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**TITLE 2. ADMINISTRATION**

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**Chapter 1. General**

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**2-1-1 Legislation.** Except as otherwise specifically provided, the City Council shall exercise its legislative powers through ordinances.

*History: 9/84*

**2-1-2 Ordinances - Enacting Clause.** The enacting clause of all ordinances of the City shall be in the following form: "Be it ordained by the City Council of Clinton City." No enacting clause shall be used in any section of any ordinance except the first section.

*Cross-reference: UCA §10-3-704*

*History: 9/84*

**2-1-3 Ordinances - Numbering.**

(1) The Recorder shall, insofar as possible, assign all ordinances of a general nature adopted after these revised ordinances a number. The first number of such an ordinance shall be the last two (2) digits of

the year the ordinance is adopted, followed by a dash which is followed by a number which shall be a sequential, ascending number indicating the order in which such ordinance was adopted during the year.

(2) All ordinances of a local, private or temporary nature, including franchises, grants, dedications, bond issues and tax levies may be maintained in a separate book of "Special Ordinances," properly indexed and organized according to date adopted. These ordinances shall be numbered in the manner indicated in the preceding paragraph.

(3) Failure to comply with this section shall not affect or render invalid any ordinance of this municipality.

*Cross-reference: UCA §10-3-713*

*History: 8/36, 9/84*

**2-1-4 Purpose of Resolutions.** Unless otherwise required by law, the City Council may exercise all administrative powers by resolution including, but not limited to:

- (1) Establishing water and sewer rates;
- (2) Charges for garbage collection and fees charged for municipal services;
- (3) Establishing the personnel policies and guidelines; and
- (4) Regulating the use and operation of municipal property. Punishment, fines or forfeitures may not be imposed by resolution.

*Cross-reference: UCA §10-3-717*

*History: 9/84*

**2-1-5 Form of Resolution.** Any resolution passed by the City Council shall be in a form and contain sections substantially similar to that prescribed for ordinances.

*Cross-reference: UCA §10-3-718*

*History: 9/84*

**2-1-6 Resolutions Need no Publication Effective Date.** Resolutions may become effective without publication or posting and may take effect on passage or at a later date as the City Council may determine, but resolutions may not become effective more than three (3) months from the date of passage.

*Cross-reference: UCA §10-3-719 History: 9/84*

**2-1-7 Bonds for Elected and Appointed City Officials:**

Bonding requirements for elected and appointed City Officials while working in their official capacities,

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whether for the City Municipality, City Boards or City Special Districts, shall be deemed covered and complete through the City's liability insurance coverage which includes crime/theft insurance. Some common names for such bonds are: fidelity bonds; surety bonds; treasurer's bonds and performance bonds. The purpose of these bonds is to ensure the safety of public funds in case of theft or other crimes

by City Officials. In lieu of the bonds, the crime/theft insurance coverage provides a greater amount of coverage and is universally applied to all Elected and Appointed Officials and employees at the start of their term of service/employment with the City."

*History: 11/18 – Ord. 18-03*

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## Chapter 2. Municipal Government

- 2-2-1 Six-Member Council Form
- 2-2-2 Functions of the Council
- 2-2-3 Council Members - Qualifications - Terms of Office
- 2-2-4 Eligibility and Qualifications
- 2-2-5 Vacancy in Office of Mayor or Council Member

### 2-2-1 Six-Member Council Form.

(1) The Clinton City form of government shall be known as the six-member Council form, vesting the government of the municipality in the City Council which shall be deemed the governing body of the municipality. The City Council composed of six (6) members, one of whom shall be the Mayor and the remaining five (5) shall be Council members.

(2) The position of City Manager shall continue as outlined prior to the 2008 Utah Code changes on City Councils. City Manager duties, powers and authority are provided in Chapter 6 of this title.

*Cross-reference: UCA §10-3b-301 & 10-3b-104(2)*

*History: 9/84, 12/09 – Ord. 09-21*

**2-2-2 Functions of the Council.** The City Council shall pass ordinances, appropriate funds, review municipal administration, and perform all duties that may be required of it by law.

*Cross-reference: UCA §10-3b-303*

*History: 9/84, 12/09 – Ord. 09-21*

**2-2-3 Council Members - Qualifications - Terms of Office.** Council members shall be residents of the City and serve terms of office of four (4) years each, or until a successor is qualified. Council members shall have no other compensated employment with the municipality.

*Cross-reference: UCA §10-3-31*

*History: 9/84*

### 2-2-4 Eligibility and Qualifications.

(1) All elective officers of the City shall be chosen by the registered voters, unless appointed under §2-2-5.

(2) Any person filling an elected City office must be a qualified voter as outlined in UCA§20A-9-201(1).

(3) If any official filling an elected office shall at any time during his or her term of office live outside the

boundaries of the City for a continuous period of more than 60 days or establish residence outside the City during his or her term of office, the office shall there by become automatically vacant.

*Cross-reference: UCA § 10-3-301*

*History: 8/36, 9/84, 12/09, 10/16 – Ord. 16-02*

### 2-2-5 Vacancy in Office of Mayor or Council Member.

(1) If any vacancy occurs in the office of Mayor or Council member of the City, the Council shall appoint a qualified voter in the municipality to fill the unexpired term of office vacated. Before acting to fill the vacancy, the municipal legislative body shall:

(a) Give public notice of the vacancy at least two weeks before the City Council meets to fill the vacancy;

(b) Identify in the notice the date, time, and place of the meeting where the vacancy will be filled;

(c) Identify the person to whom an interested person may submit their application;

(d) The deadline for application submittal; and,

(e) In an open meeting, interview each person whose name was submitted for consideration and meets the qualifications for office regarding the person's qualifications.

(2) If, for any reason, the City Council does not fill the vacancy within 30 days after the vacancy occurs, the City Council shall fill the vacancy from among the names that have been submitted.

(a) The two persons having the highest number of votes of the City Council after a first vote is taken shall appear before the City Council and the City Council shall vote again.

(b) If neither candidate receives a majority vote of the City Council at that time, the vacancy shall be filled by lot in the presence of the City Council.

(3) A vacancy in the office of Mayor or member of the City Council shall be filled by an interim appointment, followed by an election to fill a two-year term, if:

(a) The vacancy occurs, or a letter of resignation is received, by the Mayor at least 14 days before the deadline for filing for election in an odd-numbered year; and

(b) Two years of the vacated term will remain after the first Monday of January following the next municipal election.

(4) In appointing an interim replacement, fulfilling the requirements of § (3) above, the City Council shall:

(a) Comply with the notice requirements of this section; and

(b) In an open meeting, interview each person whose name was submitted for consideration and meets the qualifications for office regarding the person's qualifications.

(5) A member of the Council applying for a Mayoral vacancy may not participate in any part of the process to fill the vacancy.

(6) In a closed meeting, the City Council may not:

(a) Interview a person applying to fill an elected position;

(b) Discuss filling a midterm vacancy or temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office; or,

(c) Discuss the character, professional competence, or physical or mental health of the person whose name was submitted for consideration to fill a midterm vacancy or temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office.

*Cross-reference: UCA § 10-3b-105 & 10-3b-302 & 20A-1-510*

*History: 8/36, 9/84, 12/09, 4/12, 10/16 - Ord 16-02*

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**Chapter 3. Mayor**

- 2-3-1 Mayor as Presiding Officer - Mayor Pro Tempore
- 2-3-2 No Vote Exceptions
- 2-3-3 No Veto
- 2-3-4 Duties and Powers of Mayor
- 2-3-5 Change of Duties

**2-3-1 Mayor as Presiding Officer - Mayor Pro Tempore.**

(1) The Mayor shall be the chairman and preside at the meetings of the City Council. In the absence of the Mayor or because of his inability or refusal to act, the governing body may elect a member of the governing body to preside over the meeting as Mayor pro tempore, who shall have all of the powers and duties of the Mayor during his absence or disability. The election of a Mayor pro tempore shall be entered in the minutes of the meeting.

(2) The Mayor shall be chief ceremonial officer of the municipality and shall represent the municipality in all of its external relationships.

*Cross-reference: UCA § 10-3b-302*

*History: 8/36, 9/84, 12/09*

**2-3-2 No Vote Exceptions.** The Mayor shall not vote, except:

- (1) In case of a tie vote of the Council;
- (2) Appointment or dismissal of City Manager; and
- (3) On any ordinance that enlarges or restricts the Mayor's powers, duties, or functions.

*Cross-reference: UCA § 10-3b-302*

*History: 9/84, 12/09*

**2-3-3 No Veto.** The Mayor shall have no power to veto any act of the governing body unless otherwise specifically authorized by ordinance or state statute.

*Cross-reference: UCA § 10-3b-302*

*History: 9/84, 12/09*

**2-3-4 Duties and Powers of Mayor.** The Mayor shall:

- (1) Have ultimate responsibility to keep the peace and enforce the laws of the City or town;
- (2) Have authority to commute any sentences for violation of any municipal order;
- (3) Have responsibilities for Justice Court Judge vacancies as outlined in Title 2, Chapter 9 and UCA§78A-7-202 through 203 et. Seq.
- (4) Perform all duties prescribed by law, resolution or ordinance;
- (5) Ensure that all laws, ordinances and resolutions are faithfully executed and observed;
- (6) At any reasonable time examine and inspect the books, papers, records or documents of the City or any officer, employee or agent of the City;
- (7) Report to the City Council the condition of the City and recommend for Council consideration any measures as deemed to be in the best interests of the City;
- (8) When necessary, call on the residents of the City or town over the age of 21 to assist in enforcing the laws of the state and ordinances of the City; and
- (9) Appoint, with the advice and consent of the Council, members to fill vacancies on commissions or committees of the City.

*Cross-reference: UCA §10-3b-104*

*History: 8/36, 9/84, 12/09, 10/10, 10/16 - Ord 16-02*

**2-3-5 Change of Duties.** The Mayor may, with the concurrence of the majority of the City Council, change the assignment of any member of the governing body who is serving on any commissions, boards, or committees.

*History: 8/36, 9/84*

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**Chapter 4. Meetings - Voting**

- 2-4-1 Meetings Generally
- 2-4-2 Special Meetings
- 2-4-3 Quorum
- 2-4-4 Adoption of Procedural Rules; Expulsion of Member
- 2-4-5 Attendance
- 2-4-6 How the Vote is Taken
- 2-4-7 Minimum Vote Required
- 2-4-8 Reconsideration

**2-4-1 Meetings Generally.** The City Council shall by resolution prescribe the frequency, time and place of the meetings of the City Council; however, at least one (1) meeting shall be held each month. In the absence of other provisions prescribed by resolution, if a meeting day falls on a legal holiday, the regular meeting shall be held on the next business day following. Adjourned meetings shall be held from time to time as circumstances may require.

*Cross-reference: UCA §10-3b-105*

*History: 10/37, 9/84, 12/09*

**2-4-2 Special Meetings.**

(1) If at any time the business of the City requires a special meeting of the City Council, such meeting may be ordered by the Mayor or any two (2) members of the Council. The order shall be entered in the minutes of the City Council. The order shall provide at least three (3) hours notice of the special meeting and notice thereof shall be served by the recorder or clerk upon each member who did not sign the order by delivering the notice personally or by leaving it at the member's usual place of abode. The personal appearance by a member of the Council at any specially called meeting constitutes a waiver of the notice required in this section.

(2) No business shall be transacted in any special meeting except that stated in the call thereof, unless all Council members are present and unanimously consent thereto.

*Cross-reference: UCA §10-3-502*

*History: 10/37, 9/84, 12/09 – Ord. 09-21;*

**2-4-3 Quorum.** The number of members of the City Council necessary to constitute a quorum is three (3) or more, excluding the Mayor. No action of the City Council shall be official or of effect except when a quorum of the members is present. Fewer than a quorum may adjourn from a meeting if less than a quorum occurs during that meeting. If less than a quorum occurs due to vacancies, the remaining

City Council members may meet, after proper notice is given, to fill those vacancies.

*Cross-reference: UCA §10-3-504*

*History: 10/37, 9/84, 12/09*

**2-4-4 Adoption of Procedural Rules:** The City Council shall, from time to time, make such rules for the government of its proceeding as it may deem necessary and proper and make such rules available at each official meeting as well as on the City's website.

*Cross-reference: UCA §10-3-606*

*History: 9/84, 12/09, 10/16 - Ord 16-02*

**2-4-5 Attendance.** The City Council shall have the power to compel the attendance of its own members and provide such penalties as it deems necessary for the failure to comply therewith. A meeting with less than a quorum of members may properly meet from time to time and are hereby empowered to compel the attendance of absent members without proper absence excuses and may, when necessary, direct the chief of police to bring in such member or members under arrest. Should any member of the Council, when notified by the chief of police or other proper officer, that his presence is necessary to form a quorum (unless he shall present an excuse satisfactory to the Council at its next regular meeting), or should any member leave the Council when in session without the consent of the Council, when such leaving would break the quorum, shall be fined in any sum not exceeding \$50.00.

*Cross-reference: UCA §10-3-505*

*History: 9/84, 12/09, 10/16 - Ord 16-02*

**2-4-6 How the Vote is Taken.** A roll call shall be taken and recorded for all ordinances, resolutions, and any action which would create a liability against municipality and any other case at the request of any member of the City Council by a "yes" or a "no" vote and shall be recorded. Every resolution or ordinance shall be in writing before the vote is taken.

*Cross-reference: UCA §10-3-506*

*History: 9/84*

**2-4-7 Minimum Vote Required.**

(1) The minimum number of yes votes required to pass any ordinance, resolution or to take any action by the Council, unless otherwise prescribed by law, shall be a majority of the members of the quorum, but shall not be less than three (3).

(2) Any ordinance, resolution or motion of the City Council having fewer favorable votes than required herein shall be deemed defeated and invalid, except a meeting may be adjourned to a specific time by a majority vote of the governing body even though such majority vote is less than that required herein.

(3) A majority of the members of the City Council, regardless of number, may fill any vacancy in the governing body, as prescribed by law.

*Cross-reference: UCA §10-3-507 & 20A-1-510*

*History: 9/84, 10/16 - Ord 16-02*

**2-4-8 Reconsideration.**

(1) Any request for reconsideration of the vote of an approved Council agenda item must be made by at least one of the City Council members who voted in the majority of the action taken. Such request may be made at the same meeting as the vote, or made to the Mayor in writing prior to the subsequent meeting in time for its inclusion in the agenda.

(2) 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.

(3) If the request for reconsideration is voted upon and approved by a majority vote of the City Council, the effect will be as if the original vote was never taken. The item can then be handled in any proper manner desired by the majority vote of the City Council.

*Cross-reference: UCA §10-3-508*

*History: 9/84, 12/09, 10/13, 10/16 - Ord 16-02*

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### Chapter 5. Public Meetings, Executive Sessions, Records and Publication Procedure

- 2-5-1 Business of the Governing Body Conducted Only in Open Meeting
- 2-5-2 Public Records
- 2-5-3 Penalty for Disorderly Conduct in Public Meetings
- 2-5-4 Authority to Issue Administrative Subpoenas
- 2-5-5 Authorization, Contents, and Manner of Service
- 2-5-6 Electronic Meetings

**2-5-1 Business of the Governing Body Conducted Only in Open Meeting.** All meetings of the governing body of the City shall be held in compliance with the provisions of Chapter 4 of Title 52 of the Utah Code Annotated, relating to open and public meetings.

*Cross-reference: UCA §10-3-601*

*History: 9/84*

**2-5-2 Public Records.** The City Council shall keep a journal of its proceedings. The books, records, accounts and documents of the City shall be kept at the office of the Recorder and approved copies shall be open and available to the public during regular business hours for examination and copying. The Council may by resolution establish reasonable charges for providing copies of its public records to individuals, except when by law the municipality must provide the records without cost to the public.

*Cross-reference: UCA §10-3-603*

*History: 9/84*

**2-5-3 Penalty for Disorderly Conduct in Public Meetings.**

(1) The City Council may fine or expel any member for disorderly conduct on a two-thirds (2/3) vote of the members of the governing body.

(2) The City Council on a two-thirds (2/3) vote may expel any person who is disorderly during the meeting of the City Council. This section or any action taken by the City Council pursuant hereto shall not preclude prosecution under any other provision of law.

*Cross-reference: UCA §10-3-607 & 10-3-608*

*History: 9/84, 10/16 - Ord 16-02*

**2-5-4 Authority to Issue Administrative Subpoenas.** Pursuant to authority granted by Section 10-3-610, Utah Code, as amended, or its successor, the City Council may issue administrative subpoenas to compel the attendance, before the City Council, of witnesses and the production of books, records, and other

papers and documents and may cause to be examined under oath any person whose testimony is necessary or useful for the good governance of the City. Failure by any person, without adequate excuse, to obey an authorized subpoena served upon him shall be unlawful and punishable as a Class "C" misdemeanor.

*Cross-reference: UCA §10-3-610*

*History: 9/84, 3/06*

**2-5-5 Authorization, Contents, and Manner of Service.**

(1) The City Council shall authorize by majority vote the serving of an administrative subpoena requiring the attendance of any person to give testimony or produce records, documents or things for inspection, copying, or examination, which would come before the City Council.

(2) Every administrative subpoena shall:

(a) Be drafted by the City attorney;

(b) Issue in the name of the City and shall state on its face that it is an administrative subpoena;

(c) Set forth the possible penalties for failure to respond;

(d) Command each person to whom it is directed to attend and give testimony at a time and place therein specified which date and time shall not be less than fourteen (14) days from the date of service of the administrative subpoena; and,

(e) Be signed by the Mayor.

(3) An administrative subpoena may also command the person to whom it is directed to produce the books, papers, documents or tangible things designated therein.

(4) An administrative subpoena may be served by any peace officer or constable, or by any other person 18 years of age or older at the time of service. Service of an administrative subpoena upon a person named therein shall be made by delivering a copy thereof to such person.

(5) A certificate with a statement as to the date, place and manner of service shall be filed with the City Manager's office by the person serving the subpoena within seven (7) days of the date of service; however, failure to file this proof of service shall not affect the validity of the service.

*History: 03/06, 12/09*

**2-5-6 Electronic Meetings.**

(1) In situations involving emergencies, loss of meeting facilities, other unforeseen circumstances or to facilitate the participation of an absent Mayor or City Council member(s), the City Council may meet electronically to

conduct necessary business. In order to facilitate an electronic meeting, a minimum of three (3) members of the City Council (one of whom may be the Mayor) must be physically present at the anchor location where the meeting is held.

(2) The City Council intends that the Clinton City Council chambers, located at 2267 N. 1500 W. be the anchor location for all Council meetings. If an alternative location is to be used, if multiple locations are to be used, or if the public's viewing thereof and participation therein are to be from a remote location, notice of those locations will be given as early as is practical.

(3) Notice of any electronic meeting will be as provided for in State law (UCA 52-4-207). In addition, notice of the meeting will be posted at the anchor location, with the notice also going to a newspaper of general circulation and City website. Notice of the electronic meeting will be provided to the members of the City Council at least twenty-four (24) hours before the meeting, if possible, to facilitate their participation. The notice will also contain a description on how the member or members of the City Council will be connected to the electronic meeting.

(4) To the extent possible, electronic meetings will be conducted in the same manner as regular meetings. To ensure full participation by all members, additional procedures and guidelines will be employed.

(a) If the meeting is connected telephonically, then a speaker phone will be connected in such a manner that comments made by the member or members participating by telephone will be broadcast through the public address system at the anchor location. To ensure full participation each member present, and those participating electronically, will be given a specific opportunity to make inquiries and participate in the discussion. Votes taken in these circumstances shall be by roll call method, with each member audibly verbalizing their vote. Members not at the anchor location shall be required to identify themselves with every vote provided electronically.

(b) If a member or members are participating by email or instant messaging, the email or instant messaging shall either be projected upon a screen with a person assigned to read aloud, into the public address system, comments made, or if no projection system exists, then a person will be assigned to read said messages into the public address system. The person to do the reading will be assigned by the respective member(s) participating electronically.

*Cross-reference: UCA § 52-4-207*

*History: 01/14, 10/16 - Ord 16-02*

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**Chapter 6. Office of City Manager**

2-6-1	Office of City Manager Created
2-6-2	Appointment and Employment
2-6-3	Term of Office
2-6-4	General Duties
2-6-5	Supervision Over Employees
2-6-6	Relationship to Officers and Departments
2-6-7	Contracts
2-6-8	Purchases
2-6-9	Budget Officer
2-6-10	Accounts
2-6-11	Inventories - Property
2-6-12	Reports and Publications
2-6-13	Elections
2-6-14	Collector and Comptroller
2-6-15	Maps - Plats
2-6-16	Offices
2-6-17	Absence from City
2-6-18	Qualifications
2-6-19	Personnel
2-6-20	Legislative Powers and Official Position

**2-6-1 Office of City Manager Created.** The office of City Manager is hereby created as provided in Utah Code Annotated § 10-3b-105(2) and 10-3b-303(1)(B)(iii)(A)

*History: 5/75, 9/84, 12/09*

**2-6-2 Appointment and Employment.** The appointment of the Manager shall be made by a majority vote of the Mayor and City Council. The City Council shall direct the Mayor to negotiate a formal employment agreement with the appointee, and may set special terms and conditions on such negotiations. Once a formal employment agreement has been negotiated with the appointee, the Mayor shall present the agreement to the City Council for its approval. Upon the City Council's approval, the Mayor shall sign the agreement on behalf of the City.

*Ord. 16-02, 10/16*

**2-6-3 Term of Office.** The Manager shall serve at the pleasure of the Mayor and City Council except that the Manager may be appointed for a term not to exceed three (3) years. The employment agreement may be renewed by the Council at any time. Any person serving as Manager of the City under this section may be removed with or without cause by a majority vote of the Mayor and City Council.

Cross-reference: UCA §10-3b-303(1)(B)(iii)(A) & 10-3b-105(2)

*History: 5/75, 9/84, 12/09, 10/16 - Ord 16-02*

**2-6-4 General Duties.** The Manager shall:

(1) Have and exercise all powers and duties assigned to him by the City Council.

(2) Be charged with the enforcement of all laws and ordinances within the municipality insofar as their enforcement is within the powers of the City.

(3) Attend all meetings of the City Council, keep the Council informed as to the affairs of the City, and recommend to the Council such action as may be necessary or expedient for the welfare of the City.

(4) Have and exercise general control and supervision over all activities of the City, including but not limited to all properties and equipment, water courses, roadways, easements, public buildings, and all other such items belonging to, controlled by or under the jurisdiction of the City.

*Cross-reference: UCA §10-3b-303 & 10-3b-104(2)*

*History: 5/75, 9/84, 12/09, 10/16 - Ord 16-02*

**2-6-5 Supervision Over Employees.** The City Manager shall have and exercise all powers which are now or may hereafter be conferred by law upon the City in respect to the employment and removal of employees and shall hire and discharge such employees and shall have and exercise general supervision over all of the employees of the City.

*History: 5/75, 9/84*

**2-6-6 Relationship to Officers and Departments.**

(1) The Manager shall have authority to fill all appointed offices of the City and to remove persons occupying said offices, except department heads, which require approval of the Council.

(2) Every administrative department of the City shall be under the supervision and control of the City Manager, who shall have the power to appoint or remove any officer in said departments in accordance with the procedure set forth in this section.

*History: 5/75, 9/84*

**2-6-7 Contracts.** The City Manager shall examine all proposed contracts to which the City may be a party, and shall, with the Recorder, sign on behalf of the City excepting where the City Council directs that some other officer or officers shall do so. It shall be the duty of the City Manager to see to it that all terms of any contract to which the City is a party are fully performed by all parties thereof.

**2-6-8 Purchases.** The City Manager shall be the general purchasing agent of the City, and except where specific provision to the contrary is made by law or by the Council, he shall make all purchases of supplies, materials, and equipment authorized by the Council and in the manner prescribed by and subject to the limitations

imposed by law and the City Council. No expense shall be incurred for a purpose requiring a prior appropriation unless the amount of such purchase is covered by an unexpended appropriation for the purpose.

*Cross-reference: Clinton City Code Title 21*

*History: 5/75, 9/84*

**2-6-9 Budget Officer.** The City Manager is hereby designated the budget officer for the City and shall perform or cause to be performed all of the duties of such office as set forth in the Uniform Municipal Fiscal Procedures Act, together with such other duties as the Council may from time to time, by resolution, designate.

*Cross-reference: UCA§10-6*

*History: 5/75, 9/84*

**2-6-10 Accounts.** It shall be the duty of the City Manager to keep current accounts showing at all times the fiscal condition of the City, including the current and anticipated expenses, appropriations, cash on hand, and anticipated revenues of all municipal funds and accounts, and see to the collection of all money due the municipality.

*History: 5/75, 9/84*

**2-6-11 Inventories - Property.** The City Manager shall keep a current inventory showing all real and personal property of the City and its location and shall be responsible for the care and custody of all such property, including equipment, buildings, parks, and all other City property, which are not by law assigned to some other officer or body for care and control.

*History: 5/75, 9/84*

**2-6-12 Reports and Publications.** The City Manager shall publish, or cause to be published, all notices, ordinances or other documents required by law to be published and to prepare or cause to be prepared all reports which the City or any of the officials thereof are required to prepare.

*History: 5/75, 9/84*

**2-6-13 Elections.** The City Manager shall cause to be prepared all notices, ballots, and election supplies necessary in connection with municipal elections.

*History: 5/75, 9/84*

**2-6-14 Collector and Comptroller.** The City Manager shall be ex-officio City collector and City comptroller, unless such offices, or either of them, are duly filled by appointment; and he shall perform the duties of each such office in the absence of such appointment to either of them.

*History: 5/75, 9/84*

**2-6-15 Maps - Plats.** Unless otherwise provided by ordinance, the City Manager shall cause to be kept a complete set of maps and plats showing the location of all City utilities, other municipal properties, all streets, other public places, and all lots or parcels of land subdivided according to law.

*History: 5/75, 9/84*

**2-6-16 Offices.** The City Manager shall maintain an office in the City hall and shall spend such time in the performance of his duties as may be required from time to time by resolution of the Council.

*History: 5/75, 9/84*

**2-6-17 Absence from City.** In the event that the City Manager shall be absent from the City or incapacitated from performing the duties of his position, an officer or other person designated by the Mayor may be authorized to act as Manager during such absence or incapacity, provided, however, that if such absence or incapacity shall extend for a period of ten (10) or more consecutive days, such designation shall be subject to the approval of the City Council.

*History: 9/84*

**2-6-18 Qualifications.** The powers, duties, and functions of the office of City Manager shall be carried out by the City Manager, who shall be a qualified person, who need not be an elector, appointed by the Mayor and City Council at a salary to be fixed by resolution of the said Council. Before taking office, the City Manager shall be included in the crime/theft insurance coverage with the City's insurance carrier".

*History: 9/84, 12/09, 11/18 – Ord. 18-03*

**2-6-19 Personnel.** Additional personnel may from time to time be employed within the office of City Manager by action of the City Council.

*History: 5/75, 9/84*

**2-6-20 Legislative Powers and Official Position.** The legislative and judicial powers of the Mayor, his position as chairman of the governing body, and any ex officio position the Mayor shall hold shall not be delegated to the manager.

*Cross-reference: UCA §10-3b-303 & 10-3b-104(2)*

*History: 9/84, 12/09*

**Chapter 7. City Officers Generally**

- 2-7-1 Requirement of Oath
- 2-7-2 Form of Oath of Office
- 2-7-3 Oath - Given - Filed
- 2-7-4 Acts of Officials Not Voided
- 2-7-5 Compensation of Officers and Employees
- 2-7-6 City Attorney
- 2-7-7 City Engineer
- 2-7-8 City Recorder
- 2-7-9 Recorder's Duties in Relation to Finance Generally
- 2-7-10 Recorder - Furnishing of Financial Statements
- 2-7-11 Quarterly Financial Reports
- 2-7-12 Paying Over Money to City Treasurer; Delivering Records, etc., to Successor in Office

**2-7-1 Requirement of Oath.** All elective and appointed officers of the City shall before assuming the duties of office, file with the City Recorder a constitutional oath of office.

*History: 9/84*

**2-7-2 Form of Oath of Office.** Before any officer of the City shall be entitled to assume the duties of his office, he shall take and subscribe to the following oath: "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this state; that I will discharge the duties of my office with fidelity."

*History: 9/84*

**2-7-3 Oath - Given - Filed.** The oath of office required in the previous section shall be administered by any judge, justice of the peace, notary public, or by the Recorder of the municipality. Elected officials shall take their oath of office at 12 o'clock noon on the first Monday in January following their election or as soon thereafter as is practicable. Appointed officers shall take their oath at any time before entering upon their duties. All oaths of office shall be filed with the Recorder.

*Cross-reference: UCA §10-3-828*

*History: 9/84*

**2-7-4 Acts of Officials Not Voided.** No official act by any municipal officer shall be invalid for the reason that he failed to take the oath of office.

*Cross-reference: UCA §10-3-829*

*History: 9/84*

**2-7-5 Compensation of Officers and Employees.**

The salary or compensation of all officers and employees shall be established from time to time by resolution of the City Council.

*Cross-reference: UCA §10-3-901*

*History: 9/84*

**2-7-6 City Attorney.** The Mayor, with the advice and consent of the City Council, may appoint a City Attorney. The City Attorney shall be a regularly licensed attorney and shall perform the duties required of him by the general laws and by the ordinances of the City and such other duties as Council may by ordinance or resolution require. The City Attorney may, with the consent and approval of the Council, appoint a deputy to advise the City officers in all legal matters or perform other duties ordinarily performed by the City Attorney.

*Cross-reference: UCA §10-3-928*

*History: 9/84*

**2-7-7 City Engineer.** The Mayor, with the advice and consent of the City Council, may appoint the City Engineer. The City Engineer shall perform the duties required of him by the general laws and by the ordinances of the City and such other duties as Council may by ordinance, minute order or resolution require. Instead of appointing a City Engineer, the Mayor may, upon the advice and consent of the City Council, employ an engineer as a regular City employee to perform such duties as may be prescribed.

*History: 9/84, 10/16 - Ord 16-02*

**2-7-8 City Recorder.** The City Recorder shall keep an office at the place of the meeting of the City Council or at such other place convenient thereto as the City Council may direct. The Recorder shall keep the corporate seal and all papers and records of the City, and shall attend and keep the record of the proceedings of the City Council. Copies of all papers filed in the Recorder's office, and transcripts from all records of the City Council, certified by the Recorder under the corporate seal, shall be evidence in all courts as if the original were produced. The Recorder shall cause a certified copy of all ordinances passed by the City Council to be posted in three (3) public places in the City within one (1) week after the passage of such ordinance by the City Council.

*History: 9/84, 10/16 - Ord 16-02*

**2-7-9 Recorder's Duties in Relation to Finance**

**Generally.** The City Recorder shall draw and countersign all orders upon the treasurer in pursuance of any order or resolution of the City Council, and keep a full and accurate account thereof in books provided for that purpose. The Recorder shall make to the City Council, from time to time upon the order of the Council, reports of the financial condition of the City; make and keep a list of outstanding bonds, to whom issued, for what purpose, when and where payable and the rate of interest they respectively bear, and recommend such action to the City Council as shall secure the payment of the principal and interest of such bonds; report annually on or before June 1 to the City Council an estimate of the expenses of the City and the revenue necessary to be raised for the current year; and as provided relating to City budget shall keep regular books of account in which shall enter all indebtedness of the City, and which shall at all times show the financial condition of the City, the amount of bonds, orders, certificates or other evidences of indebtedness which have been redeemed, and the amount of each outstanding; shall keep accounts with all receiving and disbursing officers of the City, showing the amount they have received from the different sources of revenue and the amount which they have disbursed under the direction of the City Manager as listed in the approved budget; shall examine reports, books, papers, vouchers and accounts of the City Treasurer; shall audit all claims and demands against the City; and shall keep a record of all claims presented and the action of the Council thereon; shall keep all

contracts, and financial transactions (records available for review under the GRAMA law guidelines), and shall perform such other duties as the City Council may provide by ordinance.

*History: 9/84, 10/16 - Ord 16-02*

**2-7-10 Recorder - Furnishing of Financial Statements.**

The City Recorder shall after the end of a fiscal year and as expediently as possible, have prepared an audit of the financial condition of the City for the previous fiscal year ending June 30; and on expiration of the appointed term of employment shall furnish to the subsequent City Recorder such statements and information as required by law.

*History: 9/84, 10/16 - Ord 16-02*

**2-7-11 Financial Reports.** The City Recorder shall regularly make reports to the City Council at its regular meetings as to the financial situation of City funds and accounts.

*History: 9/84, 10/16 - Ord 16-02*

**2-7-12 Paying Over Money to City Treasurer; Delivering Records, etc., to Successor in Office.**

The City Recorder shall pay into the City treasury all money belonging to and received by the City. When replaced, the Recorder shall deliver to a successor the corporate seal, together with all books, papers, records and other property in his possession belonging to the City.

*History: 9/84, 10/10, 10/16 - Ord 16-02*

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## Chapter 8. Planning Commission

- 2-8-1 Purpose and Intent
- 2-8-2 Planning Commission
- 2-8-3 Duties and Powers
- 2-8-4 Appeal Process

**2-8-1 Purpose and Intent.** The purpose and intent of this ordinance is to establish a City Planning Commission to represent the concerns of a diverse citizenry and the broad interests of the community as a whole, whose activities should be conducted with convenience and accessibility to the general public of the City of Clinton.

*History: 11/83*

### **2-8-2 Planning Commission.**

#### (1) Creation - Appointment.

(a) There is hereby created a Planning Commission for Clinton City, consisting of seven (7) total members whom are appointed by the Mayor with the advice and consent of the City Council.

(b) Members of the Commission shall be selected from the qualified electors of the City, based on a variety of backgrounds and locations within the City. Moreover, no more than two (2) members shall share the same professional background or area of expertise.

(2) Terms of Office. Terms of office of the seven (7) citizen members of the Commission shall be staggered at intervals to provide uniformity and continuity of policy. Such appointed citizen members shall serve for a period of three (3) years and at staggered intervals, but in any event, each member of the Planning Commission shall serve until the expiration of the term for which he is appointed and until a successor is appointed and qualified.

(3) Oath of Office. Members of the Planning Commission shall qualify by taking, subscribing, and filing with the City Recorder or authorized appointee an oath of office required by the state constitution.

(4) Removal and Vacancies. Members of the Planning Commission may be removed for cause by the Mayor, with the advice and consent of the City Council. "Cause" may include, but shall not be limited to: violations of the state's Public Officers and Employee Ethics Act, conflicts of interest, and failure to attend a minimum of 80% of meetings. Any vacancy occurring on the Commission by reason of death, resignation, or removal shall be filled by the Mayor with the advice and consent of the City Council for the unexpired term of such member.

(5) Compensation. Planning Commission members shall serve without compensation, except for reasonable expense per meeting attended.

(6) Staff Expenditure. The Planning Commission may request appointment of such employees and staff as it may deem necessary; however, any expenditures of the Commission shall be first approved by the City Manager as being within the amount budgeted by the City for such purposes for that year.

(7) Procedure. The Planning Commission shall, during its first meeting in January of each year, elect from its membership a chairman. The chairman shall serve for a term of one (1) year, and shall not succeed in said office. The Commission shall also elect other such officers as it may deem necessary and adopt and later change or alter rules and regulations of organization and procedure consistent with the City code and state laws.

(8) Quorum. Four (4) voting members of the Planning Commission shall constitute a quorum. Approval of requests presented to the Planning Commission can occur only by a majority of four (4) favorable votes of the quorum.

(9) Meetings. The Planning Commission shall meet at least once each month as designated by the Commission in their bylaws. Public hearings of the Planning Commission may be held at such meetings; however, all public hearings shall be held after the regular working hours of the City, upon proper notice to consider any matters within the scope of the Commission's duties as provided by the code or state statute. All meetings and public hearings of the Planning Commission shall be held in a public place designated by the Commission and shall be of sufficient size to insure public access to the operations of the Commission.

(10) Records of Proceedings. The Commission shall keep records of its proceedings, which shall be available to public inspection.

*History: 11/83, 9/84, 2/93, 1/97, 9/16*

### **2-8-3 Duties and Powers.**

(1) General Plan. It shall be the function and duty of the Planning Commission, after holding public hearings, to recommend to the City Council a General Plan for the physical development of Clinton, as required by the Municipal Land Use, Development, and Management Act, Utah Code Annotated, Chapter 10-9a, and to maintain such plan as needed to reflect current City conditions and needs.

(2) **Zoning.** It shall be the function and duty of the Planning Commission to recommend to the City Council a zoning plan, including text and map, representing the views of the Planning Commission for City zoning. This zoning plan recommendation shall be made in accordance with the General Plan. After adoption by the City Council, this zoning plan shall be the basis for zoning decisions within the City.

(3) **Reports.** The Planning Commission may make reports and recommendations relating to the planning and development of the City, to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens. The Planning Commission, its members and authorized City employees in the performance of its functions, may enter upon any land at reasonable times to make examination, survey, place and maintain necessary monuments and marks thereon. In general, the Planning Commission shall have such

powers as may be necessary to enable it to perform its functions and promote City planning and zoning.

(4) **Land Subdivision or Re-subdivision.** Following the adoption of an official plan in the manner prescribed in this code, no map or plat of any subdivision presented for record, affecting land within the corporate limits of the City shall be entitled to be recorded or shall be valid unless the subdivision thereon shall provide for streets, alleys, and public grounds in conformity with any requirements applicable thereto of such official plan and City ordinances.

*History: 11/83, 9/8, 10/16 - Ord 16-02*

**2-8-4 Appeal Process.** Any person aggrieved by any decision of the Planning Commission shall have the right to make appeals to the Board of Zoning Adjustments and/or to the City Council, as provided by the City code.

*History: 11/83, 10/16 - Ord 16-02*

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**Chapter 9. Clinton City Justice Court**

- 2-9-1 Creation of Office
- 2-9-2 Appointment
- 2-9-3 Term of Office
- 2-9-4 Compensation
- 2-9-5 Annual Training
- 2-9-6 Justice Court Staff and Facilities
- 2-9-7 Warrants

**2-9-1 Creation of Office.** There is hereby created the office of Justice Court Judge of the Clinton City Justice Court.

*History: 12/37, 9/84, 08/10*

**2-9-2 Appointment.**

(1) Justice Court Nominating Commission:

(a) In the event there is a vacancy in the office of Justice Court Judge of Clinton City Justice Court the Mayor shall select and Council ratify the selection of two individuals to serve on the Davis County Justice Court Nominating Commission. These individuals shall serve as local members of the Commission throughout the selection of a new Justice Court Judge for the Clinton City Justice Court and are released from their commitment upon completion of the selection.

(b) Members to the Commission may not be an elected member of the Clinton City Council or the Mayor.

(c) The Commission shall be staffed by the State Administrative Office of the Courts and follow the procedures outlined in the State Code.

(2) Justice Court Judge:

(a) The Mayor shall select a candidate from a list of nominees provided by the Justice Court Nominating Commission.

(b) The City Council shall ratify the appointment of the Justice Court Judge for the Clinton City Justice Court.

(3) Public Prosecutors:

(a) The Court Clerk shall advertise a request for bids to be submitted by qualified individuals and shall make recommendation to the City Council for selection of the Prosecutor.

(b) The Council shall appoint a Prosecutor by motion and majority vote of the Council.

(c) The Prosecutor shall serve at the convenience of the Council and may be released at any time without cause.

*Cross-reference: UCA §78A-7-202 through 203*

*History: 08/10, 10/16 - Ord 16-02*

**2-9-3 Term of Office.**

(1) The term of office of a Justice Court Judge is six (6) years.

(2) Upon the expiration of a Justice Court Judge's term the Judge shall be subject to an unopposed retention election.

*Cross-reference: UCA §78A-7-203*

*History: 08/10*

**2-9-4 Compensation.**

(1) Justice Court Judge:

(a) The Justice Court Judge shall be paid a fixed compensation determined by the Council based on comparative workload expected for the Justice Court Judge to that of a District Judge in Davis County and retirement requirements of the Utah Retirement System.

(b) The Justice Court Judge shall receive an annual salary adjustment at least equal to the average salary adjustment for all Clinton City employees, subject to limitations in State Code.

(c) The salary fixed may not be diminished during the term for which the Justice Court Judge has been appointed or elected.

(d) A copy of the resolution, ordinance, or other document fixing the salary of the Justice Court Judge, and any adjustments, shall be furnished to the state court administrator.

(2) Prosecutor:

(a) Prosecutors shall be paid a fixed compensation based upon an accepted bid proposal.

(b) Prosecutors shall receive an annual salary adjustment at least equal to the average salary adjustment for all Clinton City employees.

*Cross-reference: UCA §78A-7-206*

*History: 12/37, 9/84, 08/10, 10/16 - Ord 16-02*

**2-9-5 Annual Training.** The Justice Court Judge shall attend at least one (1) qualifying seminar or training court supervised by the Judicial Counsel in each calendar year. If the Judge does not attend the required seminars or courses for two (2) consecutive years, the Judge may be removed from office for cause under the provisions of Utah Code Annotated §78A-7-205.

*Cross-reference: UCA §78A-7-205,*

*History: 9/84, 08/10, 10/16 - Ord 16-02*

**2-9-6 Justice Court Staff and Facilities.** As long as Clinton City maintains a Justice Court the City shall provide:

- (1) Public prosecutors to perform prosecution duties before the justice court;
- (2) Adequate funding for the costs of defense for persons charged with a public offense who are determined by the Judge to be indigent;
- (3) Security for the Justice Court;
- (4) A facility within the City that is conducive and appropriate to the administration of justice; and,
- (5) Adequately compensated clerical personnel to conduct the business of the court.

(6) Adequate funding to meet the educational requirements for the Justice Court Judge and Court Staff as required by the Judicial Counsel in each calendar year.

*Cross-reference: UCA §78A-7-209, 211 & 213*

*History: 08/10*

**2-9-7 Warrants.** All warrants issued by the Justice Court are to be directed to the Clinton City Police Department unless use of a Constable has been authorized by the City Council.

*Cross-reference: UCA §78A-7-109*

*History: 08/10, 10/16 - Ord 16-02*

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## Chapter 10. Claims Against Municipality

- 2-10-1 Records Open to Inspection
- 2-10-2 Claim for Injury-Notice-Contents Service-Legal Disability
- 2-10-3 Time for Filing Notice of Claim
- 2-10-4 Denial of Claim for Injury

**2-10-1 Records Open to Inspection.** The City Council shall keep a journal of its proceedings. The books, records, accounts, and documents of the City shall be kept at the office of the Recorder and approved copies shall be open and available to the public during regular business hours for examination and copying. Except when required by law to provide records without cost to the public, a reasonable charge for providing copies to the public shall be fixed by resolution of the City Council.

*Cross-reference: UCA §10-3-603*

*History: 9/84*

**2-10-2 Claim for Injury-Notice-Contents-Service-Legal Disability.**

(1) A claim is deemed to arise when the statute of limitations that would apply if the claim were against a private person commences to run.

(2) Any person having a claim for injury against the City or against its employee for an act or omission occurring during the performance of his duties, within the scope of employment, or under color of authority shall, before maintaining an action, file a written notice of claim with the City.

(3) The notice of claim shall set forth a brief statement of the facts, the nature of the claim asserted, and the damages incurred by the claimant so far as he shall know, shall be signed by the person

making the claim or such person's agent, attorney, parent or legal guardian, and shall be directed and delivered to the City Manager within the time prescribed in section 2-10-3.

(4) If, at the time the claim arises, the claimant is under the age of majority, or mentally incompetent or without a legal guardian, or imprisoned, upon application by the claimant and after hearing and notice to the City, a court of competent jurisdiction, in its discretion, may extend the time for service of notice of claim; but in no event shall it grant an extension which exceeds the applicable statute of limitations. In determining whether to grant an extension, the court shall consider whether the delay in serving the notice of claim would substantially prejudice the City in maintaining its defense on the merits.

*Cross-reference: UCA §63G-7-401*

*History: 9/84, 10/16 - Ord 16-02*

**2-10-3 Time for Filing Notice of Claim.** A claim against the City or against its employee for an act or omission occurring in the performance of its duties, within the scope of employment, or under color of authority, is barred unless notice of claim is filed with the City Manager of the City within one (1) year after the claim arises, or before the expiration of any extension of time granted under section 2-10-2.

*Cross-reference: UCA §63G-7-403 & 78B-2-302*

*History: 9/84, 10/16 - Ord 16-02*

**2-10-4 Denial of Claim for Injury.** If the claim is denied, a claimant may institute an action in the district court against the City pursuant to the requirements of applicable state law.

*History: 9/84*

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**Chapter 11. Records Access  
and Management**

- 2-11-1 Short Title
- 2-11-2 Adoption of State GRAMA Code
- 2-11-3 Fees

**2-11-1 Short Title.** This chapter shall be known as the "Clinton City Government Records Access and Management Act".

*History: 7/92*

**2-11-2 Adoption of State GRAMA Code**

The City adopts for enforcement the latest version of the Utah State Code Title 63G Chapter 2, known as GRAMA (Government Records Access and Management Act).

*History: 10/16 - Ord 16-02*

**2-11-3 Fees**

A reasonable charge for providing copies to the public shall be fixed by Resolution of the City Council (see annual Fee Schedule).

*History: 10/16 - Ord 16-02*

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**Chapter 12. City Treasurer**

- 2-12-1 City Treasurer
- 2-12-2 Appointment
- 2-12-3 Bond of Treasurer
- 2-12-4 Oath of Office
- 2-12-5 Act of Treasurer not Voided
- 2-12-6 Duties
- 2-12-7 City Treasurer; Duty to Receive all of City's Money; Settlements with City Recorder
- 2-12-8 Receipts for Payments to City

**2-12-1 City Treasurer.** The Office of Clinton City Treasurer is hereby created in accordance with Utah Code §10-3-916.

*History: 1/10*

**2-12-2 Appointment.** The Mayor, with the advice and consent of the City Council, shall appoint the Clinton City Treasurer on or before the First Monday in February following a municipal election. In case of the need for a midterm replacement, this same process shall be followed with the appointment being immediate. The appointed Treasurer shall continue in office until the successor is appointed and qualified.

*History: 1/10, 10/16 - Ord 16-02*

**2-12-3 Bond of Treasurer.** The City Treasurer shall be included in the crime/theft insurance coverage provided by the City as allowed by the State Money Management Council.”

*History: 1/10, 11/18 – Ord. 18-03*

**2-12-4 Oath of Office.** The Clinton City Treasurer, before entering on the duties of the Treasurer shall take, subscribe and file the constitutional oath of office. The Oath shall be taken after appointment and any time before entering on the duties as Treasurer. The oath of office shall be administered by and filed with the City Recorder.

*History: 1/10*

**2-12-5 Act of Treasurer not Voided.** No official act of the Treasurer shall be invalid for the reason that the Treasurer failed to take the oath of office.

*History: 1/10*

**2-12-6 Duties.** The duties of the Treasurer shall be set forth by the City Manager and/or City Council as they shall from time to time direct.

*History: 10/16 - Ord 16-02*

**2-12-7 City Treasurer; Duty to Receive all of City's Money; Settlements with City Recorder.**

(1) The City Treasurer shall receive all money belonging to the City, including all taxes, licenses and fines and keep an accurate and detailed account thereof, and shall collect special taxes and assessments as provided by law and the code of the City. The City Treasurer shall make a settlement with the Recorder, as the Council may direct at the end of every month, and turn over all warrants, interest coupons, bonds or other evidence of the indebtedness of the City which may have been redeemed by the City Treasurer during the month, taking the receipts of the Recorder therefore, and all such warrants, orders or other evidence of indebtedness shall be cancelled by the City Treasurer and have written or stamped thereon the date of their payment or redemption.

*History: 8/36, 9/84, 10/10, 10/16 - Ord 16-02*

**2-12-8 Receipts for Payments to City.** The City Treasurer shall give every person paying money to the City Treasurer a receipt therefore, specifying the date of payment and upon what account paid; and shall file the duplicate of such receipt with the Recorder at the date of the monthly report.

*History: 8/36, 9/84, 10/10, 10/16 - Ord 16-02*

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### Chapter 13. Utility Customer Fees, Delinquent Accounts and Water Disconnections

2-13-1	Purpose
2-13-2	City Utilities
2-13-3	City Managed Utilities
2-13-4	City Managed Davis County Fees
2-13-5	Utility Fees
2-13-6	Establishment of Fees
2-13-7	Special Rates
2-13-8	Application for Utility Service Agreement
2-13-9	Non-owner Applicants
2-13-10	Owner Guarantee Agreement for Rental/Lease Premises
2-13-11	Returned Check Fee
2-13-12	Customer Initialization Fee
2-13-13	Customer Deposits
2-13-14	Utility Billing
2-13-15	Accountability of Utility Payment
2-13-16	Service Charge
2-13-17	Property Owner Shutoff Request
2-13-18	Delinquent Accounts – Delinquent Notice and Discontinuance of Service
2-13-19	Administrative Charges
2-13-20	Disconnection of Water
2-13-21	Interest on Delinquent Accounts
2-13-22	Declaration of a Nuisance
2-13-23	Collection by Property Lien
2-13-24	Appeal of Decision, Rates, Fees and Rebates
2-13-25	Use Without Payment Prohibited
2-13-26	Unauthorized Users

**2-13-1 Purpose.** The purpose of this chapter is to establish the City utilities and a utility billing process and to establish a fee requirement for utility customers; a policy concerning deposits affecting existing customers and disconnected customers; and procedures and policies concerning delinquent accounts, disconnection or discontinuation of utility services, means of collections, and reinstatement of services.

*History: 11/87, 11/07, 1/10, 6/11*

**2-13-2 City Utilities.** The following services are established as City Utilities; however, this does not limit the City from establishing other utilities as necessary.

(1) The City shall provide the following services to residences:

- (a) Culinary water;
- (b) Solid waste (garbage);
- (c) Storm water removal;

(d) Waste water collection (sanitary sewerage)

(2) The City shall provide the following services to multi-family residential and non-residential land uses:

- (a) Culinary water;
- (b) Storm water removal;
- (c) Waste water collection (sanitary sewerage).

*History, 1/10, 10/16 - Ord 16-02*

**2-13-3 City Managed Utilities.** The City may contract with other utilities affiliated with the City and servicing areas within the City for the management of their billing process. For the purpose of managing the collection and distribution of these accounts the policies and procedures outlined in this chapter shall apply. The collection of fees is applicable to, but not limited to, all customers of the Managed Utilities within the service areas of the following utilities:

- (1) Pressure irrigation water service, Davis and Weber Counties Canal Co. (DWCC)
- (2) Waste water collection (sanitary sewerage), Clinton City Sanitary Sewer Special Service District, (SSSSD).

*History: 1/10, 6/11, 10/16 - Ord 16-02*

**2-13-4 City Managed Davis County Fees.** The City may establish fees associated with Davis County services provided within the City when the County charges the City for these services. For the purpose of managing the collection and distribution of these the accounts policies and procedures outlined in this chapter shall apply. The collection of fees is applicable to, but not limited to, all potential customers of these Davis County services within the City of the following utilities:

- (1) Animal Control
- (2) Emergency Dispatch Services

*History: 6/11*

**2-13-5 Utility Fees.** Utility fees shall be established based upon and adequate to sustain the cost of the service provided. A minimum service may be established and scaled upward based upon the level or quantity of service given. Fees may be established for direct and indirect services, both tangible and intangible.

*History: 1/10*

**2-13-6 Establishment of Fees.** All rates for services associated with the City utility systems, to

include but not be limited to fees, deposits, billing, guaranteeing, penalties, fines, inspections, assessments and filing or recording actions shall be established by the City Council, from time to time, and adopted, by resolution, as part of the Clinton City Consolidated Fee Schedule. Pass through fees from other agencies, shall be as set by those agencies regardless of the fees published in the Consolidated Fee Schedule.

*History: 9/65, 9/84, 1/10*

**2-13-7 Special Rates.** The City Council may from time to time fix, by resolution, special rates and conditions for users of exceptionally large amounts of utility service such as large water quantities, discharging wastes of unusual characteristics, or making use thereof under exceptional circumstances upon such terms and conditions that they may deem proper.

*History: 9/65, 9/84, 1/10, 6/11*

**2-13-8 Application for Utility Service - Agreement.**

(1) Any owner of property desiring or who is required to secure service shall apply to the City Treasurer by paying a deposit fee in a sum to be fixed by resolution of the City Council and by filing an agreement application provided by the City.

(2) Any owner of property receiving service by a City Utility shall notify the City Treasurer of any change in contact information to include name, mailing address or phone number within ten (10) working days of a change.

*History: 9/65, 9/84, 6/11, 10/16 - Ord 16-02*

**2-13-9 Non-owner Applicants.** As of the date of this ordinance, tenant applications shall not be accepted, all utility applications shall be filed by the property owner as outlined in § 2-13-8.

*History: 1/10, 6/11*

**2-13-10 Owner Guarantee Agreement for Rental/Lease Premises.** Owners of rental or lease property under lease effective July 1, 2011, shall place on file an agreement with the City indicating that the owner agrees to:

(1) Pay for all utility services furnished by the City for any tenant, or any other occupant of the premises, in case any tenant or occupant fails to pay for the utility services according to applicable City ordinance, rules, and regulations enacted or adopted by the City Council.

(2) Pay for any and all attorney fees, reasonable collection, recording and court costs, and interest for unpaid utility services.

(3) Owner agrees to notify Clinton City if the service address is sold and to whom it is sold.

(4) Any changes in renter after the date of this ordinance § 2-13-9 applies.

*History: 6/11*

**2-13-11 Returned Check Fee.**

(1) The City Council shall establish a returned check fee, established as set in § 2-13-5, sufficient to cover the costs to the City related to returned checks or other actions resulting from nonsufficient funds.

(2) If a customer has two (2) returned checks or other actions resulting from nonsufficient funds within a twenty-four (24) month period future payments shall be paid in cash, credit card, certified check or money order for an indefinite period of time established by the Treasurer.

*History: 6/11, 10/16 - Ord 16-02*

**2-13-12 Customer Initialization Fee.** Any person desiring or who is required to secure services shall pay a connection fee, established as set in § 2-13-6, at the time of their application. Initialization fees are non-refundable.

*History: 6/11*

**2-13-13 Customer Deposits.** The following policy shall govern customer utility deposits:

(1) Each application for City utilities shall be accompanied by a deposit prior to receiving service. This deposit can be waived if the applicant has a current prior account history with the City of 24 consecutive months with no delinquent balances.

(2) Any customer who maintains a record of no past-due balances for a period of 24 consecutive months shall have the deposit credited to the account. If all City utility services have been terminated, the City shall apply the deposit, if any, to the unpaid account balance. Any amount of said deposit remaining after payment of said account shall be returned to the user. If the whereabouts of the user is unknown and no address has been provided to the City, any unclaimed deposit or overpayment on the terminated account shall be applied at the end of the fiscal year to the bad debt account for the enterprise fund. The City is not responsible for payment of interest on deposits.

(3) Any customer who has City utility services disconnected for non-payment of the City utility bill will be required to increase any existing deposit to

the current rate, if the amount of the deposit is under an old deposit rate.

(4) Such deposit shall not be considered an advance payment of any service charges, and unpaid deposit accounts may render the service account delinquent. Notwithstanding the existence of such deposit, the user shall not have the right to compel the City to apply such deposit to any account to avoid delinquency. Deposit refunds are only allowed as outlined in §2-13-13.

*History: 10/16 - Ord 16-02*

**2-13-14 Utility Billing.** The City Treasurer shall furnish to each active account, once each month or such other regular interval as the City Council shall direct, a written or printed statement which states:

- (1) The amount of the bill for each service assessed.
- (2) The statement shall specify the place of payment and date due.
- (3) The sum total of all charges must be paid by the due date specified on the bill.
- (4) The statement shall be mailed to the property owner unless an alternate address is provided by the property owner on the application required by § 2-13-8.

*History: 1/10, 6/11, 10/16 - Ord 16-02*

**2-13-15 Accountability of Utility Payment.** All payments made to the City for utilities provided shall be accredited to the utility bill individually and in the following order: penalties and shutoff fees; expenses incurred by the City including attorney's fees or recording fees; fees to City Managed Davis County Fees; City Managed Utilities; and then to City Utilities in the following order sanitary sewer, storm water, solid waste and lastly to culinary water fees.

*History: 1/10, 6/11*

**2-13-16 Service Charge.**

- (1) All owners of properties receiving a utility either within or without the City shall be responsible for the payment of the charges associated with the individual utilities servicing the property as established in this Title.
- (2) If a customer's property will be vacant for an entire billing cycle or multiple billing cycles, the owner of the property may make arrangements with the Treasurer for minimal fees to be assessed during the continued vacancy of the property. Secondary water charges and storm water removal charges shall not be discontinued during any vacancy.

Adjustments shall only be made for complete billing cycles.

(3) The City Manager or other authorized agent of the City may excuse needy persons who are not reasonably capable of paying the monthly charge for residential collection of utilities from the payment of the residential rate for a period of time as may be deemed proper or necessary.

(4) The City Council, by Resolution and based upon significant findings, may excuse a class of individuals for a set period of time.

*History: 5/62, 9/84, 12/89, 1/10, 6/11*

**2-13-17 Property Owner Shutoff Request.** Any property owner who is renting a dwelling or other structure utilizing utilities or services outlined in this Chapter may not request that the utilities be discontinued if the property is currently or is planned to remain occupied.

*History: 6/11, 10/16 - Ord 16-02*

**2-13-18 Delinquent Accounts - Delinquent Notice and Discontinuance of Service.**

- (1) Notice shall be provided as established in § 2-13-14.
- (2) The Treasurer, or other authorized agent of the City, is hereby empowered to enforce the payment of all delinquent utility service charges by an action of law in the corporate name of the City. This may include, but is not limited to, disconnecting the water supply, sending the account to a collection agency, initiating action through small claims court, or filing a tax lien.
- (3) The following procedures shall be followed in dealing with delinquent utility accounts that are receiving utilities supplied or managed by the City:
  - (a) Any person or entity who receives a utility supplied or managed by the City and neglects, fails, or refuses to pay the sum total of the City's utility bill within 5 days after the date due as outlined in § 2-13-14 shall receive a delinquent notice and a notice of intent to disconnect. The bill must be paid by the date specified on this delinquent notice, which is normally 10 to 15 days from the date of issuance of the notice. Failure to make the appropriate payment to the City will result in culinary water disconnection and may include the discontinuance of other services, e.g. secondary water, garbage. The notice shall substantially include the following:
    - (i) The date of the notice.
    - (ii) The name and mailing address of the customer listed on the monthly utility bill.

(iii) The amount due, including any finance or administrative charges.

(iv) A statement that services will be disconnected without further notice unless payment is received before the shut off date listed in the notice.

(v) A statement that once service has been disconnected, it will not be resumed until all service charges, shut-off fees, after hours fees, administrative fees, and delinquent past due amounts have been paid.

(vi) A statement identifying the amount of the shut-off fee that will be charged in addition to any other fee, fine, or penalty for service which is disconnected due to non-payment of the delinquent account.

(b) A statement informing renters that the shutoff notice applies to them even though their property owner is responsible for paying the utility bill and instructing renters that it is their responsibility to resolve any issues related to the shutoff with their property owner.

(c) Notice to property owners shall contain the same information as outlined in § (a) above, however it shall be mailed to the address of record filed in the Treasurer's office as required in § 2-13-8.

(4) Failure to notify the Treasurer of change of registration information required by § 2-13-8(2) does not exempt a property owner from obligations resulting from a delinquent account or prevent the City from taking action as set in Title.

*History: 9/65, 9/84, 6/11*

**2-13-19 Administrative Charges.** Any charges assessed as part of any utility delinquent notice shall be deemed a part of the water utility bill; and unless it is timely paid, the account remains delinquent and pursuant to the procedures outlined above, the water service shall be disconnected. A fee will be assessed, as established in § 2-13-5, to shut off/reconnect water service that has been turned off for non-payment. A separate after hour's fee may be assessed if water is requested to be reconnected before or after the normal business hours of the City.

*History: 11/87, 11/04, 6/11*

**2-13-20 Disconnection of Water.** Any customer who fails to comply with the notice of delinquent account shall be disconnected from the culinary water system on or after the date indicated on the notice to disconnect. Water service shall not be resumed until all fees, charges, and past-due amounts are paid in full. If for economic reasons a customer is unable to pay the balance in full, the City Manager, or other authorized agent of the City, may set up a payment

plan. If the customer does not follow through with the payment plan, and the City Manager or authorized agent is not contacted and approval is not given for an additional extension, water services may be disconnected without further notice.

*History: 11/87, 11/04*

**2-13-21 Interest on Delinquent Accounts.** All delinquent utility service accounts may be assessed interest at a rate set by resolution of the City Council. In the absence of a resolution providing for interest, interest shall be assessed at the rate pursuant to Utah Code Annotated 15-1-1.

*History: 11/87, 11/04, 1/10*

**2-13-22 Declaration of a Nuisance.** A delinquent utility fee is declared a nuisance upon the respective property being serviced by the utility.

*History: 1/10, 6/11*

**2-13-23 Collection by Property Lien.** A delinquent utility fee may be placed on the tax bill for the amount of such delinquent fees plus late charges and cost of lien administration and collected as ordinary taxes by the County. Establishment of a notice as outlined in § 2-13-18 is sufficient for a certified copy of the lien to be retained by the City Treasurer, for the amount of the respective assessments against the parcels of land as they appear on the current assessment role. The lien created attaches upon recordation in the office of the County Recorder. The assessment may be collected at the same time and in the same manner as ordinary City real estate property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of City real estate property taxes shall be applicable to such assessment.

*History: 1/10, 6/11*

**2-13-24 Appeal of Decision, Rates, Fees and Rebates.**

(1) Any person or entity that believes that this Title was interpreted or applied erroneously by a member of the City Staff may appeal to the City Manager.

(2) The City Manager may hear complaints and make corrections of any assessments, established in this Title, deemed to be illegal, unequal, or unjust.

(3) The City Manager may temporarily, if he sees fit, adjust, assess, or rebate all or any part of a fee established in this Chapter, related to the systems established in this Chapter, of any indigent person.

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(4) Appeals shall be submitted to the City Manager, in writing, explaining the circumstances that justify the request along with any fees established as set in §2-13-5.

(5) The City Manager will respond to the appellant within 30 days of receiving an appeal and inform the Treasurer of action resulting from the appeal.

*History: 1/10, 6/11*

**2-13-25 Use Without Payment Prohibited.** It shall be unlawful for any person by himself, family,

servants, or agents to utilize the City utilities without paying therefore as herein provided.

*History: 8/96*

**2-13-26 Unauthorized Users.** It shall be unlawful for any utility user to permit any person from other premises or any unauthorized persons to use or obtain utility services from his premises utility.

*History: 9/65, 9/84, 1/10*

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## Chapter 14. Establishment of the Clinton City Community Arts Board

- 2-14-1 Board Created – Appointment – Term – Purpose – Voting - Meetings  
 2-14-2 Removal and Vacancy  
 2-14-3 Records and Public Notice

### **2-14-1 Board Created - Appointment - Term - Purposes - Voting - Meetings.**

(1) There shall be a Community Arts Board (Arts Board) established consisting of five (5) volunteer members, each of whom shall be appointed to serve by the Mayor, with the advice and consent of the City Council. Each member shall be appointed for two (2) years.

(2) The Arts Board membership shall consist of five (5) citizens of Clinton City over the age of eighteen (18) years of age. Three (3) members shall be required for a quorum, with a minimum of three (3) votes in favor for passage of a recommendation. A City Council member may be assigned by the Mayor as a non-voting liaison to the Arts Board. The City Manager shall staff the Arts Board with such City staff members as may be necessary.

(3) Citizens residing outside of Clinton City may be appointed to a two (2) year term as a nonvoting member by the Mayor, with the advice and consent of the City Council. Non-resident members do not count toward the five (5) members required in Section 1 or to constitute a quorum.

(4) Any resident of Clinton City may participate with the Arts Council as an ad hoc non-voting participant, without the notification of the Mayor or Council.

(5) The mission of the Arts Board is to plan, foster, encourage and promote fine arts, performing arts, community enhancement programs, and other artistic and cultural activities; with the purpose of enriching

the lives of Clinton City residents.

(6) The Arts Board shall meet at least quarterly, but may meet as frequently as needed to accomplish their duties and mission.

(7) The Arts Board shall generally function as an independent body, coordinating and correlating with the City, but functioning on their own using volunteers and non-monetary donations as much as possible. Use of the City name for fund raising must be cleared through the City Manager, who may require the request to go before the City Council. All funding must be accounted for as required by City governmental accounting rules.

(8) The Arts Board shall, annually by majority vote, select from their body a chair, vice-chair and secretary.

### **2-14-2 Removal and Vacancy.**

(1) Any member of the Arts Board may be removed by the Mayor, with the advice and consent of the City Council.

(2) If any member does not attend three (3) consecutive meetings, the Arts Board by majority vote, may recommend to the Mayor and City Council to remove the absent member and provide a replacement member for the remainder of the existing term.

### **2-14-3 Records and Public Notice.**

(1) The Arts Board shall keep regular minutes of all of its meetings. Such records shall be open to the public pursuant to the current City and State Codes.

(2) Meetings of the Arts Board must be noticed in accordance with the current State Code pertaining to public meetings.

*History; 11/09, 10/16 - Ord 16-02; 04/17, Ord 17-01*

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## Chapter 15. Civil Rights

- 2-15-1 Short title
- 2-15-2 Declaration of Policy
- 2-15-3 Declaration of Civil Rights
- 2-15-4 Equal Rights in Places of Public Accommodation, Resort or Amusement
- 2-15-5 Exclusion, Segregation and Discrimination Prohibited in Places of Public Accommodation, Resort or Amusement
- 2-15-6 Places of Public Accommodation, Resort or Amusement Defined
- 2-15-7 Extent of Personal Responsibility
- 2-15-8 Penalty for Violation
- 2-15-9 Suspension or Revocation of License

**2-15-1 Short Title.** This Chapter shall be known as Clinton City Civil Rights Ordinance.

*History: 01/99*

**2-15-2 Declaration of Policy.** It is hereby declared to be the policy of Clinton City in the exercise of its police power for the protection of the public welfare, health, safety and peace of the City and the inhabitants thereof, to prohibit discrimination in places of public accommodation, resort or amusement due to race, color, religion, ancestry or national origin.

*History: 01/99*

**2-15-3 Declaration of Civil Right.** All persons have the right to the full and equal accommodations, advantages, facilities and privileges of any place of public accommodation, resort or amusement within the City subject only to the conditions and limitations established by law and applicable alike to all persons. The right is recognized and declared to be a civil right.

*History: 01/99*

**2-15-4 Equal Rights in Places of Public Accommodation, Resort or Amusement.** No person being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement within the City shall directly or indirectly refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, and no person shall directly or indirectly publish, circulate, issue, display, post or mail or cause to be published, circulated, issued, displayed, posted or mailed within the City any written, painted or printed communication, notice or advertisement to the effect that any of the accommodations,

advantages, facilities and privileges of a place of public accommodations, resort or amusement shall be refused, withheld from or denied to any person on account of race, color, religion, ancestry or national origin, or that the patronage or custom thereof of any person belonging to or purporting to be of any particular race, color, religion, ancestry or national origin is unwelcome, objectionable or not acceptable, desired or solicited. The production of any such written, painted or printed communication, notice or advertisement, purporting to relate to any such place and to be made any person being the owner, lessee, proprietor, superintendent, manager, agent or employee thereof, shall be presumptive evidence in any proceedings that the same was authorized and published by such person.

*History: 01/99*

**2-15-5 Exclusion, Segregation and Discrimination Prohibited in Places of Public Accommodation, Resort or Amusement.** Any exclusion or segregation of or discrimination against any person on account of race, color, religion, ancestry or national origin in places of public accommodation, resort or amusement within the City shall be unlawful.

*History: 01/99*

**2-15-6 Places of Public Accommodation, Resort or Amusement Defined.** A place of public accommodation, resort or amusement within the meaning of this Chapter shall be deemed to include inns, taverns, roadhouses, motels, hotels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest, restaurants, eating houses and any place where food is sold for consumption on the premises, buffets, saloons, barrooms, and any store, park or enclosure where spirituous or malt liquors are sold; ice cream parlors, confectioneries, soda fountains, and all stores where ice cream, ice and fruit preparations or their derivatives, or where beverages of any kind are retailed for consumption on the premises; dispensaries, clinics, hospitals, bathhouses, theaters, motion picture houses, music halls, concert halls, circuses, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool parlors, swimming pools, public libraries, garages, all public conveyances operated on land, water or in the air, as well as the stations and terminals thereof; public halls and public elevators of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants. Nothing herein contained shall be construed to include any institution, club or place of

accommodation which is in its nature distinctly private.

*History: 01/99*

**2-15-7 Extent of Personal Responsibility.** The provisions and requirements of this Chapter shall bind and obligate every owner, lessee, operator, proprietor, manager, agent and employee, whether a natural person, corporation, or unincorporated association, engaged in or exercising control over the operation of any place of public accommodation resort or amusement; provided, that whenever any agent or employee shall so exercise any function or employ any power with which he is charged or entrusted as to violate any provisions of this Chapter, both he and his principal or employer shall be held equally responsible.

*History: 01/99*

**2-15-8 Penalty for Violation.** Any person who or any agency, bureau, corporation or association which shall willfully violate any of the provisions of this Chapter or who or which shall aid or cause the violation of any of said provisions shall be deemed guilty of a Class "B" misdemeanor.

*History: 01/99*

**2-15-9 Suspension or Revocation of License.** Whenever it shall have been judicially determined that a licensee or person operating or doing business under a license has violated this Chapter in the course of such operation or business two (2) times or more within any 12-month period, the City Council shall suspend or revoke such license as provided in this Title.

*History: 01/99, 10/16 - Ord 16-02*

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