

TITLE 1
ADMINISTRATION

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CHAPTER 1
OFFICIAL TOWN CODE

SECTION:

- 1-1-1: Title
 1-1-2: Acceptance
 1-1-3: Amendments
 1-1-4: Code Alterations

1-1-1: **TITLE:** Upon the adoption by the town council, this town code is hereby declared to be and shall hereafter constitute the official town code of Laketown. This town code of ordinances shall be known and cited as the *LAKETOWN CODE* and is hereby published by authority of the town council and shall be supplemented to incorporate the most recent legislation of the town as provided in section 1-1-3 of this chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this town code by title in any legal documents. (2001 Code)

1-1-2: **ACCEPTANCE:** The town code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in administrative tribunals of this state as the ordinances of the town of general and permanent effect, except the excluded ordinances enumerated in section 1-2-1 of this title. (2001 Code)

1-1-3: **AMENDMENTS:** Any ordinance amending the town code shall comply with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this town code. All such amendments or revisions by ordinance shall be prepared for insertion in its proper place in each copy of this town code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the town code. (2001 Code) (Ordinance 2019-11 2/5/2020)

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1-1-4: **CODE ALTERATIONS:** It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this town code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the town council. The town clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the town clerk. Any person having custody of a copy of the town code shall make every effort to maintain said code current as to the most recent ordinances passed. Such person shall see to the immediate insertion of new or replacement pages when such are delivered or made available to such person through the office of the town clerk. Said code books, while in actual possession of officials and other interested persons, shall be and remain the property of the town and shall be returned to the office of the town clerk when directed so to do by order of the town council. (2001 Code)

CHAPTER 2

SAVING CLAUSE

SECTION:

- 1-2-1: Repeal Of General Ordinances
- 1-2-2: Public Ways And Public Utility Ordinances
- 1-2-3: Court Proceedings
- 1-2-4: Severability Clause

1-2-1: REPEAL OF GENERAL ORDINANCES:

- A. Repealer; Exceptions: All general ordinances of the town passed prior to the adoption of this town code are hereby repealed, except such as are included in this town code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances which are not hereby repealed: tax levy ordinances; appropriation ordinances; ordinances relating to boundaries and annexations; franchise ordinances and other ordinances granting special rights to persons or corporations; contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants; salary ordinances; fee ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; bond ordinances; ordinances relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the town; and all special ordinances.
- B. Effect Of Repealing Ordinances: The repeal of the ordinances provided in subsection A of this section shall not affect any debt or fee which is accrued, any duty imposed, any penalty incurred, nor any action or proceeding commenced under or by virtue of the ordinances repealed or the term of office of any person holding office at the time these ordinances take effect; nor shall the repeal of any ordinance have the effect of reviving any ordinance heretofore repealed or superseded. (2001 Code)

1-2-2: **PUBLIC WAYS AND PUBLIC UTILITY ORDINANCES:** No ordinance relating to railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this town code or by virtue of the preceding section, excepting as the town code may contain provisions for such matters, in which case, this town code shall be considered as amending such ordinance or ordinances in respect to such provisions only. (2001 Code)

1-2-3: **COURT PROCEEDINGS:**

- A. **Prior Acts:** No new ordinance shall be construed or held to repeal a former ordinance whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment may be mitigated by any provision of a new ordinance, such provision may be, by consent of the party affected, applied to any judgment announced after the new ordinance takes effect.
- B. **Scope Of Section:** This section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.
- C. **Actions Now Pending:** Nothing contained in this chapter shall be construed as abating any action now pending under or by virtue of any general ordinance of the town herein repealed, and the provisions of all general ordinances contained in this code shall be deemed to be continuing provisions and not a new enactment of the same provisions; nor shall this chapter be deemed as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the town under any ordinance or provision thereof in force at the time of the adoption of this town code. (2001 Code)

1-2-4: **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this town code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this code, or any part thereof. The town council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (2001 Code)

CHAPTER 3

DEFINITIONS

SECTION:

- 1-3-1: Construction Of Words
1-3-2: Definitions, General
1-3-3: Catchlines

1-3-1: **CONSTRUCTION OF WORDS:**

- A. Whenever any word in any section of this town code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this town code by words importing the singular number only, or a particular gender, several matters, parties or persons and the opposite gender and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this town code which contains any express provision excluding such construction or where the subject matter or context may be repugnant thereto. The use of any verb in the present tense shall include the future and past tense when applicable.
- B. All words and phrases shall be constructed and understood according to the common use and understanding of the language; the technical words and phrases and such other words and phrases as may have acquired a particular meaning in law shall be construed and understood according to such particular meaning.
- C. The word "ordinance" contained in the ordinances of the town has been changed in the content of this town code to "title", "chapter", "section" and/or "subsection", or words of like import for organizational and clarification purposes only. Such change to the town's ordinances is not meant to amend passage and effective dates of such original ordinances. (Prior Code § 1; amd. 2001 Code)

1-3-2: **DEFINITIONS, GENERAL:** Whenever the following words or terms are used in this code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

- AGENT:** A person acting on behalf of another with authority conferred, either expressly or by implication.
- BUSINESS:** Includes any trade, profession, calling, activity, operation or enterprise for which a license or permit is required by any ordinance of the town.
- CODE:** The town code of the town of Laketown, Utah.
- COUNTY:** Rich County, Utah.
- EMPLOYEES:** Whenever reference is made in this code to a town employee by title only, this shall be construed as though followed by the words "of the town of Laketown".
- FEE:** A sum of money charged by the town for the carrying on of a business, profession or occupation.
- GENDER:** A word importing either the masculine or feminine gender only shall extend and be applied to the other gender and to persons.
- HIGHWAY; ROAD:** Includes public bridges, and may be equivalent to the words "county way", "county road", "common road" and "state road".
- LICENSE:** The permission granted for the carrying on of a business, profession or occupation. The term "license" includes any certificate, permit or license issued by the town.
- NUISANCE:** Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the town, or any activity which by its perpetuation can reasonably be said to have a detrimental effect

	on the property of a person or persons within the community.
OCCUPANT OR TENANT:	As applied to a building or land, shall include any person who occupies the whole or any part of such building or land whether alone or with others.
OFFENSE:	Any act forbidden by any provision of this code or the omission of any act required by the provisions of this code.
OFFICERS OR OFFICIALS:	Any elected or appointed person employed by the town, unless the context clearly indicates otherwise. Whenever reference is made in this code to a town officer or official by title only, this shall be construed as though followed by the words "of the town of Laketown".
OPERATOR:	The person who is in charge of any operation, business or profession.
OWNER:	As applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.
PERSON:	Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.
PERSONAL PROPERTY:	Shall include every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.
PROPERTY:	Includes both real and personal property.
REASONABLE TIME:	In all cases where any ordinance requires that an act be done in a reasonable time or that

	reasonable notice be given, such reasonable time for such notice shall be deemed to mean such time as may be necessary for the expeditious performance of such duty or compliance with such notice.
RETAILER:	Unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.
RIGHT OF WAY:	The privilege of the immediate use of the roadway or other property.
STATE:	The state of Utah.
STREET:	Includes alleys, lanes, courts, boulevards, public ways, public squares, public places, sidewalks, gutters and culverts, crosswalks and intersections.
TENANT OR OCCUPANT:	As applied to a building or land, shall include any person who occupies the whole or any part of such building or land, whether alone or with others.
TIME COMPUTED:	The time within which an act is to be done as provided in any ordinance or in any resolution or order of the town, when expressed in days, shall be determined by excluding the first day and including the last day, except if the last day be a Sunday or a legal holiday, then the last day shall be the day next following such Sunday or legal holiday which is not a Sunday or legal holiday. When time is expressed in hours, Sunday and all legal holidays shall be excluded.
TOWN:	The town of Laketown, Rich County, Utah.
TOWN CLERK:	The individual appointed to act as the town clerk of the town.
TOWN COUNCIL:	Unless otherwise indicated, the town council of the town of Laketown, Utah.

WEEK: Shall be construed to mean any seven (7) day period.

WHOLESALER: The terms "wholesaler" and "wholesale dealer", as used in this code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things to persons who purchase for the purpose of resale.

WRITTEN, IN WRITING: May include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person, or in case such person is unable to write, by such person's proper mark. (Prior Code § 2; amd. 2001 Code)

1-3-3: CATCHLINES: The catchlines of the several sections of the town code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any division or section hereof, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (2001 Code)

CHAPTER 4
GENERAL PENALTY

SECTION:

- 1-4-1: Sentencing
1-4-2: Offenses Designated; Classified

1-4-1: **SENTENCING:**

- A. Penalty For Violation Of Ordinance¹: Unless otherwise specifically authorized by statute, the town council may provide a penalty for the violation of any town ordinance by a fine not to exceed the maximum class B misdemeanor fine under Utah Code Annotated section 76-3-301, or by a term of imprisonment up to six (6) months, or by both the fine and term of imprisonment. The town council may prescribe a minimum penalty for the violation of any town ordinance and may impose a civil penalty for the unauthorized use of town property, including, but not limited to, the use of parks, streets and other public grounds or equipment. Rules of civil procedure shall be substantially followed.
- B. Term Of Imprisonment For Misdemeanors²: A person who has been convicted of a misdemeanor may be sentenced to imprisonment as follows:
1. In the case of a class B misdemeanor, for a term not exceeding six (6) months;
 2. In the case of a class C misdemeanor, for a term not exceeding ninety (90) days.

1. U.C.A. § 10-3-703.
2. U.C.A. § 76-3-204.

C. Infractions¹:

1. A person convicted of an infraction may not be imprisoned but may be subject to a fine, forfeiture and disqualification, or any combination.

2. Whenever a person is convicted of an infraction and no punishment is specified, the person may be fined as for a class C misdemeanor.

D. Fines Of Persons²: A person convicted of an offense may, in addition to any term of imprisonment imposed, be sentenced to pay a fine not to exceed:

1. Class B Misdemeanor: One thousand dollars (\$1,000.00) when the conviction is of a class B misdemeanor conviction; and

2. Class C Misdemeanor; Infraction: Seven hundred fifty dollars (\$750.00) when the conviction is of a class C misdemeanor conviction or infraction conviction.

E. Fines Of Corporations³: The sentence to pay a fine, when imposed upon a corporation, association, partnership or governmental instrumentality for an offense defined in this code, or the ordinances of the town, or for an offense defined outside of this code over which this town has jurisdiction, for which no special corporate fine is specified, shall be to pay an amount fixed by the court, not exceeding:

1. Class B Misdemeanor: Five thousand dollars (\$5,000.00) when the conviction is for a class B misdemeanor conviction; and

2. Class C Misdemeanor; Infraction: One thousand dollars (\$1,000.00) when the conviction is for a class C misdemeanor conviction or for an infraction conviction. (2001 Code)

1. U.C.A. § 76-3-205.

2. U.C.A. § 76-3-301.

3. U.C.A. § 76-3-302.

1-4-2: OFFENSES DESIGNATED; CLASSIFIED:**A. Sentencing In Accordance With Chapter:**

1. A person adjudged guilty of an offense under this code or the ordinances of this town shall be sentenced in accordance with the provisions of this chapter.

2. Ordinances enacted after the effective date of this code which involve an offense should be classified for sentencing purposes in accordance with this chapter, unless otherwise expressly provided.

B. Designation Of Offenses: Offenses are designated as misdemeanors or infractions.**C. Misdemeanors Classified¹:**

1. Misdemeanors are classified into two (2) categories:

- a. Class B misdemeanors;
- b. Class C misdemeanors.

2. An offense designated as a misdemeanor or any act prohibited or declared to be unlawful in this code or any ordinance of this town when no other specification as to punishment or category is made, is a class B misdemeanor.

D. Infractions:

1. Infractions are not classified.

2. Any offense which is made an infraction in this code or other ordinances of this town, or which is expressly designated an infraction, and any offense designated by this code or other ordinances of this town which is not designated as a misdemeanor and for which no penalty is specified, is an infraction.

E. Continuing Violation: In all instances where the violation of this code or any ordinance hereinafter enacted is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues to occur. (2001 Code)

1. U.C.A. § 76-3-104.

CHAPTER 5

OFFICIAL AND CORPORATE PROVISIONS

SECTION:

1-5-1: Corporate Seal

1-5-1: **CORPORATE SEAL**¹: The seal of the town is described as follows: circular in form, one and ten-sixteenths inches ($1^{10}/_{16}$ ") in diameter, and the inscription "Laketown City" centered on the top, the word "Seal" centered in the middle, and "State of Utah" centered on the bottom. (2001 Code)

1. See subsection 1-7-2B3 of this title.



CHAPTER 6

MAYOR AND TOWN COUNCIL

SECTION:

- 1-6-1: Eligibility And Residency Requirements
- 1-6-2: Membership; Terms
- 1-6-3: Mayor As Member Of Town Council
- 1-6-4: Meetings; Procedure And Conduct
- 1-6-5: Ordinances And Resolutions; Procedures

1-6-1: **ELIGIBILITY AND RESIDENCY REQUIREMENTS:**

- A. Declaration Of Candidacy: A person filing a declaration of candidacy for a town office shall:
 - 1. Have been a resident of the town for at least one year immediately before the date of the election; and
 - 2. Meet the other requirements of Utah Code Annotated section 20A-9-203.
- B. Annexed Areas: A person living in an area annexed to the town meets the residency requirement of this section if that person resided within the area annexed to the town for at least one year before the date of the election.
- C. Registered Voter: Any person elected to town office shall be a registered voter in the town.
- D. Residency Maintained: Each elected officer of the town shall maintain residency within the boundaries of the town during his term of office.
- E. Residence Outside Town: If an elected officer of the town establishes his principal place of residence outside of the town

during his term of office as provided in Utah Code Annotated section 20A-2-105, the office is automatically vacant.

- F. **Continuous Absence From Town:** If an elected town officer is absent from the town any time during his term of office for a continuous period of more than sixty (60) days without the consent of the town council, the town office is automatically vacant. (2001 Code)

1-6-2: MEMBERSHIP; TERMS:

- A. **Composition:** The town council shall be a council of five (5) persons, one of whom shall be the mayor and the remaining four (4) shall be council members.
- B. **Election; Terms:** The election and terms of office of the officers shall be as follows:
1. The offices of mayor and two (2) council members shall be filled in municipal elections held in 1977. The terms shall be for four (4) years. These offices shall be filled every four (4) years in municipal elections.
 2. The offices of the other two (2) council members shall be filled in a municipal election held in 1979. The terms shall be for four (4) years. These offices shall be filled every four (4) years in municipal elections.
 3. The offices shall be filled in at-large elections which shall be held at the time and the manner provided for electing municipal officers.
- C. **Vacancy In Office:** Mayor or town council vacancies shall be filled as provided in Utah Code Annotated section 20A-1-510. (2001 Code)

1-6-3: MAYOR AS MEMBER OF TOWN COUNCIL:

- A. **Administration Vested In Mayor:** The administrative powers, authority and duties are vested in the mayor.
- B. **Presiding Officer; Mayor Pro Tempore:** The mayor shall be the chairperson and preside at the meetings of the town council. In the absence of the mayor or because of his inability or refusal to act, the town council may elect a member of the town council to preside over the meeting as mayor pro tempore, who shall have all the powers

and duties of the mayor during his absence or disability. The election of a mayor pro tempore shall be entered in the minutes of the meeting.

- C. Voting: The mayor shall vote as a member of the town council. Any member of the town council appointed to act as mayor pro tempore shall cast only one vote.
- D. Powers And Duties: The mayor:
1. Shall be the chief executive officer to whom all employees of the town shall report;
 2. Shall keep the peace and enforce the laws of the town;
 3. Shall remit fines and forfeitures and may release any person imprisoned for violation of any town ordinance;
 4. Shall report such remittance or release to the town council at its next regular session;
 5. Shall perform all duties prescribed by law, resolution or ordinance;
 6. Shall ensure that all the laws and ordinances and resolutions are faithfully executed and observed;
 7. May at any reasonable time examine and inspect the books, papers, records or documents of the town or of any officer, employee or agent of the town;
 8. Shall report to the town council the condition of the town and recommend for town council consideration any measures deemed to be in the best interests of the town;
 9. Shall, when necessary, call on the residents of the town over the age of twenty one (21) years to assist in enforcing the laws of the state and ordinances of the town; and
 10. Shall appoint, with the advice and consent of the council, persons to fill town offices or vacancies on commissions or committees of the town.
- E. No Veto: The mayor shall have no power to veto any act of the town council, unless otherwise specifically authorized by statute. (2001 Code)

1-6-4: MEETINGS; PROCEDURE AND CONDUCT:

- A. **Regular Meetings:** The town council shall hold at least one public meeting at the Laketown municipal office each month on the first Wednesday at seven o'clock (7:00) P.M. or as rescheduled from time to time. (Ordinance 2019-15 2/5/2020)
- B. **Special Meetings:** If at any time the business of the town requires a special meeting of the town council, such meeting may be ordered by the mayor or any two (2) members of the town council. The order shall be entered in the minutes of the town council. The order shall provide at least three (3) hours' notice of the special meeting and notice thereof shall be served by the town clerk on each member who did not sign the order by delivering the notice personally or by leaving it at the member's usual place of abode. The personal appearance by a member at any specially called meeting constitutes a waiver of the notice required in this subsection. (Ord., 3-14-1975; amd. 2001 Code)
- C. **Open Meetings; Exceptions:** Every meeting is open to the public, unless closed pursuant to Utah Code Annotated sections 52-4-4 and 52-4-5.
- D. **Quorum:**
1. **Defined:** The number of members of the town council necessary to constitute a quorum is three (3) or more.
 2. **Necessary:** No action of the town council shall be official or of any effect, except when a quorum of the members is present. Fewer than a quorum may adjourn from time to time.
 3. **Compelling Attendance:** The town council shall have the power to compel the attendance of its own members and provide such penalties as it deems necessary for the failure to comply therewith.
- E. **Voting:**
1. **How Vote Taken:** A roll call vote shall be taken and recorded for all ordinances, resolutions and any action which would create a

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liability against the town and in any other case at the request of any member of the town council by a "yes" or a "no" vote and shall be recorded. Every resolution or ordinance shall be in writing before the vote is taken.

2. Minimum Vote Required: The minimum number of yes votes required to pass any ordinance, resolution or to take any action by the town council, unless otherwise prescribed by law, shall be a majority of the members of the quorum, but shall never be less than three (3).

3. Exception To Minimum Number: Any ordinance, resolution or motion of the town council having fewer favorable votes than required herein shall be deemed defeated and invalid, except a meeting may be adjourned to a specific time by a majority vote of the town council even though such majority vote is less than that required herein.

- F. Filling Vacancies: A majority of the members of the town council, regardless of number, may fill any vacancy in the town council.
- G. Reconsideration: Any action taken by the town council shall not be reconsidered or rescinded at any special meeting unless the number of members of the town council present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved. (2001 Code)

1-6-5: ORDINANCES AND RESOLUTIONS; PROCEDURES:

- A. Power Exercised By Ordinance: The town council may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by statute or any other provision of law. An officer of the town shall not be convicted of a criminal offense where he relied on or enforced an ordinance he reasonably believed to be a valid ordinance. It shall be a defense to any action for punitive damages that the official acted in good faith in enforcing an ordinance or that he enforced an ordinance on advice of legal counsel.
- B. Penalty For Violation: Unless otherwise specifically authorized by statute, the town council may provide a penalty for the violation of any town ordinance by a fine not to exceed the maximum class B misdemeanor fine under Utah Code Annotated section 76-3-301 or by a term of imprisonment up to six (6) months, or by both the fine

and term of imprisonment. The town council may prescribe a minimum penalty for the violation of any town ordinance and may impose a civil penalty for the unauthorized use of town property, including, but not limited to, the use of parks, streets and other public grounds or equipment. Rules of civil procedure shall be substantially followed.

C. Form Of Ordinance: Any ordinance passed by the town council shall contain and be in substantially the following order and form:

1. A number;
2. A title which indicates the nature of the subject matter of the ordinance;
3. A preamble which states the need or reason for the ordinance;
4. An ordaining clause which states "Be it ordained by the Town of Laketown";
5. The body or subject of the ordinance;
6. When applicable, a statement indicating the penalty for violation of the ordinance or a reference that the punishment is covered by an ordinance which prescribes the fines and terms of imprisonment for the violation of the town ordinance; or, the penalty may establish a classification of penalties and refer to such ordinance in which the penalty for such violation is established;
7. A statement indicating the effective date of the ordinance or the date when the ordinance shall become effective after publication or posting as required by this section;
8. A line for the signature of the mayor or mayor pro tem to sign the ordinance; and
9. A place for the town clerk to attest the ordinance and affix the seal of the town.

D. Requirements As To Form; Effective Date:

1. Ordinances passed or enacted by the town council shall be signed by the mayor, or if he is absent, by the mayor pro tempore, or by a quorum of the town council, and shall be recorded before taking effect. No ordinance shall be void or unlawful by reason of its failure

to conform to the provisions of Utah Code Annotated section 10-3-704(1) through 10-3-704(4).

2. Ordinances shall become effective twenty (20) days after publication or posting or thirty (30) days after final passage by the town council, whichever is closer to the date of final passage, but ordinances may become effective at an earlier or later date after publication or posting if so provided in the ordinance.

3. Ordinances which do not have an effective date shall become effective twenty (20) days after publication or posting, or thirty (30) days after final passage by the town council, whichever is sooner.

- E. **Publication And Posting Of Ordinances:** All ordinances, except those enacted pursuant to Utah Code Annotated sections 10-3-706 to 10-3-710, before taking effect shall be deposited in the office of the town clerk and a short summary of the ordinance published at least once in a newspaper published within the town, or if there is no newspaper published therein, then by posting complete copies in three (3) public places within the town. Any ordinance, code or book, other than the state code, relating to building or safety standards, town functions, administration, control or regulations, may be adopted and shall take effect without further publication or posting, if reference is made to the code or book and at least one copy has been filed for use and examination by the public in the office of the town clerk prior to the adoption of the ordinance by the town council. Any state law relating to building or safety standards, town functions, administration, control or regulations, may be adopted and shall take effect without further publication or posting if reference is made to the state code. The ordinance adopting the code or book shall be published in the manner provided in Utah Code Annotated sections 10-3-709 and 10-3-710.
- F. **Recording; Numbering; Certification Of Passage:** The town clerk shall record, in a book used exclusively for that purpose, all ordinances passed by the town council. The town clerk shall give each ordinance a number, if the town council has not already so done. Immediately following each ordinance, or codification of ordinances, the town clerk shall make or cause to be made a certificate stating the date of passage and of the date of publication or posting, as required. The record and memorandum, or a certified copy thereof, shall be prima facie evidence of the contents, passage and publication or posting of the ordinance or codification.

G. Resolutions:

1. Purpose: Unless otherwise required by law, the town council may exercise all administrative powers by resolution, including, but not limited to: a) establishing water and sewer rates; b) charges for garbage collection and fees charged for town services; c) establishing personnel policies and guidelines; and d) regulating the use and operation of the town property. Punishment, fines or forfeitures may not be imposed by resolution.

2. Form: Any resolution passed by the town council shall be in a form and contain sections substantially similar to that prescribed for ordinances.

3. Publication; Effective Date: Resolutions may become effective without publication or posting and may take effect on passage or at a later date as the town council may determine, but resolutions may not become effective more than three (3) months from the date of passage. (2001 Code)

CHAPTER 7

OFFICERS AND EMPLOYEES

SECTION:

- 1-7-1: Creating Offices; Filling Vacancies
- 1-7-2: Town Clerk And Town Treasurer
- 1-7-3: Duties Of All Officers
- 1-7-4: Compensation
- 1-7-5: Official Neglect And Misconduct

1-7-1: CREATING OFFICES; FILLING VACANCIES:

- A. **Offices Created By Council:** The town council may create any office deemed necessary for the government of the town and provide for filling vacancies in elective and appointive offices.
- B. **Mayor To Appoint And Fill Vacancies:** The mayor, with the advice and consent of the town council, may appoint and fill vacancies in all offices provided for by law or ordinance.
- C. **Continuation In Office:** All appointed officers shall continue in office until their successors are appointed and qualified. (2001 Code)

1-7-2: TOWN CLERK AND TOWN TREASURER:

- A. **Appointment:** On or before the first Monday in February following a town election, the mayor, with the advice and consent of the town council, shall appoint a qualified person to each of the offices of town clerk and town treasurer.
- B. **Town Clerk:**
 - 1. **Ex Officio Auditor:** The town clerk is ex officio town auditor and shall perform the duties of that office. (2001 Code)

2. Duties Generally: It shall be the duty of the town clerk to keep the corporate seal and all papers and records of the town, and to record the proceedings of the town council whose meetings it shall be his duty to attend. He shall record and number consecutively all ordinances and resolutions creating liability against the town, passed by the town council, in a book kept for that purpose; he shall file all papers deposited in his office with the date of such filing and add his official title thereto, and shall countersign all contracts made in behalf of the town.

3. Town Seal¹: The seal heretofore adopted and now in use is hereby decreed to be and shall hereafter constitute the corporate seal of the town. (Prior Code § 13)

- C. Town Treasurer: The town treasurer shall receive all monies belonging to the town, including all taxes, licenses and funds, and shall keep an accurate and detailed account thereof. He shall keep, in suitable books, a full account of all receipts and disbursements, with the names of persons paying or receiving such funds, and the objects thereof, and shall, annually, on or before the first Monday of January and July, in such year, present to the town council a full report of his receipts and disbursements, with vouchers for all sums disbursed. The town treasurer may, by and with the advice and consent of the town council, appoint a deputy. The town treasurer shall perform such other duties as are or may be prescribed by law or ordinance. (Prior Code § 14; amd. 2001 Code)

1-7-3: DUTIES OF ALL OFFICERS:

- A. Accounting Monthly: It shall be the duty of all officers and agents of the town to keep a true and correct account of all funds collected or received by them for the town and pay the same into the town treasury on or before the last day of each calendar month except as otherwise provided. (Prior Code § 22)
- B. Annual Reports: All officers of the town shall, on or before the first day of December in each year, make an annual report to the mayor, which reports shall show for each department: 1) the monies received and disbursed, if any, during the year last past; 2) the business done or labor performed by said department during the preceding year and the general condition of such department at the

1. See chapter 5 of this title.

close thereof; 3) such recommendations or suggestions as may be deemed of service and benefit for the welfare of the town. Such reports shall comprise in a condensed form, and for the whole year, the substance of the quarterly or other reports required by law or ordinance. The reports herein provided for, or portions thereof, as may be deemed necessary by the mayor, shall, with his own annual report, give a general summary of the town's business and condition, and such recommendations as he may consider advisable, be submitted to the town council on or before the first Monday of January in each year. (Prior Code § 23; amd. 2001 Code)

- C. Surrender Papers: Every officer upon the expiration of his term of office or resignation or removal from the same, shall deliver to his successor all monies, books, papers, maps, plats, furniture, fixtures, apparatus, machinery, tools, and instruments and appurtenances belonging to such office. (Prior Code § 24)

1-7-4: **COMPENSATION:** Compensation of offices and employees shall be as established by the town council and as set forth in Utah Code Annotated section 10-3-818. (2001 Code)

1-7-5: **OFFICIAL NEGLIGENCE AND MISCONDUCT:** In case any town officer shall at any time wilfully omit to perform any duty, or wilfully and corruptly be guilty of oppression, malconduct, misfeasance or malfeasance in office, the person is guilty of a class A misdemeanor¹, shall be removed from office and is not eligible for any town office thereafter. (2001 Code)

1. U.C.A. § 76-3-204 for penalty provisions.

CHAPTER 8
FEE SCHEDULE

SECTION:

1-8-1: Fees Established

1-8-1: **FEES ESTABLISHED:**

Annexations	\$300.00 for 1 acre \$300.00 plus \$10.00 per acre for more than 1 acre
Appeals	\$200.00
Business licenses	15.00
Renewal fee annually	15.00
Conditional use permits	25.00
Renewal fee annually	25.00
Extension of time	100.00
Lot line adjustment	200.00
Lot split	200.00
Subdivision fees:	
Preliminary plat	\$500.00 plus associated fees (engineering, attorney, recording, etc.)
Final plat	\$500.00 per plat and \$10.00 per lot plus associated fees (engineering, attorney, recording, etc.)
Variances	\$250.00
All other zoning permits	50.00

(Res. R09-01, 5-14-2009)

