

**ORDINANCE NO. 2012-\_\_\_\_\_**

**AN ORDINANCE OF THE NORTH OGDEN CITY COUNCIL AMENDING CHAPTER 10, TITLE 11 OF THE NORTH OGDEN CITY CODE REGULATING FACILITIES FOR DISABLED PERSONS**

**WHEREAS:** the City Council of the North Ogden City intends for its regulation of facilities for disabled persons to comply with applicable federal laws and regulations; and

**WHEREAS:** the City Council finds that it is necessary to make certain amendments to the North Ogden City Code to avoid possible interpretations that could result in conflict with federal laws and regulations;

**NOW THEREFORE, BE IT ORDAINED** that Chapter 10 of Title 11 of the North Ogden City Code is amended to read as follows:

**11-10-28: RESIDENTIAL FACILITY FOR DISABLED PERSONS:**

A. A residential facility for disabled persons ~~shall be~~ when conducted consistent with existing zoning of the desired location is a permitted use.

B. A residential facility for disabled persons shall:

1. Have twenty four (24) hour adult supervision for facilities for the housing of recovering drug addicts that are within five hundred feet (500') of a school minors.
2. ~~Not be located closer than one thousand five hundred feet (1,500') of another residential facility for disabled persons.~~ Not house persons whose asserted "disability" is based upon their status as current users of illegal controlled substances, conviction for illegal manufacture or distribution of a controlled substance, sex offenders, or juvenile offenders.

3. ~~Obtain a permit showing that the facility meets all applicable building codes and standards of the Americans with disabilities act.~~ Comply with applicable fire and building codes, including requirements imposed under the American's with Disabilities Act; obtain a city business license; and acquire within thirty (30) days of receiving the city license, and maintain current, any necessary state license.

4. Not house persons who present a direct threat to the persons or property of others. When presented with clear and convincing evidence that a person housed in a facility does pose such a threat, that person shall be immediately removed from the facility.

C. Upon request for an accommodation from the owner or operator of a facility for disabled persons from strict compliance with a regulation imposed by local ordinance, the Director of Community and Economic Development is authorized to make any accommodation that in his or her opinion will not result in an imminent health or safety threat to residents of the facility.

This Ordinance shall take effect upon the first publication and filing of a copy thereof in the office of the City Recorder.

DATED this 10th day of January, 2012

BY THE CITY COUNCIL:

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Richard G. Harris, Mayor

**CITY COUNCIL VOTE AS RECORDED:**

|  | <b>Aye</b> | <b>Nay</b> |
|--|------------|------------|
| Council Member Bailey:                   | ___        | ___        |
| Council Member Bigler:                   | ___        | ___        |
| Council Member Fawson:                   | ___        | ___        |
| Council Member Hulme:                    | ___        | ___        |
| Council Member Stoker:                   | ___        | ___        |
| (In event of a tie vote of the Council): |            |            |
| Mayor Harris:                            | ___        | ___        |

ATTEST:

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S. Annette Spendlove, MMC  
City Recorder