

**Enterprise Municipal Code**  
**Title 2 – Administration and Personnel**  
**Chapters 2-01 to 2-80**

**Title 2**  
**ADMINISTRATION AND PERSONNEL**

**Chapters:**

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**Chapter 2-04**  
**CITY OFFICERS GENERALLY**

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**2-04-010 ELECTIVE OFFICERS.**

A municipal election shall be held in the City on the Tuesday next after the first Monday in November, 1951, and biennially thereafter for the election of the following officers of the City: A Mayor whose term will be for four (4) years, two (2) City Council Members whose term will be four (4) years, and three (3) Council Members whose first term will be for two (2) years, thereafter their terms will be for four (4) years, who shall qualify and enter upon the duties of their respective offices at noon on the first Monday of January next succeeding their election, and shall continue in office until their successors are elected and qualified. (Ord. 88-8-5 (part), 1988; prior code §36)

**2-04-020 VACANCY IN OFFICE OF MAYOR OR COUNCIL MEMBER.**

If any vacancy shall occur in the office of Mayor or City Council member, in the City of Enterprise, by death or resignation, removal or otherwise, such vacancy shall be filled for the unexpired term by appointment of the City Council according to UCA 10-3-302. (Ord. 88-8-5 (part), 1988; prior code §37)

**2-04-030 ELECTION--HOW HELD.**

All general and special elections within this City shall be held and conducted and returns made thereof as is now or may hereafter be provided by law. (Ord. 88-8-5 (part), 1988; prior code §38)

**2-04-040 APPOINTMENTS BY THE MAYOR.**

The Mayor, by and with the advice and consent of the Council, may appoint at or before the first regular meeting of the Council in February 1951 and biennially thereafter, the following-named officers, who shall hold their offices for the term of four (4) years unless sooner removed by the City Council, and until their successors are appointed and qualified; provided, any of the officers may be appointed for a period of less than two (2) years, at the time of making such appointment; an Attorney, Justice of the Peace, as defined in UCA 10-3-923, Marshal, Supervisor of Streets, Engineer, Pound keeper, Sexton, Water Master, Superintendent of Waterworks and Police, City Inspector and such other officers and agents as may be provided by law or ordinance; and in like manner shall fill all vacancies among the same, except as otherwise provided by law; provided, that elective officers shall have the sole right to appoint all their deputies and assistants, who shall be confirmed by the City Council. (Ord. 88-8-5 (part), 1988; prior code §39)

**2-04-050 ELIGIBILITY OF OFFICERS.**

All elective officers of this City shall be chosen by the qualified voters of the municipality. No person shall be eligible to any elective office who is not a qualified elector of the City. No person shall be eligible to any office (elective or appointive), who is a defaulter to the corporation. (Ord. 88-8-5 (part), 1988; prior code §40)

**2-04-060 OFFICIAL OATHS AND BONDS.**

All officers of the City, whether elected or appointed, shall before they enter upon the duties of their respective offices take, subscribe and file the constitutional oath of office and every such officer shall before entering upon the duties of his office, execute a bond secured by at least two good and sufficient sureties or by a surety company qualified to do business in the state of Utah, payable to the City, in such penal sums as set out below, conditioned for the faithful performance of the duties of his office and the payment of all moneys received by such officer according to law and the ordinances of the City. The bonds of the Mayor, Recorder, Engineer and Justice of the Peace, shall be in the sum of one thousand dollars each; the bond of the Treasurer shall be not less than one-half of the amount of the whole tax for the current year and in any event shall be not less than twenty-five hundred dollars; the bond of the Sexton, Assessor, Superintendent of Waterworks and all other elective or appointive officers not otherwise provided for, shall be in the sum of three hundred dollars each. The premium

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charged by any corporate surety for any official bond, shall be paid by the City. The City Council may at any time require further and additional bonds of any or all officers elected or appointed. All bonds given by the officers of the City, except as otherwise provided shall be filed with the City Recorder, except the bond of the Recorder, which shall be filed with the City Treasurer. (Ord. 88-8-5 (part), 1988; prior code §41)

**2-04-070 REMOVAL FROM MUNICIPAL LIMITS VACATES OFFICE.**

If any elective officer of this City shall at any time during his term of office remove from the limits of the City, his office shall thereby become vacant as defined in UCA 10-3-1302 through 10-3-1311. (Ord. 88-8-5 (part), 1988; prior code §42)

**2-04-080 OFFICERS NOT TO BE INTERESTED IN CONTRACTS OR ACCEPT FAVORS.**

Municipal officers and employees disclosure requirements shall be as defined by UCA 10-3-1302 through 10-3-1312. (Ord. 88-8-5 (part), 1988; prior code §43)

**2-04-090 PURCHASES TO BE APPROVED.**

No purchase shall be made and no indebtedness shall be incurred by any officer or employee of the City of Enterprise, without the approval and order of the City Recorder, or some other person or persons, duly authorized and commissioned by the City Council to act as a purchasing agent or committee for the City. (Ord. 88-8-5 (part), 1988; prior code §44)

**2-04-100 OFFICERS NOT TO EXCEED BUDGET APPROPRIATIONS.**

No officer of this City shall make or cause expenditures or incur indebtedness in excess of appropriations for his office or department made in the budget adopted pursuant to the provisions of law, and any indebtedness or obligation that is contracted by any such officer in excess of appropriation to and for his office or department made as aforesaid shall be and become the debt and obligation of the officer himself, and shall not be or become valid or enforceable against the City. (Ord. 88-8-5 (part), 1988; prior code §45)

**2-04-110 CITY COUNCIL TO FIX SALARIES.**

1. The Mayors' salary shall be set by resolution and amended from time to time by the Enterprise City Council.
2. The City Councils' salary shall be set by resolution and amended from time to time by the Enterprise City Council.
3. The Planning Commissions' salary shall be set by resolution and amended from time to time by the Enterprise City Council. (Ord. 2006-07, 2006)

**2-04-120 COUNCIL MEMBERS NOT TO HOLD CREATED OFFICES.**

The Mayor and City Council shall not hold or be appointed to any office with the City which shall have been created, or the salary and/or compensation of which shall have been increased during their term of office and for one year after the expiration of that term. (Ord. 88-8-5 (part), 1988; prior code §47)

**2-04-130 ACCOUNTS MONTHLY.**

It shall be the duty of all officers and agents of the City to keep a true and correct account of all funds collected or received by them for the City and pay the same into the City treasury on or before the fifth day of the succeeding month. (Ord. 88-8-5 (part), 1988; prior code §48)

**2-04-140 RECORDS, ETC., TO BE OPEN TO INSPECTION.**

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All records, books, papers, and documents belonging to any office of the City government of the City shall be open to inspection of the public at all reasonable office hours according to record classification as defined in UCA 63-2-66 and 62-2-67. (Ord. 88-8-5 (part), 1988: prior code §49)

**2-04-150 PROPERTY AND BOOKS TO BE DELIVERED TO SUCCESSOR--PENALTY.**

Every officer of the City shall within five (5) days after notification and request deliver to his successor in office all properties, books and effects of every description in his possession belonging to the City or appertaining to his office, and upon his refusal to do so shall be liable for all damages caused thereby and to a fine in any sum less than one thousand dollars (\$1,000.00) or to imprisonment in the City jail not exceeding six (6) months, or to both such fine and imprisonment. (Ord. 88-8-5 (part), 1988: prior code §50)

**Chapter 2-06**  
**EMERGENCY INTERIM SUCCESSION**

**Sections:**

- 2-06-010 General provisions--Short title.
- 2-06-020 Definitions.
- 2-06-030 Executive branch succession- -Emergency interim successor to office of Mayor.
- 2-06-040 Emergency interim successors for City officers.
- 2-06-050 Legislative and judicial branch succession--DCEM to consult with legislative and judicial branch.
- 2-06-060 Place of legislative session.
- 2-06-070 Local succession--Emergency interim successors for local officers.
- 2-06-080 Formalities of taking office.
- 2-06-090 Period in which authority may be exercised.
- 2-06-100 Removal of designees.
- 2-06-110 Disputes.
- 2-06-120 Emergency seat of government--Mayor to declare location of emergency seat of government.
- 2-06-130 Official acts at emergency seat of government - -Validity.

**2-06-010 GENERAL PROVISIONS--SHORT TITLE.**

This chapter is known as the "Emergency Interim Succession Act." (Ord. 2.04.041 §1, 1992)

**2-06-020 DEFINITIONS**

**"Absent"** means:

- a. Not physically present or not able to be communicated with for forty-eight (48) hours;
- b. For local government officers, as defined by local ordinances.

**"Absent"** does not include a person who can be communicated with via telephone, radio, or telecommunications.

**"Attack"** means a nuclear, conventional, biological, or chemical warfare action against the United States of America or this state.

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**"Department"** means the department of administration, any other major administrative subdivisions of City government.

**"Disaster"** means a situation causing, or threatening to cause, widespread damage, social disruption, or injury or loss of life or property resulting from attack, internal disturbance, natural phenomenon, or technological hazard.

**"Emergency interim successor"** means a person designated by this chapter to exercise the powers and discharge the duties of an office when the person legally exercising the powers and duties of the office is unavailable.

**"Executive director"** means the person with ultimate responsibility for managing and overseeing the operations of each department, however denominated.

**"Internal disturbance"** means a riot, disruptive terrorism, or strike.

**"Natural phenomenon"** means any earthquake, tornado, storm, flood, landslide, avalanche, forest or range fire, drought, epidemic or other catastrophic event.

**"Office"** means and includes all state and local offices, the powers, and duties of which are defined by constitution, statutes, charters, optional plans, ordinances, articles, or bylaws.

**"Place of governance"** means the physical location where the powers of an office are being exercised.

**"Political subdivision"** includes counties, cities, towns, townships, districts, authorities, and other public corporations and entities whether organized and existing under charter or general law.

**"Political subdivision officer"** means a person holding an office in a political subdivision.

**"State officer"** means the Attorney General, the State Treasurer, the State Auditor, and the executive director of each department.

**"Technological hazard"** means any hazardous materials accident, mine accident, train derailment, air crash, radiation accident, pollution, structural fire, or explosion.

**"Unavailable"** means:

- a. a. Absent from the place of governance during a disaster that seriously disrupts normal governmental operations, whether or not that absence or inability would give rise to a vacancy under existing constitutional or statutory provisions; or
- b. As otherwise defined by local ordinance. (Ord. 2.04.041 §2, 1992)

**2-06-030 EXECUTIVE BRANCH SUCCESSION--EMERGENCY INTERIM SUCCESSOR TO OFFICE OF MAYOR.**

If the Mayor is unavailable to exercise the powers and duties of the office of Mayor, the Mayor pro-tem and other designated officials shall, in order named, exercise the powers and duties of the office of Mayor until:

- a. The Mayor becomes available; or
- b. A new Mayor is elected and qualified. (Ord. 2.04.041 §3, 1992)

**2-06-040 EMERGENCY INTERIM SUCCESSORS FOR CITY OFFICERS.**

By July 1st of each year, the Mayor and City Council shall:

1. Designate three qualified emergency interim successors from within the City Council and staff who meet the qualifications for the office, if any;
2. Specify their order of succession;
3. Provide a list of those designated successors to the division; and
4. Notify emergency interim successors within thirty days of designation.
5. If the Mayor is unavailable following a disaster, a designated emergency interim successor shall exercise the powers and duties of the office according to the order of succession specified by the Mayor and Council. An emergency interim successor shall exercise the Mayor's powers and duties only until:
6. A permanent successor is appointed or elected and qualified as provided by law; or

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7. The Mayor becomes available to exercise or resume the exercise of the powers and duties of the office. (Ord. 2.04.041 §4, 1992)

**2-06-050        LEGISLATIVE AND JUDICIAL BRANCH SUCCESSION--DCEM TO CONSULT WITH LEGISLATIVE AND JUDICIAL BRANCH.**

The Division of Comprehensive Emergency Management may consult with the City Council or administrative staff to assist them in preparing emergency succession plans and procedures. (Ord. 2.04.041 §5, 1992)

**2-06-060        PLACE OF LEGISLATIVE SESSION.**

If the Mayor or his interim successor declares a state of emergency, the Mayor shall call the City Council and Staff into session as soon as practicable.

1. Each Council member and staff shall proceed to the place of session as expeditiously as practicable. If the Mayor or his interim successor declares a state of emergency or finds that a state of emergency is imminent, and the Mayor or the interim successor determines that the prescribed place of session is unsafe, he may change the place of session to any place in Utah that he considers safe and convenient. (Ord. 2.04.041 §6, 1992)

**2-06-070        LOCAL SUCCESSION--EMERGENCY INTERIM SUCCESSORS FOR LOCAL OFFICERS.**

- A. By July 1st of each year, each political subdivision officer shall:
  1. Designate three emergency interim successors;
  2. Specify their order of succession; and
  3. Provide a list of those designated successors to the division.
- B. 1. Notwithstanding any other provision of law:
  - a. If any political subdivision officer or his legal deputy, if any, is unavailable, a designated emergency interim successor shall exercise the powers and duties of the office according to the order of succession specified by the political subdivision officer; or
  - b. Counties may provide by ordinance that one member of the county legislative body may act as the county legislative body if the other members are absent.
2. An emergency interim successor shall exercise the powers and duties of the office only until:
  - a. The vacancy is filled in accordance with the Constitution or statutes; or
  - b. The political subdivision officer, his deputy, or an emergency interim successor earlier in the order of succession becomes available to exercise the powers and duties of the office.
  - c. The legislative bodies of each political subdivision may enact resolutions or ordinances consistent with this chapter and also provide for emergency interim successors to officers of the political subdivision not governed by this section. (Ord. 2.04.041 §7, 1992)

**2-06-080        FORMALITIES OF TAKING OFFICE.**

At the time that they are appointed as emergency interim successors or special emergency judges, emergency interim successors and special emergency judges shall sign prospectively whatever oath is required to enable them to exercise the powers and is required to comply with any other provision of law relative to taking office as a prerequisite to the exercise of the powers or discharge of the duties of an office to which he succeeds. (Ord. 2.04.041 §8, 1992)

**2-06-090        PERIOD IN WHICH AUTHORITY MAY BE EXERCISED.**

- A. Persons authorized to act as Mayor, emergency interim successors, and special emergency judges shall exercise the powers and duties of the office to which they succeed only when a disaster has occurred.

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- B. Emergency interim successors serve for thirty days after the date the Mayor or the Mayor's emergency successor calls the City Council into special session, unless the unavailability of the elected official ends or an emergency interim successor earlier in the order of succession becomes available before expiration of the thirty-day period.
  - 1. Notwithstanding the provisions of subsection A of this section, if the emergency interim successor is serving for a Council member or staff who is killed or resigns, the emergency interim successor shall serve until the Council member or staff legal replacement is sworn in.
- C. The City Council, by concurrent resolution, may:
  - 1. Terminate the authority of any or all emergency interim successors and special emergency judges to exercise the powers and duties of their office at any time; and
  - 2. Extend the time during which any or all emergency interim successors and special emergency judges may exercise the powers and duties of their office. (Ord. 2.04.041 §9, 1992)

**2-06-100          REMOVAL OF DESIGNEES.**

Until the persons designated as emergency interim successors or special emergency judges succeed to the exercise of the powers and duties of an office, they shall serve as emergency interim successors or special emergency judges at the pleasure of the designating authority and may be removed and replaced by the designating authority at any time, with or without cause. (Ord. 2.04.041 §10, 1992)

**2-06-110          DISPUTES.**

Except for factual disputes concerning the office of Mayor, the Mayor shall adjudicate any dispute concerning a question of fact arising under this chapter concerning a City officer. His decision is final. (Ord. 2.04.041 §11, 1992)

**2-06-120          EMERGENCY SEAT OF GOVERNMENT--MAYOR TO DE-DARE LOCATION OF EMERGENCY SEAT OF GOVERNMENT.**

Whenever, due to an emergency resulting from the effects of a disaster, it becomes imprudent, inexpedient, or impossible to conduct the affairs of the City government in Enterprise, Utah, the Mayor shall:

- A. By proclamation, declare an emergency temporary location for the seat of government in Utah; and
- B. Take whatever action and issue whatever orders are necessary for an orderly transition of the affairs of the City seat of government until the City Council establishes a new location by law or until the emergency is declared to be ended by the Mayor and the seat of government is returned to its normal location. (Ord. 2.04.041 §12, 1992)

**2-06-130          OFFICIAL ACTS AT EMERGENCY SEAT OF GOVERNMENT--VALIDITY.**

During the time when the seat of government remains at an emergency location, all official acts required by law to be performed at the seat of government by any officer, agency, department, or authority of this local government, including the convening and meeting of the City Council in regular, extraordinary, or emergency session, shall be as valid and binding as when performed at the normal location of the seat of government. (Ord. 2.04.041§13, 1992)

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**Chapter 2-08**  
**MAYOR**

**Sections:**

- 2-08-010 Presiding officer.
- 2-08-020 Shall sign all ordinances, licenses, deeds, etc.
- 2-08-030 May offer reward.
- 2-08-040 Pardoning power.
- 2-08-050 May call out inhabitants.
- 2-08-060 Appointments by Mayor.
- 2-08-070 General supervision.
- 2-08-080 May limit use of water.
- 2-08-090 General duties.
- 2-08-100 Mayor pro tem.
- 2-08-110 Revision of ordinances.

**2-08-010        PRESIDING OFFICER.**

It shall be the duty of the Mayor to preside at all meetings of the City Council, but he shall not vote except in case of a tie, when he shall give the casting vote. He may call special meetings of the City Council as occasion may require. (Ord. 88-8-6 (part), 1988: prior code §55)

**2-08-020        SHALL SIGN ALL ORDINANCES, LICENSES, DEEDS, ETC.**

The Mayor shall sign all City ordinances, licenses; and he is hereby authorized and empowered to sign his name officially for and in behalf of the City, to all deeds, bonds, bills, notes, contracts, leases and other writings which the City is a party, when so directed by the City Council. (Ord. 88-8-6 (part), 1988: prior code §56)

**2-08-030        MAY OFFER REWARD.**

The Mayor may, when necessary, offer a reward for the apprehension of offenders against the ordinances of this City, in any sum not exceeding one hundred dollars. (Ord. 88-8-6 (part), 1988: prior code §57)

**2-08-040        PARDONING POWER.**

The Mayor is authorized to grant full pardon in all cases (other than to himself and direct family members) presented under or by authority of the City for any violation of the ordinances thereof, or to permit all or any part of any fine or penalty imposed there under, together with the costs of prosecution. He shall report at the next regular meeting of the City Council, the number of fines and amounts thereof so remitted, and the number of pardons granted, giving his reason therefore. (Ord. 88-8-6 (part), 1988: prior code §58)

**2-08-050        MAY CALL OUT INHABITANTS.**

The Mayor shall have power, when necessary, to call upon every inhabitant of the City of Enterprise, over the age of twenty-one years of age to aid in enforcing the laws and ordinances, in suppressing riots and other disorderly conduct, or in carrying into effect any law or ordinance of the City. (Ord. 88-8-6 (part), 1988: prior code §59)



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**2-08-060 APPOINTMENTS BY MAYOR.**

The Mayor by and with the advice and consent of the Council, may appoint all such officers and agents as may be provided for by law or ordinance, and in like manner fill all vacancies among the same, except as otherwise provided by law. (Ord. 88-8-6 (part), 1988: prior code §60)

**2-08-070 GENERAL SUPERVISION.**

The Mayor, as chief executive officer of the City, shall exercise a general supervision over each and all departments of the City government. He shall see that every officer, at the expiration of his term of office, or resignation or removal from the same, delivers to his successor all the property, books, papers, maps, plats, furniture, fixtures, or other property appertaining to such office. He may at any time examine and inspect the books, records and papers of any officer or agent employed by the City. He shall from time to time, give the Council information concerning the affairs of the City, and shall recommend for their consideration, such measures which he may deem expedient. (Ord. 88-8-6 (part), 1988: prior code §61)

**2-08-080 MAY LIMIT USE OF WATER.**

In the event of scarcity of water, the Mayor of this City may by proclamation; limit the use of water for any purpose other than domestic purposes to such extent as may be required for the public good in the judgment of the City Council of the City of Enterprise. (Ord. 88-8-6 (part), 1988: prior code §62)

**2-08-090 GENERAL DUTIES.**

The Mayor shall perform all duties which are or may be prescribed by law, or ordinance, and shall see that the laws and ordinances are faithfully executed. (Ord. 88-8-6 (part), 1988: prior code §63)

**2-08-100 MAYOR PRO TEM.**

A Mayor pro tem shall be selected by the City Council from among its members. Such Mayor pro tem shall have the authority to carry out the duties of Mayor in case of the temporary absence, or temporary inability of the Mayor to carry out his duties. The Mayor shall notify the Council of his temporary inability to carry out his duties. During such time that Council member is so acting in the capacity of Mayor pro tem, he shall have power to exercise all the functions and duties of the Mayor. (Ord. 88-8-6 (part), 1988: prior code §64)

**2-08-110 REVISION OF ORDINANCES.**

The Mayor may appoint by and with the advice and consent of the City Council, one or more competent persons to prepare and submit to the City Council for their adoption or rejection, an ordinance in revision of the ordinances of the City, and for the government of the City, and the compensation of such revisers shall be determined and fixed by the City Council and paid out of the City treasury. (Ord. 88-8-6 (part), 1988: prior code §65)

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**Chapter 2-12**  
**CITY COUNCIL**

**Sections:**

- 2-12-010 Legislative and governing body.
- 2-12-020 Regular meetings.
- 2-12-030 Special meetings.
- 2-12-040 Quorum.
- 2-12-050 Action on committee reports.
- 2-12-060 Rules--Expulsion of members.
- 2-12-070 Appointment of judges of election--Voting places.
- 2-12-080 Canvass returns of election--Issue certificates.
- 2-12-090 Authority to create offices.
- 2-12-100 Official bonds and reports.
- 2-12-110 General duties.

**2-12-010 LEGISLATIVE AND GOVERNING BODY.**

The Mayor and City Council of the City of Enterprise are and shall- be the legislative and governing body of this City and as such shall have, exercise and discharge, all of the rights, powers, privileges, and authority conferred by law upon this City and shall perform all duties required of them by law or ordinance. (Ord. 88-7-7 (part), 1988: prior code §66)

**2-12-020 REGULAR MEETINGS.**

The City Council shall hold regular meetings on the second and fourth Wednesday of each month, provided, that when any general holiday occurs on any second or fourth Wednesday, the regular meeting shall be held on the Wednesday next following. The hour of the meeting shall be as designated by the City Council and properly advertised as required by state code. It shall sit with open doors, except when meeting in executive session and shall keep a journal of its proceedings. The books, records, and accounts of the Council shall be kept at the office of the City Recorder or town clerk. Individual citizens or citizen groups may have access to all public records, which have not been classified as confidential for public policy purposes. The concurrence of the majority of the members elected shall be necessary to the passage of any such ordinance or proposition. Where there is an even number of members, the consent or concurrence of one-half of the members shall be sufficient to confirm an appointment or concur in the renewal of an appointive officer. (Ord. 88-77 (part), 1988: prior code §67)

**2-12-030 SPECIAL MEETINGS.**

The Mayor or any two members of the Council may call a special meeting of the City Council by giving notice of it to each of the members of the Council, served personally or left at his usual place of abode. No vote of the City Council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there is present as large a number of members as were present when such vote was taken. (Ord. 88-7-7 (part), 1988: prior code §68)

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**2-12-040 QUORUM.**

A majority of the City Council shall constitute a quorum to transact business, but a smaller number may adjourn from time to time and may when necessary compel the attendance of absent members and direct the City marshal to enforce the attendance of such members. (Ord. 88-7-7 (part), 1988: prior code §69)

**2-12-050 ACTION ON COMMITTEE REPORTS.**

Any report of a committee of the Council shall by request of any two members be deferred for final action thereon to the next regular meeting after the report is made. (Ord. 88-7-7 (part), 1988: prior code §70)

**2-12-060 RULES--EXPULSION OF MEMBERS.**

The City Council shall determine its own rules of proceedings, may punish its members for disorderly conduct, and with the concurrence of two-thirds of the members may expel a member for cause. (Ord. 88-7-7 (part), 1988: prior code §72)

**2-12-070 APPOINTMENT OF JUDGES OF ELECTION--VOTING PLACES.**

In all municipal elections the City Council shall appoint judges of election and designate the places of voting. All elections must be conducted according to the General Laws of the State, and all notices and lists of names required to be posted by registry agents prior to any general election shall also be posted by the registry agents prior to any municipal election, the necessary changes being made as to time of posting the same. (Ord. 88-7-7 (part), 1988: prior code §73)

**2-12-080 CANVASS RETURNS OF ELECTION--ISSUE CERTIFICATES.**

On the Monday following any municipal election, the City Council must convene and publicly canvass the result, and issue certificates of election to each person elected by a plurality of votes. When two or more persons have received an equal and highest number of votes for any one of the offices voted for, the tie shall be decided by lot in the presence of the Mayor and City Recorder upon a day designated by the Mayor. (Ord. 88-7-7 (part), 1988: prior code §74)

**2-12-090 AUTHORITY TO CREATE OFFICES.**

The City Council may create any office they may deem necessary for the good government of the City, and provide for filling vacancies of elective and appointive offices, and prescribe the powers, duties and compensation of all officers of the City, except as otherwise provided by law. (Ord. 88-7-7 (part), 1988: prior code §75)

**2-12-100 OFFICIAL BONDS AND REPORTS.**

The City Council may require all municipal officers and agents of the City elected or appointed, to give bond and security for the faithful performance of their duties, and require from every officer of the City at any time a report in detail of all transactions in his office or any matters connected therewith. (Ord. 88-7-7 (part), 1988: prior code §76)

**2-12-110 GENERAL DUTIES.**

The City Council shall perform all such other duties as are or may be prescribed by statutes of this state or by the City ordinances, and shall perform such other acts and take such other measures, not inconsistent with law, as may be necessary for the efficient government of the City. (Ord. 88-7-7 (part), 1988: prior code §81)

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**Chapter 2-16**  
**CITY RECORDER**

**Sections:**

- 2-16-010 General duties--Copies of records evidence.
- 2-16-020 To countersign contracts.
- 2-16-030 Ex officio auditor.
- 2-16-040 Records, accounts and reports.
- 2-16-050 Reports by Recorder.
- 16-060 Limit of warrants.
- 2-16-070 Pay money and file receipts.
- 2-16-080 Financial statement to be published annually--Contents.
- 2-16-090 Record ordinances, etc.
- 2-16-100 To adopt annual tax levy.

**2-16-010 GENERAL DUTIES--COPIES OF RECORDS EVIDENCE.**

The City Recorder shall keep the City office open as set forth by the Mayor or City administrator. The Recorder shall keep the corporate seal and a systematic file of all papers and records of the City, and shall keep a record of the proceedings of the City Council, whose meetings it shall be the Recorder's duty to attend. 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. (Ord. 88-7-8 (part), 1988: prior code §82)

**2-16-020 TO COUNTERSIGN CONTRACTS.**

The City Recorder shall countersign all contracts made on behalf of the City, and every contract made on behalf of the City or to which the City is a party shall be void unless signed by the Recorder. (Ord. 88-7-8 (part), 1988: prior code §83)

**2-16-030 EX OFFICIO AUDITOR.**

The City Recorder shall be ex officio the City auditor and shall perform the duties of such office without extra compensation. (Ord. 88-7-8 (part), 1988: prior code §84)

**2-16-040 RECORDS, ACCOUNTS, AND REPORTS.**

The City Recorder shall draw and countersign all orders upon the treasurer in pursuance of any order or resolution of the City Council and shall keep a full and accurate account thereof in books provided for that purpose; shall 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; shall report annually, on or before the fifteenth day of June, to the City Council an estimate of the expenses of the City and the revenue necessary to be raised for the current year; shall keep regular books of accounts in which he 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 issued by the City, the amount of all bonds, orders, certificates, or other evidence 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

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sources of revenue and the amount which they have disbursed under the direction of the City Council; shall examine all reports, bonds, papers, vouchers and accounts of the City treasurer; shall audit all claims and demands against the City before they are allowed by the City Council and shall keep a record of claims presented and the action of the City Council thereon; shall keep a book properly indexed in which the Recorder shall enter all contracts, which book shall be open to the inspection of all persons interested. (Ord. 88-7-8 (part), 1988: prior code §85)

**2-16-050        REPORTS BY RECORDER.**

The City Recorder shall furnish each member of the City Council a monthly report setting forth the amounts of all budget appropriations, the disbursements to date from such appropriations, the amount of indebtedness incurred or contracted against appropriations but not yet paid, the total encumbrance to date against each appropriation including disbursements and indebtedness incurred and not paid, and the percentage of appropriations encumbered to date. Such monthly reports shall promptly be made available for public inspection. (Ord. 88-7-8 (part), 1988: prior code §86)

**2-16-060        LIMIT OF WARRANTS.**

The City Recorder is forbidden to draw warrants on City funds except in accordance with and within the limits of the budget appropriation ordinance for the current year. (Ord. 88-7-8 (part), 1988: prior code §87)

**2-16-070        PAY MONEY AND FILE RECEIPTS.**

The Recorder shall pay in the City treasury all money belonging to the City coming into the Recorder's office, and shall take a receipt for the same, which receipt shall be filed with other papers in the Recorder's office. (Ord. 88-7-8 (part), 1988: prior code §88)

**2-16-080        FINANCIAL STATEMENT TO BE PUBLISHED ANNUALLY--CONTENTS.**

- A. Within one hundred eighty days after the close of each fiscal year the City Recorder or other delegated person shall present to the governing body an annual financial report prepared in conformity with generally accepted accounting principles, as prescribed in the Uniform Accounting Manual for Utah Cities. This requirement may be satisfied by presentation of the audit report furnished by the independent auditor, if the financial statements included are appropriately prepared and reviewed with the governing body. Notwithstanding the acceptability of the audit report furnished by the independent auditor in substitution for financial statements prepared by an officer of the City, the governing body has the responsibility for those financial statements. The independent auditor has the responsibility of reporting whether the governing body's financial statements are prepared in conformity with generally accepted accounting principles. Copies of the annual financial report or the audit report furnished by the independent auditor shall be filed with the state auditor and shall be filed as a public document in the office of the City Recorder.
- B. Within ten days following the receipt of the audit report furnished by the independent auditor, the City auditor in cities having an auditor and the City Recorder in all other cities, shall prepare and publish at least twice in a newspaper of general circulation published within the county, a notice to the public that the audit of the City has been completed and a copy thereof may be inspected at the office of the City auditor or Recorder. If a newspaper of general circulation is not published within the county, the notice required by this section may be posted in three public places. (Ord. 88-7-8 (part), 1988: prior code §89)

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**2-16-090 RECORD ORDINANCES, ETC.**

The Recorder shall record all ordinances passed by the City Council in a book kept for that purpose, together with affidavits of publication by the publisher or his agent, if such ordinance was published, or if posted with the certificate of due posting thereof; the Recorder shall also keep in a book provided for that purpose, the names of persons elected or appointed to any office within the City, together with the dates on which they entered upon the duties of their respective offices and the date of their resignation or removal there from. (Ord. 88-7-8 (part), 1988: prior code §90)

**2-16-100 TO ADOPT ANNUAL TAX LEVY.**

The governing body of each City, town, school district and special taxing district shall, before June 22nd of each year, adopt a proposed or, if the tax rate is not more than the certified tax rate, a final tax rate for the City or special taxing district, respectively, certify the rate and levy, and submit the statement required under UAC 59-2-913 and any other information prescribed by rules of the commission for the preparation, review and certification of the rate, to the county auditor of the county in which the City or special taxing district is situated. If the governing body of any City or special taxing district fails to comply with this section, the county governing body of the county in which the City or special taxing district is situated shall notify the City or special taxing district by certified mail of the deficiency and forward all available documentation to the commission which shall hold a hearing on the matter and certify an appropriate rate. (Ord. 88-7-8 (part), 1988: prior code §91)

**Chapter 2-20**  
**CITY TREASURER**

**Sections:**

- 2-20-010 Office hours.
- 2-20-020 Duties--Generally.
- 2-20-030 Duties--Payment.
- 2-20-040 Duties--Giving receipts.
- 2-20-050 Special assessments--Application of proceeds.
- 2-20-060 Transfer of balances in special funds.
- 2-20-070 Deposit of City funds--Commingling with personal funds unlawful--Suspension from office.
- 2-20-080 Capitol Projects Fund

**2-20-010 OFFICE HOURS.**

The treasurer shall keep the City office open as the Mayor, City Council or City administrator may direct. (Ord. 88-8-9 (part), 1988: prior code §93)

**2-20-020 DUTIES--GENERALLY.**

The City Treasurer shall:

- A. Be custodian of all money, bonds, or other securities of the City;
- B. Determine the cash requirements of the City and provide for the investment of all idle cash;

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- C. Receive all public funds and money payable to the City, within three business days after collection, including all taxes, licenses, fines and intergovernmental revenue, and keep an accurate detailed account thereof in the manner provided in this chapter, and as the governing body of the City may by ordinance or resolution from time to time direct; and
- D. Collect all special taxes and assessments as provided by law and ordinance. (Ord. 88-8-9 (part), 1988: prior code §94)

**2-20-030 DUTIES--PAYMENT.**

He shall pay no money out save upon lawful warrant, except bonds and interest coupons, which, when due, may be paid upon presentation, or in case the same are payable at some other place, then the money for their redemption shall be sent to the place where they are payable, in time to meet such payment when due. (Ord. 88-8-9 (part), 1988: prior code §95)

**2-20-040 DUTIES--GIVING RECEIPTS.**

The City treasurer shall give every person paying money into the City treasury receipt therefore, specifying the date of payment and upon what account paid; and shall also file the duplicate of such receipt with the Recorder. (Ord. 88-8-9 (part), 1988: prior code §96)

**2-20-050 SPECIAL ASSESSMENTS--APPLICATION OF PROCEEDS.**

All money received by the treasurer on any special assessment shall be applied to the payment of the improvement for which the assessment was made. The money shall be used for the payment of interest and principal on bonds or other indebtedness issued in settlement thereof, and shall be used for no other purpose whatever, except as otherwise provided in UCA 10-6-131. (Ord. 88-8-9 (part), 1988: prior code §98 (part))

**2-20-060 TRANSFER OF BALANCES IN SPECIAL FUNDS.**

Whenever the necessity for maintaining any special fund of a City has ceased to exist and a balance remains in the fund, the governing body shall authorize the transfer of the balance to the fund balance account in the general fund of the City, except that:

- A. Any balance remaining in a special assessment fund and any non-required balance in its special improvements guaranty fund shall be treated in the manner provided in UCA 10-16-30 and 10-16-31;
- B. Any balance remaining in a capital improvements or capital projects fund shall be transferred to the appropriate debt service fund or other fund as the bond ordinance may require and otherwise to the fund balance account in the general fund;
- C. Whenever any balance held in a trust fund for a specific purpose, other than a cemetery perpetual care trust fund, is to be transferred because its original purpose or restriction has ceased to exist, a public hearing shall be held in the manner provided in UCA 10-6-113 and 10-6-114. The published notice shall invite those persons who contributed to the fund to appear at the hearing. If the governing body determines the fund balance amounts are refundable to the original contributors, a thirty-day period following the hearing shall be allowed for persons having an interest in the fund to file with the governing body a verified claim only for the amount of each claimant's contributions. Any claim not so filed shall be forever barred. Any balance remaining after refunds to eligible contributors, shall be transferred to the fund balance account in the general fund of the City; and
- D. Whenever the governing body decides, in conformity with applicable laws and ordinances, that the need for continued maintenance of its cemetery perpetual care trust fund no longer exists, it may transfer the balance in such fund to the capital improvements fund for expenditure for land, buildings and major

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improvements to be used exclusively for cemetery purposes. (Ord. 88-8-9 (part), 1988: prior code §98 (part))

**2-20-070 DEPOSIT OF CITY FUNDS--COMMINGLING WITH PERSONAL FUNDS UNLAWFUL--SUSPENSION FROM OFFICE.**

The treasurer shall promptly deposit all City funds in the appropriate bank account of the City. It shall be unlawful for any person to commingle City funds with his/her own money. Whenever it shall appear that the treasurer or any other officer is making profit out of public money or is using the same for any purpose not authorized by law, such treasurer or officer shall be suspended from office. (Ord. 88-8-9 (part), 1988: prior code §99)

**Chapter 2-24**  
**CITY MARSHAL**

**Sections:**

- 2-24-010 Powers and duties.
- 2-24-020 Arrests.
- 2-24-030 Require the aid of citizens.
- 2-24-040 Receipts of property taken from person.
- 2-24-050 Keep register, remit fines, etc.
- 2-24-060 Duties as jailor.
- 2-24-070 Abate nuisances.

**2-24-010 POWERS AND DUTIES.**

- A. Enforcement of Duties: The City marshal shall have charge of the City hall, City prison, police quarters and furniture and appurtenances there unto belonging, and cause the same to be kept in good order; he shall execute all orders of the Mayor and City Council, preserve the peace and good order of the City, quell all riots, arrest and bring all disorderly persons before the justice of the peace, and see that all orders and judgments of said court are carried into effect; he shall see that all ordinances of the City are enforced, and shall take such measures as shall secure the peace and good order of all public meetings and of the City generally. The City marshal shall be ex officio chief of police, and shall perform the duties and exercise the authority thereof. He shall, under the direction of the Council, direct and control the police of the City, and whenever the interests of the City demand, by and with the consent of the Mayor, shall appoint such number of special policemen as may be required, and perform such other duties as may be prescribed by ordinance.
- B. Duties—General: The City marshal shall perform such other duties as are or may be required of him by law or ordinance. (Prior code §§102, 109)

**2-24-020 ARRESTS.**

The City marshal and those acting under his directions, shall have the power and authority without process to arrest and take into custody any person who shall commit or threaten or attempt to commit in the presence of



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such officer, or within his view, any breach of the peace of any offense directly punished by the laws of this state or the ordinances of this City. (Prior code §103)

**2-24-030 REQUIRE THE AID OF CITIZENS.**

The City marshal in the execution of his business with or without warrant in arresting any person accused or suspected of crime or in the suppression of any riot or unlawful assembly or in preventing the violation of any ordinance, shall have power to require the aid of any citizen or bystander, if necessary to accomplish the same. (Prior code §104)

**2-24-040 RECEIPTS OF PROPERTY TAKEN FROM PERSON.**

When money or other property is taken from a person arrested upon a charge of a public offense, the officer taking it must at the time give to such person a receipt therefore, specifying particularly the amount of money and the kind of property taken. (Prior code §105)

**2-24-050 KEEP REGISTER, REMIT FINES, ETC.**

The City marshal shall provide and cause to be kept a register of arrests. Upon such register there shall be entered a statement showing the date of all arrests, the name of the person arrested, the name of the officer making the arrest and the offense charged. He shall keep an account of all moneys which shall come into his hands for the use and benefit of the City, by way of fines or otherwise and shall forthwith pay the same into the City treasury. (Prior code §106)

**2-24-060 DUTIES AS JAILOR.**

It shall be the duty of the City marshal to take charge of the City jail and to cause the same to be lighted and warmed when it shall be necessary and kept clean and in proper order. He shall have the custody of the inmates thereof and shall see to feeding and otherwise caring for the same. He shall furthermore see that the rules for the government of the jail are carried into effect. He shall keep a book in which shall be entered the day and hour of receiving a prisoner and the day and hour of his release. (Prior code §107)

**2-24-070 ABATE NUISANCES.**

The City marshal shall cause to be abated or removed any nuisance found within the limits of the City. (Prior code §108)

**Chapter 2-28**  
**CITY ATTORNEY**

**Sections:**

- 2-28-010 Duties.
- 2-28-020 Prosecute actions, etc.
- 2-28-030 Appeals--City attorney to represent City.
- 2-28-040 Docket--What to contain--Report.-

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**2-28-010 DUTIES.**

- A. Act as Legal Advisor. The City attorney shall act as legal advisor of the City in all matters pertaining to contracts with or by the City and on any question of law arising out of any law, ordinance or other-wise. It shall be his duty to advise all. City officials in relation to their official duties. He shall advise the City Council, or its committees, on such legal questions as may arise in relation to the business of the City, and shall report, at any time City Council or the Mayor of the City may direct, upon any matters in his hands, which may be necessary for their information.
- B. General Duties. He shall perform such other duties as may be required of him by law or ordinance. (Prior code §§110, 114)

**2-28-020 PROSECUTE ACTIONS, ETC.**

The City attorney shall begin and conduct all prosecutions for violations of any ordinance of the City. He shall prosecute or defend all actions in behalf of the City or any officers thereof, wherein any of the estate, rights, privileges, ordinances, acts, or orders of the City Council may be brought in question before any court. He may take appeals in civil actions, sue out writs of error, or certiorari by and with the approval of the Mayor, when the interest of the City requires it, and prosecute or defend the same in the appellate court. (Prior code §111)

**2-28-030 APPEALS--CITY ATTORNEY TO REPRESENT CITY.**

Whenever a criminal action for the violation of a City ordinance is appealed to the district court of Washington County, Utah, it shall be the duty of the City attorney to appear and prosecute such action in the district court. (Prior code §112)

**2-28-040 DOCKET--WHAT TO CONTAIN--REPORT.**

The City attorney shall keep a docket and enter therein an abstract account of all suits pending in any court, and judgment rendered pertaining to the City, and shall keep a record of all claims placed in his hands for collection, and moneys received by him in account of the City, and payments made by him to the City treasurer. He shall report to the City Council, as they may require, the condition of the business under his control. (Prior code §113)

**Chapter 2-32**  
**CITY ENGINEER**

**Sections:**

- 2-32-010 In cities of the third class.

**2-32-010 IN CITIES OF THE THIRD CLASS.**

The governing body of cities of the third class and towns may by ordinance establish the office of municipal engineer and prescribe the duties and obligations for that office which are consistent with the duties and obligations of the City engineer in cities of the first and second class. Where a City of the third class or town uses the engineer employed by the county in which the municipality is located, the municipality may by ordinance prescribe for its municipal engineer either the duties of a municipal engineer or, if different, the duties of the county engineer, or a combination of duties. (Ord. 88-7-12, 1988)

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**Chapter 2-36**  
**CITY INSPECTOR**

**Sections:**

- 2-36-010 Office created.
- 2-36-020 Duties--Generally.
- 2-36-030 Penalty for obstruction.
- 2-36-040 Duties--Dangerous buildings--Notice--Penalty.

**2-36-010 OFFICE CREATED.**

There is created the office of City inspector, which shall be filled as provided by ordinance. The City inspector shall perform such duties as may be required of him by law or ordinance. (Ord. 88-7-13A (part), 1988)

**2-36-020 DUTIES--GENERALLY.**

The City inspector shall, when called upon by any person interested, examine any public or private building, bridge, dam, lock, gate reservoir or aqueduct, and certify as to the strength, safety, workmanship or general condition thereof. He shall see that all ordinances for the prevention of fire are carried into effect and may require the removal or prevent the construction or erection of any fireplace, chimney, hearth, stovepipe, or flue in any building that may seem to endanger life or property. The necessary warrants for inspections of private premises and private areas of commercial premises shall be obtained except in case of emergency. (Ord. 88-7-13A (part), 1988)

**2-36-030 PENALTY FOR OBSTRUCTION.**

If any person shall obstruct or hinder the inspector or any person under the direction of the inspector in the performance of his duty under the preceding section, such person for every offense, shall upon conviction be liable to a fine in any sum not to exceed one thousand dollars. (Ord. 88-7-13A (part), 1988)

**2-36-040 DUTIES--DANGEROUS BUILDINGS--NOTICE--PENALTY.**

When any building or part thereof in this City shall become dangerous to life and limb of any persons residing therein, or in adjacent buildings, or passing in the vicinity, or if from cause apparent it will so become dangerous, the City inspector shall immediately notify the owner or agent of such building or structure to have the same removed, repaired or secured within twenty-four hours thereafter; and in the owner or agent fails to do so, it shall be the duty of the inspector to demolish or secure the same so as to secure safety and he may call upon the police for assistance or may employ labor or purchase material needed, and the expense thereof shall be collected from such owner, and any owner or agent who shall fail to comply with the requirements of such notice shall, upon conviction thereof, be fined in any sum not to exceed one thousand dollars. (Ord. 88-7-13A (part), 1988)

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**Chapter 2-40**  
**CITY JUSTICE OF THE PEACE**

**Sections:**

- 2-40-010 Duties--Generally.
- 2-40-020 Jurisdiction.
- 2-40-030 Rules of practice--Appeals.
- 2-40-040 Rules of practice--Jury trial.
- 2-40-050 City justice pro tempore to be appointed when.
- 2-40-060 Salary.
- 2-40-070 Duties--Fines--Payment into City treasury.
- 2-40-080 Duties--Report to City Council.

**2-40-010 DUTIES--GENERALLY.**

The City justice of the peace shall perform such duties, be governed by such procedure and collect such fees as are, or may be prescribed by law or ordinance. (Ord. 88-7-14A (part), 1988: prior code §121)

**2-40-020 JURISDICTION.**

The justice of the peace shall have exclusive original jurisdiction of cases arising under or by reason of the violation of any ordinance of the City of Enterprise, and shall have the same powers and jurisdiction as justices of the peace in all other actions, civil and criminal. (Ord. 88-7-14A (part), 1988: prior code 5122)

**2-40-030 RULES OF PRACTICE--APPEALS.**

The rules of practice and the mode of procedure, in the City justice's court, shall be the same as except herein otherwise expressly provided. From all final judgments of the City justice's court, as appeal may be taken by either party in civil cases, or by the defendant in a criminal case, to the district court of the county, in the manner provided by law for appeals from justice's courts in similar cases. (Ord. 88-7-14A (part), 1988: prior code §123)

**2-40-040 RULES OF PRACTICE--JURY TRIAL.**

All actions before the City justice arising under the City ordinances shall be tried and determined by such justice, with the intervention of a jury, unless the right to a jury trial is waived by the defendant. The defendant shall demand a trial by jury, before the commencement of the trial, and when such a demand shall be made, a jury shall be impaneled in the same manner as provided for the impaneling of a jury in other justice's court. (Ord. 88-7-14A (part), 1988: prior code 5124)

**2-40-050 CITY JUSTICE PRO TEMPORE TO BE APPOINTED WHEN.**

In case the justice of the peace shall, for any reason, be unable or disqualified to perform the duties of his office, or shall be absent, the Mayor shall appoint some other justice of the peace residing within the county to act as City justice to act pro tempore and he shall have the powers and shall discharge the duties of such City justice in the same manner and to the same extent as the City justice might have done, but during the existence of such disability or absence only. (Ord. 88-7-14A (part), 1988: prior code §125)

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**2-40-060 SALARY.**

The City justice court judge shall receive such salary for his services as dictated by resolution by the City Council. (Ord. 88-7-14A (part), 1988: prior code §126)

**2-40-070 DUTIES--FINES--PAYMENT INTO CITY TREASURY.**

The justice of the peace shall pay into the City treasury all moneys received by him for fines, or otherwise belonging to the City, taking therefore the treasurer's receipt within seven days of receiving the money. (Ord. 88-7-14A (part), 1988: prior code §127)

**2-40-080 DUTIES--REPORT TO CITY COUNCIL.**

It shall be the duty of the City justice of the peace to make a report to the City Council at its first meeting in each quarter showing the number of cases brought before him on behalf of the City during the previous quarter, together with the amount of all fines imposed and those collected by him. The quarterly report shall also show all outstanding fines and judgments in favor of the City which have not been satisfied in full. (Ord. 88-7-14A (part), 1988: prior code §128)

**Chapter 2-44**  
**VOLUNTEER FIRE DEPARTMENT**

**Sections:**

ARTICLE I. GENERAL PROVISIONS

- 2-44-010 Officers.
- 2-44-020 Appointment.

ARTICLE II. CHIEF

- 2-44-030 Appointment--Qualifications--Removal.
- 2-44-040 Duties--Accountability of officers.
- 2-44-050 Duties--Formulation of rules.
- 2-44-060 Duties--Composition and operation of department.
- 2-44-070 Duties--Conducting drills.
- 2-44-080 Duties--Assisting arson investigations.
- 2-44-090 Abatement notice--Mandatory notification of chief.
- 2-44-100 Duties--Record keeping.

ARTICLE II. CHIEF

- 2-44-110 Duties--Monthly report to City Council.
- 2-44-120 Duties--Annual report to City Council.

ARTICLE III. MEMBERSHIP

- 2-44-130 Generally.
- 2-44-140 Suspension--Hearing.

ARTICLE IV. EQUIPMENT

- 2-44-150 Badges.

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- 2-44-160 Responding motor equipment to have right-of-way — Car insignia.
- 2-44-170 Generally.
- 2-44-180 Recommendations.
- 2-44-190 Housing.
- 2-44-200 Equipment for alarms required.
- 2-44-210 Personal use, taking or concealment prohibited.
- 2-44-220 Entering housing area or handling equipment prohibited — Exception.
- 2-44-230 Chief authority — Mutual aid agreements.
- 2-44-240 Apparatus may leave station when.
- 2-44-250 Emergency vehicles — Weekly inspection.
- 2-44-260 Apparatus may be left at scene when.

**ARTICLE V. INTERFERENCE WITH FIREFIGHTERS OR APPARATUS**

- 2-44-270 Driving over fire hose prohibited--Exception.
- 2-44-280 Prohibited parking areas.
- 2-44-290 Following department vehicles or parking within certain distance of fire prohibited.
- 2-44-300 False alarms prohibited.

**ARTICLE VI. ENFORCEMENT**

- 2-44-310 Violation/Penalty—Fire Department.
- 2-44-320 Officers — Special police powers granted.
- 2-44-330 Police department members — Duty to assist.

**ARTICLE I. GENERAL PROVISIONS**

**2-04-010 OFFICERS.**

The department shall consist of a chief, two assistant chiefs, and other officers as the chief and City Council may deem necessary for the effective operation of the department. (Ord. 88-7-2-4-1981-A §1 Art. 1, 1988: Ord. dated 2/4/81 §1 Art. 1, 1981)

**2-44-020 APPOINTMENT.**

The assistant chiefs and all other department and company officers shall be appointed by the chief. Such officers shall be accountable only to the chief, and subject to removal by him. (Ord. 88-7-2-4-1981-A §1 Art. 4, 1988: Ord. dated 2/4/81 §1 Art. 4, 1981)

**ARTICLE II. CHIEF**

**2-40-030 APPOINTMENT--QUALIFICATIONS--REMOVAL.**

The chief shall be appointed by the City Council for an indefinite period of time, and his tenure of office shall depend upon his good conduct and efficiency. The chief shall be technically qualified by training and experience and shall have ability to command men and hold their respect and confidence. He shall be removed only for just cause and after a public hearing before the City Council. (Ord. 88-7-2-4-1981-A §1 Art. 2, 1988: Ord. dated 2/4/81 §1 Art. 2, 1981)

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**2-44-040 DUTIES--ACCOUNTABILITY OF OFFICERS.**

The chief shall be held accountable to the City Council only, and shall make written and verbal reports thereto as the City Council may require. All other department and company officers shall be accountable only to the chief, and subject to removal by him. (Ord. 88-7-2-4-1981-A §1 Art. 3, 1988: Ord. dated 2/4/81 §1 Art. 3, 1981)

**2-44-050 DUTIES--FORMULATION OF RULES.**

The Chief shall formulate a set of rules and regulations to govern the department, and shall be responsible to the City Council for the personnel, morale, and general efficiency of the department. (Ord. 88-7-2-4-1981-A §2 Art. 1, 1988: Ord. dated 2/4/81 §2 Art. 1, 1981)

**2-44-060 DUTIES--COMPOSITION AND OPERATION OF DEPARTMENT.**

The chief shall determine the number and kind of companies of which the department is to be composed and shall determine the response of such companies to alarms. (Ord. 88-7-2-4-1981-A §2 Art. 2, 1988: Ord. dated 2/4/81 §2 Art.2, 1981)

**2-44-070 DUTIES--CONDUCTING DRILLS.**

The chief shall at least once a month conduct suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, salvage, a study of buildings in the City, fire prevention, water supplies and all other matters generally considered essential to good fireman ship and safety of life and property from fire. (Ord. 88-7-2-4-1981-A §2 Art. 3, 1988: Ord. dated 2/4/81 §2 Art. 3, 1981)

**2-44-080 DUTIES--ASSISTING ARSON INVESTIGATIONS.**

The chief is required to assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin, and circumstances of all fires. (Ord. 88-7-2-4-1981-A §2 Art. 4, 1988: Ord. dated 2/4/81 §2 Art. 4, 1981)

**2-44-090 ABATEMENT NOTICE--MANDATORY NOTIFICATION OF CHIEF.**

Any person so served with a notice to abate any tire hazard or hazards shall comply therewith and promptly notify the chief. (Ord. 88-7-2-4-1981-A §2 Art. 5, 1988: Ord. dated 2/4/81 §2 Art. 5, 1981)

**2-44-100 DUTIES--RECORD KEEPING.**

The chief shall see that complete records are kept of all fires, inspections, apparatus, and minor equipment, personnel and other information about the work of the department. (Ord. 88-7-2-4-1981-A §2 Art. 6, 1988: Ord. dated 2/4/81 §2 Art. 6, 1981)

**2-44-110 DUTIES--MONTHLY REPORT TO CITY COUNCIL.**

The chief shall report monthly to the City Council the condition of the apparatus and equipment; the number of fires during the month, their location and cause, and date of same and loss occasioned thereby; the number and purpose of all other runs made; and the number of members responding to each fire or other run and any changes in membership. (Ord. 88-7-2-4-1981-A §2 Art. 7, 1988: Ord. dated 2/4/81 §2 Art. 7, 1981)

**2-44-120 DUTIES--ANNUAL REPORT TO CITY COUNCIL.**

The chief shall make a complete annual report to the City Council within one month after the close of the fiscal year, such report to include the information specified in Section 2-44-110, together with comparative data for

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previous years and recommendations for improving the effectiveness of the department. (Ord. 88-7-2-4-1981-A §2 Art. 8, 1988: Ord. dated 2/4/81 §2 Art. 8, 1981)

**ARTICLE III. MEMBERSHIP**

**2-44-130        GENERALLY.**

The membership of the department shall consist of such persons as may be appointed by the chief and shall be able-bodied citizens residing within the City of Enterprise, preferably property owners whose business activities are normally within the confines of the City, and who have telephones in their homes. Determination of whether candidates for appointment are able bodied shall be made by the chief in a manner prescribed by the chief and approved by the City Council. (Ord. 88-7-2-4-1981-A §3 Art. 1, 1988: Ord. dated 2/4/81 §3 Art. 1, 1981)

**2-44-140        SUSPENSION--HEARING.**

Any member of the department may be suspended or discharged from the department by the chief at any time he may deem such action necessary for the good of the department. On written request of such member to the City Council, he shall be given a public hearing on the charges brought by the chief. (Ord. 88-7-2-4-1981-A §3 Art. 2, 1988: Ord. dated 2/4/81 §3 Art. 2, 1981)

**ARTICLE IV. EQUIPMENT**

**2-44-150        BADGES.**

The City will provide the Fire Chief with a badge. Other members of the department may be issued a badge designating his or her rank, at the sole discretion of the City. All badges remain the property of the City and shall be returned to the City upon request by the City or upon termination or separation from service. (Ord. 2014-01 dated 1/22/2014)

**2-44-160        RESPONDING MOTOR EQUIPMENT TO HAVE RIGHT-OF-WAY--CAR INSIGNIA.**

- A. All motor equipment and all personal cars of department members shall have right-of-way over all other traffic when responding to an alarm.
- B. Each member of the department driving a car shall be issued a suitable insignia to be attached to the car. (Ord. 88-7-2-4-1981-A §5 Arts. 2, 3, 1988: Ord. dated 2/4/81 §5 Arts. 2, 3, 1981)

**2-44-170        GENERALLY.**

The department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire. (Ord. 88-7-2-4-1981-A §4 Art. 1, 1988: Ord. dated 2/4/81 §4 Art. 1, 1981)

**2-44-180        RECOMMENDATIONS.**

Recommendations of apparatus and equipment needed shall be made by the chief, and after approval by the City Council shall be purchased in such manner as may be designated by the City Council. (Ord. 88-7-2-4-1981-A §4 Art. 2, 1988: Ord. dated 2/4/81 §4 Art. 2, 1981)

**2-44-190        HOUSING.**



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All equipment of the department shall be safely and conveniently housed in such places as may be designated by the City Council. Such places shall be heated during the winter season. (Ord. 88-7-2-4-1981-A §4 Art. 3, 1988: Ord. dated 2/4/81 §4 Art. 3, 1981)

**2-44-200        EQUIPMENT FOR ALARMS REQUIRED.**

Suitable arrangement or equipment shall be provided for citizens to turn in an alarm, and for notifying all members of the department so that they may promptly respond. (Ord. 88-7-2-4-1981-A §4 Art. 4, 1988: Ord. dated 2/4/81 §4 Art. 4, 1981)

**2-44-210        PERSONAL USE, TAKING, OR CONCEALMENT PROHIBITED.**

No person shall use any fire apparatus or equipment for any private purpose, without the consent of the chief, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the Department. (Ord. 88-7-2-4-1981-A §4 Art. 5, 1988: Ord. dated 2/4/81 §4 Art. 5, 1981)

**2-44-220        ENTERING HOUSING AREA OR HANDLING EQUIPMENT PROHIBITED--EXCEPTION.**

No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by or having the special permission of an officer or authorized member of the department. (Ord. 88-7-2-4-1981-A §4 Art. 6, 1988: Ord. dated 2/4/81 §4 Art. 6, 1981)

**2-44-230        CHIEF AUTHORITY--MUTUAL AID AGREEMENTS.**

The Chief shall have authority to negotiate mutual aid agreements with surrounding fire protection services subject- to the approval of the City Council. In the absence of a mutual aid agreement, the chief may assess, with the approval of the City Council, a fee for fire service rendered outside the basic Enterprise protection area. (Ord. 88-7-2-4-1981-A §4 Art. 7, 1988: Ord. dated 2/4/81 §4 Art. 7, 1981)

**2-44-240        APPARATUS MAY LEAVE STATION WHEN.**

No apparatus shall be hired out or permitted to leave the fire station, except in response to a call for aid at a fire in a neighboring community without the consent of the fire chief or City manager. The officer in charge of the department shall have power to assign equipment for response to calls for outside aid in accordance with Section 2.24.230, and in other cases only when the absence of such equipment will not jeopardize protection in this City. (Ord. 88-7-2-4-1981-A §4 Art. 8, 1988: Ord. dated 2/4/81 §4 Art. 8, 1981)

**2-44-250        EMERGENCY VEHICLES--WEEKLY INSPECTION.**

- A. The City Council shall cause that a City employee shall make a regular weekly inspection of all emergency vehicles including the fire truck and ambulance. The inspection shall include the checking of fluid levels, i.e. oil, water, and gas. The vehicles shall be started and run for a minimum of 15 minutes. The general condition of related equipment and supplies shall be noted.
- B. Any deficiencies or problems noted should be immediately called to the attention of the fire chief, EMS supervisor, or City manager. (Ord. 88-7-2-4-1981-A §4 Art. 9, 1988: Ord. dated 2/4/81 §4 Art. 9, 1981)

**2-44-260        APPARATUS MAY BE LEFT AT SCENE WHEN.**

No fire apparatus or equipment shall be left at the scene of any fire or incident unless it is accompanied by at least one member of the department. (Ord. 88-7-2-4-1981-A §4 Art. 10, 1988: Ord. dated 2/4/81 §4 Art. 10, 1981)

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**ARTICLE V. INTERFERENCE WITH FIREFIGHTERS OR APPARATUS**

**2-44-270 DRIVING OVER FIRE HOSE PROHIBITED--EXCEPTION.**

No person shall drive any vehicle over fire hose except upon specific orders from the chief or other officer in charge where the hose is used. (Ord. 88-7-2-4-1981-A §5 Art. 4, 1988: Ord. dated 2/4/81 §5 Art. 4, 1981)

**2-44-280 PROHIBITED PARKING AREAS.**

No person shall park any vehicle or otherwise cause any obstruction to be placed within five feet of the entrance to any fire station or other place where fire apparatus is stored, or within ten feet of any fire hydrant or cistern. (Ord. 88-7-2-4-1981-A §5 Art. 5, 1988: Ord. dated 2/4/81 §5 Art. 5, 1981)

**2-44-290 FOLLOWING DEPARTMENT VEHICLES OR PARKING WITHIN CERTAIN DISTANCE OF FIRE PROHIBITED.**

No unauthorized person with any vehicle shall follow within six hundred feet of any apparatus belonging to the department, nor park any vehicle within three hundred feet of a fire (Ord. 88-7-2-4-1981-A §5 Art. 6, 1988: Ord. dated 2/4/81 §5 Art. 6, 1981)

**2-44-300 FALSE ALARMS PROHIBITED.**

No person shall maliciously turn in or cause to be turned in a false alarm. (Ord. 88-7-2-4-1981-A §5 Art. 7, 1988: Ord. dated 2/4/81 §5 Art. 7, 1981)

**ARTICLE VI. ENFORCEMENT**

**2-44-310 VIOLATION/PENALTY--FIRE DEPARTMENT.**

1. The City Council shall approve by resolution any fee schedule(s) used by the City.
2. The amount of violation/penalty fees imposed by the provisions of this chapter shall be deemed a debt to the City of Enterprise in any court of competent jurisdiction for the amount of any delinquent fees, penalties, attorney fees, and other reasonable costs in collecting the debt.
3. All remedies prescribed under this chapter shall be cumulative.
4. Willful failure to comply with any provisions of this ordinance and/or related resolutions is a Class B misdemeanor and is punishable as such to the full extent allowed by law. (Ord. 2006-06, 2006)

**2-44-320 OFFICERS--SPECIAL POLICE POWERS GRANTED.**

All regularly appointed officers of the department are given the necessary special police powers for the purpose of enforcing the provisions of this chapter. (Ord. 88-7-2-4-1981-A §6 Art. 2, 1988: Ord. dated 2/4/81 §6 Art. 2, 1981)

**2-44-330 POLICE DEPARTMENT MEMBERS--DUTY TO ASSIST.**

It is made the special duty of the chief of police and/or other peace officers who may be on duty and available for fire duty, to respond to all fire alarms and assist the department in the protection of life and property, in regulating traffic, maintaining order and in enforcing observance of all sections of this chapter. (Ord. 88-7-2-4-1981-A §6 Art. 3, 1988: Ord. dated 2/4/81 §6 Art. 3, 1981)

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**Chapter 2-48**  
**CEMETERY SUPERINTENDENT**

**Sections:**

- 2-48-010 Office created
- 2-48-020 Duties

**2-48-010 OFFICE CREATED.**

There is created the position of cemetery superintendent. (Ord. 8-200 §8-211, 1986)

**2-48-020 DUTIES.**

The cemetery superintendent shall have the general supervision and administration of the municipal cemetery including but not limited to:

- A. Recommending to the governing body such additional rules and regulations as may be necessary for the operation, maintenance, use and protection of the cemetery.
- B. Subdividing the cemetery into lots and grave sites.
- C. Maintaining a record of the location of the graves and preventing any lot from being used beyond its capacity.
- D. Keeping in proper repair the enclosure around the cemetery and preventing its being entered by animals and, so far as practical, preventing the destruction or defacing of any tablet or marker placed or erected therein.
- E. Keeping a duplicate plat of the cemetery and, at the request of any person wishing to purchase any of the lots or parts of lots, pointing out any of the lots or parts of lots for sale; and upon disposal of any lots or part thereof, notifying the Recorder/clerk of such fact. The Recorder/clerk shall, after payment of the lot price has been received in the treasury, issue a certificate of burial rights which shall describe the lot or grave to which the right to burial is granted. The certificate shall be signed by the Mayor and the Recorder/clerk.
- F. Opening any graves in the cemetery upon application to him being made by the Recorder/clerk or by any person having the right to make such application and being responsible for closing all graves.
- G. Removing floral pieces or displays left on any grave as deemed necessary to the appearance of the cemetery, but such floral pieces or displays shall not be removed sooner than five days after original placement except in emergency.
- H. Keeping the streets, alleys, walks and avenues in the cemetery in good order and unobstructed.
- I. Erecting a suitable marker firmly set upon the northwest corner of each lot with the number of the lot inscribed thereon and which location shall be shown on the cemetery records. (Ord. 8-200 §8-212, 1986)

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**Chapter 2-52**  
**WATER DEPARTMENT**

**Sections:**

- 2-52-010 Establishment.
- 2-52-020 Superintendent--Appointment.
- 2-52-030 Superintendent--Duties.

**2-52-010 ESTABLISHMENT.**

The water department is established. It shall comprise all of the property and equipment and personnel necessary for the maintenance and the operation of the City water supply and distribution system. (Ord. 1981 §1, 1981)

**2-52-020 SUPERINTENDENT--APPOINTMENT.**

The Mayor shall appoint by and with the approval of the City Council, a competent person for the position of superintendent of the water department who shall hold office during the pleasure of the Mayor and City Council. (Ord. 1981 §2, 1981)

**2-52-030 SUPERINTENDENT--DUTIES.**

The superintendent of the water works system shall, under the direction of the Mayor and City Council, have charge of all water and water sources, water tanks, water mains, fire hydrants and all of the equipment and appurtenances pertaining to the water-works system in Enterprise City. He shall have the direction of the laying of water mains and laterals and the regulation of the supply of water and shall perform such other duties as may be required by law or ordinances or by his contract of employment. (Ord. 1981 §3, 1981)

**Chapter 2-56**  
**DEPARTMENT OF SEWERS AND WATERWORKS**

**Sections:**

- 2-56-010 Created--Management.

**2-56-010 CREATED--MANAGEMENT.**

There is created and established within and for the City of Enterprise, the office of sewer and waterworks. Such office shall be managed by the City clerk, superintendent of waterworks, superintendent of sewer system, or such other person or persons as may from time to time be appointed and designated by the City Council. (Ord. 88-7-OR-14-210-83A §1, 1988: Ord. 14-201-83, 1983)

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**Chapter 2-60**  
**DEPARTMENT OF PUBLIC LIGHT AND POWER UTILITIES**

**Sections:**

- 2-60-010 Created.
- 2-60-020 City Council--Powers and duties--Damage claims
- 2-60-030 City Council--Powers and duties--Real estate and contracts.
- 2-60-040 Light and power commission.
- 2-60-050 City Council--Powers and duties--Personnel and materials.
- 2-60-060 City Council--Powers and duties--Surety bonds.
- 2-60-070 City Council--Powers and duties--Employee benefits.
- 2-60-080 City Council--Powers and duties--Joint operations with others--Preexisting obligations.
- 2-60-090 City Council--Powers and duties--Eminent domain.
- 2-60-100 City Council--Powers and duties--Use of thoroughfares for utility installations.
- 2-60-110 City Council--Powers and duties--Extension of services.
- 2-60-120 City Council--Powers and duties--Authorizing expenditures.
- 2-60-130 City Council--Powers and duties--Promotion expenditures.
- 2-60-140 City Council--Powers and duties--Transfer and investment of surplus funds.
- 2-60-150 City Council--Powers and duties--Accounting and budget reports.
- 2-60-160 Disposition of public utilities.
- 2-60-170 City Council--Powers and duties--Rates.

**2-60-010      CREATED.**

There is created the department of light and power utilities of the City of Enterprise, Washington County, state of Utah, which shall be responsible for the development, production, purchase, and distribution of all electric power utility services, by the City. (Ord. 88-7-580-A §1, 1988: Ord. 580-A §1, 1978)

**2-60-020      CITY COUNCIL--POWERS AND DUTIES--DAMAGE CLAIMS.**

All damage claims arising from the operations of the department shall be the responsibility of and be liquidated by the Council from the appropriate funds of the respective utility system of the department. (Ord. 88-7-580-A §2(C), 1988: Ord. 580-A §2(C), 1978)

**2-60-030      CITY COUNCIL--POWERS AND DUTIES--REAL ESTATE AND CONTRACTS.**

The Council, in the efficient and economical operation of the department, both inside and outside the City limits may:

- A. Sell its products and services to public and private corporations and to other consumers;
- B. Construct plants, transmission lines and other facilities;
- C. Purchase real estate and franchises in the name of the City; and
- D. Enter into all contracts, leases and agreements in furtherance hereof.

(Ord. 88-7-580-A §3(D), 1988: Ord. 580-A §3(D), 1978)

**2-60-040      LIGHT AND POWER COMMISSION.**

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**Title 2 – Administration and Personnel**  
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- A. The Enterprise City Council shall have jurisdiction, control, and management of the department and all its operations and facilities. The Council shall have all the powers and duties possessed by the City to construct, acquire, expand and operate public utilities, and to do any and all acts or things that are necessary, convenient or desirable in order to operate public utilities, and to do any and all acts or things that are necessary, convenient or desirable in order to operate, maintain, enlarge, extend, preserve and promote an orderly, economic and businesslike administration of public utilities.
- B. The Council shall operate as a unit of City government. (Ord. 88-7-580-A §2(A), (B), 1988: Ord. 580-A §2(A), (B) , 1978)

**2-60-050 CITY COUNCIL--POWERS AND DUTIES--PERSONNEL AND MATERIALS.**

- A. The Council is authorized and empowered to employ all necessary laborers, clerks, and employees and fix and pay their salaries, and any authorized expenses; and to purchase all necessary materials and supplies for the proper operation and maintenance of the system so owned by the City.
- B. The Council will also select one full-time electrician and manager for the department of public light and power, and outline his duties and pay his salary. The first duty and obligation of said electrician and manager shall be the proper operation, maintenance, and care of the department of public light and power. The salary of the electrician and manager will be set by the Council. The normal working hours of the electrician and manager not needed in the proper operation, maintenance, and care of the department of public light and power may be used for other work as needed by the City. (Ord. 88-7-580-A §3(A), 1988: Ord. 580-A §3(A), 1978)

**2-60-060 CITY COUNCIL--POWERS AND DUTIES--SURETY BONDS.**

The Council may required surety bonds for any of the officers and employees of the department in such amounts as the Council deems necessary. The premiums for the bonds shall be paid by the department in the same manner as any other operating expense. (Ord. 88-7-580-A §3(B), 1988: Ord. 580-A §3(B), 1978)

**2-60-070 CITY COUNCIL--POWERS AND DUTIES--EMPLOYEE BENEFITS.**

The Council may contribute to the cost of pension, retirement, life and accident and health insurance programs for the officers and employees of the department. (Ord. 88-7-580-A §3(C), 1988: Ord. 580-A §3(C), 1978)

**2-60-080 CITY COUNCIL--POWERS AND DUTIES--JOINT OPERATIONS WITH OTHERS--PREEXISTING OBLIGATIONS.**

- A. Joint Operations with Others. The Council may contact with any public or private corporation or any individual, both inside and outside the City limits:
  - 1. For the joint use of poles and other property belonging either to the department or to the other contracting party or jointly to both parties; and
  - 2. For the joint acquisition of real property and franchises and the joint
- B. Financing, construction and operation of plants, transmission lines and other facilities, whereby any property acquired may become the property of both the City and the other contracting party.
- C. Existing Obligations. Contracts and obligations relating to the utility systems of the City incurred prior to the taking effect of the ordinance codified in this chapter shall not be impaired and shall be binding upon the Council insofar as they apply to the department. (Ord. 88-7-580-A §§3(F), 4(B), 1988: Ord. 580-A §§3(F), 4(B), 1978)

**2-60-090 CITY COUNCIL--POWERS AND DUTIES--EMINENT DOMAIN.**

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The Council may enter upon any land or water for the purpose of making surveys and may exercise the right of eminent domain on behalf of the City whenever public necessity or convenience requires. (Ord. 88-7-580-A §3(G), 1988: Ord. 580-A §3(G), 1978)

**2-60-100 CITY COUNCIL--POWERS AND DUTIES--USE OF THOROUGHFARES FOR UTILITY INSTALLATIONS.**

The Council may use the ground over, under or along any road, railroad, highway, street, sidewalk, thoroughfare, alley or waterway in the operations of the department, but shall in all cases be subject to the applicable general regulations of the City, cause the surface of the public way to be restored to its usual condition. (Ord. 88-7-580-A §3(H), 1988: Ord. 580-A §3 (H), 1978)

**2-60-110 CITY COUNCIL--POWERS AND DUTIES--EXTENSION OF SERVICES.**

- A. The Council may construct, maintain and operate waterworks, sewer collection, sewer treatment systems, gas works, electric light works, telephone lines or public transportation systems, or authorize the construction, maintenance and operation of the same by others, or purchase or lease such works or Systems from any person or corporation, and they may sell and deliver the surplus product or service capacity of any such works, not required by the City or its inhabitants, to others beyond the limits of the City.
- B. If any payment on a contract with a private person, form or corporation to construct waterworks, sewer collection, sewer treatment systems, gas works, electric light works, telephone lines or public transportation systems is retained or withheld, it shall be placed in an interest-bearing account and the interest shall accrue for the benefit of the contractor and subcontractors to be paid after the project is completed and accepted by the board of commissioners or City Council of the City. It is the responsibility of the contractor to ensure that any interest accrued on the retainage is distributed by the contractor to subcontractors on a pro rata basis.
- C. The regulations shall provide the conditions under which the extensions shall be made to render them compensatory and shall provide that each extension project shall, when completed, become the property of the City whether on public or private property. The Council may provide for the form of refunds where advances by the persons benefitted are necessary to make extensions compensatory. (Ord. 88-7-580-A §3(E), 1988: Ord. 580-A §3(E), 1978)

**2-60-120 CITY COUNCIL--POWERS AND DUTIES--AUTHORIZING EXPENDITURES.**

No money shall be drawn from the funds of the department nor shall any obligation for the expenditure of money is incurred except as authorized by the Council. No claim against the department shall be paid unless evidenced by a voucher approved by the Council and/or provided for in the annual budget. (Ord. 88-7-580-A §3(J), 1988: Ord. 580-A §3(J), 1978)

**2-60-130 CITY COUNCIL--POWERS AND DUTIES--PROMOTION EXPENDITURES.**

The Council may authorize reasonable expenditures to advertise and otherwise promote the use of the services of the department and to acquaint the public with the operations, programs, and planned expansion of the department. (Ord. 88-7-580-A §3(K), 1988: Ord. 580-A §3(K), 1978)

**2-60-140 CITY COUNCIL--POWERS AND DUTIES--TRANSFER AND INVESTMENT OF SURPLUS FUNDS.**

- A. The Council shall have the power to transfer to the City treasury all surplus funds which in their best judgment will not be needed for the proper operation, maintenance and care of the department. This transfer to be made at the close of each operational year of the department.

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- B. The Council may invest surplus funds of the department only in federal securities and in securities which are legal for investment by savings banks and sinking funds in the state of Utah. (Ord. 88-7-580-A §3(L), 1988: Ord. 580-A §3 (L) , 1978)

**2-60-150 CITY COUNCIL--POWERS AND DUTIES--ACCOUNTING AND BUDGET REPORTS.**

- A. The Council shall adopt its annual report which shall include the following statements as of the end of the preceding fiscal year:
1. A balance sheet showing the financial condition of the department and each separate division, prepared according to generally accepted public utility accounting principles;
  2. A statement of operations for each division of the department; and
  3. Any additional supporting statements or schedules deemed necessary and desirable by the Council to make a clear and informative presentation of the financial position of the department.
- B. The reports shall be kept on file in the City clerk's office and shall be open to public inspection. The funds and accounts of the department shall be audited annually by a competent accountant. The Council shall also annually approve a budget forecast for the ensuing year. (Ord. 88-7-580-A §3(M), 1988: Ord. 580-A §3(M), 1978)

**2-60-160 DISPOSITION OF PUBLIC UTILITIES.**

The City shall have no authority to cease to operate, sell, lease, abandon or in any other way dispose of any public utility owned by it without the approval of a majority of the registered voters of the City as determined at a general election or a special election held for that purpose; but nothing herein shall prevent the City from pledging the revenues of any such public utility or entering into covenants with or for the benefit of the holders of revenue bonds relating to the maintenance, use, expansion and operation of any such public utilities. (Ord. 88-7-580-A §4(A), 1988: Ord. 580-A §4(A), 1978)

**2-60-170 CITY COUNCIL--POWERS AND DUTIES--RATES.**

- A. The Council shall fix rates to be charged for electricity sold and services rendered by the department. Rates shall be fair, reasonable, and compensatory and shall be uniform for all consumers within the same class; but different rate schedules may be applied to different classes of consumers as determined by the Council. Rates within the City limits may be less but shall be no greater than for the same class of consumers outside the City limits. Rates shall be sufficient to pay all operating and maintenance expenses of each respective utility operation and except for the first two years of operation, all bond interest and redemption costs of the respective utility operation. The Council may require reasonable deposits as security for the payment of charges for utility services and may provide for the return of the deposits when satisfactory consumer credit has been established.
- B. The collection of all funds due the department for the consumption of electric power by any and all consumers shall be administered as directed by the Council for the collection of the same. (Ord. 88-7-580-A §3(I), 1988: Ord. 580-A §3(I), 1978)

**Chapter 2-64**  
**CIVIC BEAUTIFICATION COMMISSION**



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**Sections:**

- 2-64-010 Created.
- 2-64-020 Powers.
- 2-64-030 Expenses incurred.
- 2-64-040 Violation--Penalty.

**2-64-010 CREATED.**

The Mayor is empowered to appoint by and with the advice and consent of the City Council, a commission of civic beautification consisting of four members, who shall serve without pay, one to be appointed for one year, one for two years, one for three years and one for four years, and each year thereafter to appoint one member for a term of four years and until a successor has been appointed. The supervisor of streets shall be ex officio a member of the commission. (Ord. 8-88-33 (part), 1988: prior code §448)

**2-64-020 POWERS.**

The commission on civic beautification shall have the power, subject to approval by the City Council, to supervise the planting, spacing and trimming of trees, plants, shrubs and other natural ornaments on and to require the removal of obnoxious, unsightly and dangerous trees, shrubs, plants, and other natural ornaments, poles and other objects from the streets and sidewalks of the City of Enterprise, or any property under the control or supervision of the City of Enterprise, to designate the kind of trees, plants, shrubs and other natural ornaments which shall be planted and to have any other powers incident to carrying out the foregoing provisions. (Ord. 8-88-33 (part), 1988: prior code §449)

**2-64-030 EXPENSES INCURRED.**

Any expense for time, labor, transportation or otherwise which may be incurred by the commission of civic beautification, its members or persons acting under its orders or direction in carrying out any of the powers, rights or duties of the commission, may be assessed by the City Council against any person, association, firm or corporation at whose request and or for whose benefit the work was performed or the expense incurred. (Ord. 8-88-33 (part), 1988: prior code §450)

**2-64-040 VIOLATION--PENALTY.**

Any person trimming, planting, mutilating or interfering with any tree, plant, shrub or other natural ornament on the streets, sidewalks or other property under the control or supervision of the City of Enterprise, without the consent of the commission, or failing to meet the requirements and specifications of the commission after approval by the City Council, shall, upon conviction thereof, be deemed guilty of a misdemeanor and subject to a fine in any sum not exceeding one hundred dollars, or to imprisonment in the City jail for any term not exceeding thirty days, or to both such fine and imprisonment. (Ord. 8-88-33 (part), 1988: prior code §451)

**Chapter 2-68**  
**CONSTITUTIONAL TAKINGS ISSUES**

**Sections:**

- 2-68-010 Purpose.

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- 2-68-020 Definitions.
- 2-68-030 Guidelines.
- 2-68-040 Analysis.
- 2-68-050 Appeals.
- 2-68-060 Limitations.

**2-68-010 POLICY CONSIDERATIONS.**

The purpose of this chapter is to provide advisory guidelines for the City to assist the City in identifying actions that involve the unconstitutional taking or damaging of private real property without the payment of just compensation as required by the Constitution of the United States and of the state of Utah. (Ord. 2003-1, 2003)

**2-68-020 DEFINITIONS.**

As used herein:

- A. **"Constitutional taking"** means actions involving the physical or regulatory taking of private real property by the City that might require compensation to a private real property owner under:
  - 1. The Fifth or Fourteenth Amendment to the Constitution of the United States;
  - 2. Article I, Section 22, of the Utah Constitution;
  - 3. Any recent court ruling governing the physical or regulatory taking of private real property by a government entity. (Ord. 2003-1, 2003 §2)

**2-68-030 GUIDELINES.**

The following guidelines shall be considered by the City when taking any action that might result in the physical or regulatory taking of private real property. A "yes" answer to any of the following questions could raise the implication of a taking or damaging of private property for which just compensation may be required:

- A. Does the action result in a permanent or inevitably recurring physical occupation of private property?
- B. Does the action require a property owner to dedicate property or grant an easement to the City without the payment of just compensation?
- C. Does the action create or otherwise impose a permanent or ongoing nuisance, origination on City property, which impacts neighboring lands so that their owners or occupants sustain a special and unreasonable interference with the quiet enjoyment of their property?
- D. Does the action interfere with a fundamental attribute of ownership such as the right to reasonable access, the right to light, air, and view within the right of way of an abutting public street, or the right to exclude others from private property?
- E. Does the action unreasonably interfere with a separately protected and vested right, such as the right to continue a nonconforming use; the right to have an application reviewed under the law that was in effect when a complete application was submitted; legally issued subdivision plat approvals, building permits, or licenses; or other protected property interests?
- F. Does the action impose a severe economic burden that is inappropriately unfair when considered in light of:
  - G. The burden placed on the property owner
  - H. The nature of the government action and benefit, and
  - I. The property owner's investment backed expectations?
- J. Does the action deprive the property owner of all economically viable use of the property in a situation where the proposed use does not constitute a nuisance or a severe threat to health and safety?
- K. Does the action limit the use of private property without substantially advancing a legitimate public interest?

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- L. Has the City failed to demonstrate by an individualized determination that any conditions, dedications or exactions imposed as a condition of approval of development applications place only fair and roughly proportionate burdens on development, offsetting the burdens that the proposed development places on public utilities, streets and other services but not imposing additional burdens on development that the community as a whole should bear?
- M. Does the action discriminate against property owners, imposing restrictions or burdens on one property owner that other similarly situated property owners do not bear? (Ord. 2003-1, 2003)

**2-68-040 REVIEW OF DECISION.**

If the City determines that a governmental action involves constitutional taking issues, the proposed action should be reviewed by the City to analyze the possible taking and to determine the action to be taken. In reviewing the proposed action, the following factors may be analyzed:

- A. The effect 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. (Ord. 2003-1, 2003 §2)

**2-68-050 APPEALS.**

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 of the City, may appeal the City's decision or action by filing a written notice of appeal and statement of the grounds for the appeal in the City Recorder's office within thirty (30) days from the date of the City's decision or action. The City council or its designee shall hear all evidence regarding the appeal and render its decision and findings in writing within fourteen (14) days from the date the appeal was filed. If the City fails to hear and decide the appeal with fourteen (14) days, the City's decision or action is presumed to be approved. (Ord. 2003-1, 2003 §2)

**2-68-060 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. (Ord. 2003-1, 2003 §2)

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**Chapter 2-72**  
**RECORDS ACCESS AND MANAGEMENT PROGRAM**

**Sections:**

- 2-72-010 Short title.
- 2-72-020 Purpose and intent.
- 2-72-030 Definitions.
- 2-72-040 Right of public access.
- 2-72-050 Access to non-public records.
- 2-72-060 Fees.
- 2-72-070 Procedures for access.
- 2-72-080 Denials.
- 2-72-090 Records that must be disclosed.
- 2-72-100 Private records.
- 2-72-110 Controlled records
- 2-72-120 Protected records.
- 2-72-130 Records classification and designation.
- 2-72-140 Records retention.
- 2-72-150 Segregation of records.
- 2-72-160 Appeals.
- 2-72-170 Judicial review.
- 2-72-180 Confidential treatment of records for which no exemption applies.
- 2-72-190 Request to amend a record.
- 2-72-200 Rights of individuals on whom data is maintained.
- 2-72-210 Criminal penalties.

**2-72-010 SHORT TITLE.**

This chapter is known as the Enterprise Government Records Access and Management Act. (Ord. dated 10/11/95 §1)

**2-72-020 PURPOSE AND INTENT.**

- A. In enacting this act, the City recognizes two fundamental constitutional rights:
  - 1. The right of privacy in relation to personal data gathered by the City; and
  - 2. The public's right of access to information concerning the conduct of the public's business.
- B. It is the intent of the City to:
  - 1. Establish fair information practices to prevent abuse of personal information by the City while protecting the public's right of easy and reasonable access to unrestricted public records; and

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2. Provide guidelines of openness to government information and privacy of personal information consistent with nationwide standards;
3. Establish and maintain an active, continuing program for the economical and efficient management of the City's records as provided in this chapter. (Ord. dated 10/11/95 §2)

**2-72-030 DEFINITIONS.**

As used in this chapter:

**"Audit"** means:

- a. A systematic examination of financial, management, program, and related records for the purpose of determining the fair presentation of financial statements, adequacy of internal controls, or compliance with laws and regulations; or
- b. A systematic examination of program procedures and operations for the purpose of determining their effectiveness, economy, efficiency, and compliance with statutes and regulations.

**"Chronological logs"** means the regular and customary summary records of law enforcement agencies and other public safety agencies that show the time and general nature of police, fire, and paramedic calls made to the agency and any arrests or jail bookings made by the agency.

**"Classification"** or **"classify,"** and their derivative forms mean determining whether a record series, record, or information within a record is public, private, controlled, or protected, or exempt from disclosure under Utah Code, Section 63-2-201(3) (b).

**"Computer program"** means a series of instructions or statements that permit the functioning of a computer system in a manner designed to provide storage, retrieval, and manipulation of data from the computer system, and any associated documentation and source material that explain how to operate the computer program.

**"Computer program"** does not mean:

- a. The original data, including numbers, text, voice, graphics, and images;
- b. Analysis, compilation, and other manipulated forms of the original data produced by use of the program; or
- c. The mathematical or statistical formulas (excluding the underlying mathematical algorithms contained in the program) that could be used if the manipulated forms of the original data were to be produced manually.

**"Controlled record"** means a record containing data on individuals that is controlled as provided by Section 2-72-110.

**"Contractor"** means:

- a. Any person who contracts with the City to provide goods or services directly to the City; or
- b. Any private, nonprofit organization that receives funds from the City.

**"Contractor"** does not mean a private provider.

**"Gross compensation"** means every form of remuneration payable for a given period to an individual for services provided including salaries, commissions, vacation pay, severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any similar benefit received from the individual's employer.

**"Designation,"** or **"designate,"** and their derivative forms mean indicating, based on the City's familiarity with a record series or based on the City's review of a reasonable sample of a record series, the primary classification that a majority of records in a record series would be given if classified and the classification that other records typically present in the record series would be given if classified.

**"Initial contact report"** means an initial written or recorded report, however titled, prepared by peace officers engaged in public patrol or response duties describing official actions initially taken in response

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to either a public complaint about or the discovery of an apparent violation of law, which report may describe:

- a. The date, time, location, and nature of the complaint, the incident, or offense;
- b. Names of victims;
- c. The nature or general scope of the agency's initial actions taken in response to the incident;
- d. The general nature of any injuries or estimate of damages sustained in the incident;
- e. The name, address, and other identifying information about any person arrested or charged in connection with the incident;
- f. The identity of the public safety personnel (except undercover personnel) or prosecuting attorney involved in responding to the initial incident.

Initial contact reports do not include follow up or investigative reports prepared after the initial contact report. However, if the information specified in the above definition appears in follow up or investigative reports, it may only be treated confidentially if it is private, controlled, protected, or exempt from disclosure under Section 63-2-201(3) (b) of the Utah Code.

**"Individual"** means a human being.

**"Person"** means any individual, profit or nonprofit corporation, partnership, sole proprietorship, or other type of business organization.

**"Private record"** means a record containing data on individuals that is classified private as provided by Section 2-72-100.

**"Private provider"** means any person who contracts with the City to provide services directly to the public.

**"Protected record"** means a record that is classified protected as provided by Section 2-72-120.

**"Public record"** means a record that has not been appropriately classified private, controlled, or protected as provided in Sections 2-72-100, 2-72-110, and 2-72-120 of this chapter.

**"Record"** means all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recording, or other documentary materials, and electronic data regardless of physical form or characteristics, prepared, owned, used, received, or retained by the City.

**"Record" does not** mean:

- a. Temporary drafts of similar materials prepared for the originator's personal use or prepared by the originator for the personal use of an individual for whom he is working;
- b. Materials that are legally owned by an individual in his private capacity;
- c. Materials to which access is limited by the laws of copyright or patent unless the copyright or patent is owned by the City;
- d. Proprietary software;
- e. Junk mail or commercial publications received by the City or an official or employee of the City;
- f. Books and other materials that are cataloged, indexed, or inventoried and contained in the collections of libraries open to the public, regardless of physical form or characteristics of the material;
- g. Daily calendars and other personal notes prepared by the originator for the originator's personal use or for the personal use of an individual for whom he is working; or
- h. Computer programs as defined that are developed or purchased by or for the City for its own use;
- i. Notes or internal memoranda prepared as part of the deliberate process by a member of the judiciary, an administrative law judge, a member of, the Board of Pardons, or a member of any other body charged by law with performing a quasi-judicial function.

**"Records officer"** means the City Recorder and other individuals as appointed by the Mayor to work in the care, maintenance, scheduling, designation, classification, disposal, and preservation of records.

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**"Record series"** means a group of records that may be treated as a unit for purposes of designation, description, management, or disposition.

**"Summary data"** means statistical records and compilations that contain data derived from private, controlled, or protected information but that do not disclose private, controlled, or protected information. (Ord. dated 10/11/95 §3)

**2-72-040 RIGHT OF PUBLIC ACCESS.**

- A. Every person has the right to inspect a public record free of charge and the right to take a copy of a public record during normal working hours, subject to the payment of costs and fees pursuant to Section 2-72-060 of this chapter.
- B. All records are public unless otherwise expressly provided by this chapter or state or federal law or regulation.
- C. The following records *are not* public:
  - 1. Records that are appropriately classified private, controlled, or protected as allowed by Sections 2-72-100, 2-72-110 and 2-72-120 of this chapter; and
  - 2. Records to which access is restricted pursuant to court rule, another state statute, federal statute, or federal regulation, including records for which access is governed or restricted as a condition of participation in a *state* or federal program or for receiving *state* or federal funds.
- D. Only those records specified in Sections 2-72-100, 2-72-110 or 2-72-120 may be classified private, controlled, or protected.
- E. The City may not disclose a record that is private, controlled, or protected to any person except as provided in subsection (E) (1) of this section or Section 2-72-050.
  - 1. The City may, at its discretion, disclose records that are private under Section 2-72-100, or protected under Section 2-72-120 to persons other than those specified in Section 2-72-050 if the City Council, or a designee, determines that there is no interest in restricting access to the record, or that the interests favoring access outweigh the interest favoring restriction of access.
- F. The disclosure of records to which access is governed or limited pursuant to court rule, another state statute, federal statute, or federal regulation, including records for which access is governed or limited as a condition of participation in a state or federal program or for receiving state or federal funds, is governed by the specific provisions of that statute, rule or regulation.
  - 1. This chapter applies to records described in subsection (F) of this section insofar as this chapter is not inconsistent with the statute, rule, or regulation.
- G. The City shall provide a person with a certified copy of a record if:
  - 1. The person requesting the record has a right to inspect it;
  - 2. Identifies the record with reasonable specificity; and
  - 3. Pays the lawful fees.
- H. The City is *not* required to create a record in response to a request.
  - 1. Nothing in this chapter requires the City to fulfill a person's records request if the request unreasonably duplicates prior records requests from that person.
- I. If a person requests copies of more than fifty pages of records, and if the records are contained in files that do not contain records that are exempt from disclosure, the City may:
  - 1. Provide the requester with the facilities for copying the requested records and require that the requester make the copies himself; or
  - 2. Allow the requester to provide his own copying facilities and personnel to make the copies at the City offices, and waive the fees for copying the records.

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- J. If the City owns an intellectual property right and offers the intellectual property right for sale, or license, the City may control by ordinance or policy the duplication, and distribution of the material based on terms the City considers to be in the public interest.
  - 1. Nothing in this chapter shall be construed to limit or impair the rights or protections granted to the City under federal copyright or patent law as a result of its ownership of the intellectual property right.
- K. The City may not use the physical form, electronic or otherwise, in which a record is stored to deny, or unreasonably hinder the rights of persons to inspect and receive copies of a record under this chapter. (Ord. dated 10/11/95 §4)

**2-72-050 ACCESS TO NON-PUBLIC RECORDS.**

- A. Upon request the City shall disclose a private record to:
  - 1. The subject of the record;
  - 2. The parent or legal guardian of an un-emancipated minor who is the subject of the record;
  - 3. The legal guardian of a legally incapacitated individual who is the subject of the record;
  - 4. Any other individual who:
    - a. Has a power of attorney from the subject of the record, or
    - b. Submits a notarized release from the subject of the record or his legal representative dated no later than ninety days before the date the request is made; or
  - 5. Any person to whom the record must be provided pursuant to court order.
- B.
  - 1. Upon request, the City shall disclose a controlled record to:
    - a. A physician, psychologist, or certified social worker upon submission of a notarized release from the subject of the record that is dated no more than ninety days prior to the date the request is made and a signed acknowledgment of the terms of disclosure of controlled information as provided by subsection (B) (2) of this section, and
    - b. Any person to whom a record must be disclosed pursuant to court order.
  - 2. A person who receives a record from the City in accordance with subsection (B) (a) of this section may not disclose controlled information from that record to any person, including the subject of the record.
- C. If there is more than one subject of a private or controlled record, the portion of the record that pertains to another subject shall be segregated from the portion that the requester is entitled to inspect.
- D. Upon request the City shall disclose a protected record to:
  - 1. The person who submitted the information in the record;
  - 2. Any other individual who:
    - a. Has a power of attorney from all persons, governmental entities, or political subdivisions whose interests were sought to be protected by the protected classification, or
    - b. Submits a notarized release from their legal representatives dated no more than ninety days prior to the date the request is made; or
  - 3. Any person to whom a record must be provided pursuant to a court order.
- E. The City may disclose a record classified private, controlled, or protected to another governmental entity, City, another state, the United States, or a foreign government only as provided by Utah Code Annotated Section 63-2-206.
- F. Before releasing a private, controlled, or protected record, the City shall obtain evidence of the requester's identity.



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- G. The City shall disclose a record pursuant to the terms of a court order signed by a judge from a court of competent jurisdiction; provided, that:
1. The record deals with a matter in controversy over which the court has jurisdiction.
  2. The court has considered the merits of the request for access to the record; and
  3. The court has considered and, where appropriate, limited the requester's use and further disclosure of the record in order to protect privacy interests in the case of private or controlled records, business confidentiality interests in the case of records protected under U.C.A. Sections 63-2-304(1) and (2), and privacy interests or the public interest in the case of other protected records;
  4. To the extent the record is properly classified private, controlled, or protected, the interests favoring access, considering limitations thereon, outweigh the interests favoring restriction of access; and
  5. Where access is restricted by a rule, statute, or regulation referred to in Section 2-72-040(C) (2) the court has authority independent of this chapter to order disclosure.
- H. 1. The City may disclose or authorize disclosure of private or controlled records for research purposes if the City:
- a. Determines that the research purpose cannot reasonably be accomplished without use of disclosure of the information to the researcher in individually identifiable form;
  - b. Determines that the proposed research is bona fide, and that the value of the research outweighs the infringement upon personal privacy;
  - c. Requires the researcher to assure the integrity, confidentiality, and security of the records and requires the removal or destruction of the individual identifiers associated with the records as soon as the purpose of the research project has been accomplished;
  - d. Prohibits the researcher from disclosing the record in individually identifiable form except as provided in subsection (H) (2) of this section, or from using the record for purposes other than the research approved by the City; and
  - e. Secures from the researcher a written statement of his understanding of and agreement to the conditions of this subsection and his understanding that violation of the terms of this subsection may subject him to criminal prosecution under Section 63-2-801 of the Utah Code.
2. A researcher may disclose a record in individually identifiable form if the record is disclosed for the purpose of auditing or evaluating the research program and no subsequent use or disclosure of the record in individually identifiable form will be made by the auditor or evaluator except as provided by this section.
  3. The City may require indemnification as a condition of permitting research under this subsection.
- I. 1. Under Section 2-72-040(5) (2) and Section 2-72-160(4) the City may disclose records that are private under Section 2-72-100, or protected under Section 2-72-120 to persons other than those specified in this section.
2. Under Section 2-72-160 the City Council may require the disclosure of records that are private under Section 2-72-100, controlled under Section 2-72-110, or protected under Section 2-72-120 to persons other than those specified in this section.
  3. Under Section 63-2-404(8) of the Utah Code the court may require the disclosure of records that are private under Section 2-72-100, controlled under Section 2-72-110, or protected under Section 2-72-130 to persons other than those specified in this section.

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(Ord. dated 10/11/95 §5)

**2-72-060          GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT (GRAMA) RECORD REQUEST FEES.**

1. The record custodian may charge a reasonable fee as determined by the City Recorder to cover the City's actual cost of duplicating a record.
2. When a record is requested to be compiled in a form other than that normally maintained by the City, the actual costs may include
  - a. The cost of staff time for summarizing, compiling, or tailoring the record either into an organization or media to meet the persons request;
  - b. The cost of staff time for search, retrieval, and other direct administrative costs for complying with a request. The hourly charge may not exceed the salary of the lowest paid employee who, in the discretion of the custodian of records, has the necessary skill and training to perform the request;
  - c. In the case of fees for a record that is the result of computer output other than word processing, the actual incremental cost of providing the electronic services and products together with a reasonable portion of the costs association with formatting or interfacing the information for particular users, and the administrative costs as set forth in Subsections (2) (a) and (b).
3. The records supervisor or record custodian may waive the assessment and collection of a fee for copies of municipal records when it is determined that:
  - a. Releasing the record primarily benefits the public rather than a person;
  - b. The individual requesting the record is the subject of the record, or an individual specified in Subsection 63-2-202(1) or (2) of the Utah Code Annotated.
  - c. The requester's legal rights are directly implicated by the information in the record, and requester is impecunious or if the fee for such copies would be minimal and costs of accounting for the receipt of the fee would be prohibitive when compared with the fee.
4. The record custodian may not charge a fee for:
  - a. Reviewing a record to determine whether it is subject to disclosure; or
  - b. Inspecting a record.
5. All fees received under this section by the record custodian shall be remitted to the City Treasurer and accounted for as required by the City Policies and the Fiscal Procedures Act. Those funds shall be used to cover the actual costs and expenses incurred by the City in providing the requested record or record series.
6. The record custodian may require payment of past fees and future estimated fees before beginning to process a request if fees are expected to exceed fifty dollars (\$50.00), or if the requester has not paid fees from previous requests. Any prepaid amount in excess of fees due shall be returned to the requester.
7. This section does not alter, repeal, or reduce fees established by other ordinances, statutes, or legislative acts. (Ord. 2005-03, 2005 §2)

**2-72-070          PROCEDURES FOR ACCESS.**

- A. A person making a request for a record shall furnish the City with a written request containing his name, mailing address, daytime telephone number if available, and a description of the records requested that identifies the record with reasonable specificity.
- B. As soon as reasonably possible, but no later than ten business days after receiving a written request, or five business days after receiving a written request if the requester demonstrates that expedited

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response to the record request benefits the public rather than the person, the City shall respond to the request by:

1. Approving the request and providing the record;
  2. Denying the request;
  3. Notifying the requester that it does not maintain the record and providing, if known, the name and address of where the record can be found; or
  4. Notifying the requester that because of one of the extraordinary circumstances listed in, subsection 4 of this section, it cannot immediately approve or deny the request. The notice shall describe the circumstances relied upon and specify the earliest time and date when the records will be available.
- C. Any person who requests a record to obtain information for a story or report for publication or broadcast to the general public is presumed to be acting to benefit the public rather than a person.
- D. The following circumstances constitute "extraordinary circumstances" that allow the City to delay approval or denial by an additional period of time as specified in subsection E of this section if the City determines that due to the extraordinary circumstances it cannot respond within the time limits provided in subsection B of this section:
1. Another governmental entity is using the record, in which case the City shall promptly request that the governmental entity currently in possession return the record;
  2. Another governmental entity is using the record as part of an audit and returning the record before the completion of the audit would impair the conduct of the audit;
  3. The request is for a voluminous quantity of records
  4. The City is currently processing a large number of records requests;
  5. The request requires the City to review a large number of records to locate the records requested;
  6. The decision to release a record involves legal issues that require the City to seek legal counsel for the analysis of statutes, rules, ordinances, regulations, or case law;
  7. Segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires extensive editing; or
  8. Segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires computer programming.
- E. If one of the extraordinary circumstances listed in subsection D of this section precludes approval or denial within the time specified in subsection B of this section, the following time limits apply to the extraordinary circumstances:
1. For claims under subsection (D) (1) of this section, the governmental entity currently in possession of the record shall return the record to the originating entity within five business days of the request for the return unless returning the record would impair the holder's work.
  2. For claims under subsection (D) (2) of this section, the originating City shall notify the requester when the record is available for inspection and copying;
  3. For claims under subsections (D)(3), (4) and (5) of this section, the City shall:
    - a. Disclose the records that it has located which the requester is entitled to inspect;
    - b. Provide the requester with an estimate of the amount of time it will take to finish the work required to respond to the request; and
    - c. Complete the work and disclose those records that requester is entitled to inspect as soon as reasonably possible;

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4. For delays under subsection (D) (6) of this section, the City shall either approve or deny the request within five business days after the response time specified for the original request has expired;
  5. For delays under subsection (D) (7) of this section, the City shall fulfill the request within fifteen business days from the date of the original request; or
  6. For delays under subsection (D) (8) of this section, the City shall complete its programming and disclose the requested records as soon as reasonably possible.
- F. If the City fails to provide the requested records or issue a denial within the specified time period, that failure is considered the equivalent of a determination denying access to the records. (Ord. dated 10/11/95 §7)

**2-72-080 DENIALS.**

If the City denies the request in whole or in part, it shall provide a notice of denial to the requester either in person or by sending the notice to requester's address. The notice of denial shall contain the following information:

1. A description of the record or portions of the record to which access was denied; provided, that the description does not disclose private, controlled, or protected information or records to which access is restricted pursuant to court rule, another state statute, federal statute, or federal regulation, including records for which access is governed or restricted as a condition of participation in a state or federal program or for receiving state or federal funds.
2. Citations to the provisions of this chapter, another state statute, federal statute, court rule or order or federal regulation that exempt the record or portions of the record from disclosure; provided, that the citations do not disclose private, controlled, or protected information;
3. Statement that the requester has the right to appeal the denial to the City Council;
4. A brief summary of the appeals process and the time limits for filing an appeal.

Unless otherwise required by a court or agency of competent jurisdiction, the City may not destroy or give up custody of any record to which access was denied until the period for an appeal has expired or the end of the appeals process, including judicial appeal. (Ord. dated 10/11/95 §8)

**2-72-090 RECORDS THAT MUST BE DISCLOSED.**

A. The following records are public:

1. Laws and ordinances;
2. Names, gender, gross compensation, job titles, job descriptions, business addresses, business telephone numbers, number of hours worked per pay period, dates of employment, and relevant education, previous employment, and similar job qualification of the City's former and present employees and officers excluding undercover law enforcement personnel or investigative personnel if disclosure could reasonably be expected to impair the effectiveness of investigations or endanger any individual's safety;
3. Final opinions, including concurring and dissenting opinions, and orders that are made by the City in an administrative, adjudicative, or judicial proceeding except that if the proceedings were properly closed to the public, the opinion and order may be withheld to the extent that they obtain information that is private, protected, or controlled;
4. Final interpretation of statutes or rules by the City unless classified as protected as provided in Sections 2-72-120(15), (16) and (17);

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5. Information contained in or compiled from a transcript, minutes, or report of the open portion of a meeting of the City including the records of all votes of each member of the City Council;
  6. Judicial records unless a court orders the records to be restricted under the rules of civil or criminal procedure or unless the records are private under this chapter;
  7. Records filed with or maintained by county Recorders, clerks, treasurers, surveyors, zoning commissions, the Division of State Lands and Forestry, the Division of Oil, Gas and Mining, the Division of Water Rights, or other governmental entities that give public notice of:
    - a. Titles or encumbrances to real property;
    - b. Restrictions on the use of real property;
    - c. The capacity of persons to take or convey title to real property, or
    - d. Tax status for real and personal property;
  8. Records of the Department of Commerce that evidence incorporations, mergers, name changes, and uniform commercial code filings;
  9. Data on individuals that would otherwise be private. under this chapter if the individual who is the subject of the record has given the City written permission to make the records available to the public;
  10. Documentation of the compensation that the City pays to a contractor or private provider; and
  11. Summary data.
- B. The following records are normally public, but to the extent that a record is expressly exempt from disclosure, access may be restricted under Section 2-72-040(1) (b) or Section 2-72-100, 2-72-110, or 2-72-120:
1. Administrative staff manuals, instructions to staff, and statements of policy;
  2. Records documenting a contractor's or private provider's compliance with the terms of a contract with the City;
  3. Records documenting the services provided by a contractor or a private provider to the extent the records would be public if prepared by the City;
  4. Contracts entered into by the City;
  5. Any account, voucher, or contract that deals with the receipt or expenditure of funds by the City;
  6. Records relating to governmental assistance or incentives publicly disclosed, contracted for, or given by the City, encouraging a person to expand or relocate a business in Utah, except as provided in Section 63-2-304(34) of the Utah Code.
  7. Chronological logs and initial contact reports;
  8. Correspondence by and with the City in which the City determines or states an opinion upon the rights of the state, a political subdivision, the public, or any person;
  9. Empirical data contained in drafts if:
    - a. The empirical data is not reasonably available to, the requester elsewhere in similar form, and
    - b. The City is given a reasonable opportunity to correct any errors or make non-substantive changes before release;
  10. Drafts that are circulated to anyone other than the City, state or to anyone other than a federal agency if the City, state or federal agency are jointly responsible for implementation of a program or project that has been legislatively approved; and
  11. Drafts that have never been finalized but were relied upon by the City in carrying out action or policy;
  12. Original data in a computer program if the City chooses not to disclose the program;

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13. Arrest warrants after issuance, except that, for good cause, a court may order restricted access to arrest warrants prior to service;
  14. Search warrants after execution and filing of the return, except that a court, for good cause, may order restricted access to search warrants prior to trail;
  15. Records that would disclose information relating to formal charges or disciplinary actions against a past or present City employee if:
    - a. The disciplinary action has been completed and all time periods for administrative appeal have expired, and
    - b. The formal charges were sustained;
  16. Records maintained by the Division of State Lands and Forestry or the Division of Oil, Gas and Mining that evidence mineral production on government lands;
  17. Final audit reports;
  18. Occupational and professional licenses;
  19. Business licenses; and
  20. A notice of violation, a notice of agency action under Section 63-46b-3 of the Utah Code, or similar records used to initiate proceedings for discipline or sanctions against persons regulated by the City, but not including records that initiate employee discipline.
- C. The list of public records in this section is not exhaustive and should not be used to limit access to records. (Ord. dated 10/11/95 §9)

**2-72-100 PRIVATE RECORDS.**

- A. The following records are private:
1. Records concerning an individual's eligibility for unemployment insurance benefits, social services, welfare benefits, or the determination of benefit levels;
  2. Records containing data on individuals describing medical history, diagnosis, condition, treatment, evaluation, or similar medical data;
  3. Records of publicly funded libraries that when examined alone or with other records identify a patron;
  4. Records received or generated in a Senate or House ethics committee concerning any alleged violation of the rules on legislative ethics if the ethics committee meeting was closed to the public;
  5. Records concerning a current or former employee of, or applicant for employment with the City that would disclose that individual's home address, home telephone number, social security number, insurance coverage, marital status, or payroll deductions.
- B. The following records are private if properly classified by the City:
1. Records concerning a current or former employee of, or applicant for employment with the City, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under Section 2-72-090A(2), Section 2-72-090B (15) or private under subsection (A) (5) of this section.
  2. Records describing an individual's finances, except that the following are public:
    - a. Records described in Section 2-72-090(A);
    - b. Information provided to the City for the purpose of complying with a financial assurance requirement; or
    - c. Records that must be disclosed in accordance with another statute;
    - d. Records of independent state agencies if the disclosure of those records would conflict with the fiduciary obligations of the agency;

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- e. Other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy;
- f. Records provided by the United States or by a government entity outside the state that are given with the requirement that the records be managed as private records, if the providing entity states in writing that the record would not be subject to public disclosure if retained by it. (Ord. dated 10/11/95 §10)

**2-72-110 CONTROLLED RECORDS.**

A record is controlled only if;

- A. The record contains medical, psychiatric, or psychological data about an individual;
- B. The City reasonably believes that:
  - 1. Releasing the information in the record to the subject of the record would be detrimental to the subject's mental health or to the safety of any individual; or
- C. Releasing the information would constitute a violation of normal professional practice and medical ethics, and
- D. The City has properly classified the record. (Ord. dated 10/11/95 §11)

**2-72-120 PROTECTED RECORDS.**

The following records are protected if properly classified by the City:

- 1. Trade secrets as defined in Section 13-24-2 of Utah Code Annotated if the person submitting the trade secret has provided the City with the information specified in Section 63-2-308 of Utah Code Annotated;
- 2. Commercial information or non-individual financial obtained from a person if:
  - a. Disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the City to obtain necessary access in the future,
  - b. The person submitting the information has a greater interest in prohibiting access than the public in obtaining access, and
  - c. The person submitting the information has provided the City with the information specified in Section 63-2-308 of Utah Code Annotated.
- 3. Commercial or financial information acquired or prepared by the City to the extent that a disclosure would lead to financial speculations in currencies, securities, or commodities that will interfere with a planned transaction by the City or cause substantial financial injury to the City or cause substantial financial injury to the City or state economy;
- 4. Test questions and answers to be used in future license, certification, registration, employment, or academic examinations;
- 5. Records the disclosure of which would impair governmental procurement or give an unfair advantage to any person proposing to enter into a contract or agreement with the City, except that this subsection does not restrict the right of a person to see bids submitted to or by the City after bidding has closed;
- 6. Records that would identify real property or the appraisal or estimated value of real or personal property, including intellectual property, under consideration for public acquisition before any rights to the property are acquired unless:
  - a. Public interest in obtaining access to the information outweighs the City's need to acquire the property on the best terms possible,

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- b. The information has already been disclosed to persons not employed by or under a duty of confidentiality to the entity,
  - c. In the *case* of records that would identify property, potential sellers of the property described have already learned of the City's plans to acquire the property,
  - d. In the case of records that would identify the appraisal or estimated value of property, the potential sellers have already learned of the City's estimated value of the property;
7. Records prepared in contemplation of sale, exchange, lease, rental, or other compensated transaction of real or personal property including intellectual property, which, if disclosed prior to completion of the transaction, would reveal the appraisal or estimated value of the subject property, unless:
  - a. The public interest in access outweighs the interests in restricting access, including the City's interest in maximizing the financial benefit of the transaction, or
  - b. When prepared by or on behalf of the City, appraisals or estimates of the value of the subject property have already been disclosed to persons not employed by or under a duty of confidentiality to the City;
8. Records created or maintained for civil, criminal, or administrative enforcement purposes or audit purposes, or for discipline, licensing, certification, or registration purposes if release of the records:
  - a. Reasonably could be expected to interfere with investigations undertaken for enforcement, discipline, licensing, certification, or registration purposes,
  - b. Reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings,
  - c. Would create a danger of depriving a person of a right to a fair trial or impartial hearing,
  - d. Reasonably could be expected to disclose the identity of a source who is not generally known outside of government and, in the case of a record compiled in the course of an investigation, disclose information furnished by a source not generally known outside of government if disclosure would compromise the source, or
  - e. Reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts;
9. Records the disclosure of which would jeopardize the life or safety of an individual;
10. Records the disclosure of which would jeopardize the security of governmental property, governmental pro-grams, or governmental record keeping systems from damage, theft, or other appropriation or use contrary to law or public policy;
11. Records that, if disclosed, would jeopardize the security or safety of a correctional facility, or records relating to incarceration, treatment, probation, or parole, that would interfere with the control and supervision of an offender's incarceration, treatment, probation or parole;
12. Records that if disclosed, would reveal recommendations made to the Board of Pardons by an employee of or contractor for the Department of Corrections, the Board of Pardons, or the Department of Human Services that are based on the employee's or contractor's supervision, diagnosis, or treatment of any person within the board's jurisdiction;
13. Records and audit work papers that identify audit, collection, and operational procedures and methods used by the Utah State Tax Commission if disclosure would interfere with audits or collections;
14. Records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released;



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15. Records prepared by or on behalf of the City solely in anticipation of litigation that are not available under the rules of discovery;
16. Records disclosing an attorney's work product, including the mental impressions or legal theories of an attorney or other representative of the City concerning litigation;
17. Records of communications between the City and an attorney representing, retained or employed by the City if the communications would be privileged as provided in Section 78-24-8 of Utah Code Annotated.
18. Drafts, unless otherwise classified as public;
19. Records concerning the City's strategy about collective bargaining or pending litigation;
20. Records of investigations of loss occurrences and analysis of loss occurrences;
21. Records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;
22. Records that reveal the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information;
23. Records of independent state agencies if the disclosure of the records would conflict with the fiduciary obligations of the agency;
24. Records provided by the United States or by a government entity outside the state that are given to the City with a requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it;
25. Transcripts, minutes, or reports of the closed portion of a meeting of a public body except as provided in Section 52-4-7 of the Open and Public Meeting Act;
26. Records that would reveal the contents of settlement negotiations but not including final settlements or empirical data to the extent that they are not otherwise exempt from disclosure;
27. Memoranda prepared by staff and used in the decision-making process by an administrative law judge, a member of the Board of Pardons, or a member of any other body charged by law with performing a quasi-judicial function;
28. Records that would reveal negotiations regarding assistance or incentives offered by or requested from the City for the purpose of encouraging a person to expand or locate a business in Utah, but only if disclosure would result in actual economic harm to the person or place the City at a competitive disadvantage, but this section may not be used to restrict access to a record evidencing a final contract; and
29. Materials to which access must be limited for purposes of securing or maintaining the City's proprietary protection of intellectual property rights including patents, copyrights, and trade secrets. (Ord. dated 10/11/95 §12)

**2-72-130 RECORDS CLASSIFICATION AND DESIGNATION.**

A. The City shall:

1. Evaluate all record series that it uses or creates;
2. Designate those record series as provided by this chapter;
3. Report the designation of its record series to the state archives.

B. The City may classify a particular record, record series, or information within a record at any time, but is not required to classify a particular record, record series, or information until access to the record is requested.

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C. The City may re-designate a record series or reclassify a record or record series, or information within a record at any time. (Ord. dated 10/11/95 §13)

**2-72-140 RECORDS RETENTION.**

The City shall by resolution establish a retention schedule for each record series. The initial retention schedule shall be as set forth in Exhibit "B" attached to the ordinance codified in this chapter. (Ord. dated 10/11/95 §14)

**2-72-150 SEGREGATION OF RECORDS.**

Notwithstanding any other provision in this chapter, if the City receives a request for access to a record that contains both information that the requester is entitled to inspect and information that the requester is not entitled to inspect under this chapter and, if the information the requester is entitled to inspect is intelligible, the City:

- A. Shall allow access to information in the record that the requester is entitled to inspect under this chapter; and
- B. May deny access to information in the record if the information is exempt from disclosure to the requester, issuing a notice of denial. (Ord. dated 10/11/95 §15)

**2-72-160 APPEALS.**

- A. 1. Any person aggrieved by the City's access determination under this chapter, including a person not a party to the City's proceeding, may appeal the determination to the Mayor and City Council by filing a notice of appeal.
2. If the City claims extraordinary circumstances and specifies the date when the records will be available and, if the requester believes the extraordinary circumstances do not exist or that the time specified is unreasonable, the requester may appeal the City's claim of extraordinary circumstances or date for compliance within thirty days after notification of a claim of extraordinary circumstances by the City, despite the lack of a "determination" or its equivalent.
- B. 1. If the appeal involves a record that is the subject of a business confidentiality claim under Section 63-2-308 of the Utah Code, the City Recorder shall:
  - a. Send notice of the requester's appeal to the business confidentiality claimant within three business days after receiving notice, except that if notice under this section must be given to more than thirty-five persons, it shall be given as soon as reasonably possible;
  - b. Send notice of the business confidentiality claim and the schedule for the City Recorder's determination to the requester within three business days after receiving notice of the requester's appeal.
2. The claimant shall have seven business days after notice is sent by the City Recorder to submit further support, for the claim of business confidentiality.
- C. 1. The Mayor shall make a determination on any appeal within the following period of time:
  - a. Within five business days after the Mayor's receipt of the notice of appeal; or
  - b. Within twelve business days after the City sends the requester's notice of appeal to a person who submitted a claim of business confidentiality.
2. If the Mayor fails to make a determination within the time specified in subsection (C) (a) of this section, the failure shall be considered the equivalent of an order denying the appeal.
3. The provisions of this section notwithstanding, the parties participating in the proceeding may, by agreement, extend the time periods specified in this section.

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- D. The Mayor may, upon consideration and weighing of the various interests and public policies pertinent to the classification and disclosure or non-disclosure, order the disclosure of information properly classified as private under Section 2-72-100 or protected under Section 2-72-120 if the interests favoring access outweigh the interest favoring restriction of access.
- E. The City shall send written notice of the determination of the Mayor to all participants. If the Mayor affirms the denial in whole or in part, the denial shall include a statement that the requester has the right to appeal the denial to the City Council, and the time limits for filing an appeal.
- F. The duties of the Mayor under this section may be delegated.
- G. The notice of appeal to the City Council must be filed with the City Recorder no later than thirty days after the Mayor has denied the appeal or fails to make a determination within the time specified in subsection (C) (1) of this section.
- H. The notice of appeal shall contain the following information:
  - 1. The petitioner's name, mailing address, and daytime telephone number; and
  - 2. The relief sought.
- I. The petitioner may file a short statement of facts, reasons, and legal authority in support of the appeal.
- J. No later than three days after receiving a notice of appeal, the Recorder shall:
  - 1. Schedule a hearing for the City Council to discuss the appeal which shall be held no sooner than fifteen days and no later than thirty days from the date of the filing of the appeal;
  - 2. At the hearing, the City Council shall allow the parties to testify, present evidence, and comment on the issues. The City Council may allow other interested persons to comment on the issues.
  - 3. No later than three business days after the hearing, the City Council shall issue a signed order either granting the petition in whole or in part or upholding the determination of the City in whole or in part.
  - 4. The order of the City shall include:
    - a. A statement of reasons for the decision, including citations to this chapter or federal regulation that governs disclosure of the record; provided, that the citations do not disclose private, controlled, or protected information;
    - b. A description of the record or portions of the record to which access was ordered or denied, provided that the description does not disclose private, controlled, or protected information;
    - c. A statement that any party to the appeal may appeal the City's decision to district court; and
    - d. A brief summary of the appeal, and a notice that in order to protect its rights on appeal, the party may wish to seek advice from an attorney.
- K. A person aggrieved by the City's classification or designation determination under this chapter, but who is not requesting access to the records, may appeal that determination using the procedures provided in this section. If a non-requester is the only appellant, the procedures provided in this section shall apply, except that the determination on the appeal shall be made within thirty days after receiving the notice of appeal. (Ord. dated 10/11/95 §16)

**2-72-170 JUDICIAL REVIEW.**

Any party to a proceeding before the City Council may petition for judicial review by the district court of the City Council's order. The petition shall be filed no later than thirty days after the date of the City Council's order. (Ord. dated 10/11/95 §17)

**2-72-180 CONFIDENTIAL TREATMENT OF RECORDS FOR WHICH NO EXEMPTION APPLIES.**

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- A. A court may, on appeal or in a declaratory or other action, order the confidential treatment of records for which no exemption from disclosure applies if:
  - 1. There are compelling interests favoring restriction of access to the record; and
  - 2. The interests favoring restriction of access clearly outweigh the interests favoring access.
- B. If the City requests a court to restrict access to a record under this section, the court shall require the City to pay the reasonable attorney's fees incurred by the lead party in opposing the City's request, if:
  - 1. The court finds that no statutory or constitutional exemption from disclosure could reasonably apply to the record in question; and
  - 2. The court denies confidential treatment under this section.
- C. This section does not apply to records that are specifically required to be public under Section 2-72-090 of this chapter or Section 63-2-301 of the Utah Code, except as provided in subsection D of this section.
- D.
  - 1. Access to drafts and empirical data in drafts may be limited under this section, but the court may consider, in its evaluation of interests favoring restriction of access, only those interest that relate to the underlying information, and not to the deliberative nature of the record.
  - 2. Access to original data in a computer program may be limited under this section, but the court may consider, in its evaluation of interest favoring restriction of access, only those interests that relate to the underlying information, and not to the status of that data as part of a computer program. (Ord. dated 10/11/95 §18)

**2-72-190      REQUEST TO AMEND A RECORD.**

- A. Subject to subsection G of this section, an individual may contest the accuracy or completeness of any public, or private, or protected record concerning him by requesting the City to amend the record. However, this section does not affect the right of access to private or protected records.
  - 1. The request shall contain the following information:
    - a. The requester's name, mailing address, and daytime telephone number; and
    - b. A brief statement explaining why the City should amend the record.
- B. The City shall issue an order either approving or denying the request to amend no later than thirty days after receipt of the request.
- C. If the City approves the request, it shall correct all of its records that contain the same incorrect information as soon as practical. A City may not disclose the record until it has amended it.
- D. If the City denies the request it shall:
  - 1. Inform the requester in writing; and
  - 2. Provide a brief statement giving its reasons for denying the request.
- E. If the City denies a request to amend a record, the requester may submit a written statement contesting the information in the record.
  - 1. The City shall:
    - a. File the requester's statement with the disputed record if the record is in a form such that the statement can accompany the record or make the statement accessible if the record is not in a form such that the statement can accompany the record; and
    - b. Disclose the requester's statement along with the information in the record whenever the City discloses the disputed information.
- F. The requester may appeal the denial of the request to amend a record pursuant to Section 2-72-160 of this chapter.

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- G. This section does not apply to records relating to title to real or personal property, medical records, judicial case files, or any other records that the City determines must be maintained in their original form to protect the public interest and to preserve the integrity of the record system. (Ord. dated 10/11/95 §19)

**2-72-200 RIGHTS OF INDIVIDUALS ON WHOM DATA IS MAINTAINED.**

- A. The City shall file with the State Archivist a statement explaining the purposes for which record series designated private or controlled are collected and used by that City.
1. That statement is a public record.
- B. Upon request, the City shall explain to an individual:
1. The reasons the individual is asked to furnish to the City information that could be classified private or controlled;
  2. The intended uses of the information; and
  3. The consequences for refusing to provide the information.
- C. The City may not use private or controlled records for purposes other than those given in the statement filed with the State Archivist under subsection A of this section or for purposes other than those for which another governmental entity could use the record under Section 63-2-206. (Ord. dated 10/11/95 §20)

**2-72-210 CRIMINAL PENALTIES.**

- A. A public employee or other person who has lawful access to any private, controlled, or protected record under this chapter, and who intentionally discloses or provides a copy of a private, controlled, or protected record to any person knowing that such disclosure is prohibited is guilty of a Class B misdemeanor.
1. It is a defense to prosecution under subsection (A) of this section that the actor released private, controlled, or protected information in the reasonable belief that the disclosure of the information was necessary to expose a violation of law involving government corruption, abuse of office, or misappropriation of public funds or property.
  2. It is a defense to prosecution under subsection (A) of this section that the record could have lawfully been released to the recipient if it had been properly classified.
- B. A person who by false pretenses, bribery, or theft, gains access to or obtains a copy of any private, controlled, or protected record to which he is not legally entitled is guilty of a Class B misdemeanor.
1. No person shall be guilty under subsection (B) of this section who receives the record, information, or copy after the fact and without prior knowledge of or participation in the false pretenses, bribery, or theft.
- C. A public employee who intentionally refuses to release a record the disclosure of which the employee knows is required by law or by final un-appealed order from a City, the records committee, or a court, is guilty of a Class B misdemeanor. (Ord. dated 10/11/95 §21)

**Chapter 2-76**  
**HISTORIC PRESERVATION COMMISSION**

**Sections:**

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- 2-76-010 Purpose.
- 2-76-020 Historic preservation commission--Established.
- 2-76-030 Historic preservation commission--Duties.

**2-76-010 PURPOSE.**

The City recognizes that the historical heritage of the Enterprise community is among its most valued and important assets. It is therefore the intent of Enterprise to identify, preserve, protect, and enhance historic areas and sites lying within the City limits. (Ord. 15.30 §1, 1992)

**2-76-020 HISTORIC PRESERVATION COMMISSION--ESTABLISHED.**

A historic preservation commission is established by the City with the following provisions:

- A. The commission shall consist of a minimum of five members with a demonstrated interest, competence, or knowledge in historic preservation, appointed by the City Council for terms of not less than two years.
- B. To the extent available in the community, two commission members shall be professionals, as defined by National Park Service regulations, from the disciplines of history, archaeology, planning, architecture, or architectural history.
- C. The commission shall meet at least twice each year and conduct business in accordance with the Open Public Meeting laws of Utah. This includes public notification of meeting place, time, and agenda items.
- D. Written minutes of each commission meeting shall be prepared and made available for public inspection. (Ord. 15.30 §2, 1992)

**2-76-030 HISTORIC PRESERVATION COMMISSION--DUTIES.**

The historic preservation commission shall have the following duties:

- A. Survey and Inventory Community Historic Resources. The historic preservation commission shall conduct or cause to be conducted a survey of the historic, architectural, and archaeological resources within the community. The survey shall be compatible with the Utah Inventory of Historic and Archaeological Sites. Survey and inventory documents shall be maintained and shall be open to the public. The survey shall be updated at least every ten years.
- B. Review Proposed Nominations to the National Register of Historic Places. The historic preservation commission shall review and comment to the State Historic Preservation Officer on all proposed National Register nominations for properties within the boundaries of Enterprise City. When the historic preservation commission considers a national register nomination which is normally evaluated by professionals in a specific discipline and that discipline is not represented on the commission, the commission will seek expertise in this area before rendering its decision.
- C. Provide advice and information.
  - 1. The historic preservation commission shall act in an advisory role to other officials and departments of government regarding the identification and protection of local historic and archaeological resources.
  - 2. The historic preservation commission shall work toward the continuing education of citizens regarding historic preservation and community history.
- D. Enforcement of state historic preservation laws. The commission shall support the enforcement of all state laws relating to historic preservation. These include, but are not limited to: U.C.A. Section 11-18-2, the historic district act; U.C.A. Sections 63-18-25, 63-18-27 and 63-18-30 regarding the

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protection of Utah antiquities; and U.C.A. Section 63-18-37 regarding notification of the State Historic Preservation Office of any known proposed action which will destroy or affect a site, building or object owned by the state of Utah and included on or eligible for the State or National Registers. (Ord. 15.30 §3, 1992)

**Chapter 2-80**  
**CAMPAIGN FINANCE DISCLOSURE REQUIREMENTS**

**Sections:**

- 2-80-010 Generally
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**2-80-010      GENERALLY:**

All candidates for elective municipal office shall comply with the campaign finance disclosure requirements set forth in this chapter. (Ord. 2001-04, 2001)

**2-80-020      DEFINITION:**

The following definitions shall be applicable to this chapter:

**“Candidate”** shall mean any person who files a declaration of candidacy for an elective office of the City of Enterprise; or is nominated by a committee, party, or petition; or received contributions or made expenditures or consents to another person receiving contributions or making expenditures with a view to bringing about such person’s nomination or election to such office; or causes on his/her behalf, any written material or advertisement to be printed, published, broadcast, distributed or disseminated which indicates an intention to seek such office.

**“Contribution”** shall mean monetary and non-monetary contributions such as in-kind contributions and contributions of tangible things but shall not include personal services proved without compensation by individuals volunteering their time on behalf of a candidate.

**“Election”** shall mean both primary and final elections.

**“Expenditure”** shall mean a purchase, payment distribution, loan, advance, deposit, or gift of money or anything of value made for the purpose of influencing the nomination or election of any candidate. (Ord. 2001-04, 2001)



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**2-80-030 FILING OF DISCLOSURE REPORTS:**

Each candidate for elective office who either receives more than \$750.00 in campaign contributions or spends more than \$750.00 in campaign expenses shall file with the Recorder dated and signed financial reports which comply with this chapter. Forms shall be made available by the Recorder's office. Other forms in substantially the same format are also acceptable. (Ord. 2001-04, 2001)

**2-80-040 TIME OF FILING:**

The reports required by this chapter shall be filed at least seven (7) days before both the primary and general elections and at least once within thirty (30) days following the final election. A candidate losing in the primary election shall file the final report within (30) days of the date of the primary election. (Ord. 2001-04, 2001)

**2-80-050 CONTENTS OF STATEMENT:**

- A. The statements filed seven (7) days before the election shall include:
  - 1. A list of each contribution of more than \$50.00 or less received by the candidate; and
  - 2. An aggregate total of all contributions of \$50.00 or less received by the candidate; and
  - 3. A list of each expenditure for political purposes made during the campaign period as of ten (10) days before the date of the election, and the recipient of each expense.
- B. The statement filed thirty (30) days after the elections shall include:
  - 1. A list of each contribution of more than \$50.00 received after the cutoff date for the statement filed seven (7) days before the election, and the name of the donor;
  - 2. A total of all contributions of more than \$50.00 or less received by the candidate after the cutoff date for the statement filed seven (7) days before the election.
  - 3. A list of all expenditures for political purposes made by the candidate after the cutoff date for the statement filed seven (7) days before the election, and the recipient of each expense.
- C. All contributions and expenditures related to the candidate's candidacy should be accounted for between the pre-election and post-election statement. (Ord. 2001-04, 2001)

**2-80-050 PUBLIC INFORMATION:**

The statements required by this chapter shall be public documents and shall be available for public inspection and copying during regular business hours. Appropriate costs may be assessed pursuant to the provisions of Government Records Access and Management Act. (Ord. 2001-04, 2001)

**2-80-060 PENALTY FOR NONCOMPLIANCE:**

Any candidate who fails to comply with the provisions of this chapter is guilty of an infraction. (Ord. 2001-04, 2001)