

ORDINANCE NO. 23-14

AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING VARIOUS SECTIONS OF THE CITY CODE TO ENCOURAGE THE WISE USE OF WATER FOR LANDSCAPING; MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

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 § 10-3-702, the City may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and,

WHEREAS, the City Council finds that under UC §10-3-707, the City is "empowered to revise, codify and compile from time to time and to publish in book, pamphlet or loose leaf form all ordinances of the municipality of a general and permanent character and to make such changes, alterations, modifications, additions, and substitutions therein as it may deem best to the end that a complete simplified code of the ordinances then enforced shall be presented, but with errors, inconsistencies, repetitions, and ambiguities therein eliminated"; and,

WHEREAS, the City Council finds that the Utah Division of Water Resources has provided funding for rebates to encourage the replacement of turf and plants that require large amounts of water; and,

WHEREAS, the City Council finds that in order for the City to participate in the rebate programs, certain elements of water conservation must exist in its City Code; and,

WHEREAS, the City Council finds that it wishes to give South Ogden City residents the opportunity to participate in the rebate programs; and,

WHEREAS, the City Council finds that it must amend parts of Title 10, Chapter 23 of

the South Ogden City Code to meet State requirements for residents to participate in the rebate programs; and,

WHEREAS, the City Council finds that it agrees with the contemplated amendments as they promote water conservation in the State of Utah;

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

AMENDED SECTIONS:

10-23-3: Applicability Of This Chapter

This chapter shall apply to all new and ~~rehabilitated~~ renovated landscapes in the City. For renovated landscapes, this chapter shall apply when more than 15% of the total landscape area for existing public projects, private development projects, developer-installed landscaping in multi-family residential projects, and developer-installed landscaping in single-family projects is being replaced. For existing single-family homes and duplexes, this chapter shall apply when more than 30% of the total existing landscaped area is being replaced. ~~for public projects, private development projects, developer-installed landscaping in multi-family residential projects, and developer-installed landscaping in single-family projects.~~

~~This chapter does not apply to home-owner provided landscaping at single family single-family or duplex projects, although water efficient landscapes are encouraged for such sites as well.~~

~~In addition, s~~ Sports fields, turf play areas within public parks, school grounds, golf courses and cemeteries are exempt from the landscape water allowance limitations ~~of this chapter~~ described in 10-23-4-6- Documentation Requirements. Furthermore, the requirements of 10-23-6 and 10-23-8 will not apply to new single-family homes or duplexes where the homeowner is installing the landscaping, nor to any existing single-family home or duplex where landscaping is being renovated or replaced.

~~-~~All other portions of this chapter shall apply.

10-23-4: Documentation

The following section shall apply to new public projects, private development projects, developer-installed landscaping in multi-family residential projects, developer-installed landscaping in single-family projects; it shall also apply to existing public projects, private development projects, developer-installed landscaping in multi-family residential projects, and developer-installed landscaping in single-family projects where more than 15% of the total existing landscape area is being renovated or replaced.

- A. Landscape Plan Documentation Package: A ~~copy of a~~ landscape plan documentation package shall be submitted to and approved by the City prior to issuance of any permit.

The landscape plan documentation package shall be prepared by a professional landscape architect.

The irrigation plan shall be prepared by an irrigation designer certified by the Irrigation Association and/or a professional landscape architect.

The landscape plan documentation package shall consist of the following items:

1. Project Data Sheet: The project data sheet shall contain:
 - a. Project name and address;
 - b. Applicant or applicant agent's name, address, phone and fax number;
 - c. Landscape designer/landscape architect's name, address, phone and fax number; and
 - d. Landscape contractor's name, address, phone and fax number, if ~~available~~applicable.
2. Planting Plan: A detailed planting plan shall be drawn at an appropriate scale and include a legend that is suitable for identifying the following:
 - ~~a. Location of all plant materials;~~
 - ~~b.a. A legend with botanical and common names and size of plant materials;~~
 - ~~e.a.~~ Property lines and street names;
 - ~~d.b.~~ Existing and proposed buildings, walls, fences, utilities, paved areas and other site features;
 - ~~e.c.~~ Existing trees and plant materials to be removed or retained;
 - d. Location of all plant materials;
 - e. A legend with botanical and common names and size of plant materials;
 - f. Designation of landscape zones; ~~and~~
 - g. Details and specifications for tree staking, soil preparation, blue stakes, and other planting work; and
 - ~~g.~~h. Planting specifications
3. Irrigation Plan: A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain:
 - a. Layout of the irrigation system;
 - b. A legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
 - c. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
 - d. Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers; ~~and~~
 - e. Landscape Water Allowance;
 - ~~d.f.~~ Irrigation Schedule;
 - g. Installation details for irrigation components; and
 - ~~e.h.~~ Irrigation Specifications
4. Grading Plan: A grading plan shall be drawn at the same scale as the planting plan and shall contain:
 - a. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements, and

- b. Existing and ~~finished~~ proposed contour lines and spot elevations for the proposed site improvements.
5. Soils Report: A soils report will be provided and shall describe the depth, composition, and bulk density of the topsoil and subsoil at the site. ~~and The report shall include recommendations for soil amendments, which The planting plan shall be incorporated the recommendations of the soils report into the planting specifications indicated in Section 10-3-4(h) above.~~
 6. Landscape Water Allowance: This is the maximum limit of annual applied water for the established landscaped area. It is based upon the local reference evapotranspiration rate, the ETo adjustment factor and the size of the landscaped area. The ~~M~~maximum ~~A~~applied ~~W~~water ~~A~~allowance shall be calculated using the following equation:

$$\text{MAWA} = (\text{ETo}) (0.62)(1.15)[(0.8 \times \text{LA}) + (0.3 \times \text{SLA})]$$

MAWA = Maximum Applied Water Allowance (gallons per year)

ETo = Reference Evapotranspiration (inches per year) as calculated from weather data at the closest available weather station.

0.62 = Conversion Factor (to gallons)

1.15 = Delivery Inefficiency Factor (sprinkler system uniformity etc.)

0.8 = ET Adjustment Factor (ETAF), plant factor or crop coefficient (.8 standard for cool season turf)

LA = Landscape Area including SLA (square feet)

0.3 = Additional Water Allowance for SLA

SLA = Special Landscape Area (square feet)

ETo values can be obtained directly from the USU Climate Center where a data base of weather data from local stations is collected, analyzed, and stored. If you cannot find the ET data you need, please contact the City or refer to EPA Watersense tools, worksheets and calculators at <https://www.epa.gov/watersense>.

7. Irrigation Schedule: A monthly irrigation schedule shall be provided that covers the initial 120-day plant establishment period adjusted for seasonal variations. This schedule shall consist of a table with the following information for each valve:
 - a. Plant type (turf, trees, low water use plants);
 - b. Irrigation type (sprinklers, drip, bubblers);
 - c. Flow rate in gallons per minute;
 - d. Precipitation rate in inches per hour (sprinklers only);
 - e. Run times in minutes per day;
 - f. Number of water days per week; and
 - g. Cycle time to avoid runoff.

10-23-5: Landscape Design Standards

A. Plant Selection:

1. [The Salt Lake City Plant List and Hydrozone Schedule 2013](#) prepared by Salt Lake City Public Utilities and the Jordan Valley Conservation District Conservancy Gardens [Localscapes](#) programs shall be the primary references for the selection, design and installation of water-conserving plants and landscapes as modified from time to time by South Ogden City's certified arborist or the Planning Commission.
2. Plants selected for landscape areas shall be well-suited to the microclimate and soil conditions at the project site. Plants with similar water needs shall be grouped together as much as possible.
3. ~~No turf grasses or overhead irrigation is allowed on slopes greater than 25%.~~ Areas with slopes greater than twenty five percent (25%) shall be landscaped with deep-rooting, water-conserving plants for erosion control and soil stabilization.
4. No turf grasses or overhead irrigation is allowed in areas with a width less than 8 feet, including park strips.
5. Turf grass areas shall not exceed a total of 15% of the total landscaped area for new Commercial, Institutional, Industrial, Multi-Family, HOA Common Areas, mixed-use, townhome, PRUD, etc., or exceed 15% of the total existing landscaped areas of existing Commercial, Institutional, Industrial, Multi-Family, HOA Common Areas, mixed-use, townhome, PRUD, etc. where more than 15% of the landscaping will be renovated or replaced.
- ~~5.6.~~ Turf grass areas shall not exceed a total of 35% of the total landscaped area for new single-family homes or duplexes, or existing single-family homes and duplexes where more than 30% of the existing landscaping area is being replaced.
- ~~6.7.~~ For projects at the interface between urban areas and natural non-irrigated open space, drought tolerant plants shall be selected that ~~will~~ blend with the native vegetation and ~~that~~ are fire resistant or fire retardant. Plants with low fuel volume or high moisture content shall be ~~emphasized~~ dominant.

10-23-6: Irrigation Design Standards

The standards below do not apply to new single-family homes or duplexes where the homeowner is installing the landscaping, nor to existing single-family homes and duplexes where landscaping is being renovated or replaced.

- A. Design Standards: Irrigation design standards for this chapter are outlined in the latest version of the "Minimum Standards for Efficient Landscape Irrigation System Design and Installation" prepared by the Utah Irrigation Association. In addition, the remainder of this section shall also apply.
- B. Backflow Prevention Device: A backflow prevention device shall be installed according to State and County standards on all culinary irrigation systems. The backflow device must be tested on an annual basis and annual certification submitted to the City.

- C. Pressure Regulation: A pressure regulating valve shall be installed and maintained by the consumer if the static service pressure exceeds eighty (80) pounds per square inch (psi). The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and shall be set at the manufacturer's recommended pressure for the sprinklers.
- D. Landscape Water Meter: A water meter shall be installed for landscape irrigation systems, and shall be separate from the water meter installed for culinary uses. The size of the meter shall be determined based on irrigation demand.
- E. Automatic Controller: All irrigation systems shall include an electric automatic controller with multiple program and multiple repeat cycle capabilities and a flexible calendar program. All controllers shall be equipped with an automatic rain shut-off device, and the ability to adjust run times based on a percentage of maximum ETO.
- F. Slopes Exceeding Twenty-Five Percent: On slopes exceeding twenty-five (25%), the irrigation system shall consist of drip emitters, bubblers or sprinklers with a maximum precipitation rate of 0.85 inch per hour and adjusted sprinkler cycle times to eliminate runoff.
- G. Separate Valves: Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.
- H. Bubbler Specifications: Drip emitters or a bubbler shall be provided for each tree. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the City due to the limited number of trees on the project site.
- I. Matched Precipitation Rates: Sprinklers shall have matched precipitation rates with each control valve circuit.
- J. Check Valves: Check valves shall be required where elevation differences will cause low-head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure will occur within the irrigation system due to elevation differences.
- K. Drip Irrigation: Drip irrigation lines shall be undergrounded, except for emitters and where approved as a temporary installation. Filters and end flush valves shall be provided as necessary.
- L. Times Of Operation: Valves with spray or stream sprinklers shall be scheduled to operate between six o'clock (6:00) P.M. and ten o'clock (10:00) A.M. to reduce water loss from wind and evaporation.
- M. Programmed Valves: Valves shall be programmed for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.

10-23-8: Plan Review, Construction Inspection And Post-Construction Monitoring

The standards below do not apply to new single-family homes or duplexes where the homeowner is installing the landscaping, nor to existing single-family homes or duplexes where landscaping is being renovated or replaced

- A. As part of the building permit approval process, a copy of the landscape plan documentation package shall be submitted to the city for review and approval before a permit shall be issued and construction begins. With the landscape plan documentation package, a copy of the landscape water allowance worksheet shall be completed by a landscape designer and submitted to the City. Once approved, the landscape water allowance worksheet will be transmitted to the local water purveyor.
- B. All landscape plan documentation packages submitted must be stamped by a professionally licensed landscape architect (PLA). The irrigation plan must be prepared by an IA certified irrigation designer, or a PLA.
- C. All landscape irrigation systems shall be installed by an IA certified irrigation contractor. The certified person representing the contracting firm shall be directly involved with the project and complete and document at least weekly site visits.
- D. All installers, designers and auditors shall meet State and local license, insurance, and bonding requirements, and be able to show proof of such.
- E. During construction, site inspection may be performed by the City Building Inspection Department.
- F. Prior to issuance of substantial completion status, an inspection shall be scheduled with the Building Inspection Department to verify compliance with the approved landscape plans. The Certificate of Substantial Completion shall be completed by the property owner, contractor or landscape designer/landscape architect and submitted to the City.
- G. Prior to issuance of substantial completion status, a water audit will be conducted by an IA certified landscape irrigation auditor. The auditor shall be independent of the contractor, design firm, and owner/developer of the project. The water performance audit will verify that the irrigation system complies with the minimum standards required by this chapter. The minimum efficiency required for the irrigation system is sixty percent (60%) for the distribution efficiency for all fixed spray systems and seventy percent (70%) distribution efficiency for all rotor systems. The auditor shall furnish a certificate to the City, designer, installer, and owner/developer certifying compliance with the minimum distribution requirements, and shall also submit an irrigation schedule.
- H. A guarantee of the installation of landscaping as approved by the Planning Commission shall be made to the City in the same manner as that required for any other required improvement by including in a bond, escrow or letter of credit, the estimated cost of the landscaping work at the time of building permit issuance, or is deemed satisfactory by the Planning Commission for all small developments, by means of a financial guarantee for landscaping remaining uncompleted at the time of application for final building inspection and power to panel and/or occupancy permit. Such financial guarantee shall specify the maximum length of time for completion of the remaining landscaping.
- I. The City reserves the right to perform site inspections at any time before, during or after the irrigation system and landscape installation, and to require corrective measures if requirements of this chapter are not satisfied.

The foregoing recitals are fully 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 and all prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

SECTION IV - 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 will not be construed to revive any act, order or resolution, or part, repealed.

SECTION V - 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 VI - DATE OF EFFECT

This Ordinance shall be effective on the 20th day of June, 2023, and after publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, STATE OF UTAH, on this 20th day of June, 2023.

SOUTH OGDEN, a municipal corporation

Mayor Russell L. Porter

ATTESTED:

Leesa Kapetanov, MMC
City Recorder