notify the following persons and entities of the Planning Commission meeting and the public hearing held by the City Council, which notice shall be mailed at least five (5) days prior to the date of the meeting or hearing:

1. The owners of record of the property adjacent to the street segment under consideration;
2. The occupants of the property adjacent to the street segment under consideration;
3. The U.S. Postal Service; and
4. The owners and operators of utilities located within the affected street.

SECTION 2. Section amended. Section 14-1-8 of the Ogden Municipal Code is hereby amended to read and provide as follows:

14-1-8: [AMENDMENTS:]

A. This title may be amended from time to time by the city council; provided that no amendment may be made unless the amendment was proposed by the planning commission or first submitted to the planning commission for its recommendation.

B. Prior to proposing or recommending any change to this title, the planning commission shall hold a public hearing. Notice of the date, place and time of the first public hearing shall be:

1. Mailed to each affected entity at least ten (10) calendar days before the public hearing; and

2. Posted:

a. In at least three (3) public locations within the city; or

b. On the city's official website; and

3. ~~Published in a newspaper of general circulation in the city at least ten (10) calendar days before the first public hearing.~~ Posted on the Utah Public Notice Website.

C. The above noticing policies are not intended to restrict the city council or the planning commission from providing additional noticing based on the particulars of the matter before them.

D. The city council may overrule the planning commission's recommendation by a majority vote of its members.

E. The city council shall consider each proposed amendment to this title recommended to it by the planning commission, and may adopt or reject the ordinance either as proposed by the planning commission or after making any revision the city council considers appropriate.

SECTION 3. Section amended. Section 14-7-7 of the Ogden Municipal Code is hereby amended to read and provide as follows:

14-7-7: [STREET OR ALLEY VACATIONS:]

A. [Procedure:]

1. Any person desiring to vacate a public street or alley as part of a subdivision amendment or as a separate action is required to file a petition making the request and provide a recordable plat if such vacation is approved in any manner. The plat may be either a street vacation plat or, if the vacation is proposed as part of a resubdivision of property, a subdivision plat. The petition shall include:

a. The name and address of each owner of record of land that is adjacent to the section of public street or alley proposed to be vacated and that is accessed by or within three hundred feet (300') of said section;

b. The signature of each owner under subsection A1a of this section who consents to the vacation;

c. A title report disclosing how the section of public street or alley proposed to be vacated was acquired by the city or dedicated to public use.

2. No petition shall be accepted unless accompanied by the applicable fee required in subsection 4-6-1A1 of this code. Regardless of the action on the petition, the petitioner will have no right to a refund of any monies, fees, or charges paid to the city nor to the return of any property or consideration dedicated or delivered to the city except as may have previously been agreed to or approved by the city.

3. No portion of any public street or alley may be vacated by the city council unless the vacation has been proposed by the planning commission or first submitted to the planning commission for its recommendation. Notice of the date, place and time of the planning commission meeting where such vacation shall be considered shall be mailed at least seven (7) days in advance to the record owner of each parcel located within three hundred feet (300') of the portion of the street or alley to be vacated regardless of whether such parcel is located within the jurisdictional boundaries of the city.

4. The recommendation of the planning commission shall be forwarded to the city council.

5. The city council shall hold a public hearing for any proposed vacation of a public street or alley. At least ten (10) days before the public hearing, notice of the date, place and time of the hearing shall be:

a. Mailed to each affected entity;

~~b. Published in a newspaper of general circulation in the city;~~

b. published on the city's official website until the public hearing concludes, and published on the Utah Public Notice Website;

c. Mailed to the record owner of each parcel that is accessed by the portion of the public street or alley proposed to be vacated or that is located within three hundred feet (300') of the portion of the street or alley to be vacated regardless of whether such parcel is located within the jurisdictional boundaries of the city; and

d. Posted on or near the public street or alley in a manner that is calculated to alert the public.

6. The city council may approve the proposed vacation if it finds that good cause exists for the vacation and neither the public interest nor any person will be materially injured by the vacation. The ordinance approving the vacation or narrowing of a public street or alley shall contain a legal description of the vacated portion.

7. The plat reflecting the vacation shall be signed by those persons within the city who sign subdivision plats, and shall be effective when recorded with the Weber County recorder's office. The plat and ordinance shall be recorded:

a. Within thirty (30) days of approval or of complying with any required conditions if the vacation is not part of a resubdivision of property; or

b. At the time the subdivision plat is filed if the vacation is included as part of a resubdivision of property.

8. The action of the city council vacating some or all of a public street or alley that has been dedicated to public use operates to the extent to which it is vacated, upon the effective date of the recorded plat, as a revocation of the acceptance of and the relinquishment of the city's fee in the vacated street or alley, but may not be construed to impair any right of way or easement of any lot owner or the franchise right of any public utility with existing utility lines in the portion vacated.

9. The action of the city council in vacating some or all of a public street or alley that was acquired by the city by use or conveyance to the city, or its predecessors, by deed, declaration, legislative act or other instrument of conveyance, other than a subdivision plat or street dedication plat, operates to remove the property from the category of public use property and the portion vacated shall be held and managed by the city according to the property management requirements of title 4, chapter 3, article A of this code.

SECTION 4. Section amended. Section 15-1-4 of the Ogden Municipal Code is hereby amended to read and provide as follows:

15-1-4: [CHANGES AND AMENDMENTS:]

A. This title, including the zoning map, may be amended from time to time by the city council at a public meeting; provided that no amendment may be made unless the amendment was proposed by the planning commission or first submitted to the planning commission for its recommendation.

B. Prior to proposing or recommending any change to this title or the zoning map, the planning commission shall hold a public hearing at a public meeting. Notice of the date, place and time of the first public hearing shall be in accordance with State law and Ogden City Notification Policies:

~~1. Mailed to each affected entity at least ten (10) calendar days before the public hearing; and~~

~~2. Posted:~~

~~a. In at least three (3) public locations within the city; or~~

~~b. On the city's official website; and~~

~~3. Published in a newspaper of general circulation in the city at least ten (10) calendar days before the public hearing; and~~

~~4. For any amendment to the zoning map, mailed at least seven (7) days before the public hearing to:~~

~~a. The record owner of each parcel to be rezoned; and~~

~~b. The record owner of each parcel located within three hundred feet (300') of the property to be rezoned regardless of whether such property is located within the jurisdictional boundaries of the city.]~~

C. Prior to city council adoption of an amendment to the zoning map, notice of the date, time and place of the first public meeting where the city council shall consider such amendment shall be mailed according to State law or as directed by City Council. ~~[at least seven (7) days before such public meeting to:~~

~~1. The record owner of each parcel to be rezoned; and~~

~~2. The record owner of each parcel located within three hundred feet (300') of the property to be rezoned regardless of whether such property is located within the jurisdictional boundaries of the city.]~~

D. The above noticing policies are not intended to restrict the city council or the planning commission from providing additional noticing based on the particulars of the matter before them.

E. The city council shall consider each proposed amendment to this title or the zoning map recommended to it by the planning commission, and may adopt or reject the ordinance or map either as proposed by the planning commission or after making any revision the city council considers appropriate.

SECTION 5. Subsection amended. Subsection 15-1-19B of the Ogden Municipal

Code is hereby amended to read and provide as follows:

B. Prior to proposing or recommending any change to the Ogden City general plan, the planning commission shall hold at least one public hearing at a public meeting. Notice of the date, place and time of the first public hearing shall, at least ten (10) calendar days before such hearing, be:

1. Mailed to each affected entity; and
2. Posted:
 - a. In at least three (3) public locations within the city; or
 - b. On the city's official website;~~and~~

3. ~~Published in a newspaper of general circulation in the city~~ Published on the Utah Public Notice Website at least twenty-four (24) hours before the meeting.

SECTION 6. Subsection amended. Subsection 17-2-2E of the Ogden Municipal Code

is hereby amended to read and provide as follows:

E. [Action By City Council:] The city council may, by approval and passage of an appropriate ordinance, designate historic resources. Prior to the passage of the ordinance, the city council shall hold a public hearing, notice of which shall be ~~published in a newspaper of general circulation and mailed to the owner or owners of property proposed for designation. Following designation, a notice of such shall be mailed to the owners of record together with a copy of this title,~~ at least ten (10) days before the public hearing:

1. Mailed to each affected entity;
2. Posted:
 - a. In at least three (3) public locations within the city; or
 - b. On the city's official website;

3. Posted on the Utah Public Notice Website; and

4. Mailed to each property owner whose land is proposed for designation.