

## **ORDINANCE NO. 17-15**

### **AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING VARIOUS SECTIONS OF THE CITY CODE TO COMPLY WITH LEGISLATIVE CHANGES TO STATE LAW APPLICABLE TO THE CITY; MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.**

#### **Section 1 - 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 changes to state law over the past two legislative session requires that the City Code should be updated to reflect these changes which changes should be effective upon passage of this Ordinance; and,

WHEREAS, the City Council finds that the public safety, health and welfare is at issue and requires action by the City as noted above;

**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 Section:**

Upon The Adoption Of This Ordinance, The Changes To The City Code,  
For The Sections And Subsections Listed, Are Amended To Read As Set  
Out In **Attachment “A”**, Which Is Incorporated Fully Herein By This  
Reference.

**Section 2 - 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 3 - 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 4 - 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 5 - Date of Effect**

This Ordinance shall be effective on the 20<sup>th</sup> day of June, 2017, and after publication or posting as required by law.

DATED this 20<sup>th</sup> day of June, 2017

SOUTH OGDEN, a municipal corporation

by: \_\_\_\_\_  
Mayor James F. Minster

Attested and recorded

\_\_\_\_\_  
Leesa Kapetanov, CMC  
City Recorder

# **ATTACHMENT "A"**

## **ORDINANCE NO. 17-15**

An Ordinance Of South Ogden City, Utah, Revising And Amending Various Sections Of The City Code To Comply With Legislative Changes To State Law Applicable To The City; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

20 Jun 17

**Amend 1-4-2: OFFENSES DESIGNATED; CLASSIFIED:**

**Add 1-4-2-F:** A city officer or official who is not a law enforcement officer in accordance with Utah Code §53-13-103 may not issue a criminal citation for a violation that is punished as a misdemeanor

**Add Section 1-7-4: RELEASE OF RESULTS OF COUNTING ABSENTEE AND PROVISIONAL BALLOTS BEFORE CANVASS (See Exhibit 1)**

**1-7-4: Release Of Results Of Counting Absentee And Provisional Ballots Before Canvass**

**(1)** The election officer shall deliver all envelopes containing valid absentee ballots and valid provisional ballots that are in the election officers custody to the place of the official canvass of the election by noon on the day of the official canvass following the election.

**(2) (a)** Valid absentee ballots and valid provisional ballots may be processed and counted:

**(i)** by the election officer before the date of the canvass; and

**(ii)** at the canvass, by the election officer or poll workers, acting under the supervision of the official canvassers of the election.

**(b)** When processing ballots, the election officer and poll workers shall comply with the procedures and requirements of Section 20A-3-308 in opening envelopes, verifying signatures, confirming eligibility of the ballots, and depositing them in a ballot box.

**(3) (a)** After all valid absentee ballots and valid provisional ballots have been deposited, the ballots shall be counted in the usual manner.

**(b)** After the polls close on the date of the election, the election officer shall publicly release the results of those absentee ballots and provisional ballots that have been counted on or before the date of the election.

**(c)** Except as provided in Subsection (3)(d), on each day, beginning on the day after the date of the election and ending on the day before the date of the canvass, the election officer shall publicly release the results of all absentee ballots and provisional ballots counted on that day.

**(d) (i)** If complying with Subsection (3)(c) on a particular day will likely result in disclosing a vote cast by an individual voter, the election officer shall request permission from the lieutenant governor to delay compliance for the minimum number of days necessary to protect against disclosure of the voters vote.

**(ii)** The lieutenant governor shall grant a request made under Subsection (3)(d)(i) if the lieutenant governor finds that the delay is necessary to protect against disclosure of a voters vote.

(e) On the date of the canvass, the election officer shall provide a tally of all absentee ballots and provisional ballots counted, and the resulting tally shall be added to the official canvass of the election.

(4) (a) On the day after the date of the election, the election officer shall determine the number of absentee ballots received by the election officer at that time and shall make that number available to the public.

(b) The election officer may elect to publicly release updated totals for the number of absentee ballots received by the election officer up through the date of the canvass.

**Amend Section 1-7-2: CAMPAIGN FINANCIAL DISCLOSURE REQUIREMENTS (See Exhibit 10)**

**Section 1-7-2: Campaign Financial Disclosure Requirements**

**B. Disclosure Requirements:** The City Recorder shall inform municipal candidates that they must file a campaign finance statement with the recorder no later than seven days prior to the municipal primary election when a municipal primary election is required. Other campaign finance disclosure requirements of Utah Code § 10-3-208, as presently constituted, or as may, from time to time be amended or readopted, shall apply to this chapter and section and to all municipal elections for South Ogden City.

**Add Section 1-7-5: DISCLOSURE OF LOCAL CANDIDATES (See Exhibit 5)**

The City Recorder must post the candidate's information (name, contact info, office for which candidate is running) on the city/town website within 3 days of the candidate's filing as a municipal candidate.

**Add: Title 1, Chapter 11: Transfers from An Enterprise Fund to Another Fund.**

**1-11-1: Transfers from An Enterprise Fund to Another Fund,**

Subject to the requirements of Utah Code §10-6-135.5, the city may transfer money from one enterprise fund to another fund to pay for a good, service, project, venture, or other purpose that is not directly related to the goods or services provided by the enterprise fund for which the subject enterprise fund was created.

**Add Section: 3-11-0 - DEFINITIONS (See Exhibit 2)**

As used in this chapter:

(a) **Business** means the rental of one or more residential units within a municipality.

(b) **Disproportionate Rental Fee or Disproportionate Impact fee** means a fee adopted by a municipality to recover its disproportionate costs of providing municipal services to residential rental units compared to similarly-situated owner-occupied housing.

**(c) Disproportionate Rental Fee Reduction** means a reduction of a disproportionate rental fee as a condition of complying with the requirements of a good landlord training program.

**(d) Exempt Business** means the rental of a residential unit within a single structure that contains:

- (i)** no more than four residential units; and
- (ii)** one unit occupied by the owner.

**(e) Exempt Landlord** means a residential landlord who demonstrates to a municipality:

**(i)** completion of any live good landlord training program offered by any other Utah city that offers a good landlord program;

**(ii)** that the residential landlord has a current professional designation of property manager; or

**(iii)** compliance with a requirement described in Subsection (6).

**(f) Good Landlord Training Program** means a program offered by a municipality to encourage business practices that are designed to reduce the disproportionate cost of municipal services to residential rental units by offering a disproportionate rental fee reduction for any residential landlord who:

**(i) (A)** completes a landlord training program provided by the municipality; or

**(B)** is an exempt landlord;

**(ii)** implements measures to reduce crime in rental housing as specified in a municipal ordinance or policy; and

**(iii)** operates and manages rental housing in accordance with an applicable municipal ordinance.

**(g) Municipal Services** means:

**(i)** public utilities;

**(ii)** police;

**(iii)** fire;

**(iv)** code enforcement;

**(v)** storm water runoff;

**(vi)** traffic control;

**(vii)** parking;

(viii) transportation;

(ix) beautification; or

(x) snow removal.

(h) **Municipal Services Study** means a study of the cost of all municipal services to rental housing that:

(i) are reasonably attributable to the rental housing; and

(ii) exceed the municipality's cost to serve similarly-situated, owner-occupied housing.

(i) **Residential Landlord** means:

(i) the owner of record of residential real property that is leased or rented to another; or

(ii) a third-party provider that has an agreement with the owner of record to manage the owners real property.

**Amend Section: 3-11-1: PURPOSE** to read as follows:

### **3-11-1: Purpose**

South Ogden City's good landlord incentive program is operated with the city's landlord training program, established under this title and the city's adoption of disproportionate impact fees as it affects rental dwellings as permitted and provided by Utah Code 10-1-203.5, or as that section may subsequently be amended. The goal of the program is to provide a financial incentive to landlords who implement the objectives of the landlord training program, keep their properties free of criminal activity, and also maintain their properties free of certain code violations. The program authorizes a discount toward "disproportionate impact costs to municipal services " assessed against rental dwellings under the city's business licensing regulations. Disproportionate impact fees are assessed based on the disproportionate police and fire services provided to rental dwellings as an overall business licensing classification based on the city's municipal services study. The discount is provided to landlords who help the city reduce the demand for such disproportionate services by implementing the objectives of the landlord training program and attempting to reduce criminal activities on rental properties. The program also attempts to encourage and reward those landlords who maintain their properties free of code violations. However, the disproportionate rental fee assessed under this program shall not exceed the amount that is justified by the municipal services study on a per residential rental unit basis. (Ord. 13-15, 6-18-2013, eff. 6-18-2013)

**Amend Section: 3-11-2: POLICIES** to read as follows:

C. The City shall not impose a disproportionate rental fee on an exempt business.

**Amend Section: 3-11-4: PROGRAM AGREEMENT AND REQUIREMENTS** to read as follows:

**Agreement A (I)**

\* Criminal Background Check. (a) Landlord may obtain a criminal history for each tenant and each occupant of the premises who is 18 years or older, including information from the Utah Sex Offender Registry, to verify whether the tenant or occupants over 18 years of age are registered sex offenders. Landlord shall keep all criminal histories on file for the full term of the lease.

(b) Unless agreed to by a residential landlord and in compliance with state and federal law, the City may not collect from a residential landlord or retain: (i) a tenant's consumer report, as defined in 15 U.S.C. Sec. 1681a, in violation of 15 U.S.C. Sec. 1681b as amended; (ii) a tenant's criminal history record information in violation of Utah Code §53-10-108.

**Agreement A (II)**

\* Probation and/or Parole/Criminal History. Are on court or Board of Pardons-ordered probation or parole for one of the disqualifying offenses listed above. Notwithstanding the foregoing, and nothing in this Agreement to the contrary, the City shall not require a residential landlord to deny tenancy to an individual (i) released from probation or parole whose conviction date occurred more than four years before the date of tenancy unless otherwise permitted by state law; or, (ii) based on the individual's criminal history unless a halfway house, as that term is defined in Utah Code §51-9-412, is located within the city.

**Amend Section: 1-5-4: RECORDS AND PAPERS OPEN TO INSPECTION** to read as follows: (See Exhibit 4)

A. Consistent with the provisions of Utah Code Annotated section 63-2-101 et seq., all records, books, papers and documents belonging to any office in the city government shall be open to the inspection of the public, as provided therein. (1970 Code § 2-1; amd. 2001 Code)

B. Consistent with Utah Code §63G-2-203, when a person considers there has been an unreasonable denial of a fee waiver, he may appeal the denial to the designated adjudicative body hearing the appeal which appeal shall be reviewed de novo, but shall, nevertheless, consider the city's basis for the denial and determination.

**Amend Section 9-2C**, as follows:.

Add **Section 9-2C-3: REQUIREMENT TO VERIFY ACCURACY OF WATER USE AND SUPPLY DATA SUBMITTED TO THE DIVISION OF DRINKING WATER** (See Exhibit 6)

**Section 9-2C-3: Requirement to Verify Accuracy of Water Use and Supply Data Submitted to the Division of Drinking Water.**



1. The City shall insure that a certified operator of a public water supplier, or the professional engineer performing those duties, to verify the accuracy of water use and supply data submitted to the Division of Drinking Water ("Division").
2. The City must check with the Division of Drinking Water for new rules on what water use data the division will require for water use and supply data submitted to the Division.

**Amend Section: 9-1-1: CODES ADOPTED** to read as follows: **(See Exhibit 7 & 8):**

The current edition of the International Construction Codes (including but not limited to Building, Residential, Plumbing, Mechanical, Fuel Gas, Electric, and Existing Building Codes) and Fire Codes, with revisions as adopted by South Ogden City as well as the fee schedule listed in the 1997 uniform building code, as those codes and fees presently exist or as they each may, from time to time, be supplemented or amended, copies of which are on file in the office of the city recorder and the city building inspector, are individually and collectively hereby adopted as the building code, residential code, plumbing code, mechanical code, fuel gas code, fire code and uniform building code fee schedule of the city as if the same were fully set out herein.

The City affirmatively adopts the limitation on additional authority of the Fire Code official to emergency situations to address solar installation, fire sprinklers, CO detectors, fire alarm systems, water control valves, and hazardous materials as set out in the 2015 Fire Code, and as may subsequently be amended.

**Amend Section: 10-21B-1: DEFINITIONS** to read as follows: **(See Exhibit 7):**

**CURRENT ADOPTED BUILDING CODE:** The current edition of the International Construction Codes (including but not limited to Building, Residential, Plumbing, Mechanical, Fuel Gas, Electric, and Existing Building Codes) and Fire Codes, with revisions as adopted by South Ogden City.

**Amend Section: 8-3-2: SEWER SERVICE LINES:** by adding the following **(See Exhibit 11):**

**8-3-2: SEWER SERVICE LINES**

- A. **Sewer Lateral:** A privately-owned pipeline that connects a property to a public owner's sanitary sewer main line.
- B. **Maintenance Responsibility:** It is the sole responsibility of the property owner to maintain and repair the sewer lateral line from the main sewer line to the building receiving service.

**Amend Section 3-6-5, as follows (See Exhibit 12)**

~~**B. Time Limit For Sale Of Secondhand Goods:** It is unlawful for any person or persons engaged in conducting a secondhand business in the city to sell or otherwise dispose of any jewelry, boots and shoes, or any wearing apparel of any kind, or secondhand goods, wares, musical~~

~~instruments, curiosities or other merchandise, the purchase of which must be reported under this chapter, for a period of at least two (2) weeks after the same have been purchased, without the written consent or permission of the chief of police.~~

**Amend Section 3-6-5-B, as follows:**

**Add: B1. Holding period for articles -- Return of articles -- Penalty.**

- (1) (a) A pawnbroker may sell an article pawned to the pawnbroker if:
    - (i) 15 days have passed since the day on which the contract between the pawnbroker and the pledgor was executed;
    - (ii) the contract period between the pawnbroker and the pledgor has expired; and
    - (iii) the pawnbroker has complied with the requirements of Utah Code ("UC") § 13-32a-106 regarding reporting to the central database and UC § 13-32a-103.
  - (b) If an article, including scrap jewelry, is purchased by a pawn or secondhand business or a coin dealer, the pawn or secondhand business or coin dealer may sell the article after the pawn or secondhand business or coin dealer has held the article for 15 days and complied with the requirements of UC § 13-32a-106 regarding reporting to the central database and UC § 13-32a-103, except that pawn, secondhand, and coin dealer businesses are not required to hold precious metals or coins under this Subsection (1)(b).
  - (c) This Subsection (1) does not preclude chief of police, or his or her designee, from requiring a pawn or secondhand business to hold an article if necessary in the course of an investigation.
    - (i) If the article was pawned, the chief of police may require the article be held beyond the terms of the contract between the pledgor and the pawn broker.
    - (ii) If the article was sold to the pawn or secondhand business, the chief of police, or designee, may require the article be held if the pawn or secondhand business has not sold the article.
  - (d) If the local law enforcement agency requesting a hold on property under this Subsection (1) is not the South Ogden City Police Department, the requesting law enforcement agency shall notify the South Ogden City Police Department of the request and also the pawn or secondhand business.
- (2) If a local law enforcement agency requires the pawn or secondhand business to hold an article as part of an investigation, the requesting agency shall provide to the pawn or secondhand business a hold ticket issued by the agency, which:
    - (a) states the active case number;
    - (b) confirms the date of the hold request and the article to be held; and
    - (c) facilitates the ability of the pawn or secondhand business to track the article when the prosecution takes over the case.
  - (3) If an article is not seized by a law enforcement agency that has placed a hold on the property, the property shall remain in the custody of the pawn or secondhand business until further disposition by the law enforcement agency, and as consistent with this chapter.
  - (4) The initial hold by a law enforcement agency is for a period of 90 days. If the article is not seized by the law enforcement agency, the article shall remain in the custody of the pawn or secondhand business and is subject to the hold unless exigent circumstances require the purchased or pawned article to be seized by the law enforcement agency.
  - (5) (a) A law enforcement agency may extend any hold for up to an additional 90 days when exigent circumstances require the extension.
    - (b) When there is an extension of a hold under Subsection (5)(a), the requesting law enforcement agency shall notify the pawn or secondhand business that is subject to the hold prior to the expiration of the initial 90 days.

- (c) A law enforcement agency may not hold an item for more than the 180 days allowed under Subsections (5)(a) and (b) without obtaining a court order authorizing the hold.
  - (6) A hold on an article under Subsection (2) takes precedence over any request to claim or purchase the article subject to the hold.
  - (7) When the purpose for the hold on or seizure of an article for which an original victim who has complied with UC § 13-32a-115 has not been identified is terminated, the law enforcement agency requiring the hold or seizure shall within 15 days after the termination:
    - (a) notify the pawn or secondhand business in writing that the hold or seizure has been terminated;
    - (b) return the article subject to the seizure to the pawn or secondhand business; or
    - (c) if the article is not returned to the pawn or secondhand business, advise the pawn or secondhand business either in writing or electronically of the specific alternative disposition of the article.
  - (8) (a) When the purpose for the hold on or seizure of an article, for which an original victim who has complied with UC § 13-32a-115 has been identified is terminated, the law enforcement agency requiring the hold or seizure shall:
    - (i) document the original victim who has positively identified the item of property; and
    - (ii) provide the documented information concerning the original victim to the prosecuting agency to determine whether continued possession of the article is necessary for purposes of prosecution, as provided in UC § 24-3-103.
  - (b) If the prosecuting agency determines that continued possession of the article is not necessary for purposes of prosecution, as provided in UC § 24-3-103, the prosecuting agency shall provide a written or electronic notification to the law enforcement agency which authorizes the return of the article to an original victim who has complied with UC § 13-32a-115.
  - (c) (i) A law enforcement agency shall promptly provide notice to the pawn or secondhand business of the authorized return of the article under this Subsection (8).
    - (ii) The notice shall identify the original victim, advise the pawn or secondhand business that the original victim has identified the article, and direct the pawn or secondhand business to release the article to the original victim at no cost to the original victim, or if the article was seized, the notice shall advise that the article will be returned to the original victim within 15 days, except as provided under Subsection (8)(d).
  - (d) The pawn or secondhand business shall release an article under Subsection (8)(c) unless within 15 days of receiving the notice the pawn or secondhand business complies with UC § 13-32a-116.5.
- (9) If the law enforcement agency does not notify the pawn or secondhand business that a hold on an item has expired, the pawn or secondhand business shall send a letter by registered or certified mail to the law enforcement agency that ordered the hold and inform the agency that the holding period has expired. The law enforcement agency shall respond within 30 days by:
  - (a) confirming that the holding period has expired and that the pawn or secondhand business may manage the item as if acquired in the ordinary course of business; or
  - (b) providing written notice to the pawn or secondhand business that a court order has continued the period of time for which the item shall be held.
- (10) The written notice under Subsection [~~(8)~~ (9)(b) is considered provided when:
  - (a) personally delivered to the pawn or secondhand business with a signed receipt of delivery;
  - (b) delivered to the pawn or secondhand business by registered or certified mail; or
  - (c) delivered by any other means with the mutual assent of the law enforcement agency and the pawn or secondhand business.
- (11) If the law enforcement agency does not respond within 30 days under Subsection (9), the pawn or secondhand business may manage the item as if acquired in the ordinary course of business.
- (12) A violation of this section is a class B misdemeanor and is also subject to civil penalties under UC § 13-32a-110.

**B2. Seizure of property -- Notification to pawn or secondhand business.**

If a law enforcement agency determines seizure of property pawned or sold to a pawn or secondhand business is necessary under this chapter during the course of a criminal investigation, in addition to the holding provisions under Utah Code ("UC") § 13-32a-109, the law enforcement agency shall:

- (1) notify the pawnshop of the specific item to be seized; and
- (2) issue to the pawnshop a seizure ticket in a form approved by the division and that:
  - (a) provides the active case number related to the item to be seized;
  - (b) provides the date of the seizure request;
  - (c) provides the reason for the seizure;
  - (d) describes the article to be seized;
  - (e) states each reason the article is necessary during the course of a criminal investigation; and
  - (f) includes any information that facilitates the pawnbroker's ability to track the article when the prosecution agency takes over the case.

**B3. Criminal investigation -- Prosecution -- Property disposition.**

- (1) If the property pawned or sold to a pawn or secondhand business is the subject of a criminal investigation and a hold has been placed on the property under Utah Code ("UC") § 13-32a-109, the original victim shall do the following to establish a claim:
  - (a) positively identify to law enforcement the item stolen or lost;
  - (b) if a police report has not already been filed for the original theft or loss of property, file a police report, and provide for the law enforcement agency information surrounding the original theft or loss of property; and
  - (c) give a sworn statement under penalty of law that:
    - (i) claims ownership of the property;
    - (ii) references the original theft or loss; and
    - (iii) identifies the perpetrator if known.
- (2) The pawn or secondhand business shall retain possession of any property subject to a hold until a criminal prosecution is commenced relating to the property for which the hold was placed unless:
  - (a) during the course of a criminal investigation the actual physical possession by law enforcement of an article purchased or pawned is essential for the purpose of fingerprinting the property, chemical testing of the property, or if the property contains unique or sensitive personal identifying information; or
  - (b) an agreement between the original victim and the pawn or secondhand business to return the property is reached.
- (3)(a) Upon the commencement of a criminal prosecution, any article subject to a hold for investigation under this chapter may be seized by the law enforcement agency which requested the hold.
  - (b) Subsequent disposition of the property shall be consistent with this chapter.
- (4) At all times during the course of a criminal investigation and subsequent prosecution, the article subject to a law enforcement hold shall be kept secure by the pawn or secondhand business subject to the hold unless a pawned or sold article has been seized by the law enforcement agency pursuant to UC § 13-32a-109.5.

**B4. Property disposition -- Property subject to prosecution -- Property not used as evidence.**

When any property that is pawned or sold to a pawn or secondhand business is the subject of a criminal proceeding, and has been seized by law enforcement pursuant to Utah Code ("UC") § 13-32a-115, the prosecuting agency shall notify the seizing agency, the original victim, and the pawn or secondhand business in compliance with UC § 13-32a-109(8), if the prosecuting agency determines the article is no longer needed as evidence pending resolution of the criminal case.

**B5. Contested disposition of articles - Procedure.**

- (1) If a pawn or secondhand business has received notice from a law enforcement agency under Utah Code ("UC") § 13-32a-109 that an article which was the subject of a hold or seizure shall be returned to an identified original victim, the pawn or secondhand business may contest the determination and seek a specific alternative disposition if within 15 days:
  - (a) the pawn or secondhand business gives notice to the identified original victim, by certified mail, that the pawn or secondhand business contests the determination to return the article to the original victim; and
  - (b) files a petition to determine rightful ownership of the article as provided in UC § 24-3-104.
- (2) A pawn or secondhand business is guilty of a class B misdemeanor if the pawn or secondhand business:
  - (a) holds or sells an article in violation of a notification from a law enforcement agency that the item is to be returned to an original victim; and
  - (b) the pawn or secondhand business does not comply with the requirements of this section within the time periods specified.

**Amend 1-6C-5: PUBLIC MONEY; COMMINGLING, UNLAWFUL USE, PERSONAL USE EXPENDITURES:**

(a) The city treasurer shall keep all money belonging to the city separate and distinct from his own money. Whenever it shall appear to the mayor that the city treasurer is making profit out of public money or is using the same for any purpose not authorized by law, he shall suspend him from office and upon his conviction for such offense his office shall become vacant.

(b) the city treasurer shall deposit all public funds daily, if practicable, but no later than once every three banking days.

(c) Utah Code §11-55-101, et. seq. dealing with Personal Use Expenditures for Political Subdivision Officers and Employees, as it relates to city operations, employees, and staff, and as it may from time to time be amended, is adopted in full as part of this City Code.

**Add Section 1-6C-6: Personal Use Expenditures Prohibited.**

**1-6C-6: Personal Use Expenditures Prohibited**

**1-6C-6(a): Definitions:** As used in Section 1-6C-6:

- (1) "Employee" means a person who is not an elected or appointed officer and who is employed on a full- or part-time basis by the City.
- (2) "Officer" means a person elected or appointed to an office or position within the City.
- (3) (a) "Personal use expenditure" means an expenditure made without the authority of law that:
  - (i) is not directly related to the performance of an activity as an officer or employee of the City;
  - (ii) primarily furthers a personal interest of an officer or employee of the City or the family, a friend, or an associate of an officer or employee of the City; and
  - (iii) would constitute taxable income under federal law.
- (b) "Personal use expenditure" does not include:
  - (i) a de minimis or incidental expenditure;
  - (ii) a monthly vehicle allowance; or

(iii) a government vehicle that an officer or employee uses to travel to and from the officer or employee's official duties, including an allowance for personal use as provided by a written policy of the City.

(4) "City" means South Ogden City Corporation.

(5) "Public funds" means the same as that term is defined in Utah Code §51-7-3.

**1-6C-6(b): Personal Use Expenditures Prohibited.**

(1) An officer or employee of the City may not:

(a) use public funds for a personal use expenditure; or

(b) incur indebtedness or liability on behalf of, or payable by, the City for a personal use expenditure.

(2) If the City determines that the City officer or employee has intentionally made a personal use expenditure in violation of Subsection (1), the City will:

(a) require the City officer or employee to deposit the amount of the personal use expenditure into the fund or account from which:

(i) the personal use expenditure was disbursed; or

(ii) payment for the indebtedness or liability for a personal use expenditure was disbursed;

(b) require the City officer or employee to remit an administrative penalty in an amount equal to 50% of the personal use expenditure to the City; and

(c) deposit the money received under Subsection (2)(b) into the operating fund of the City.

(3) (a) Any officer or employee of the City found by the City to have made a personal use expenditure in violation of Subsection (1) may appeal the finding of the City.

(b) The City will establish an appeal process for an appeal made under Subsection (3)(a).

(4) (a) Subject to Subsection (4)(b), the City may withhold all or a portion of the wages of an officer or employee of the City found to have violated Subsection (1) until the requirements of Subsection (2) have been met.

(b) If the officer or employee has requested an appeal under Subsection (3), the City may only withhold the wages of the officer or employee after the appeal process has confirmed that the officer or employee violated Subsection (1).

**1-6C-6(c). Relation To Other Actions -- Prohibition On Disbursing Funds And Accessing Accounts.**

(1) Nothing in this Section:

(a) immunizes any City officer or employee from or precludes any criminal prosecution or civil or employment action for an unlawful personal use expenditure; or

(b) limits or supersedes the authority of the City to set compensation under Utah Code §10-3-818.

(2) Any City officer or employee convicted of misusing public money under Utah Code §76-8-402 may not disburse public funds or access public accounts.

**Amend 1-6D-2: DUTIES AND RESPONSIBILITIES; EXCEPTIONS, as follows**

**Add: B 6. See Exhibit 13**

6. Shall prepare and present to the council:
  - (a) a quarterly financial report, or upon request by the council, a financial report more frequently than each quarter; and,
  - (b) an annual financial report within 180 days after the close of each fiscal year. (This requirement may be satisfied by an audit report or annual financial report of an independent auditor.)

**Amend 3-1-3: FEE FOR LICENSE:**

A (1). Consolidated Fee Schedule: For the purpose of recovering the city's costs of regulation, annual license fees in the amount specified in the city's consolidated fee schedule are hereby levied and assessed, as authorized by Utah Code § 10-1-204, et. Seq., upon the privilege of doing or engaging in business in the city during any calendar year, or part thereof, and upon the privilege of doing any of the acts within the city for which a license fee is prescribed during any calendar year or portion thereof.

(2) The City may not:

- (a) require a license or permit for a business that is operated:
  - (i) only occasionally; and
  - (ii) by an individual who is under 18 years of age; or
- (b) charge a license fee for a home based business, unless the combined offsite impact of the home based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone.

**Amend 3-2-1: DEFINITIONS:**

**Add:** ALCOHOLIC BEVERAGE CONTROL ACT: Means Utah Code, Title 32B, Alcoholic Beverage Control Act, as presently constituted or as it may, from time to time, be amended.

**Amend 3-2-2: LICENSE REQUIRED; COMPLIANCE:**

(a) It shall be unlawful for any person to engage in the business of the sale of beer at retail in bottles or draft within the city without first having procured a license from the city as provided in this chapter. A separate license shall be required for each place of sale and the license shall at all times be conspicuously displayed on the premises to which the license refers or for which it was issued. All licensees shall comply with the provisions of the Alcoholic Beverage Control Act, the rules and regulations of the alcoholic beverage control commission, this code and other ordinances of the city.

(b) A license may not be granted:

- (i) unless the licensee is of good moral character, over the age of 21 years, and lawfully present in the United States;

- (ii) to anyone who has been convicted of a felony or misdemeanor involving moral turpitude;
- (iii) to any partnership or association, any member of which lacks any of the qualifications set out in this section; or
- (iv) to any corporation, if any of its directors or officers lacks any qualification set out in this section.

(c) The City shall, before issuing licenses, satisfy itself by written evidence executed by the applicant that the applicant meets the standards set forth.

**Add Section 5-2-11 - Retention and Release of Video Recordings.**

A. Any recording made by an officer while on duty or acting in the officer's official capacity as a law enforcement officer shall be retained in accordance with applicable federal, state, and local laws.

B. (1) Any release of recordings made by an officer while on duty or acting in the officer's official capacity as a law enforcement officer shall be subject to Title 63G, Chapter 2, Government Records Access and Management Act.

(2) Notwithstanding any other provision in state or local law, a person who requests access to the recordings may immediately appeal to a district court, as provided in Section 63G-2-404, any denial of access to a recording based solely on Subsection 63G-2-305(10)(b) or

(3) due to a pending criminal action that has been filed in a court of competent jurisdiction.

**Amend 9-1-1 Codes Adopted, as follows**

**9-1-1: CODES ADOPTED:**

The international building code, residential code, plumbing code, mechanical code, fuel gas code, and fire codes, 2006 edition, as well as the fee schedule listed in the 1997 uniform building code, the state construction code (as amended by UCA §15A-3-202, et. seq.), and state fire codes (as amended by UCA §15A-1 et. seq. and UCA §15A-4 et. seq., in each of their relevant subsections) as those codes and fees presently exist or as they each may, from time to time, be supplemented or amended, copies of which are on file in the office of the city recorder and the city building inspector, are individually and collectively hereby adopted as the building code, construction code, residential code, plumbing code, mechanical code, fuel gas code, fire code and uniform building code fee schedule of the city as if the same were fully set out herein.

**Amend 9-1-2: PERMIT, FEE REQUIRED, Is Amended As Follows:**

**9-1-2: PERMIT, FEE REQUIRED:**

A. It shall be unlawful to commence construction of any structure without having first secured a permit and paid the fee as set forth in the city's consolidated fee schedule. (Ord. 568, 3-5-1974; amd. 2001 Code)

B. Where the city collects a fee for the inspection of a construction project, the city shall ensure that the construction project receives a prompt inspection, as set out in section 9-1-3, below.

C. The city may not enforce a requirement to have an initial plan reviewed by the city if:



- (1) The city does not complete the initial plan review within the applicable time periods described above; and,
- (2) the plan is stamped by a licensed architect or structural engineer.

**Amend 9-1-3: COMPREHENSIVE CONSTRUCTION PERMITS** is amended to read as follows

**9-1-3: COMPREHENSIVE CONSTRUCTION PERMITS:**

A. Application: Application for a comprehensive dwelling construction permit shall be made to the building inspector. The permit may be inclusive with respect to the requirements of other ordinances, resolutions or codes involving new dwelling construction as the city council shall determine. (Ord. 678, 1-6-1981)

B. Fee: The city council shall, from time to time, by ordinance, prescribe the fees to be charged for new dwelling construction alterations, additions and repairs. These fees shall be set according to standards reflective of the cost of services for facilities already existing or reasonably projected to serve the area and may or may not include connection or hookup fees as the city council shall determine. The fees shall be as provided in the city's consolidated fee schedule. (Ord. 678, 1-6-1981; amd. 2001 Code)

- (1) If the city cannot provide a building inspection within three business days, the city shall promptly engage an independent inspector with the fees to be collected from the applicant.
- (2) The city shall complete the initial plan review of a construction project for a 1 to 2 family dwelling or townhome by no later than 14 business days after the day on which the plan is submitted to the city.
- (3) A city shall complete an initial plan review of the construction project for a residential structure built under the International Building Code, not including a lodging establishment, by no later than 21 business days after the day on which the plan is submitted to the city.

**Amend 9-2A-2: IMPACT FEE:**

**Add C:** The City shall:

- (1) establish a separate interest bearing ledger account for each type of public facility for which an impact fee is collected;
- (2) deposit a receipt for an impact fee in the appropriate ledger account established under Subsection (1);
- (3) retain the interest earned on each fund or ledger account in the fund or ledger account;
- (4) at the end of each fiscal year, prepare a report that:
  - (a) for each fund or ledger account [showing], shows:
    - (i) the source and amount of all money collected, earned, and received by the fund or ledger account during the fiscal year; and
    - (ii) each expenditure from the fund or ledger account;
  - (b) accounts for all impact fee funds that the local political subdivision has on hand at the end of the fiscal year;
  - (c) identifies the impact fee funds described in Subsection (4)(b) by:
    - (i) the year in which the impact fee funds were received;

- (ii) the project from which the impact fee funds were collected,
- (iii) the project for which the impact fee funds [~~were~~] are budgeted[7]; and
- (iv) the projected schedule for expenditure; and

(d) is:

- (i) in a format developed by the state auditor;
- (ii) certified by the local political subdivision's chief financial officer; and
- (iii) transmitted to the state auditor within 180 days after the day on which the fiscal year ends.

**Amend 9-2B-2: IMPACT FEE:**

**Add:** D. The City shall:

- (1) establish a separate interest bearing ledger account for each type of public facility for which an impact fee is collected;
- (2) deposit a receipt for an impact fee in the appropriate ledger account established under Subsection (1);
- (3) retain the interest earned on each fund or ledger account in the fund or ledger account;
- (4) at the end of each fiscal year, prepare a report that:
  - (a) for each fund or ledger account [~~showing~~], shows:
    - (i) the source and amount of all money collected, earned, and received by the fund or ledger account during the fiscal year; and
    - (ii) each expenditure from the fund or ledger account;
  - (b) accounts for all impact fee funds that the local political subdivision has on hand at the end of the fiscal year;
  - (c) identifies the impact fee funds described in Subsection (4)(b) by:
    - (i) the year in which the impact fee funds were received;
    - (ii) the project from which the impact fee funds were collected,
    - (iii) the project for which the impact fee funds [~~were~~] are budgeted[7]; and
    - (iv) the projected schedule for expenditure; and
  - (d) is:
    - (i) in a format developed by the state auditor;
    - (ii) certified by the local political subdivision's chief financial officer; and
    - (iii) transmitted to the state auditor within 180 days after the day on which the fiscal year ends.

**Amend 9-2C-2: IMPACT FEE:**

**Add** C. The City shall:

- (1) establish a separate interest bearing ledger account for each type of public facility for which an impact fee is collected;
- (2) deposit a receipt for an impact fee in the appropriate ledger account established under Subsection (1);

- (3) retain the interest earned on each fund or ledger account in the fund or ledger account;
  - (4) at the end of each fiscal year, prepare a report that:
    - (a) for each fund or ledger account [~~showing~~], shows:
      - (i) the source and amount of all money collected, earned, and received by the fund or ledger account during the fiscal year; and
      - (ii) each expenditure from the fund or ledger account;
    - (b) accounts for all impact fee funds that the local political subdivision has on hand at the end of the fiscal year;
    - (c) identifies the impact fee funds described in Subsection (4)(b) by:
      - (i) the year in which the impact fee funds were received;
      - (ii) the project from which the impact fee funds were collected,
      - (iii) the project for which the impact fee funds [~~were~~] are budgeted[7]; and
      - (iv) the projected schedule for expenditure; and
    - (d) is:
      - (i) in a format developed by the state auditor;
      - (ii) certified by the local political subdivision's chief financial officer; and
- (iii) transmitted to the state auditor within 180 days after the day on which the fiscal year ends.

**Amend 9-2D-2: IMPACT FEE:**

**Add: C.** The City shall:

- (1) establish a separate interest bearing ledger account for each type of public facility for which an impact fee is collected;
  - (2) deposit a receipt for an impact fee in the appropriate ledger account established under Subsection (1);
  - (3) retain the interest earned on each fund or ledger account in the fund or ledger account;
  - (4) at the end of each fiscal year, prepare a report that:
    - (a) for each fund or ledger account [~~showing~~], shows:
      - (i) the source and amount of all money collected, earned, and received by the fund or ledger account during the fiscal year; and
      - (ii) each expenditure from the fund or ledger account;
    - (b) accounts for all impact fee funds that the local political subdivision has on hand at the end of the fiscal year;
    - (c) identifies the impact fee funds described in Subsection (4)(b) by:
      - (i) the year in which the impact fee funds were received;
      - (ii) the project from which the impact fee funds were collected,
      - (iii) the project for which the impact fee funds [~~were~~] are budgeted[7]; and
      - (iv) the projected schedule for expenditure; and
    - (d) is:
      - (i) in a format developed by the state auditor;
      - (ii) certified by the local political subdivision's chief financial officer; and
- (iii) transmitted to the state auditor within 180 days after the day on which the fiscal year ends.

**Amend 9-2E-2: IMPACT FEE:**

A. Based on and in consideration of the findings of the city council there are enacted the amended traffic impact fees, as set out in the tables of the traffic capital facilities plan and impact fee study update, which fees for the categories indicated are confirmed, and the traffic capital facilities plan and impact fee study update adopted and incorporated as if fully set out herein, said fees having been determined to comport as required with applicable law and the findings of the traffic capital facilities plan and impact fee study update.

B. The City shall:

(1) establish a separate interest bearing ledger account for each type of public facility for which an impact fee is collected;

(2) deposit a receipt for an impact fee in the appropriate ledger account established under Subsection (1);

(3) retain the interest earned on each fund or ledger account in the fund or ledger account;

(4) at the end of each fiscal year, prepare a report that:

(a) for each fund or ledger account [~~showing~~], shows:

(i) the source and amount of all money collected, earned, and received by the fund or ledger account during the fiscal year; and

(ii) each expenditure from the fund or ledger account;

(b) accounts for all impact fee funds that the local political subdivision has on hand at the end of the fiscal year;

(c) identifies the impact fee funds described in Subsection (4)(b) by:

(i) the year in which the impact fee funds were received;

(ii) the project from which the impact fee funds were collected,

(iii) the project for which the impact fee funds [~~were~~] are budgeted[?]; and

(iv) the projected schedule for expenditure; and

(d) is:

(i) in a format developed by the state auditor;

(ii) certified by the local political subdivision's chief financial officer; and

(iii) transmitted to the state auditor within 180 days after the day on which the fiscal year ends.

**Amend 10-2-1 - Add these additional definitions:**

CITY: means South Ogden City Corporation.

EVENT PERMIT: means a permit that the city issues to the organizer of a public food truck event located on public property.

FOOD CART: means a cart that is not motorized; and that a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumption.

FOOD TRUCK: means a fully encased food service establishment (i) on a motor vehicle or on a trailer that a motor vehicle pulls to transport, and (ii) from which a food truck vendor, standing

within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption. Food truck does not include a food cart or an ice cream truck.

FOOD TRUCK IS EVENT: means an event where an individual has ordered or commission to the operation of a food truck any private or public gathering.

FOOD TRUCK OPERATOR: means a person who owns, manages, or controls, or who has the duty to manage or control, the operation of a food truck.

FOOD TRUCK VENDOR: means a person who sells, cooks, or serves food or beverages from a food truck.

HEALTH DEPARTMENT FOOD TRUCK PERMIT: means a document that a local health department issues to authorize a person to operate a food truck within the jurisdiction of the local health department.

ICE CREAM TRUCK: means a fully encased food service establishment on a motor vehicle or on a trailer that a motor vehicle pulls to transport; and from which a vendor, from within the frame of the vehicle, serves ice cream; and, that attract patrons by traveling through a residential area signaling the trucks presence in the area including by playing music; and, that may stop to serve ice cream at the signal of the patron.

LOCAL HEALTH DEPARTMENT: means the same as that term is defined in Utah Code § 26A-1-102.

TEMPORARY MASS GATHERING: means an actual or reasonably anticipated assembly of 500 or more people that continues, or reasonably can be expected to continue, for two or more hours per day; or, and event that requires a more extensive review to protect public health and safety because the offense nature or conditions have the potential of generating environmental or health risks. Temporary mass gathering does not include an assembly of people at a location with permanent facilities designed for that specific assembly, unless the assembly is a temporary mass gathering described in

#### **Amend 10-5-1: ESTABLISHMENT OF ZONES:**

A. For the purpose of this title, the city is divided into the following zones in which land uses shall be limited as specified in this title. Classification will be determined on the basis of location, topographic features and other reasonable considerations to guide the orderly physical growth, neighborhood compatibility and overall stability of the city.

B. Only the City Council may amend:

- (a) the number, shape, boundaries, or area of any zoning district;
- (b) any regulation of or within the zoning district; or
- (c) any other provision of a land use [ordinance] regulation.

C. The City Council may not make any amendment authorized by this section unless the amendment was proposed by the planning commission or was first submitted to the planning commission for its recommendation.

D. The City Council shall comply with the procedure specified in Utah Code § 10-9a-502 in preparing and adopting an amendment to a land use regulation.

### **Amend 10-24-1: MOBILE FOOD BUSINESS; REQUIREMENT**

10-24-1-B. Business License And Fees Required: No mobile food business shall continue in operation unless the holder thereof has paid an annual business regulatory fee, an amount that reimburses the City for the cost of regulating the food truck, and has met all applicable requirements of South Ogden City. Notwithstanding the foregoing, the city will issue a license to a food truck operator who has obtained a business license to operate a food truck in another political subdivision within the state if the food truck operator presents to the city a current business license from the other political subdivision within the state; and, a current health department food truck permit from a local health department within the state; and, a current approval of a political subdivision within the state that shows that the food truck passed a fire safety inspection that the other political subdivision conducted in accordance with Utah code§11-55-104(4)(a)

10-24-1-C. Separate Applications/Licenses Not Required: Separate business license applications are not required for multiple food trucks of any single Food Truck Operator. Separate business license fees are not required for each mobile food business vehicle operating under one business license granted to an individual food truck operator.

### **Amend 10-24-1-F: Design And Operation Guidelines**

F. Design And Operation Guidelines: Mobile food trucks operating in the public right of way shall comply with the following design requirements:

3. All grounds utilized by a mobile food business shall at all times be maintained in a clean and attractive condition.
4. Trash and recycling containers shall be provided for use of the business patrons.
5. Any enclosures or canopy extensions must be integrated into the design of the mobile food business vehicle and must not project onto the public sidewalk or any other part of the public right of way not authorized by the city.

### **Amend 1-3-2: DEFINITIONS, GENERAL**

#### **Add:**

ABSENT: means that an elected municipal officer fails to perform official duties, including the officer's failure to attend each of regularly scheduled meeting that the officer is required to attend.

BUDGET HEARING: means a public hearing required under Utah Code §10-5-106.

DATA / DATA COLLECTION: Anonymous electronic data containing location information of an electronic device from a non-government entity but which electronic information contains no information that could reveal an individual's identity, including

but not limited to travel habits, trail usage, or other usage of municipal services. The City may not use the data for investigative or law enforcement purposes. **(See Exhibit 9):**

**ENTERPRISE FUND ACCOUNTING DATA:** means a detailed overview of the various enterprise funds of the city that includes

- (i) a cost accounting breakdown of how money in the enterprise fund is being used to cover, as applicable:
  - (A) administrative and overhead cost of the city attributable to the operation of the enterprise for which the enterprise fund was created; and
  - (B) other costs not associated with the enterprise for which the enterprise fund was created; and
- (ii) specific enterprise fund information

**ENTERPRISE FUND HEARING:** means the public hearing required under Utah Code §10-5-107.5 (3) (d).

**PRINCIPAL PLACE OF RESIDENCE:** means of the single location or a person's habitation is fixed and to which, whatever the person is absent, the person has the intention of returning.

**SECONDARY RESIDENTS:** means a place where an individual resides other than the individual's principal place of residence.

**SPECIFIC ENTERPRISE FUND INFORMATION:** means

- (i) the dollar amount of transfers from an enterprise fund to another funding; and
- (ii) the percentage of the total enterprise fund expenditures represented by each transfer to another fund.

**Amend Title 1, Chapter 5, by adding section 1-5-6.**

**Add 1-5-6:**

A. Each elected officer of the city shall maintain a principal place of residence within the city during the officer's term of office.

B. Except as provided in paragraph C, below, an elected city office is automatically vacant if the officer elected to the city office, during the officer's term of office:

- (1) Establishes a principal place of residence outside the city,
- (2) Resides at a secondary residence outside the city for a continuous period of more than 60 days while still maintaining a principal place of residence within the city,
- (3) Is absent from the city for a continuous period of more than 60 days; or,
- (4) Fails to respond to a request, within 30 days after the day on which the elected officer receives the request, from the County Clerk or lieutenant governor seeking information to determine the officers of residency.

C. (a) Notwithstanding anything in paragraph B above to the contrary, if an elected city officer obtains the consent of the city's legislative body as set out below, before the expiration of the 60 day period described in paragraph B (2) and (3) above, the officer may:

- (1) Reside at a secondary residence outside the city while still maintaining a principal place of residence within the city for a continuous period of up to one year during the officer's term of office; or,
- (2) Be absent from the city for a continuous period of up to one year during the officer's term of office.

(b) At a public meeting, the city's legislative body may give consent as described in subsection C (a) (1) and (2), above by majority vote after taking public comment regarding:

- (1) Whether the legislative body should give consent; and
- (2) The length of time to which the legislative body should consent.

**Amend Title 1, Chapter 5, by adding section 1-5-7.**

**Add 1-5-7: Elections Generally:**

Election of municipal officers shall follow the procedures set out at Utah Code §10-3-206, as that section presently exists or may subsequently be amended.

**Amend Title 1, Chapter 7 by adding section 4: Conducting An Election Entirely By Absentee Ballots.**

**Add: 1-7-4: Conducting An Election Entirely By Absentee Ballots**

If the election officer decides to administer an election entirely by absentee ballot, the election officer shall comply with the requirements of Utah Code 20A-3-302, or as it may be amended from time to time.

**Amend Title 1, Chapter 7 by adding section 5: Voting Equipment Selection and Certification**

**Add: 1-7-5: Voting Equipment Selection and Certification**

When selecting, purchasing or certifying new voting equipment, the election officer shall comply with the requirements of Utah Code 20A-5-801 thru 804, or as it may be amended from time to time.

**Amend Title 1, Chapter 7 by adding section 6: Campaign Contribution Solicitation**

**Add: 1-7-6: Campaign Contribution Solicitation**

A person may not send an email using the email of a public entity for campaign purposes as defined and prohibited at Utah Code § 20A-11-1205 and subject to the definitions and conditions set out therein as well as those at Utah Code § 20A-11-1202.

**Amend: 1-6A-4-E: Powers And Duties:** as follows:



E. (1) The city manager shall prepare and submit the annual budget and capital improvements program to the city council; the city manager shall also keep the city council advised as to the financial condition and needs of the city.

(2) The city manager shall cause to be published a notice or link to the notice required by Utah Code §10-5-107 (5)(ii) and (iv) on the home page of the website of the city, beginning at least seven days before the day of the public hearing and until the public hearing takes place.

#### **Non City Code Items:**

#### **Amend Purchasing Policy**

#### **Add the following language to the city's purchasing policy:**

If the city requests proposals for a construction project, each offeror will be required to include in a proposal a description of the offeror's company safety plan and the offeror's safety plan for the specific project that is the subject of the proposal;

The criteria in a request for proposals for a construction project shall include the existence and quality of: (i) an offeror's company safety plan; and (ii) the offeror's safety plan for the specific project that is the subject of the proposal.

#### **Water and Sewer Service Lines and Laterals - Who Is Responsible.**

Twice each year the city is responsible to distribute a disclosure that includes the definition of a water lateral and a sewer lateral and states that the record owner of the property is responsible for repair and replacement of the sewer lateral or retail water line that serves the property. This should be done through multiple mechanisms including regular water bills, city's newsletter, the city's website, or a broad-based a social media campaign, or any other means reasonably calculated to provide the disclosure to the public. Both our water and sewer ordinances talk about this but the legislature wants us to provide the information twice a year to the residents.