

## ORDINANCE 2021-30

### AN ORDINANCE OF THE CITY COUNCIL OF NORTH OGDEN CITY ADOPTING RULE RELATED TO PROTECTIVE GROUND COVER AND THE ONGOING MAINTENANCE OF LANDSCAPING

**WHEREAS**, the City of North Ogden currently requires the installation of protective ground cover on all properties within the city; and

**WHEREAS**, due to concerns with ongoing maintenance enforcement actions by the code enforcement department a clarification of the ordinance was requested; and

**WHEREAS**, the City Council of North Ogden City has reviewed its ordinances and found that clarifications to the ordinance should be made; and

**NOW, THEREFORE**, BE IT ORDAINED BY THE CITY COUNCIL OF NORTH OGDEN CITY, STATE OF UTAH, AS FOLLOWS:

**SECTION 1:** The following sections shall be amended to read:

#### **5-7-1: INSTALLED**

- A. In order to obviate the nuisance described in state code 76-10-801 et seq. relating to weeds and other noxious growth, "protective ground cover", as defined in CCNO 8-5-3, shall be installed on the front and side yards of every lot, including the right-of-ways adjacent thereto, not containing pavement, sidewalks, or other similar materials, within eighteen (18) months after the issuance of an occupancy permit. All back yards of every residential lot shall be covered by protective ground cover within two and one-half (2½) years from the date of the issuance of an occupancy permit.
  1. When the Mayor declares a critical water emergency under Title 9 Chapter 2 the Mayor and Council may extend the time by up to 12 months for the installation of protective ground cover.
- B. Where an occupancy permit has been issued prior to the effective date hereof, "protective ground cover", as defined in CCNO 8-5-3, shall be installed on or before July 1, 2023, on all portions of every residential lot, including the parking strip, not containing pavement, sidewalks or other similar type materials.
- C. Nothing in this section shall prohibit the planting, installation or maintenance of a flower or vegetable garden, orchard, pasture, playground or other open space not prohibited by ordinance. No vegetable garden shall be planted or maintained in the parking strip.
- D. Violation of any subsection of this section shall be considered an infraction.

#### **5-7-2: MAINTENANCE**

The owner of property upon which protective ground cover has been installed under CCNO 5-7-1 shall cause the protective ground cover to be adequately maintained,

including within the right-of-ways adjacent thereto, and in that connection shall observe the following minimum standards:

- A. With respect to living protective ground cover, provide sufficient water and care to the protective ground cover which will ensure that the ground cover does not die and maintains the color or hue it would achieve if the proper quantity of water was applied to the protective ground cover; provided, however, that in the event the mayor, pursuant to Utah Code § 10-7-12 and this code, declares by proclamation that a scarcity of water should limit the use of water for all purposes other than specified domestic uses, the provisions of this subsection will be suspended during the term covered by such proclamation.
- B. If the protective ground cover is grass or similar turf, periodically mow or cut the turf so as not to exceed a height of more than six inches (6").
- C. All areas must be kept free from noxious weeds as defined by Weber Morgan Health Department.
- D. All areas that have removed the original natural vegetation by grading, cultivating, or other methods shall mow or cut vegetation to not exceed a height of more than six inches (6") for grasses and turf, and other vegetation which are not the part of a conscientious landscaping design.
- E. Areas which are used for the keeping and feeding of livestock are not required to regularly mow the area where livestock is kept if livestock is actively living in the area. If the pasture does not currently house livestock, the area must be kept maintained as not to exceed a height of more than six inches (6").
  - a. All areas outside of the pasture must be maintain in accordance with this code.
- F. All areas with sidewalks and paths will be maintained so they are passable without obstruction. This includes undeveloped, non-excavated lots, that remain in their natural state.
- G. No vegetation shall be allowed to grow into the right-of-way in a manner which impedes traveling along the right-of-way.
- H. Properties which were once cultivated, and are no longer cultivated, must remain maintained in a manner consistent with this code.
- I. Any vegetative growth or other condition which causes a fire hazard as determined by the Fire Marshal must be remedied as directed by the Fire Marshal.

### **5-7-3: ALTERNATIVES**

- A. Protective ground cover which utilizes creative methods to reduce the amount of irrigation required is encouraged. The focus of protective ground cover is an area which limits weeds, dust, and the use of fertilizers, while still providing for an attractive landscaping design.
- B. In no event, however, shall an alternative protective ground cover be installed which: a) fails to maintain storm runoff detention capabilities of the area similar to if the ground had been installed with turf.; or b) which is injurious to the health, safety, welfare , and property values of the surrounding residences.

### **5-7-4: BOND**

If, in the opinion of city officials, weather, scarcity of water, or other circumstance does not permit the installation of protective ground cover within the time periods described in CCNO 5-7-1, a cash bond in the sum of five hundred dollars (\$500.00), to guarantee the completion of the installation of protective ground cover, shall be provided to the city before the expiration of the required time period in question. In such case, the city shall specify, in writing, the date upon which installation of protective ground cover shall be completed.

**5-7-5: ENFORCEMENT**

This Title shall be enforced according to the procedures outlined in CCNO 1-9 or any other relevant municipal or state code. This code in no way limits any remedy available to North Ogden City authorized under any local, state, or federal rule, regulation, code, or other provision.


**5-7-6 Penalty**

Any person who violates this chapter or any provision thereof shall be guilty of an infraction, subject to penalty as provided in CCNO 1-4-1 and may also be charged under Utah Code § 26-23-3. If an individual receives a penalty/fine on the same residence three times the next penalty/fine shall be a Class B misdemeanor with a mandatory court appearance.

**SECTION 2:** This ordinance shall take immediate effect.

**PASSED and ADOPTED this 28<sup>th</sup> day of September 2021.**

**North Ogden City:**



**Neal Berube**  
**North Ogden City Mayor**

**CITY COUNCIL VOTE AS RECORDED:**

	<b>Aye</b>	<b>Nay</b>
Council Member Barker:	<u>X</u>	___
Council Member Cevering:	<u>X</u>	___
Council Member Ekstrom:	<u>X</u>	___
Council Member Stoker:	<u>X</u>	___
Council Member Swanson:	<u>X</u>	___
(In event of a tie vote of the Council):		
Mayor Berube	___	___

**ATTEST:**

*Susan L. Nance*

Susan L. Nance, CMC  
City Recorder

