



Syracuse City

Syracuse City Council Work Session Notice

September 28, 2010 – 6:00 p.m.

Municipal Building, 1979 W. 1900 S.

Notice is hereby given that the Syracuse City Council will meet in a work session on Tuesday, September 28, 2010, at 6:00 p.m. in the large conference room of the Municipal Building, 1979 W. 1900 S., Syracuse City, Davis County, Utah. The purpose of the work session is to discuss/review the following items:

- a. Public comments.
- b. Request to be on the agenda – Lion’s Club. (20 min.)
- c. Review of Proposed Ordinance 10-07 adopting Title Two, Chapter Six of the Syracuse City Code, Syracuse Museum and Cultural Center Board. (25 min.)
- d. Review of Proposed Rewrite of Title One of the Syracuse Municipal Code. (1 hour)
- e. Discussion regarding proposed Ordinance prohibiting the sale of “spice” chemical compounds in Syracuse City. (10 min.)
- f. Council business. (10 min.)
- g. Public comments.

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In compliance with the Americans Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the City Offices at 825-1477 at least 48 hours in advance of the meeting.

#### CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Syracuse City limits on this 24<sup>th</sup> day of September 2010 at Syracuse City Hall on the City Hall Notice Board and at <http://www.syracuseut.com/>. A copy was also provided to the Standard-Examiner on September 24, 2010.

CASSIE Z. BROWN, CMC  
SYRACUSE CITY RECORDER



**Syracuse City**  
**Syracuse City Council Special Meeting Agenda**  
**September 28, 2010 – immediately following the Work Session**  
**meeting, which begins at 6:00 p.m.**  
City Hall Conference Room  
Municipal Building, 1979 W. 1900 S.

1. Meeting called to order
2. Site Plan Approval, LDS Church building located at 2725 West 1200 South.
3. Adjourn.

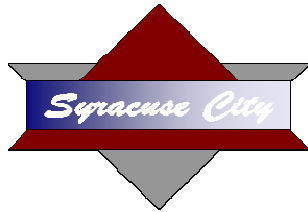
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CASSIE Z. BROWN, CMC
SYRACUSE CITY RECORDER



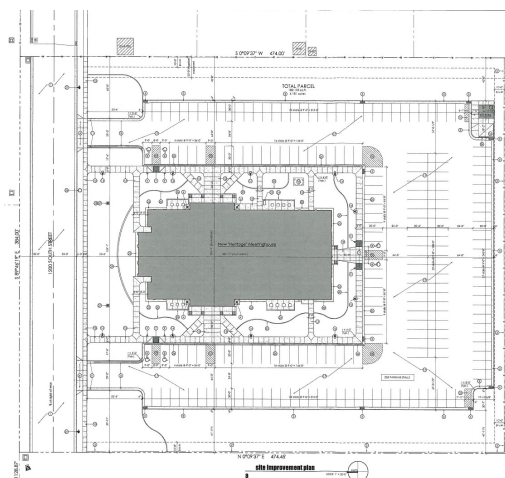
INTEROFFICE MEMORANDUM

TO: MAYOR NAGLE AND CITY COUNCIL MEMBERS
FROM: MICHAEL EGGET, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: SUBDIVISION PLAT AND SITE PLAN FOR CHURCH MEETINGHOUSE
DATE: 9/24/2010

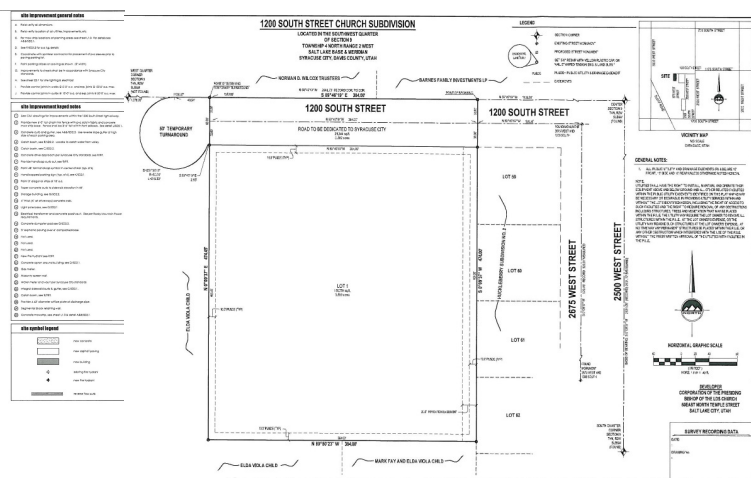
BACKGROUND:

Richards/Bott Architects are requesting Subdivision Plat and Site Plan approvals for an LDS Syracuse Bluff Stake meetinghouse, located at 2725 West 1200 South and adjacent the northwest portion of the Huckleberry Subdivision, on 3.599 acres of land.

Staff reviewed this application and complied with all noticing requirements for Site Plans and Subdivision Plats. The Planning Commission held a public hearing, on September 21, 2010, and recommended approval of this request subject to all requirements of the Land Use Ordinance specific to such a development and with conditions that the applicants resolve all issues outlined in Epic Engineering's letter, dated September 14, 2010, and staff's review letter, dated September 16, 2010, requesting that they provide an easement for the temporary turnaround location, or an agreement from the land owner to allow for vehicular access to the temporary turnaround, and calculate the storm drain for 3.59 acres instead of 3.02 acres.



Site Improvement Plan



Subdivision Plat

To: Cassie Brown
From: Brant T. Hanson
Subject: Request to be on the Agenda – Lion's Club
Date: 09/22/2010



The President of the Lion's Club asked if he could be added to the agenda for the next work session on September 28, 2010. He wishes to address the Council to continue dialogue on past, present and potential future projects. He is interested in ensuring that resources provided to the City by the Lion's Club are effective to address the needs of the City.

ORDINANCE NO.

AN ORDINANCE OF THE SYRACUSE CITY COUNCIL ENACTING AND CODIFYING CHAPTER 8 F TITLE II OF THE SYRACUSE CITY MUNICIPAL CODE, RELATING TO THE SYRACUSE CITY MUSEUM AND CULTURAL CENTER BOARD

WHEREAS, the Syracuse City Council has maintained a long and cooperative relationship with the Museum Board of Syracuse City, a private organization, over many years to the great benefit of the citizens of the City; and

WHEREAS, City Council has determined that for the ongoing support of the Museum Board and the operation of the Syracuse Museum and Cultural Center it will promote the public welfare to establish the Museum and Cultural Center Board as an organization of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SYRACUSE CITY, DAVIS COUNTY, STATE OF UTAH, AS FOLLOWS:

Section 1. Enactment and Codification. Chapter 8 of Title II of the Syracuse City Municipal Code is hereby enacted and codified to read in its entirety as more particularly set forth in Exhibit “A,” attached hereto and incorporated herein by reference.

Section 2. Severability Clause. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses and words of this Ordinance shall be severable. This Section shall become effective without codification.

Section 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS ____ DAY OF SEPTEMBER, 2010.

SYRACUSE CITY

ATTEST:

Cassie Z. Brown, City Recorder

Mayor Jamie Nagle

Voting by the City Council:

	“AYE”	“NAY”
Councilmember Clark	_____	_____
Councilmember Hammond	_____	_____
Councilmember Kimmel	_____	_____
Councilmember Pedersen	_____	_____
Councilmember Shingleton	_____	_____

EXHIBIT A

CHAPTER 8

MUSEUM AND CULTURAL CENTER BOARD

2-8-1: Purpose

2-8-2: Historic Museum and Cultural Center Board

2-8-3: Organization and Procedures

2-8-4: Board Duties

2-8-5 Syracuse City Responsibilities

2-8-1: PURPOSE. The City of Syracuse recognizes that the historical heritage of the community is among its most valued and important assets, and it is, therefore, the intent of the City to identify, preserve, protect, and enhance historic artifacts associated with the City and its residents and other items of historical significance.

2-8-2: MUSEUM AND CULTURAL CENTER BOARD. A Museum and Cultural Center Board is hereby established by the City with the following provisions:

- (A) Number and Qualifications. The Board shall consist of between five and nine members. Each Board member should demonstrate interest, competence, and knowledge in the operation and function of the Syracuse Museum and Cultural Center.
- (B) Term. Board members shall be appointed by the Mayor, with the advice and consent of the City Council, for staggered terms of not less than two (2) years provided that members may be appointed for terms shorter than two (2) years when necessary to provide for staggered terms.
- (C) Advisor. The City Council shall appoint one of its members to serve as an advisor of the Board. The advisor shall attend the meetings of the Board and serve only to advise and act as a liaison to the City Council regarding the Board with no power to vote thereon.
- (D) Removal. Members shall serve at the pleasure of the City and may be removed at any time by majority vote of the City Council.
- (E) Vacancy. Mid-term Vacancies on the Board occurring for any reason shall be filled by the Mayor, with the advice and consent of the City Council, in

accordance with the procedures for appointment set forth herein, for the unexpired term of such member. The mayor may receive names for consideration for appointment to the Board from the Board Chair.

- (F) Compensation. Members shall serve without compensation and all services performed shall be deemed “voluntary services” for purposes of The Utah Governmental Immunity Act and Members shall be deemed “volunteers” for purposes of City ordinances, rules, regulations and policies concerning personnel, provided, members may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as determined appropriate and pre-approved by the City Council.
- (G) Quorum. No official business of the Board shall be conducted except in the presence of a properly constituted quorum. The quorum shall consist of a majority of the appointed Members. All official business must be decided upon by majority vote of the quorum.
- (H) Rules. The Board may adopt by-laws and/or reasonable rules and regulations in accordance with the provision set forth herein for governing the conduct of its business. All such rules and regulations shall be submitted to the City Council for review and approved by resolution of the City Council.

2-8-3: ORGANIZATION AND PROCEDURE. The organization and structure of the Museum and Cultural Center Board shall be as follows

- (A) Chairperson and Co-Chairperson. The Board shall appoint one of its members as chairperson. The chairperson shall be a voting member of the Board and shall oversee the proceedings and activities of the Board. The Board shall also appoint one of its members as co-chairperson to act as chairperson in the event the chairperson is unable to attend the meeting.
- (B) Other Officers. The Board may appoint other members to act as other officers of the Board, and may appoint volunteers to work in and aid in the operation of the Museum and Cultural Center.
- (C) Meetings. The Board shall meet at least twice each year. Meetings shall be conducted in accordance with the Open and Public Meetings laws of the State of Utah, including public notification of meeting place, time, and agenda items. The Board shall keep a public record of its proceedings, and all minutes of the meetings and decisions of the Board shall be filed in the office of the City Recorder as public records.

2-8-4: BOARD DUTIES. It shall be the duty of the Board to act in an advisory and volunteer capacity to the City Council regarding the administration and operation of the Museum and Cultural Center, including, but not limited to the following:

- (A) Prepare and recommend for approval by the City Council a long-range plan, including goals, for the Museum and Cultural Center, review any adopted long-range plan on an annual basis, and recommend any updates or changes to the City Council;
- (B) Recommend and implement programs, policies, financing, funding, legislation and other measures, programs or activities for the administration and operation of the Museum and Cultural Center consistent with the goals of the long-range plan;
- (C) Manage the day-to-day operation of the Museum and Cultural Center, including the City's summer-time Farmers Market.
- (D) Initiate, sponsor and promote involvement, activities and contributions by the public and private sectors in the Museum and Cultural Center and its facilities, artifacts, programs and activities;
- (E) Prepare and recommend for approval by the City Council appropriate rules and regulations for the use, administration and operation of the Museum and Cultural Center and its facilities, artifacts, programs and activities;
- (F) Submit an annual report to City Council regarding Museum and Board activities;
- (G) Prepare and recommend for approval by the City Council collection management policies and system of approval of accession and deaccession of artifacts;
- (H) Prepare recommendations for building repairs and renovations to the City Council.

2-8-4: SYRACUSE CITY RESPONSIBILITIES

- (A) Syracuse City shall provide use of the City museum building for operations, displays, and events organized and administered by and behalf of the Museum and Cultural Center Board. The City shall provide building insurance, access to utilities, provide building maintenance, and landscape care.
- (B) The City shall provide employee support in fulfilling the requirements of this Chapter. Use of City employees or other City resources beyond the requirements herein established shall be requested and approved by a majority vote of the City Council.

TITLE I

GENERAL PROVISIONS

CHAPTER 1: ORDINANCES

- 1.01.010: Adoption
- 1.01.020: Title; Citation; Reference
- 1.01.030: Reference applies to amendments
- 1.01.040: Scope; Authority
- 1.01.050: Title, Chapter, and Section headings
- 1.01.060: Reference to specific ordinances

CHAPTER 2: DEFINITIONS & RULES OF CONSTRUCTION

- 1.02.010: Definitions
- 1.02.020: Rules of Construction

CHAPTER 3: CORPORATE NAME & SEAL

- 1.03.010: Corporate Name
- 1.03.020: Corporate Seal
- 1.03.030: Form of Government

CHAPTER 4: JUDGMENTS

- 1.04.010: General
- 1.04.020: Power to Suspend

CHAPTER 5: PUNISHMENTS

- 1.05.010: Sentencing in Accordance with Chapter
- 1.05.020: Designation and Classification of Offenses
- 1.05.030: Sentences or combination of sentences allowed; Civil Penalties
- 1.05.040: Misdemeanor conviction; Term of imprisonment
- 1.05.050: Infraction conviction; Fine, forfeiture, and disqualification
- 1.05.060: Fines of persons
- 1.05.070: Fines of corporations, associations, partnerships, or governmental instrumentalities
- 1.05.080: Additional sanctions against corporation or association; Advertising of conviction; Disqualification of officer
- 1.05.090: Concurrent or consecutive sentences; Limitations
- 1.05.100: Credit for good behavior
- 1.05.110: Reference Utah Criminal Code

CHAPTER 6: PRIVATE PROPERTY PROTECTION REVIEW

- 1.06.010: Purpose and Intent
- 1.06.020: Definitions
- 1.06.030: Guidelines
- 1.06.040: Appeals
- 1.06.050: Limitations

CHAPTER 7: CONSOLIDATED FEE SCHEDULE

CHAPTER 1
ORDINANCES

- 1.01.010: Adoption**
- 1.01.020: Title; Citation; Reference**
- 1.01.030: Reference applies to amendments**
- 1.01.040: Scope; Authority**
- 1.01.050: Title, Chapter, and Section headings**
- 1.01.060: Reference to specific ordinances**
- 1.01.070: Effect on past actions and obligations**
- 1.01.080: Effective date**
- 1.01.090: Severability**

1.01.010: ADOPTION

The ordinances of Syracuse, Utah, as compiled, revised, and herein set fourth are to be and shall be designated and referred to as the "**Syracuse Municipal Code**" which are passed by authority of the City Council. (2010)

1.01.020: TITLE; CITATION; REFERENCE

This Code shall be known as the "Syracuse Municipal Code" and it shall be sufficient to refer to this Code as the "Syracuse Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall also be sufficient to designate any ordinance adding to, amending, correcting, or repealing all or any part or portion thereof as an addition to, amendment to, correction of, or repeal of the "Syracuse Municipal Code." Further reference may be had to Titles, Chapters, Sections, and Subsections of the "Syracuse Municipal Code" and such reference shall apply to that numbered Title, Chapter, Section, or Subsection as it appears in this Code.

1.01.030: REFERENCE APPLIES TO AMENDMENTS

Whenever a reference is made to this Code as the "Syracuse Municipal Code" or to any portion thereof, or to any City ordinance, the reference shall apply to all amendments, corrections, and additions heretofore, now, or hereafter made.

1.01.040: SCOPE; AUTHORITY

This Code, as it may be amended, together with ordinances enacted since its compilation and before, comprise the regulatory and penal ordinances and certain of the administrative ordinances of the Syracuse City, Utah, revised and codified pursuant to the provisions of state law.

1.01.050: TITLE, CHAPTER, AND SECTION HEADINGS

Title, Chapter, and Section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any Title, Chapter, or Section hereof.

1.01.060: REFERENCE TO SPECIFIC ORDINANCES

The provisions of this Code shall not in any manner affect deposits or other matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise, and which are included within this Code, but such reference shall be construed to apply to the corresponding provisions contained within this Code.

1.01.070: EFFECT ON PAST ACTIONS AND OBLIGATIONS

Neither the adoption of this Code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to March 15, 1971, nor be construed as a waiver of any license, fee, or penalty at March 15, 1971, due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect, nor shall such adoption, repeal, or amendment, solely by reason of the enactment thereof, affect or impair the title or office or tenure of office of any City officer.

1.01.080: EFFECTIVE DATE

Ordinances shall become effective 20 days after publication or posting or 30 days after final passage by the governing body, whichever is sooner, but Ordinances may become effective at an earlier or later date after publication or posting if so provided in the Ordinance, except that whenever a revision is made and the Syracuse Municipal Code are published by authority of the City Council, no further publication shall be necessary, and it shall not be necessary to post or publish rules and regulations adopted by the City Council which are printed as a code in book form as long as three copies are available at the City Recorder's Office for use and examination by the general public.(1986)

1.01.090: SEVERABILITY

If any Section, Subsection, sentence, clause, phrase, portion, or part of this Code is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code. The City Council declares that it would have adopted this Code and each Section, Subsection, sentence, clause, phrase, part, or portion thereof, irrespective of the fact that any one or more Sections, Subsections, clauses, phrases, parts, or portions be declared invalid or unconstitutional.

CHAPTER 2

DEFINITIONS & RULES OF CONSTRUCTION

- 1.02.010: **Definitions**
1.02.020: **Rules of Construction**

1.02.010: **DEFINITIONS**

In the construction of this Syracuse Municipal Code and all ordinances amendatory thereof the following words and terms shall have the meaning herein ascribed to them, unless such definition or construction would be inconsistent with the manifest intent of the City Council or contrary to the context of the ordinance:

AGENT: The word "agent" as used in this Syracuse Municipal Code shall mean a person acting on behalf of another.

CITY: The word "city" shall mean Syracuse City.

HIGHWAY: The word "highway" shall include all roads, alleys, lanes, streets, courts, places, trails, and bridges laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in actions for the partition of real property.

KNOWINGLY: The word "knowingly" imports only a knowledge that the facts exist which bring the act or omission within the provisions of this Syracuse Municipal Code. It does not require any knowledge of the unlawfulness of such an act or omission.

LICENSE: The word "license" shall mean the permission granted for the carrying on of a business, profession, or occupation.

MALICE: The term "malice", as well as "maliciously", imports a wish to vex, annoy, or injure another person, or an intent to do a wrongful act, established either by proof or by presumption of law.

MISDEMEANOR: The word "misdemeanor" shall mean any offence in violation of the provisions of this Syracuse Municipal Code. It is a lesser offence than a felony as defined by State Law.

MUNICIPALITY: The word "municipality" unless otherwise indicated shall mean Syracuse City.

NEGLIGENT: The word "negligent", as well as "neglect", "negligence", and "negligently", imports a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.

OATH: The word "oath" shall include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

OCCUPANT: The term "occupant" 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: The word "offense" shall mean any act forbidden by any provision of this Syracuse Municipal Code or the omission of any act required by the provisions of this Syracuse Municipal Code.

OFFICERS, ETC.: Officers, departments, commissions, boards, councils, and employees when referred to in this Syracuse Municipal Code shall mean officers, departments, commissions, boards, councils, and employees of Syracuse City, unless the context clearly indicates otherwise.

OPERATOR: The word "operator" shall mean the person who is in charge of any operation, business, or profession.

OWNER: The word "owner" applied to a building or land shall include any part-owner, joint owners, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

PERSON: The word "person" shall include any firm, corporation, association, partnership, or any other form of association or organization.

PROPERTY: The word "property" shall include both real and personal property.

RETAILER: The word "retailer", unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things direct to the consumer.

STREET: The word "street" shall include all roads, alleys, lanes, highways, courts, places, squares, trails, bridges, and sidewalks laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in action for the participation of real property.

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

WILLFULLY: The term "willfully" when applied to the intent, with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage. (1971)

1.02.020: RULES OF CONSTRUCTION

In the construction of this Syracuse Municipal Code and all ordinances amendatory thereof, the following rules shall apply except where such construction would be inconsistent with the manifest intent of the City council or contrary to the context of the ordinance.

GENDER: When any subject matter, party, or person is described or referred to by words importing the masculine, the feminine as well as the masculine, and associations and bodies as well as individuals, shall be deemed to be included.

NUMBER: The singular number shall include the plural and the plural the singular.

SHALL: The word "shall" in this Syracuse Municipal Code is mandatory and not merely a suggestion.

TENSE: The present tense shall include the future tense and the future tense shall include the present tense.

TIME: The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last is a holiday or a Sunday, and then it is also included. Whenever any act of a secular nature, other than a work of necessity or mercy, is appointed by law or contract to be performed upon a particular day, which day falls upon a holiday, such act may be performed upon the next succeeding business day with the same effect as if it had been performed upon the day appointed.

In all cases where any ordinance shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice. (1971)

CHAPTER 3

CORPORATE NAME & SEAL

- 1.03.010: Corporate Name
- 1.03.020: Corporate Seal
- 1.03.030: Form of Government

1.03.010: CORPORATE NAME

The Corporate name of this municipal corporation shall be "Syracuse". However, to designate the municipal character of the corporation, the name may be stated "Syracuse, a municipal corporation."

1.03.020: CORPORATE SEAL

The corporate seal of Syracuse is described as follows: The impression is one and three-fourths inches in diameter, is inscribed in the outer circle "Syracuse City, Davis County, Utah", contains the words "Corporate Seal" in the center circle, and has a small star in the center of the seal. (1971)

1.03.030: FORM OF GOVERNMENT

Syracuse City shall be governed by a Six Member Council Form of Government according to Section 10-3b-105 of Utah Code Annotated, 1953, as amended. The Governing Body shall consist of six members, of which one is the Mayor, and five Councilmembers. The Mayor shall vote only in the case of a tie or in the appointment or dismissal of a City Administrator. (Ord. 06-24)

CHAPTER 4
JUDGMENTS

- 1.04.010: General**
- 1.04.020: Power to Suspend**

1.04.010: GENERAL

A judgment that the defendant pay a fine under any of the provisions of this Code, may also direct that the defendant pay all costs of the prosecution and may moreover, direct that if the defendant refuses, fails, or is unable to pay such fine and costs, the defendant should be compelled to perform community service at a rate established by the court, or be required to serve time in jail.

1.04.020: POWER TO SUSPEND

The judge of the City court shall have the power to suspend all or any part of any penalty upon such conditions as the judge shall deem proper.

CHAPTER 5

PUNISHMENTS

- 1.05.010: Sentencing in Accordance with Chapter
- 1.05.020: Designation and Classification of Offenses
- 1.05.030: Sentences or combination of sentences allowed; Civil Penalties
- 1.05.040: Misdemeanor conviction; Term of imprisonment
- 1.05.050: Infraction conviction; Fine, forfeiture, and disqualification
- 1.05.060: Fines of persons
- 1.05.070: Fines of corporations, associations, partnerships, or governmental instrumentalities
- 1.05.080: Additional sanctions against corporation or association; Advertising of conviction; Disqualification of officer
- 1.05.090: Concurrent or consecutive sentences; Limitations
- 1.05.100: Credit for good behavior
- 1.05.110: Reference Utah Criminal Code

1.05.010: SENTENCING IN ACCORDANCE WITH CHAPTER

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the City ordinances is guilty of an offense. A person adjudged guilty of an offense under the City ordinances shall be punished in accordance with the provisions of this Chapter.

1.05.020: DESIGNATION AND CLASSIFICATION OF OFFENSES

Offenses are designated as misdemeanors or infractions designated as follows:

MISDEMEANORS

1. Misdemeanors are classified into two (2) categories:
 - a. Class "B" misdemeanors; and
 - b. Class "C" misdemeanors
2. An offense designated a misdemeanor in City ordinances without specification as to punishment or category is a class "B" misdemeanor.

INFRACTIONS

1. Infractions are not classified.
2. Any offense designated as an infraction within City ordinances and any offense defined within City ordinances which is not designated as a misdemeanor and for which no penalty is specified is an infraction.

1.05.030: SENTENCES OR COMBINATION OF SENTENCES ALLOWED; CIVIL PENALTIES

1. Within the limits prescribed by this Chapter, a court may sentence a person adjudged guilty of an offense to any one of the following sentences or combination of such sentences:
 - a. to pay a fine; or
 - b. to probation; or
 - c. to imprisonment
2. This Chapter shall not deprive a court of authority conferred by law to forfeit property, dissolve a corporation, suspend, or cancel a license, or permit

removal of a person from office, cite for contempt, or impose any other civil penalty. A civil penalty may be included in a sentence.

1.05.040: MISDEMEANOR CONVICTION; TERM OF IMPRISONMENT

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; and
2. In the case of a class "C" misdemeanor, for a term not exceeding ninety (90) days.

1.05.050: INFRACTION CONVICTION; FINE, FORFEITURE, AND DISQUALIFICATION

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.

1.05.060: FINES OF PERSONS

1. A person who has been convicted of an offense may be sentenced to pay a fine not exceeding:
 - a. One Thousand Dollars (\$1,000.00) when the conviction is for a class "B" misdemeanor;
 - b. Seven Hundred Fifty Dollars (\$750.00) when the conviction is for a class "C" misdemeanor or infraction; or
2. This section does not apply to a corporation, association, partnership, or governmental instrumentality

1.05.070: FINES OF CORPORATIONS, ASSOCIATIONS, PARTNERSHIPS, OR GOVERNMENTAL INSTRUMENTALITIES

1. The sentence to pay a fine, when imposed upon a corporation, association, partnership, or governmental instrumentality for an offense defined in City ordinances for which no special corporate fine is specified shall be sentenced to pay an amount, fixed by the court, not exceeding:
 - a. Five Thousand Dollars (\$5,000.00) when the conviction is for a class "B" misdemeanor; and
 - b. One Thousand Dollars (\$1,000.00) when the conviction is for a class "C" misdemeanor or for an infraction.
2. In the event a court of competent jurisdiction decrees that the City court does not have authority to fix fines under this Section in excess of those provided for persons, then fines under this Section shall be fixed in the same amounts as provided for in Section 1.05.060.

1.05.080: ADDITIONAL SANCTIONS AGAINST CORPORATION OR ASSOCIATION; ADVERTISING OF CONVICTION; DISQUALIFICATION OF OFFICER

1. When a corporation or association is convicted of an offense, the court may, in addition to or in lieu of imposing other authorized sanctions, require the corporation or association to give appropriate publicity of the conviction by notice to the class or classes of persons or section of the public interested in

or affected by the conviction, by advertising in designated areas, or by designated media or otherwise.

2. When an executive or high managerial officer of a corporation or association is convicted of an offense committed in furtherance of the affairs of the corporation or association, the court may include in the sentence an order disqualifying said person from exercising similar functions in the same or other corporations or associations for a period not exceeding five (5) years if it finds the scope or willfulness of said person's illegal actions make it dangerous or inadvisable for such functions to be entrusted to said person.

1.05.090: CONCURRENT OR CONSECUTIVE SENTENCES; LIMITATIONS

1. If a defendant has been adjudged guilty of more than one (1) misdemeanor offense, sentences shall run concurrently unless the court states, in the sentence, that they shall run consecutively.
2. A court shall consider the gravity and circumstances of the offenses and the history, character, and rehabilitative needs of the defendant in determining whether to impose consecutive sentences.
3. A court may impose consecutive sentences for offenses arising out of a single course of criminal conduct. For the purposes of this Section, "a single course of criminal conduct" means all conduct, including criminal solicitation and criminal conspiracy, incident to the attempt or accomplishment of a single criminal objective even though the harm is directed toward or inflicted upon more than one (1) person or more than one (1) offense is committed.
4. Whenever a sentence is imposed or sentences are imposed to run concurrently with the other or with a sentence presently being served, the lesser sentence shall merge into the greater and the greater shall be the term to be served, and in the event of equal sentences, they shall merge into one sentence with the most recent conviction constituting the time to be served.

1.05.100: CREDIT FOR GOOD BEHAVIOR

In any commitment to imprisonment for a misdemeanor offense, the custodial authority, upon good behavior of the inmate and in the discretion of the custodial authority, may allow ten (10) days credit against the sentence to be served for every thirty (30) days served, or two (2) days credit for every ten (10) days served, when the period to be served is less than thirty (30) days.

1.05.110: REFERENCE UTAH CRIMINAL CODE

This Chapter shall be construed and interpreted in accordance with the provisions of Chapter 3, Punishments, of the Utah Criminal Code.

CHAPTER 6

PRIVATE PROPERTY PROTECTION REVIEW

- 1.06.010: Purpose and Intent
- 1.06.020: Definitions
- 1.06.030: Guidelines
- 1.06.040: Appeals
- 1.06.050: Limitations

1.06.010: PURPOSE AND INTENT

The purpose of this Chapter is to provide advisory guidelines to assist the City in identifying and reviewing actions by officials, employees, boards, commissions and councils of the City which may involve the physical taking or exaction of private real property without just compensation.

1.06.020: DEFINITIONS

1. As used herein "constitutional taking" means actions involving the physical or regulatory taking of private real property by any official, employee, board, commission or council of the City that might require compensation to a private real property owner under:
 - a. The Fifth or Fourteenth Amendment of the Constitution of the United States;
 - b. Article I, Section 22 of the Utah Constitution; or
 - c. Any recent court rulings governing the physical or regulatory taking of private real property by a governmental entity.
2. Actions by the City involving the physical taking or exaction of private real property is not a constitutional taking if the physical taking or exaction:
 - a. Bears an essential nexus;
 - b. To a legitimate governmental interest; and
 - c. Is roughly proportionate and reasonably related, on an individualized property basis, both in nature and extent, to the impact of the proposed development on the legitimate government interest.

1.06.030: GUIDELINES

The following guidelines should be considered by any official, employee, board, commission or council of the City when taking any action that might result in the physical or regulatory taking of private real property without just compensation.

1. Identification. The acting body should review the following items to determine and identify whether a proposed governmental action raises constitutional taking issues.
 - a. Does the action result in a permanent physical occupation of private property?
 - b. Does the action require a property owner to dedicate property or grant an easement to the City?
 - c. Does the action deprive the property owner of all economically viable uses of the property?
 - d. Does the action have a severe impact on the property owner's economic interest?

- e. Does the action deny a fundamental attribute of ownership?
2. Analysis. If the acting body determines that a governmental action involves constitutional taking issues, the proposed action should be reviewed further to determine appropriate action. In reviewing the proposed action, the following factors may be analyzed:
 - a. The affect the potential taking would have on the use or value of the private property;
 - b. The likelihood that the action may result in a constitutional taking;
 - c. Any alternatives to the proposed action that would fulfill the City's lawful objectives and reduce the risk of a constitutional taking;
 - d. The cost to the City for payment of compensation if a taking is determined;
 - e. The governmental interest involved and its nexus to the potential taking;
 - f. And The proportionality and relationship between the proposed governmental action and the proposed development.

1.06.40 APPEALS

1. Application. Any owner of private property whose interest in the property is subject to a physical or regulatory taking by the City, pursuant to a final and authoritative decision or action by any official, employee, board, commission or council of the City, may appeal the acting body's decision or action by filing a written notice of appeal and statement of the grounds for the appeal with the City Recorder within thirty (30) days from the date of the acting body's decision or action. Additional information regarding the claim, such as property valuation and ownership, may be required in conjunction with the application as deemed necessary by the City for proper review of the action.
2. Review. The City Council or its designee shall hear all evidence regarding the appeal and determine whether or not the action by the City constitutes a constitutional taking as defined herein. The reviewing body shall render its decision and findings in writing within fourteen (14) days from the date the appeal was filed. The decision of the reviewing body shall be given to the applicant and the official, employee, board, commission or council that rendered the final decision giving rise to the appeal. When determined to be necessary and appropriate, the reviewing body shall make a recommendation to the official, employee, board, commission or council that made the decision giving rise to the appeal.
3. Failure to Render Decision. If the City fails to hear and decide the appeal within fourteen (14) days, the acting body's decision or action is presumed to be approved.

1.06.050: LIMITATIONS

The guidelines set forth herein are advisory only and shall not be construed to expand nor limit the scope of the City's liability for a constitutional taking. The City shall have no legal liability to any person, firm or entity of any nature whatsoever and a court may not impose liability upon the City for failure to comply with the provisions of this Chapter.

CHAPTER 7
CONSOLIDATED FEE SCHEDULE

1.07.010: General

TITLE II

ADMINISTRATIVE AND PERSONNEL

CHAPTER 1: GENERAL ADMINISTRATIVE PROVISIONS (Holladay)

- 2.01.010 Intent, Purpose
- 2.01.020 Temporary Absence of City Administrator
- 2.01.030 Municipal Government Generally
- 2.01.040 Administrative Organization Generally
- 2.01.050 Campaign Financial Disclosure in City Elections

CHAPTER 2: CITY COUNCIL

- 2.02.010 Governing Body
- 2.02.020 Powers and Duties
- 2.02.030 Meetings
- 2.02.040 Open Meetings Law
- 2.02.050 Notice of Meetings
- 2.02.060 Agenda
- 2.02.070 Minutes
- 2.02.080 Mayor Presides
- 2.02.090 Quorum
- 2.02.100 Voting
- 2.02.110 Reconsideration
- 2.02.120 Rules of Procedure
- 2.02.130 Council Committees
- 2.02.140 Attendance
- 2.02.150 Disorderly Conduct
- 2.02.160 Required Attendance of Witnesses and Production of Evidence

CHAPTER 3: MAYOR

- 2.03.010 Functions and Duties
- 2.03.020 Presiding Officer
- 2.03.030 Intergovernmental Cooperation
- 2.03.040 Vacancy in Office
- 2.03.050 Restrictions

CHAPTER 4: CITY ADMINISTRATOR

- 2.04.010 Office Created
- 2.04.020 Term of Office
- 2.04.030 Resignation
- 2.04.040 Other Employment
- 2.04.050 Powers of Mayor not Delegated
- 2.04.060 Duties

CHAPTER 5 APPOINTED OFFICES

2.05.010	Appointed Offices
2.05.020	Appointment and Vacancies
2.05.030	Bond
2.05.040	Salaries
2.05.050	Transfer of Records
2.05.060	Conflicts of Interests
2.05.070	City Recorder
2.05.080	City Treasurer
2.05.090	City Police Chief

CHAPTER 6: DEPARTMENT ORGANIZATION

2.06.010	City Finance Director
2.06.020	City Community and Economic Development Director
2.06.030	City Engineer
2.06.040	City Building Inspector
2.06.050	City Public Works Director
2.06.060	City Attorney
2.06.070	City Justice Court Judge
2.06.080	City Recreation Director
2.06.090	City Fire Chief

CHAPTER 8: GOVERNMENT RECORDS

2.08.010	General
2.08.020	Retention Schedule
2.08.030	Records requests
2.08.040	Fees
2.08.050	Fee Waiver
2.08.060	Appeals

CHAPTER 1

GENERAL ADMINISTRATIVE PROVISIONS

- 2.01.010 Intent, Purpose
- 2.01.020 Temporary Absence of City Administrator
- 2.01.030 Municipal Government Generally
- 2.01.040 Administrative Organization Generally
- 2.01.050 Campaign Financial Disclosure in City Elections

2.01.010: INTENT, PURPOSE

It is the intent and purpose of this title of the Syracuse Municipal Code to establish and clarify the organization and operation of city departments and to provide for an orderly means of conducting the operation of city government. It is further intended that this title ensures cooperation and coordination between the legislative branch, the executive branch, and all departments of the city. All ordinances of the city shall be construed in such manner as to foster and promote such cooperation, liaison and coordination.

2.01.020: TEMPORARY ABSENCE OF CITY ADMINISTRATOR

In the event of the temporary absence of the city administrator due to illness, vacation or similar reasons, the mayor shall act in the administrator's position.

Comment [TJG1]: Should this be the Mayor's duty? Why not designate a Department Head?

2.01.030: MUNICIPAL GOVERNMENT GENERALLY

1. Branches Of Government: The municipal government of the city is divided into two (2) separate, independent and equal branches of government:
 - a. The executive branch, which consists of the elected mayor of the city and the administrative department of the city, together with department heads, division managers, officers, and employees; and
 - b. The legislative branch, which consists of the city council and its staff.
2. Mayor: The mayor shall be elected at large by the voters of the city and shall exercise the executive powers of the government.
3. City Council: The powers of municipal government in a municipality operating under the six-member council form of government are vested in a council consisting of six members, one of which is a mayor.

Comment [TJG2]: I would delete this section entirely. I think it is misleading in a 6 member form to address separation of powers concepts. I think this promotes battles over turf and duty.

Comment [SR3]: What is the "administrative department"? I would consider a simpler form that doesn't try to make such a clear delineation between executive, legislative and administrative powers.

2.01.040: ADMINISTRATIVE ORGANIZATION GENERALLY

Department heads, as provided by this title, shall report to the City Administrator, who shall report directly to the mayor. Subject to the limitations and requirements of applicable budget and appropriations, the city's administrative organization shall consist of the operating departments, offices and divisions or bureaus, as set forth in this title.

2.01.050:

CAMPAIGN FINANCIAL DISCLOSURE IN CITY ELECTIONS

Campaign Financial Disclosure in City Elections is in accordance with *Utah Code Ann.* § 10-3-208, as amended

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(1) As used in this section:

(a) "Reporting date" means:

- (i) 10 days before a municipal general election, for a campaign finance statement required to be filed no later than seven days before a municipal general election; and
- (ii) the day of filing, for a campaign finance statement required to be filed no later than 30 days after a municipal primary or general election.

(b) "Reporting limit" means:

- (i) \$50; or
- (ii) an amount lower than \$50 that is specified in an ordinance of the municipality.

(2) (a) (i) Each candidate for municipal office who is not eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement:

- (A) no later than seven days before the date of the municipal general election; and
- (B) no later than 30 days after the date of the municipal general election.

- (ii) Each candidate for municipal office who is eliminated at a municipal primary election shall file with the municipal clerk or recorder a campaign finance statement no later than 30 days after the date of the municipal primary election.

(b) Each campaign finance statement under Subsection

(2)(a) shall:

- (i) except as provided in Subsection (2)(b)(ii):

(A) report all of the candidate's itemized and total:

- (I) campaign contributions, including in-kind and other nonmonetary contributions, received before the close of the reporting date; and
- (II) campaign expenditures made through the close of the reporting date; and

(B) identify:

- (I) for each contribution that exceeds the reporting limit, the amount of the contribution and the name of the donor;
- (II) the aggregate total of all contributions that individually do not

exceed the reporting limit; and
(III) for each campaign expenditure, the amount of the expenditure and the name of the recipient of the expenditure;
or

(ii) report the total amount of all campaign contributions and expenditures if the candidate receives \$500 or less in campaign contributions and spends \$500 or less on the candidate's campaign.

(4) Each municipal clerk or recorder shall, at the time the candidate for municipal office files a declaration of candidacy, and again 14 days before each municipal general election, notify the candidate in writing of:

- (a) the provisions this ordinance governing the disclosure of campaign contributions and expenditures;
- (b) the dates when the candidate's campaign finance statement is required to be filed; and
- (c) the penalties that apply for failure to file a timely campaign finance statement, including the statutory provision that requires removal of the candidate's name from the ballot for failure to file the required campaign finance statement when required.

(5) Notwithstanding any provision of Title 63G, Chapter 2, Government Records Access and Management Act, the municipal clerk or recorder shall:

- (a) make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed; and
- (b) make the campaign finance statement filed by a candidate available for public inspection by:

(i) (A) posting an electronic copy or the contents of the statement on the municipality's website no later than seven business days after the statement is filed; and

(B) verifying that the address of the municipality's website has been provided to the lieutenant governor in order to meet the requirements of Subsection **20A-11-103**(5); or

(ii) submitting a copy of the statement to the lieutenant governor for posting on the website established by the lieutenant governor under Section **20A-11-103** no later than two business days after the statement is filed.

(6) (a) If a candidate fails to file a campaign finance statement before the municipal general election by the deadline specified in Subsection

Deleted: (3) (a) A municipality may, by ordinance:¶
(i) provide a reporting limit lower than \$50; .
(ii) require greater disclosure of campaign contributions and expenditures than is required in this section; and .
(iii) impose additional penalties on candidates who fail to comply with the applicable requirements beyond those imposed by this section.¶
(b) A candidate for municipal office is subject to the provisions of this section and not the provisions of an ordinance adopted by the municipality under Subsection (3)(a) if:¶
(i) the municipal ordinance establishes requirements or penalties that differ from those established in this section; and .
(ii) the municipal clerk or recorder fails to notify the candidate of the provisions of the ordinance as required in Subsection (4). ¶

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(2)(a)(i)(A), the municipal clerk or recorder shall inform the appropriate election official who:

(i) shall:

(A) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters;
or

(B) if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

(ii) may not count any votes for that candidate.

(b) Notwithstanding Subsection (6)(a), a candidate who files a campaign finance statement seven days before a municipal general election is not disqualified if:

(i) the statement details accurately and completely the information required under Subsection (2)(b), except for inadvertent omissions or insignificant errors or inaccuracies; and

(ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

(7) A campaign finance statement required under this section is considered filed if it is received in the municipal clerk or recorder's office by 5 p.m. on the date that is it due.

(8) (a) A private party in interest may bring a civil action in district court to enforce the provisions of this section.

(b) In a civil action under Subsection (8)(a), the court may award costs and attorney's fees to the prevailing party.

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CHAPTER 3

CITY COUNCIL

2.02.010 Powers and Duties
2.02.020 Meetings

2.02.030	Open Meetings Law
2.02.040	Notice of Meetings
2.02.050	Agenda
2.02.060	Minutes
2.02.070	Mayor Presides
2.02.080	Quorum
2.02.090	Voting
2.02.100	Reconsideration
2.02.110	Rules of Procedure
2.02.120	Council Committees
2.02.130	Attendance
2.02.140	Disorderly Conduct
2.02.150	Required Attendance of Witnesses and Production of Evidence

2.02.010: POWERS AND DUTIES

The City Council shall perform all the duties and have all the powers prescribed by the laws of the state and City ordinances, and all such other duties consistent with law as may be necessary for the efficient government of the City.

2.02.020: MEETINGS

1. Regular Meetings. The City Council shall hold regular meetings to conduct the business of the City at least once each month and shall prescribe by ordinance the time and place for holding its regular meetings. Unless otherwise provided, regular meetings of the City Council shall be held on the second and fourth Tuesday of each month at the hour of 6:30 p.m. located at the Syracuse City Hall, 1979 West 1900 South, Syracuse, Utah 84075.
2. Special Meetings. If at any time the business of the City requires a special meeting of the City Council, such a special meeting may be ordered by the Mayor or any two Council Members. Notice of the special meeting shall be provided in accordance with the provisions of *Utah Code Ann.* § 10-3-502, as amended. The order of the special meeting shall be entered into the minutes of the City Council.
3. Closed Meetings. The affirmative vote of at least two-thirds of the City Council present at an open meeting for which notice is given and a quorum is present may call a closed meeting to discuss certain items as provided under *Utah Code Ann.* § 52-4-5, as amended. The reason or reasons for holding a closed meeting and the vote, either for or against the proposition to hold such a meeting, cast by each member, by name, shall be entered on the minutes of the meeting. No ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting.
4. Electronic Meetings.
 - a. Definitions. As used in this Syracuse Municipal Code:
 - i. "Anchor location" means the physical location from which the electronic meeting originates or from which the participants are connected.

Comment [TJG4]: I would leave the specific meeting schedule to adoption by Resolution each year and not restrict by ordinance.

- ii. "Electronic meeting" means a City Council meeting convened or conducted by means of a conference using electronic communications.
 - iii. "Electronic notice" means electronic mail or fax.
 - iv. "Monitor" means to hear or observe, live, by audio or video equipment, all of the public statements of each member of the City Council who is participating in a meeting.
 - v. "Participate" means the ability to communicate with all of the members of the City Council, either verbally or electronically, so that each member of the City Council can hear or observe the communication.
 - vi. "Public hearing" means a portion of a meeting at which comments from the public will be accepted.
 - vii. "Public statement" means a statement made in the ordinary course of business of the City Council with the intent that all other members of the City Council receive it.
- b. Procedures. The City Council may, by following the procedures and requirements of this Ordinance, convene and conduct an electronic meeting. The City Council convening or conducting an electronic meeting shall:
- i. Give public notice of the meeting pursuant to *Utah Code Ann. § 52-4-202* by posting written notice at the anchor location; and
 - ii. Providing written or electronic notice to at least one newspaper of general circulation within the state; and a local media correspondent;
- c. In addition to giving public notice required by Subsection (i), provide:
- i. Notice of the electronic meeting to the members of the City Council at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present; and
 - ii. A description of how the members will be connected to the electronic meeting.
- d. Electronic Meeting General. The procedures to be followed at the electronic meeting shall be the same as those followed by the City Council in a non-electronic open and public meeting of the City Council. The Mayor shall conduct the meeting and the meeting shall be held pursuant to the agenda posted for that meeting. Prior to commencing the electronic meeting, an electronic link shall be established with all participants and the anchor location. Minutes shall be kept for the meeting in accordance with the requirements of

the Open Meetings Law. Following passage of a motion to adjourn, the electronic link shall be terminated and the meeting shall be deemed concluded. The initial anchor location for meetings of the City Council shall be the Syracuse City Hall located at 1979 West 1900 South, Syracuse, Utah 84075. If the meeting is a public hearing, space and facilities will be provided at the anchor location so that interested persons and the public may attend, monitor and participate in the open portions of the meeting.

2.02.030: OPEN MEETINGS LAW

All meetings ~~of the City Council shall be open to the public, except closed~~ meetings, and shall be conducted in accordance with the Open and Public Meetings Act as set forth in *Utah Code Ann. § 52-4-1, et seq.*, as amended.

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2.02.040: NOTICE OF MEETINGS

The City shall give public notice at least once each year of its annual meeting schedule and shall give not less than twenty-four (24) hours public notice of the agenda, date, time and place of each of its meetings, other than emergency meetings, in accordance with *Utah Code Ann. § 52-4-6*, as amended.

2.02.050: AGENDA

A written agenda for each regular meeting shall be prepared by the City Administrator or his or her designee. The Mayor or two members of the City Council may place items on the agenda.

2.02.060: MINUTES

Written minutes shall be kept of all meetings of the City Council in accordance with the provisions set forth in *Utah Code Ann. § 52-4-7*, as amended.

2.02.070: MAYOR PRESIDES

The Mayor shall be the chairperson and preside at the meetings of the City Council. In the absence of the Mayor or because of his or her inability or refusal to act, the City Council may elect a member of the City Council to preside over the meeting as Mayor pro tempore in accordance with the procedures set forth in Chapter 2.04 of this Title of the Syracuse Municipal Code.

2.02.080: QUORUM

No action of the City Council shall be official or of any effect except when a quorum of the Council Members are present, except as otherwise provided by law. Three (3) or more members of the City Council, not including the mayor, shall constitute a quorum.

2.02.090: VOTING

1. How Taken. A roll call vote shall be taken and recorded for all ordinances, resolutions, and any action which would create a liability against the city and in any other case at the request of any member of the City Council by a "yes"

or a “no” vote. Every resolution or ordinance shall be in writing before the vote is taken.

2. Number Required. The minimum number of “yes” votes required to pass any ordinance, resolution, or to take any action by the Governing Body, unless otherwise prescribed by law, shall be three (3). Any ordinance, resolution, or motion of the Governing Body having fewer favorable votes than required herein shall be deemed defeated and invalid; except in the following: fewer votes may compel attendance of absentees, may adjourn a meeting from time to time, and may fill a vacancy in the Governing Body.
3. Mayor Voting. The Mayor shall not vote except in cases of a tie vote of the City Council as more particularly ~~set forth in Chapter 2.04 of this Title.~~

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2.02.100: RECONSIDERATION

Any action taken by the City Council shall not be reconsidered or rescinded at any special meeting unless the number of members of the City 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.

2.02.110: RULES OF PROCEDURE

Except as otherwise provided by law, the City Council may determine its own rules of procedure or the proper conduct of its meetings. In general, the City Council ~~refers to Robert's Rules of Order as a guide~~ for the conduct of its business.

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2.02.120: COUNCIL ADVISORY COMMITTEES

The City Council may from time to time create subcommittees titled Council Advisory Committees ~~to advise the City Council as a whole on issues affecting the City.~~

2.02.130: ATTENDANCE

The City Council shall have the power to compel the attendance of its own members and to provide such penalties as it deems necessary for the failure to comply therewith.

2.02.140: DISORDERLY CONDUCT

The City Council may fine or expel any of its members for disorderly conduct upon an affirmative majority vote of those members present. The City Council may also, upon an affirmative majority vote of those members present, expel any person who is disorderly during any regular, study, or special meeting of the City Council.

2.02.150: REQUIRED ATTENDANCE OF WITNESSES AND PRODUCTION OF EVIDENCE

The City Council may require the attendance of any person to give testimony or produce records, documents or things for inspection, copying or examination necessary or useful for the governance of the City. The City Council shall issue

subpoenas in its own name in the manner provided in the Utah Rules of Civil Procedure or may by ordinance establish its own procedure for issuing subpoenas under this Section.

CHAPTER 3

MAYOR

2.03.010	Functions and Duties
2.03.020	Presiding Officer
2.03.030	Mayor Pro Tempore
2.03.040	Intergovernmental Cooperation
2.03.050	Vacancy in Office
2.03.060	Restrictions

2.03.010: FUNCTIONS AND DUTIES

The mayor shall be the chief executive and administrative officer of the city. He/She shall have the power and duty to:

1. Enforce the laws and ordinances of the city;
2. Execute the policies adopted by the city council;
3. Appoint and remove the City Administrator, department heads, ~~commission, board~~ and committee members with the advice and consent of the city council, except as may otherwise be specifically limited by law;
4. Attend all meetings of the city council with the right to take part in all discussions and the responsibility to inform the city council of the condition and needs of the municipality, and make recommendations and freely give advice to the city council;
5. Appoint or act as the budget officer for the purpose of fulfilling the requirements of the ~~Uniform Municipal Fiscal Procedures Act~~ for Utah cities;
6. Appoint, with the advice and consent of the city council, a qualified person to each of the offices of Recorder, Treasurer, Engineer, Police Chief, Justice Court Judge and attorney; create with the advice and consent of the city council, any other offices as may be deemed necessary for good government, and make appointments to them;
7. Furnish the city council with a report, periodically or as determined by ordinance, setting forth the amounts of all budget appropriations, the total disbursements to date from these appropriations, and the amount of indebtedness incurred or contracted against each appropriation (including disbursements and indebtedness incurred and not paid) and the percentage of the appropriations encumbered to date, which reports shall be made available for public inspections;
8. Execute agreements within certified budget appropriations on behalf of the city, or delegate by written executive order the power to execute such agreements to executive officials, subject to the procedure described in Utah Code Annotated section 10-6-138;

Deleted: commissions, boards

Deleted: uniform municipal fiscal procedures act

9. When necessary, call on the residents of the city over the age of twenty one (21) years to assist in enforcing the laws of the state and ordinances of the city; and
10. Perform such other duties as may be prescribed by this title or may be required by ordinance not inconsistent with the optional form of government.

2.03.020: PRESIDING OFFICER

The Mayor shall be the Chief Executive Officer and preside at the meetings of the City Council. However, the Mayor shall not vote at meetings of the City Council, except in case of a tie vote of the City Council or as otherwise provided by law. Furthermore, the Mayor shall have no power to veto any act of the City Council unless otherwise specifically authorized by statute.

2.03.030: MAYOR PRO TEMPORE

In the absence of the Mayor or because of his or her inability or refusal to act, the City Council shall elect one of its number to preside over the meeting and to act as Mayor Pro Tempore. During such absence or disability of the Mayor, the Mayor Pro Tempore shall possess the powers and duties of Mayor. Any member of the City Council elected as Mayor Pro Tempore shall retain his or her power and authority as a member of the City Council and shall be entitled to vote as a member of the City Council on all matters. The City Council may annually designate the Mayor Pro Tempore and two additional persons, in specific order of succession, as emergency interim successors to act in the absence of the Mayor.

2.03.040: INTERGOVERNMENTAL COOPERATION

1. Information to City Council: The mayor, or departments designated by the mayor, shall provide such information concerning city finances, operations and procedures, as reasonably requested by the city council and necessary for the city council to fulfill its statutory duties, which are not privileged, private or confidential.
2. Interference by Council Prohibited: No member of the city council shall direct or request, except in writing, the appointment of any person to, or his removal from, office or to interfere in any way with the performance by the officers of their duties. The city council shall not give orders to any subordinate of the mayor either publicly or privately, but may make suggestions and recommendations.

2.03.050: VACANCY IN OFFICE

Vacancy in the office of the mayor shall be filled as provided in Utah Code Annotated section 20A-1-510.

2.03.060: RESTRICTIONS

The Mayor may not serve as the City Recorder or as the City Treasurer

CHAPTER 5

CITY ADMINISTRATOR

- 2.04.010 Office Created
- 20.4.020 Term of Office
- 2.04.030 Resignation
- 2.04.040 Other Employment
- 2.04.050 Powers of Mayor not Delegated
- 2.04.060 Duties

2.04.010: Office Created

The office of City Administrator has been heretofore created and established pursuant to City Ordinances and State law, as amended, and shall continue in force and effect as an appointed office of the City. The City Administrator shall be designated as and is referred to in this Code as the "City Administrator."

20.4.020: Term of Office

The City Administrator shall serve at the pleasure of the City Council and may be terminated at any time with or without cause.

2.04.030: Resignation

Before voluntarily resigning from the position of City Administrator, the City Administrator shall give the City Council at least thirty (30) days notice in writing of his or her intent to resign.

2.04.040: Other Employment

The City Administrator shall not accept any outside employment in addition to employment by the City without prior annual written approval of the City Council.

2.04.050: Powers of Mayor not Delegated

The legislative and judicial powers of the Mayor, his or her position as chairman of the City Council, and any ex officio position he or she may hold, shall not be delegated to the City Administrator.

2.04.060: Duties

1. The powers, duties, and functions of the office of City Administrator shall be subject to the control of the Governing Body, but such Administrator shall report to the Mayor pursuant to provisions of Section 10-~~3b-104(1)(a)~~, *Utah Code Annotated*, or its successor section.
2. Appoint and Remove Employees. Except as set forth in Chapter 3, above, regarding ther Mayor's duties, the City Administrator shall have the authority to appoint, employ and remove employees as provided herein. The City Administrator shall also be responsible for reviewing the status and performance of any personnel being considered for discharge, transfer, or

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demotion from appointment or employment with the City. In addition, the Administrator shall exercise control of all departments, divisions and bureaus within the city government;

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3. Supervise Department Heads. The City Administrator shall provide direct supervision of and have direct responsibility over the offices of City Recorder, City Treasurer, Police Chief, Engineer, Attorney and other Department Heads.
4. Personnel Director. The City Administrator shall be the personnel director, and as such shall be responsible for implementing and enforcing the personnel policies and procedures of the City.
5. Inventory Property. The City Administrator shall keep or cause to be kept a current inventory showing all real and personal property of the City and its location. The City Administrator shall be responsible for the care and custody of all such property, including equipment, buildings, parks and all other City property which is not by law assigned to some other officer or body for care and control.
6. Purchasing and Claims. The City Administrator shall implement and enforce all provisions of the ordinances of the City relating to purchasing.
7. Council Meetings. The City Administrator shall attend meetings of the City Council and may take part in the discussion and recommend to the City Council adoption of such measures as the City Administrator may deem necessary or expedient.
8. Review Contracts. In Accordance with adopted City polices and procedures of the City, the Administrator shall review, where appropriate, make recommendations, and where within his or her authority, execute, proposed contracts of the City.
9. Propose Plans and Programs. The City Administrator shall propose plans and programs concerning the development, operation and needs of the City and submit such plans to the City Council to be approved and developed as policy.
10. Implement Policy. The City Administrator shall implement all policy changes and directives of the Mayor and the City Council through regularly scheduled staff meetings.
11. Management Controls. The City Administrator shall set performance standards and exercise managerial control to ensure that the City government is functioning in the most efficient and effective manner.
12. Organization. The City Administrator shall recommend the creation and organization of all necessary departments, divisions, bureaus and offices necessary for the government of the City to the City Council for its approval prior to implementation.
13. Records. The City Administrator shall examine the books, records, and official papers of the City's departments and offices.

14. Additional Duties. The City Administrator shall have such other powers and shall perform such other duties and obligations as may be required of him or her by State law or by ordinance, resolution, or policy of the City Council.
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CHAPTER 5

APPOINTED OFFICES

2.05.010	Appointed Offices
2.05.020	Appointment and Vacancies
2.05.030	Bond
2.05.040	Salaries
2.05.050	Transfer of Records
2.05.060	Conflicts of Interests
2.05.070	City Recorder
2.05.080	City Treasurer
2.05.090	City Chief of Police

2.05.010: APPOINTED OFFICES

The City Council may create any appointed office deemed necessary for the government of the City and shall prescribe the powers and duties to be performed by appointed officials, including, but not limited to, the City Administrator, the City Recorder, the City Treasurer, the City Attorney, the City Engineer, the City Police Chief, the City Justice Court Judge, and Department Heads.

2.05.020: APPOINTMENT AND VACANCIES

The Mayor, with the advice and consent of the City Council, may appoint and fill vacancies in all appointed offices provided for by law or ordinance. Unless sooner removed by the Mayor, with the advice and consent of the City Council, all appointed officers shall continue in office until their successors are appointed and qualified. Unless otherwise provided by law, appointed officers shall serve at the pleasure of the City Council and may be removed with or without cause by a majority vote of the City Council.

2.05.030: BOND

1. Required. Before commencing the duties of office, the City Recorder and City Treasurer shall execute a bond with good and sufficient sureties payable to the City or shall be included within public employee blanket bonds conditioned for the faithful performance of the duties of his or her office and the payment of all monies received by such officer according to the law and the ordinances of the City in the applicable amount set forth by the State Money Management Council.
2. Limitation on Treasurer's Bond. The City Treasurer's bond may not be set at an amount less than that established by the State Money Management Council pursuant to *Utah Code Ann.* _ 51-7-15, as amended.
3. Filed. All bonds shall be filed with the City Recorder, except the City Recorder's bond, which shall be filed with the City Treasurer.
4. Premium Charge. The premium charge by a corporate surety for any official bond shall be paid by the City.

5. Additional Bonds. The City Council may at any time require further and additional bonds of any or all appointed officers of the City by resolution or ordinance.

2.05.040: SALARIES

1. Salary. Appointed officers shall receive such compensation for their services as the City Council may fix or amend by ordinance in accordance with notice and hearing requirements set forth in *Utah Code Ann.* _ 10-3-818, as amended.
2. Monthly Compensation. Unless otherwise provided by ordinance, the compensation of municipal officers shall be paid at least monthly.

2.05.050: TRANSFER OF RECORDS

Every officer of the City, upon expiration of his or her term for any cause whatsoever, shall deliver to his or her successor all books and records which may be the property of the City immediately after notification and/or request to do so.

2.05.060: CONFLICTS OF INTERESTS

All appointed officers of the City shall disclose conflicts of interest and otherwise adhere to provisions of the Utah Officers' and Employees' Ethics Act, set forth at *Utah Code Ann.* 10-3-1301, *et seq.*, as amended, hereby adopted by reference as if fully set forth herein.

2.05.070: CITY RECORDER

1. Appointment. On or before the first Monday in February following a municipal election, the Mayor, with the advice and consent of the City Council, shall appoint a qualified person to the office of City Recorder.
2. Office. The City Recorder shall occupy an office in the City offices or at some other place convenient thereto as the City Council may direct.
3. Corporate Seal. The City Recorder shall keep the Corporate Seal. When certified by the City Recorder under the Corporate Seal, copies of all papers filed in the City Recorder's office and transcripts from all records of the City Council shall be admissible in all courts as originals.
4. Meetings of City Council. The City Recorder, or his or her designee, shall attend meetings and keep the record of the proceedings of the City Council.
5. Actions of City Council. The City Recorder shall record all ordinances, resolutions, and regulations passed by the City Council.
6. Contracts. The City Recorder shall countersign all contracts made on behalf of the City or to which the City is a party and shall maintain a properly indexed record of all such contracts.

7. Elections and Appointments. The City Recorder shall manage all municipal election procedures and requirements as provided in the *Utah Code Annotated*, as amended, and shall keep a record of all persons elected or appointed to any office within the City, including the date of appointment or election, term of office, date of death, resignation, or removal, and name of person appointed to fill any vacancy.
8. Records of the City. The City Recorder shall keep all of the books, records, accounts and documents of the City at the Recorder's Office. Such records shall be open for public inspection pursuant to the provisions of the Utah Government Records Access and Management Act.
9. Limitations. The City Recorder shall not serve as the City Treasurer.
10. Additional Duties. The City Recorder shall perform such other and further duties as the City Council may provide by ordinance, resolution, regulation or directive.

2.05.080: CITY TREASURER

1. Appointment. On or before the first Monday in February following a municipal election, the Mayor, with the advice and consent of the City Council, shall appoint a qualified person to the office of City Treasurer.
2. Custodian. The City Treasurer shall be the custodian of all money, bonds, or other securities belonging to the City.
3. Collections. The City Treasurer shall collect and receive all monies payable to the City, including taxes, assessments, licenses, fines, forfeitures, service charges, fees and other revenues of the City. The City Treasurer shall keep an accurate account of all monies received hereunder and shall promptly deposit all such monies in the appropriate bank accounts of the City.
4. Receipts. The City Treasurer shall give or cause to be given to every person paying money to the City Treasury, a receipt or other evidence of payment therefor, specifying the date of payment and the account paid. The City Treasurer shall file the duplicate of such receipt, a summary report, or other evidence of payment in the office of the City Recorder.
5. Checks. The City Treasurer, or other designated person, shall sign all checks prepared by the City Recorder and shall, prior to affixing said signature, determine or cause to be determined that sufficient funds are on deposit in the appropriate bank account of the City to honor such check.
6. Warrants. The City Treasurer shall pay all warrants in the order in which presented and as money becomes available for payment thereof in the appropriate funds of the City. The City Treasurer shall note upon the back of each warrant presented the date of presentation and the date of payment.
7. Special Assessments. All monies received by the City Treasurer on any special assessment shall be applied to the payment of the improvement for which the assessment was made.

8. Accounting. The City Treasurer shall keep an accurate and detailed accounting of all transactions, receipts, collections, disbursements and other matters within the Treasurer's charge as provided by State law or as the City may by ordinance or resolution direct.
9. Limitations. The City Treasurer shall not serve as the City Recorder.
10. Additional Duties. The City Treasurer shall perform such other and further duties as the City Council may provide by ordinance, resolution, regulation or directive.

2.05.090: CITY POLICE CHIEF

1. Appointment. The Mayor shall, with the advice and consent of the City Council, appoint a qualified person to the office of City Police Chief.
2. Supervised by Administrator. The Police Chief shall be under the direction, control and supervision of the City Administrator, as delegated from the Mayor, and shall exercise and perform such duties as may be prescribed by the City Council.
3. Duties. The Police Chief shall have the same authority and responsibilities as sheriffs and constables of Davis County, Utah, as provided by law, and shall:
 - a. suppress riots, disturbances, and breaches of the peace;
 - b. apprehend all persons violating State laws or City ordinances;
 - c. diligently discharge his or her duties and enforce all ordinances of the City to preserve the peace, good order, and protection of the rights and property of all persons; attend the municipal Justice Court of the City when required, provide security for such Court, and obey its orders and directions; and
 - d. perform such other and further duties as the City Council may provide by ordinance, resolution, regulation or directive.

CHAPTER 6

DEPARTMENT ORGANIZATION

2.06.010	City Finance Director
2.06.020	City Community and Economic Development Director
2.06.030	City Engineer
2.06.040	City Building Official
2.06.050	City Public Works Director
2.06.060	City Attorney
2.06.070	City Justice Court Judge
2.06.080	City Recreation Director
2.06.090	City Fire Chief

2.06.010: CITY FINANCE DIRECTOR

1. Position Created. The position of Finance Director is hereby created pursuant to Utah Code Annotated, Section 10-6-157, as amended (1953).
2. Accounts and Payment of Claims. The Finance Director shall maintain or cause to be maintained the general books for each fund of the City and all subsidiary and detailed records relating thereto, including a list of outstanding bonds, for what purpose, when and where payable, and the rate of interest they respectively bear, together with the amount of each outstanding. The Director shall keep accounts with all receiving and disbursing officers of the City, shall pre-audit all claims and demands against the City before they are allowed, and shall prepare checks in payment thereof to be drawn on the appropriate bank accounts of the City. The Director shall certify on the check or voucher copy of the check that he or she has pre-audited the claim, that it is true and correct, that it is within the lawful debt limit of the City, that it does not overexpend the appropriate departmental budget and that the claim has been approved by the City Council. The Director shall also state the date of approval.
3. Ex Officio Auditor. The Finance Director shall be the ex officio auditor of Syracuse City and shall perform the duties of such office without extra compensation.
4. Financial Statements. The Finance Director or other delegated person shall prepare and present to the City Council the following financial statements:
 - a. As of the end of each month a summary of cash receipts and disbursements by funds or appropriate groups of funds, showing in total, the beginning cash and invested balances, the receipts and disbursements separately for the period, and cash and invested balances in each fund or groups of funds at the end of the period.
 - b. As of the end of such period as the City Council may direct, but not less often than once each quarter, a statement of revenues and expenditures and comparison with the budget of the general fund.

- c. A statement of income and expense of each utility fund, reflecting operations to date in the current year and a comparison thereof with operating results for the same period during the preceding year.
 - d. As of the end of such periods as the City Council may require, a condensed statement of receipts and disbursements and comparison with the cash budget of each utility fund.
 - e. Such statements of operations in other special funds or reports on financial condition at such times as the City Council may require.
5. Annual Report. Within 180 days after the close of each fiscal period, the Finance Director or other delegated person shall prepare an annual financial report, in accordance with the Uniform Accounting Manual for Utah Cities. This report shall include a statement of revenues and expenditures and comparison with budgets for those funds for which budgets are required, statements of revenues and expenditures or of income and expense, as the case may be, of all other operating funds; a balance sheet of each fund and a combined balance sheet of all funds as of the close of the fiscal year, together with such other financial and statistical data as the City Council may require. The report shall also identify impact fee funds by the year in which they were received, the project from which they were collected, the capital projects for which the funds are budgeted, and the projected schedule for expenditure. The annual financial report may be conducted by an independent auditor on the results of operation for the year and financial condition at the close of the year, if the report is appropriately prepared and reviewed with the City Council. Copies of the annual report shall be filed as a public document in the office of the City Recorder.
6. Publication of Annual Statement of Financial Condition. The Finance Director shall prepare and publish, on or before the first Monday in October of each year, in some newspaper having general circulation in the City, a detailed statement of the financial condition of the City, and all the revenues and expenditures of the previous year.
7. Certification of Annual Property Tax Levy. The Finance Director shall certify the resolution making the annual tax levy to the County Auditor not later than the first Thursday in August of each year.
8. General Duties. The Finance Director shall perform such other duties as may be required by City ordinance or State law.

2.06.020: CITY COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR

1. Position Created. There is hereby created the position of Community and Economic Development Director. The Community and Economic Development Director shall also be the Zoning Administrator, who is the administrative officer charged with the enforcement of the Code provisions involving or related to land use planning, zoning, development, signs, and subdivisions. The Community and Economic Development Director may utilize City staff to assist in the performance of these duties and may delegate those duties within the Community and Economic Development Department.

2. Reviews and approvals. The Community and Economic Development Director shall be authorized to undertake reviews, recommendations, and approvals as described in Section 19.01.140 of this Code.
3. General Plan. The Community and Economic Development Director shall assist the Planning Commission in the development and implementation of the General Plan for the physical growth of the City, and shall prepare population and growth studies in support of the Plan.
4. Ordinance interpretation. For purposes of clarification, the Community and Economic Development Director is authorized to interpret the zoning ordinance, the zoning district map, the subdivision ordinance, and other ordinances regulating physical development in the City. Decisions regarding the interpretations or administration of the ordinances herein may be appealed to the Board of Adjustment, pursuant to Chapter 19.18 of this Code.
5. Administrative staff assistance and technical advice. The Community and Economic Development Director shall provide staff assistance to the Planning Commission and Board of Adjustment. Staff assistance shall include attendance at regularly scheduled meetings, and the preparation and publication of agendas. The Community and Economic Development Director shall act as technical advisor to the City Council, and other City commissions, boards, and departments as needed.

2.06.030: CITY ENGINEER

1. Appointment. The City Council may contract with, retain, or appoint an engineer licensed to practice engineering in the State of Utah to the office of City Engineer. Any person appointed or retained as City Engineer shall be a registered professional engineer under Title 58, Chapter 22 of the Utah Code Annotated, as amended.
2. Records. The City and/or the City Engineer shall maintain all maps, plans, plats, profiles, drawings, final estimates, specifications and contracts which in any way relate to the public improvements and engineering affairs of the City and the holder of such records shall ensure public accessibility to the same as required by law.
3. Recording. The City Engineer shall record and file all drawings and documents pertaining to public lands and improvements of the City, and shall maintain such records and files in good condition allowing no alteration, mutilation or changes to be made. The recording or filing of any drawing or instrument with the City shall not conflict in any way with the recording or filing of the same in other offices of record.
4. Fees. The City Engineer shall not record any drawings or instruments, file any papers or notices, furnish any copies, or render any service connected with his or her official duties, until the required fees for the same are paid or tendered.
5. Seal. The City Engineer shall have a seal for his or her use, which seal shall be affixed to every certification approval.

6. Additional Duties. The City Engineer shall perform such other and further duties as the City Council may provide by ordinance, resolution, regulation or directive.

2.06.040: CITY BUILDING OFFICIAL

1. Appointment. There is hereby created the position of Building Official who shall be appointed by the City Council. (1971)
2. Duties. It shall be the duty of the Building Inspector to see to the enforcement of all ordinance provisions relating to buildings or zoning, and to inspect all buildings or structures being erected or altered, as frequently as may be necessary to insure compliance with the City ordinances. The Building Inspector shall also act as plumbing inspector and electrical inspector and shall have all the powers and perform all the duties connected therewith. (1971)
3. Permits. The Building Inspector shall issue permits for the construction, alteration or repair of structures or parts thereof and for the repair or installation of plumbing and electrical facilities or fixtures within any structure; but no permit shall be issued unless the plans of and for the proposed construction, alteration, repair, installation or use, fully conform to all City regulations then in effect. (1971)
4. Stop Order. The Building Inspector shall have the power to order all work stopped on construction or alteration or repair of building in the City when such work is being done in violation of any provision of any ordinance relating thereto. Work shall not be resumed after the issuance of such an order except on the written permission of the Inspector; provided, that if the stop order is an oral one, it shall be followed by a written stop order within a hour. (1971)
5. Entry powers. The Building Inspector shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing or constructing any building or structures is going on, for the purpose of making inspections, at any reasonable hour. (1971)

2.06.050: CITY PUBLIC WORKS DIRECTOR

There is hereby created the position of Public Works Director who shall act as the Department Head of the Public Works Department. The Public Works Director shall have such powers and duties as designated and assigned to him or her by the City Council.

2.06.060: CITY ATTORNEY

1. Appointment. The City Council may contract with, retain, or appoint an attorney licensed to practice law in the State of Utah to the office of City Attorney to provide such legal assistance to the City as may be necessary. The City Attorney shall act as legal advisor to the City in all matters pertaining to contracts with or by the City or questions of legality arising out of any law, ordinance or otherwise, and shall advise all City officers in relation to their official duties.

2. Criminal Prosecutor. The City may make a separate contract with an attorney or attorneys for the performance of criminal prosecutorial legal services.

2.06.070: CITY JUSTICE COURT JUDGE

The office of City Justice Court Judge is hereby created, who shall act as the Justice Court Judge of the Syracuse City Justice Court. The Justice Court Judge shall be appointed and shall have such powers and duties as set forth in Title 4 of this Syracuse Municipal Code and as otherwise designated or assigned to him or her by the City Council.

2.06.080: RECREATION DIRECTOR

The Recreation Director plans, schedules, and develops various recreation activities and programs for the community.

2.06.090: FIRE CHIEF

Appointment. On or before the first Monday in February following a municipal mayoral election, there shall be appointed by the mayor, with the advice and consent of at least three members of the city council, a city fire chief who shall perform the duties required of him or her by law, and shall perform such other duties as the city council may require.

Duties. The duty of extinguishing fires and of protecting life and property within the city is entrusted to the chief of the fire department. He or she may make suitable regulations under which the officers and the members of the department shall be required to wear an appropriate uniform or badge by which, in case of fire and at other times, their authority and position in the fire department may be known. The chief shall have sole and entire command over all officers and members of the department at fires. He or she shall have full charge at all times of all apparatus and appurtenances belonging to the department, and he or she shall adopt such measures as deemed expedient for the extinguishment of fire, protection of property, observance of the laws of the state, and duties required of him or her by law and the ordinances of the city. It shall be the duty of the chief of the department to examine the condition of all buildings and to inspect engines, hoses, and hoods, and ladder equipment of the city fire department. It shall further be the duty of the fire chief to see that at all times the provisions of the ordinances relating to the protection and regulation of the property are strictly enforced, and to enforce all ordinances concerning the prevention and protection against fires.

CHAPTER 7

GOVERNMENT RECORDS

2.07.010	General
2.07.020	Retention Schedule
2.07.030	Records requests
2.07.040	Fees
2.07.050	Fee Waiver
2.07.060	Appeals

2.07.010: GENERAL

All government records of the City shall be maintained, classified and accessed in accordance with the Government Records Access and Management Act set forth at *Utah Code Ann.* §§ 63-2-101. *et seq.*, as amended.

2.07.020: RETENTION SCHEDULE

All government records of the City shall be retained in accordance with the Utah Municipal General Records Retention Schedule (1998), as updated, which is hereby adopted by reference as the Syracuse City Records Retention Schedule.

2.07.030: RECORDS REQUESTS

Any person requesting a record shall file a written Government Records Access and Management Request Form as provided by the City. Such requests shall be submitted and processed in accordance with the Government Records Access and Management Act.

2.07.040: FEES

The City may charge reasonable fees to cover the City's actual cost of providing a record. Fees for providing a record shall be adopted and may be amended as part of the City's Fee Schedule. When the City compiles a records in a form other than that normally maintained by the City in response to a records request, the actual costs for compiling the record may include those costs set forth in *Utah Code Ann.* § 63-2-203, as amended; provided, no charge may be made for the first quarter hour of staff time. The City may require payment of past fees and future estimated fees before beginning to process a request if: (1) fees are expected to exceed fifty dollars (\$50.00); or (2) the requester has not paid fees from previous requests. Any prepaid amount in excess of fees due shall be returned to the requester.

2.07.050: FEE WAIVER

In accordance with Section 63-2-203 of the Act, the City may fulfill a record request without charge when it determines that:

1. releasing the record primarily benefits the public rather than a person;

2. the individual requesting the record is the subject of the record, or an individual specified in Subsections 63-2-202(1) or (2) of the Act; or
3. the requester's legal rights are directly implicated by the information in the record and the requester is impecunious.

2.07.060: APPEALS

Any person aggrieved by the City's access determination made or fees imposed under this Chapter may appeal the determination, or fee assessed, within thirty (30) days to the Mayor in accordance with the provisions set forth in *Utah Code Ann.* § 63-2-401, as amended.

September 23, 2010

Dear Mayor and Council Members,

Police Chiefs in Davis County were asked by Troy Rawlings, our County Attorney, to enact a city ordinance outlawing spice. The sample ordinance is what he passed out. The Attorney General Mark Shurtliff suggested the state will pass a similar law, but it may not go into effect until the middle of 2011. I have also attached Ogden City's Ordinance which is a little more detailed. The sooner we pass this the quicker it will get spice off the streets.

Some of you asked if it is being sold in Syracuse. No one is selling it at a store, but Chevron on Antelope and Main in Clearfield is selling it.

Chief Brian N. Wallace

ORDINANCE NO.

AN ORDINANCE OF OGDEN CITY, UTAH, AMENDING THE OGDEN MUNICIPAL CODE BY CREATING SUBSECTION 11-8-3 PERTAINING TO THE PURCHASE, POSSESSION, SALE AND OFFERING FOR SALE OF CERTAIN INTOXICATING CHEMICAL COMPOUNDS DESCRIBED HEREUNDER AND BY PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE.

WHEREAS, the City of Ogden has a duty to preserve the health, safety and welfare of its inhabitants; and

WHEREAS, the Ogden City Council finds and determines that the chemical compounds described hereunder are intoxicating and/or hallucinogenic to humans upon ingestion and are often used as alternatives to marijuana; that these chemical compounds are potentially dangerous to users; and that their long term health effects are unknown; thus, the use of these intoxicating chemical compounds create a significant health and safety risk to the citizens of Ogden City; and

WHEREAS, certain businesses within Ogden City limits are currently selling some of the intoxicating chemical compounds described hereunder as incense or aromatics, but which are typically used for human ingestion; such substances sold at local convenience stores as Spice, Black Mamba, K-2, Puff, Sugar Sticks and other brand names, are gaining in popularity at an alarming rate among high school and college age individuals, as well as among probationers and parolees;

WHEREAS, while having similar or stronger physiological effects as high potency marijuana, these intoxicating chemical compounds do not show a positive reading in traditional law enforcement drug testing, which adds to the desirability and increased use among drug abusers and increases the threat to public health and safety by avoiding detection, and

WHEREAS, the intoxicating chemical compounds described hereunder are not yet categorized as controlled substances under State or Federal law; and

WHEREAS, in the interest of the health, safety and welfare of its citizens, Ogden City deems it appropriate and necessary to prohibit the possession, use, sale, manufacture or distribution of the intoxicating chemical compounds described hereunder.

NOW THEREFORE, the council of Ogden City hereby ordains:

SECTION 1. Section adopted. Section 11-8-3 of the Ogden Municipal Code is hereby adopted to read and provide as follows:

11-8-3 [UNLAWFUL INTOXICATING CHEMICAL COMPOUNDS]

A. It shall be unlawful for any person, including a corporation or other entity, to manufacture, distribute, use, possess, purchase, attempt to purchase, sell, publicly display for sale, attempt to sell, give, trade or barter any one or more of the following chemical compounds and/or substances or their salts, isomers, homologues, and salts of their isomers and homologues:

1. Salvia divinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts.
2. (6aR, 10aR)-9-(hydroxymethyl)-6, 6dimethyl-3(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol, some trade or other name: HU-210.
3. Naphthalen-1-yl-(1-pentylindol-3-yl)methanone (also known as 1 Pentyl-3-(1-naphthoyl) indole, some trade or other name: JWH-018.
4. Naphthalen-1-yl-(1-butylindol-3-yl)methanone (also known as 1-Butyl-3-(1-naphthoyl) indole, some trade or other name: JWH-073.
5. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, some trade or other name: CP 47,497 and its C6, C7, C8, and C9 homologues.
6. 1-(3-[triflouromethylphenyl]) piperazine, some trade or other name: TFMPP.
7. (R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone, some trade or other name: WIN 55,2-212.
8. 2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]-5-(2-methyloctan-2-yl)phenol, some trade or other name: CP 55,940.
9. 6,6,9-trimethyl-3-(3-methyloctan-2-yl)-7,8,9,10-tetrahydrobenzo [c]chromen-1-ol, some trade or other name: Dimethylheptylpyran 1, 2-dimethylheptyl- Δ^3 THC, or DMHP, or A-40824, or EA-1476.
10. [(6S,6aR,9R,10aR)- 9-hydroxy- 6-methyl- 3-[(2R)-5-phenylpentan- 2-yl]oxy- 5,6,6a,7,8,9,10,10a-octahydrophenanthridin- 1-yl] acetate, some trade or other name: Levonantradol, or CP 50,556-1.

11. -1-(4-methylphenyl)-2-methylaminopropan-1-one, some trade or other name: Mephedrone, 4-methylmethcathinone, 4-MMC or 4-methylephedrone.

12. Or any similar structural analogs.

B. It is not an offense under subsection A of this section if the person was acting at the direction of an authorized agent of the City of Ogden to enforce or ensure compliance with this law prohibiting the sale of the aforementioned intoxicating chemical compound.

C. If any of the aforementioned intoxicating chemical compounds are found in the possession of any person, they may be confiscated and destroyed by law enforcement officials.

D. This section does not apply to any person who commits any act described in this section pursuant to the lawful direction or prescription of a licensed physician or dentist authorized to direct or prescribe such act. This section likewise does not apply to the inhalation of anesthesia for a medical purpose or dental purpose.

E. Any person found to be in violation of this section will be guilty of a Class B misdemeanor and/or subject to a term of imprisonment not to exceed six months and a fine not to exceed \$1,000.00 and/or both. Each day during which violation of subsection A occurs shall constitute a separate offense.

F. The City of Ogden shall have the authority to seek an injunction to compel compliance of any business which fails or refuses comply with this Section.

G. If any provision of this Ordinance is held invalid, such invalidity shall not affect the remaining provisions of this Ordinance which shall remain effective absent the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 2. Effective date. This ordinance shall be effective immediately upon posting after final passage.

PASSED, ADOPTED AND ORDERED POSTED by the Council of Ogden City, Utah this ____ day of _____, 2010.

CHAIR

ATTEST:

CITY RECORDER

TRANSMITTED TO THE MAYOR ON: _____

MAYOR'S ACTION: Approved Vetoed

MAYOR

ATTEST:

CITY RECORDER

PUBLICATION DATE: _____

EFFECTIVE DATE: _____

APPROVED AS TO FORM: _____
 Legal Date