

# TITLE 2

## ADMINISTRATION AND PERSONNEL

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## Chapter 2.04

### CITY COUNCIL

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#### **2.04.010 Meetings Time, place and frequency.**

The governing body shall hold two regular meetings which shall be held on the first and third Thursday of each month at the Hyrum Civic Center, 83 West Main, Hyrum, Utah. Council meetings shall begin at six-thirty p.m.; provided, that:

- A. If meeting date falls on a legal holiday, the meeting may be canceled or rescheduled and proper notice shall be given accordingly.
- B. If there is no business to conduct, no meeting will be held.
- C. The governing body may, by resolution, provide for a different time and place for holding regular meetings of the governing body. (Ord. 06-02; Ord. 93-01 §1: prior code § 3-502)



## Chapter 2.08

### MAYOR PRO TEMPORE

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#### **2.08.010 Circumstances necessitating.**

Where the mayor is absent, refuses or is unable to act, one member of the city council will automatically succeed to the position of mayor pro tempore. (Ord. 84-10 § 1)

#### **2.08.020 Appointment-Term.**

The council member designated to serve as mayor pro tempore shall be appointed by resolution for a term of one year; however, the acting mayor pro tempore may be replaced at any time by a majority vote of the city council. (Ord. 84-10 § 2)

#### **2.08.030 Absence-Appointment of backup.**

If both the mayor and mayor pro tempore are absent, the city council may designate another member to serve as mayor pro tempore for a particular meeting or other defined period of time. (Ord. 84-10 § 3)

#### **2.08.040 Powers.**

The mayor pro tempore succeeds to all of the powers of the mayor and may execute contracts, sign ordinances, and act as the chief administrative officer of the municipality in the absence of the mayor. The mayor pro tempore retains his right to vote but may not cast a second vote to either create or break a tie vote. (Ord. 84-10 § 4)



## Chapter 2.12

### MUNICIPAL OFFICERS GENERALLY

Sections:

[2.12.010 Salaries.](#)

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[2.12.030 Compensation of individuals holding multiple Positions.](#)

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#### **2.12.010 Salaries.**

The salaries of the officers and employees of Hyrum City shall be paid in the amounts and at such times as follows:

	<b>Frequency</b>	<b>Amount</b>
Mayor	monthly	\$1,000.00
Council Member	monthly	\$ 400.00
City Recorder	semimonthly	\$1,742.75
City Treasurer	semimonthly	\$2,250.00
Justice of the Peace	semimonthly	\$ 666.67

(Ord. 07-07; 06-08; Ord. 05-17; Ord. 04-02; Ord. 03-14; Ord. 02-13; Ord. 01-15; Ord. 00-13; Ord. 99-17; Ord. 99-08; Ord. 98-13; Ord. 97-07; Ord. 93-07; Ord. 92-19; Ord. 91-03; Ord. 90-04; Ord. 89-08; Ord. 88-04; Ord. 87-04; Ord. 86-05 § 1; Ord. 85-02 § 1; Ord. 84-12 § 1; Ord. 83-04 § 1; Ord. 82-01 § 1; Ord. 81-5 § 1; Ord. 80-6 § 1; prior code § 3-818 (A); Ord. 94-07; Ord. 94-11; Ord. 95-05; Ord. 96-13; Ord. 07-07; Ord. 08-20).

#### **2.12.020 Benefits.**

In addition to the salary paid the officers and employees of this municipality, they shall receive the following benefits:

- A. The employer's share of social security tax;
- B. Health and accident insurance for themselves and their families on such basis and cost to the employee or officer as the governing body may from time to time establish by resolution;
- C. Vacation and sick leave on such basis as the governing body may from time to time establish by resolution;
- D. Participation in the Utah State retirement program on such basis as the governing body may from time to time by resolution establish. (Ord. 82-01 § 2; prior code § 3-818 (B))

#### **2.12.030 Compensation of individuals holding multiple positions.**

Whenever any person serves in two or more positions either as officers or employees of this municipality, unless

otherwise specifically provided in the employment agreement, by ordinance or resolution, the person shall receive the salary or compensation of the office or employment paying the greater amount. (Prior code § 3-818 (C))

**2.12.040 Expense reimbursement.**

In addition to all other compensation or salaries any officer or employee of this municipality may receive, following the submission to the recorder/clerk of a claim, travel expenses and per diem established by the Utah State Department of Finance for expenses actually incurred by the person for attending any meeting, conference, seminar or training session, provided attendance shall have been approved by the governing body. (Prior code § 3-818 (D))

**2.12.050 Bonds.**

- A. Before taking the oath of office and entering on the duties of their respective office, the following named municipal officials shall each give a bond with good and sufficient securities, payable to the municipality conditioned for the faithful performance of the duties of their office and the payment of all moneys received by such officers according to law and the ordinances of this municipality in the following amounts:
1. Mayor: \$1,000.00;
  2. Council member: \$500.00;
  3. City Engineer: \$1,000.00;
  4. Treasurer: \$5,000.00;
  5. Recorder/Clerk: \$500.00;
  6. Marshal: \$500.00;
  7. Justice of the peace: \$500.00;
  8. Court clerk: \$500.00.
- B. The treasurer's bond shall be superseded by any rule, regulation or directive of the State Money Management Council when such rule, regulation or directive is binding on this municipality.
- C. The premium charged by any corporate surety for any bond required in this section shall be paid by this municipality.
- D. The bond required in this section may be a blanket bond. (Prior code § 3-819, Ord. 94-11)

## Chapter 2.13

### CAMPAIGN FINANCE DISCLOSURE

Sections:

[2.13.010 General.](#)

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#### **2.13.010 General.**

All candidates for elective municipal office shall comply with the campaign finance disclosure set forth in this ordinance.

#### **2.13.020 Definitions.**

For purpose of this ordinance, the following terms are defined as follows:

- A. **Candidate.** "Candidate" means any person who files a declaration of candidacy for an elective office of the City 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 behalf any written material or advertisement to be printed published, broadcast, distributed or disseminated which indicates an intention to seek such office.
- B. **Contribution.** "Contribution" means monetary and nonmonetary contributions such as in-kind contributions and contributions of tangible things but shall not include personal services provided without compensation by individuals volunteering their time on behalf of a candidate.
- C. **Election.** "Election" means both primary and final elections.
- D. **Expenditure.** "Expenditure" means 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.

#### **2.13.030 Filing of Disclosure Reports.**

Each candidate for elective office, who either receives \$750.00 or more in campaign contributions or spends \$750.00 or more in campaign expenses, shall file with the City Recorder

dated signed and sworn financial reports which comply with this ordinance.

**2.13.040 Time of Filing.**

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

**2.13.050 Contents of Statements.**

The statement filed seven (7) days before the election shall include:

- A. A list of each contribution of more than \$50.00 received by the candidate and the name of the donor;
- B. An aggregate total of all contributions of \$50.00 or less received by the candidate; and
- C. 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 expenditure.

The statement filed two months after the elections shall include:

- A. 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;
- B. An aggregate total of all contributions of \$50.00 or less received by the candidate after the cutoff date for the statement filed seven (7) days before the election; and
- C. 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 expenditure.

All contributions and expenditures related to the candidate's candidacy should be accounted for between the pre-election and post-election statement.

**2.13.060 Public Information.**

The statements required by this ordinance shall be public documents and shall be available for public inspection and copying during all regular City business hours.

**2.13.070 Penalty for Noncompliance.**

Any candidate who fails to comply with this ordinance is

guilty of an infraction. (Ord. 01-14)

## Chapter 2.14

### CITY ENGINEER

Sections:

[2.14.010 Office created.](#)

[2.14.020 Duties and powers.](#)

[2.14.030 Reporting relationships.](#)

[2.14.040 Position purpose.](#)

[2.14.050 Responsibilities.](#)

#### **2.14.010 Office created.**

There is hereby created the office of city engineer.

#### **2.14.020 Duties and powers.**

The city engineer shall perform such duties and have such responsibilities as are provided under the direction of the governing body which, from time to time, may by resolution or otherwise prescribe the powers and duties of the city engineer.

#### **2.14.030 Reporting relationships.**

The city engineer works under the broad policy guidance and direction from the mayor and reports to the mayor.

#### **2.14.040 Position purpose.**

The city engineer performs a variety of professional, administrative, and supervisory duties related to engineering, planning, organizing, development, and construction of city infrastructure.

#### **2.14.050 Responsibilities.**

The city engineer has the responsibility and authority for city engineering and public works functions and will make recommendations for appointment and suspensions for all employees within these departments.



## Chapter 2.16

### FIRE DEPARTMENT

Sections:

- [2.16.010 Creation.](#)
- [2.16.020 Chief-Position created.](#)
- [2.16.021 Term and method of appointment.](#)
- [2.16.030 Chief-Powers and duties.](#)
- [2.16.040 Personnel.](#)
- [2.16.050 Fire trucks designated emergency vehicles.](#)
- [2.16.060 Fires-Authority to order removal or destruction of obstructions.](#)
- [2.16.070 Fires-Control of persons.](#)
- [2.16.080 Fires-Interference with firemen in discharge of duties.](#)
- [2.16.090 Fires-Interference with officers, apparatus or water.](#)
- [2.16.100 Fires-Males present at fires subject to orders.](#)
- [2.16.110 Fires-Investigation and report.](#)
- [2.16.120 Right to enter upon and inspect premises.](#)
- [2.16.130 False alarm-Tampering with alarm systems.](#)

#### **2.16.010 Creation.**

There is created a fire department to be known as the Hyrum City volunteer fire department. (Prior code § 10-111)

#### **2.16.020 Chief-Position created.**

There is created the position of chief of the fire department. (Prior code § 10-121)

#### **2.16.021 Term and method of appointment.**

On or before the first Monday in February following a municipal election in which a person is elected to the office of mayor, the mayor, with the advice and consent of the city council, shall appoint a qualified person to the position of chief of the fire department. The person so appointed shall continue in office until a successor is appointed and qualified. (Ord. 98-05)

#### **2.16.030 Chief-Powers and duties.**

- A. The chief shall have responsibility for the general supervision of the department.
- B. During a fire, the chief shall have full authority to take all measures as he shall deem necessary, subject to state law, to control and extinguish the fire and for that purpose he is made a special officer.
- C. The chief shall at least quarterly report to the governing body the condition of the fire equipment, the number of fires and their causes and the estimated loss therefrom together with such other information as the governing body may request or as

- he shall deem appropriate.
- D. The fire chief shall strictly enforce all of the provisions of the ordinances of this municipality relating to the protection against and prevention of fire.
  - E. The chief shall maintain the equipment of the department in good repair and order and ready for use.
  - F. The chief, subject to the approval of the mayor and governing body, shall establish rules and regulations for the operation of the department.
  - G. The chief may delegate his duties to any person employed by the department, but such delegation shall not relieve the chief of his responsibility for the performance thereof.
  - H. The chief shall cause all fires to be promptly investigated to determine the cause of fire and report the cause of fire, the time originated and such other information as may be relevant to prevent other fires. (Prior code § 10-122)

**2.16.040 Personnel.**

The chief may make recommendations to the mayor relating to the employment of firemen and such other personnel as may be necessary to enforce the provisions of Chapters 2.16 and 15.28 of this code. The chief may employ such additional personnel as the mayor and governing body may direct or authorize. (Prior code § 10-123)

**2.16.050 Fire trucks designated emergency vehicles.**

Fire trucks are designated authorized emergency vehicles. (Prior code § 10-131)

**2.16.060 Fires-Authority to order removal or destruction of obstructions.**

The officer in charge at any fire may order the removal or destruction of any fence, building or structure, or that any utility be closed, cut or removed when deemed necessary to control, extinguish or prevent the spread of fire. (Prior code § 10-132)

**2.16.070 Fires-Control of persons.**

All persons present at a fire shall obey the orders of any firemen. (Prior code § 10-133)

**2.16.080 Fires-Interference with firemen in discharge of duties.**

Every person at the scene of any fire who disobeys the lawful orders of any public officer or fireman, or offers any resistance to or interference with the efforts of any fireman, or company of firemen to extinguish the same, or engages in any disorderly conduct calculated to prevent the same from being extinguished, or who forbids, prevents or dissuades others from assisting to extinguish the same, is guilty of an

infraction. (Prior code § 10-134)

**2.16.090 Fires-Interference with officers, apparatus or water.**

Any person who shall willfully hinder any officer or fireman in the discharge of his duty at a fire, or in any manner injure, deface or destroy any engine, hose or other fire apparatus belonging to the municipality, or who shall interfere with any fire company or person, or who shall willfully break or injure any water pipe, or interfere with the water or its source of supply shall be guilty of a class B misdemeanor and shall be punished accordingly. (Prior code § 10-135)

**2.16.100 Fires-Males present at fires subject to orders.**

Every male person eighteen years or older present at a fire shall be subject to the orders of the officer in command and shall render assistance in the manner directed by the officer in command. (Prior code § 10-138)

**2.16.110 Fires-Investigation and report.**

The chief, or such other persons as he shall designate, shall, after extinguishing a fire, make a prompt and thorough investigation of the cause of the fire, the time the fire began, the amount of loss and insurance, a description of the affected buildings and premises, and shall secure all other useful information available, and record the same in a record book kept for that purpose in the office of the department and shall report the same to the governing body at such time as it may direct. (Prior code § 10-136)

**2.16.120 Right to enter upon and inspect premises.**

The fire chief or his deputies upon presentation of proper credentials shall have the right to enter upon any premises at all reasonable hours for the purpose of making inspections. (Prior code § 10-137)

**2.16.130 False alarm-Tampering with alarm systems.**

It is unlawful for any person to turn in or report to the fire department a false alarm or report of a fire or to tamper or remove any part of the fire alarm system. (Prior code § 10-139)



## Chapter 2.20

### POLICE DEPARTMENT

Sections:

- 2.20.010 Established.
- 2.20.020 Chief of police-Powers and duties.
- 2.20.030 Chief of police and officers-Powers and duties.
- 2.20.040 Records-Register of arrest.
- 2.20.050 Receipts for property taken from arrested persons-Issuance required.
- 2.20.060 Records-Register of property to be kept.
- 2.20.070 Stolen property-Disposition.

#### **2.20.010 Established.**

There is established a regularly constituted police force to be known as the police department which shall consist of a chief of police and such other officers as shall be employed by the municipality. (Prior code § 13-111)

#### **2.20.020 Chief of police-Powers and duties.**

The chief of police shall:

- A. Organize, supervise, and be responsible for all the activities of the police department and shall define and assign the duties of the different police officers.
- B. When required, attend meetings of the governing body to consult with and advise them on matters of public safety. He shall execute all lawful orders of the mayor and governing body and see that all orders and judgments of the justice of peace are carried into effect. (Prior code § 13-112 (B), (C))

#### **2.20.030 Chief of police and officers-Powers and duties.**

The chief of police and all police officers of the municipality shall have the following powers and duties in addition to those that may be assigned to them as provided in Section 2.20.020:

- A. To suppress riots, disturbances and breaches of the peace, and to apprehend all persons committing any offense against the laws of the state or ordinances of the municipality;
- B. To execute and serve all warrants, processes, commitments and writs whatsoever issued by the justice of the peace;
- C. To preserve the public peace, prevent crime, detect and arrest offenders, protect persons and property, remove nuisances existing in the public streets, roads, highways and other public places, enforce every law relating to the suppression of offenses, render such assistance in the collection of licenses as may be required by the license collector and perform all duties enjoined upon them

by law and ordinance. (Prior code § 13-113)

**2.20.040 Records-Register of arrest.**

The chief of police shall provide and cause to be kept a register of arrest. Upon such register shall be entered a statement showing the date of such arrest, the name of the person arrested, the name of the arresting officer, the offense charged and a description of any property found upon the person arrested. (Prior code § 13-114)

**2.20.050 Receipts for property taken from arrested persons-Issuance required.**

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 issue triplicate receipts therefor specifying particularly the amount of money or kind of property taken. One of the receipts he must deliver to the person arrested. Another he must forthwith file with the clerk of the court to which the complaint and other papers in the case are required by law to be sent. The third receipt must be sent at once to the office of the police department. (Prior code § 13-115)

**2.20.060 Records-Register of property to be kept.**

The chief of police must enter or cause to be entered in a suitable book a description of every article of property alleged to be stolen or embezzled and brought into his office or taken from the person of the prisoner and must attach a number to each article and make a corresponding entry thereof. (Prior code § 13-116)

**2.20.070 Stolen property-Disposition.**

It shall be the duty of the chief of police to keep all lost or stolen property that comes into the possession of the police department or any of its members. He shall make all reasonable efforts to discover the owners thereof. (Prior code § 13-117)

## Chapter 2.24

### DEPARTMENT OF ELECTRICAL POWER

Sections:

[2.24.010 Established.](#)

[2.24.020 Purpose and scope.](#)

[2.24.030 Ownership-Authority to govern.](#)

[2.24.040 Superintendent-Position created.](#)

[2.24.050 Superintendent-Powers and duties.](#)

#### **2.24.010 Established.**

There is established a department of the city which shall be known as the department of electrical power, hereinafter referred to as the "power department." (Prior code § 14-311 (part))

#### **2.24.020 Purpose and scope.**

The purpose and scope of the power department is:

- A. To supply the residential, commercial and industrial power consumers of the city with a reliable, adequate source of electrical energy at reasonable rates; and
- B. To install, operate and maintain the city's generation equipment, transmission and distribution lines and equipment, street lighting systems, and all other electrical equipment owned or operated by the city. (Prior code § 14-311 (part))

#### **2.24.030 Ownership-Authority to govern.**

The power department is a solely-owned subsidiary of the city, a state municipal corporation, and shall be governed by the city council. (Prior code § 14-312)

#### **2.24.040 Superintendent-Position created.**

There is created the position of superintendent of the power department. (Prior code § 14-314)

#### **2.24.050 Superintendent-Powers and duties.**

The superintendent of the power department shall manage and supervise the power department pursuant to the provisions hereof and under the direction of the city council, which from time to time may, by resolution or otherwise, prescribe his powers and duties and direct the manner and frequency with which he shall make reports to the city council or power board concerning the power department. (Prior code § 14-315)



## Chapter 2.26

### STORM WATER DEPARTMENT

Sections:

[2.26.010 Created-Purpose.](#)

[2.26.020 Enterprise fund.](#)

[2.26.030 Facilities and assets.](#)

[2.26.040 Administration.](#)

[2.26.050 Powers and duties.](#)

#### **2.26.010 Created-Purpose.**

There is hereby created a department of the City known as the Storm Water Department (SWD), which shall have general supervision of the city's storm water system.

#### **2.26.020 Enterprise fund.**

The Storm Water Department is established as an enterprise fund and shall function independent of departments included in the General Fund. The SWD shall have the same relationship to the City as other City utilities. All SWD service charges and appurtenant revenues shall be deposited in the SWD enterprise fund; however, the SWD may pay other City funds for services and expenses directly attributable to the SWD. The enterprise fund shall be operated according to State law and City policy.

#### **2.26.030 Facilities and assets.**

Upon creation of the utility, all of the City's storm water facilities and assets (other than streets, curb, and gutters) shall be transferred to the SWD in consideration for the SWD's agreement to take primary responsibility for the maintenance and operation of the City's storm water system.

#### **2.26.040 Administration.**

The SWD shall be administered by the City's Public Works Committee under direct supervision of the Water Superintendent.

#### **2.26.050 Powers and duties.**

The Water Superintendent shall administer and enforce all of the requirements of Chapter 13.18, Storm Water System, of the Hyrum City Municipal Code. (Ord. 05-10)



## Chapter 2.28

### IRRIGATION WATER DEPARTMENT

Sections:

[2.28.010 Established.](#)

[2.28.020 Purpose.](#)

[2.28.030 Ownership-Authority to govern.](#)

#### **2.28.010 Established.**

There is established a department of the city which shall be known as the irrigation water department. (Ord. 90-05 § 1 (part): prior code § 14-411 (part))

#### **2.28.020 Purpose.**

The irrigation water department shall administer the operation and maintenance of the irrigation water system of the municipality and supply those connected to the system with irrigation-grade water for outside watering purposes only. (Ord. 90-05 § 1 (part): prior code § 14-411 (part))

#### **2.28.030 Ownership-Authority to govern.**

The irrigation water department is a solely-owned subsidiary of the city, a state municipal corporation, and shall be governed by the city council. (Ord. 90-05 § 1 (part): prior code § 14-412)

## Chapter 2.32

### SEWER DEPARTMENT

Sections:

[2.32.010 Created.](#)

[2.32.020 Purpose.](#)

[2.32.030 Superintendent-Position created.](#)

[2.32.040 Superintendent-Powers and duties.](#)

#### **2.32.010 Created.**

The sewer department is created. It shall comprise all of the property, equipment and personnel necessary to the maintenance and operation of the municipality's sewage collection and disposal system. (Prior code § 14-211 (part))

#### **2.32.020 Purpose.**

The department shall administer the operation and maintenance of the municipal sewer system. (Prior code § 14-211 (part))

#### **2.32.030 Superintendent-Position created.**

There is created the position of superintendent of the sewer department. (Prior code § 14-212)

#### **2.32.040 Superintendent-Powers and duties.**

The superintendent of the sewer department shall manage and supervise the municipality's sewer system under the direction of the governing body which from time to time shall by resolution or otherwise prescribe his powers and duties and direct the manner and frequency with which he shall make reports to the mayor relating to the sewer system. (Prior code § 14-213)

## Chapter 2.36

### DEPARTMENT OF STREETS

Sections:

[2.36.010 Created-Purpose.](#)

[2.36.020 Direction and control.](#)

[2.36.030 Powers and duties.](#)

#### **2.36.010 Created-Purpose.**

There is created a department of streets which shall have general supervision of streets, sidewalks, bridges and other public ways. (Prior code § 11-311 (A))

#### **2.36.020 Direction and control.**

The department shall be under the direction and control of the superintendent of streets. (Prior code § 11-311 (B))

#### **2.36.030 Powers and duties.**

The department shall:

- A. Have charge of the construction, maintenance and repair of streets, sidewalks, bridges, curbs, gutters, culverts, drains, waterways and other public ways. It shall have control of all water flowing on the streets, sidewalks and public ways whether originating from storm, flood, drainage or irrigation waters;
- B. Keep a record of and promptly investigate all complaints of defective streets, culverts, drains, ditches, sidewalks, and other public ways and, when proper, repair, replace or take such action as deemed best, and shall record the action taken on each complaint;
- C. Enforce the provisions of Chapters 10.04 C10.20 and 12.04 C 12.12 and all other ordinances relating to the maintenance and use of streets, culverts, drains, ditches, waterways, curbs, gutters, sidewalks and other public ways;
- D. Repair, or cause to be repaired, all defects coming to the department's attention and take reasonable precautions to protect the public from injuries due to such defects pending their repair. (Prior code § 11-312)



## Chapter 2.40

### WATER DEPARTMENT

Sections:

[2.40.010 Created-Purpose.](#)

[2.40.020 Superintendent-Position created.](#)

[2.40.030 Superintendent-Powers and duties.](#)

#### **2.40.010 Created-Purpose.**

The water department of the municipality is created. It shall administer the operation and maintenance of the water system of the municipality. (Prior code § 14-110)

#### **2.40.020 Superintendent-Position created.**

There is created the position of superintendent of the water department. (Prior code § 14-111)

#### **2.40.030 Superintendent-Powers and duties.**

The superintendent of the water system shall manage and supervise the municipal water system pursuant to the provisions hereof and pursuant to resolutions, rules and regulations adopted by the governing body from time to time prescribing his powers and duties and directing the manner and frequency with which he shall make reports to the mayor relating to the water system. All of the functions and activities of the superintendent shall be carried on under the direction of the mayor. (Prior code § 14-112)



## Chapter 2.44

### ABATEMENT OF DANGEROUS BUILDINGS BOARD OF APPEALS

Sections:

[2.44.010 Established-Purpose-Members-Rules and regulations.](#)

#### **2.44.010 Established-Purpose-Members-Rules and regulations.**

In order to interpret provisions of the abatement of dangerous buildings code and to hear appeals provided for thereunder, there is established an abatement of dangerous buildings board of appeals consisting of five members who shall not be employees of the municipality. The building official shall be an ex officio member of and act as secretary to the board. The board may adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the applicant with a copy to the building official. Appeals to the board shall be processed in accordance with the provisions contained in the adopted codes. Copies of all rules and regulations adopted by the board shall be delivered to the building official who shall make them accessible to the public without cost. (Prior code § 10-345)



## Chapter 2.48 HOUSING ADVISORY AND APPEALS BOARD

Sections:

[2.48.010 Established- Purpose - Members - Rules and regulations.](#)

### **2.48.010 Established-Purpose-Members-Rules and regulations.**

In order to interpret the provisions of the housing code and to hear appeals provided for hereunder, there is established the housing advisory and appeals board consisting of five members who shall not be employees of the municipality. The building official shall be an ex officio member of and shall act as secretary to the board. The housing advisory and appeals board may adopt reasonable rules and regulations for conducting its business. Its decisions and findings shall be in writing, copies of which shall go to the appellant and to the building official. Appeals to the board shall be processed in accordance with the provisions contained in Section 1201 of the housing code. Copies of all rules or regulations adopted by the board shall be delivered to the building official who shall make them available to the public without cost. (Prior code § 9-655)



## Chapter 2.56

### ADMINISTRATIVE HEARINGS

Sections:

[2.56.010 Persons who may request.](#)

[2.56.020 Form of request.](#)

[2.56.030 Hearing-Time and place-Notice.](#)

[2.56.040 Hearing-Right to hear and examine witnesses.](#)

[2.56.050 Hearing-Decision-Notice.](#)

[2.56.060 Use limitations.](#)

2.56.010 Persons who may request.

Unless otherwise specifically provided in any ordinance of the municipality or any code adopted by reference, a hearing before the governing body may be requested by any person:

- A. Who is denied or refused a permit or license by any officer, agent or employee of this municipality;
- B. Whose permit or license is revoked, restricted, qualified, or limited from that for which it was first issued. (Prior code § 1-411)

#### **2.56.020 Form of request.**

The request for hearing must be made in writing to the mayor or recorder/clerk and made within thirty days following the date notice denying, refusing, qualifying, restricting or revoking the license or permit is mailed by the municipality to the applicant or license holder at his address as it appears on the application or license. (Prior code § 1-412)

#### **2.56.030 Hearing-Time and place-Notice.**

Following receipt of a request for hearing, the governing body shall inform the person requesting a hearing of the time and place the hearing is to be held. (Prior code § 1-413 (A))

#### **2.56.040 Hearing-Right to hear and examine witnesses.**

At the hearing, the aggrieved party shall have the right to hear and examine any witnesses the municipality may produce to support its decision and to present his own evidence in support of his contention. (Prior code § 1-413 (B))

#### **2.56.050 Hearing-Decision-Notice.**

The governing body shall, within ten days following the conclusion of the hearing, in writing, inform the person who requested the hearing of the decision of the governing body. (Prior code § 1-413 (C))

#### **2.56.060 Use limitations.**

This chapter shall not be constructed so as to afford any aggrieved party more than one hearing before the governing body nor shall the hearing provided in this chapter apply to any criminal complaint or proceeding. (Prior code § 1-414)



## Chapter 2.57

### TAKINGS ORDINANCE

Sections:

- [2.57.010 Short Title.](#)
- [2.57.020 Policy considerations.](#)
- [2.57.030 Definitions.](#)
- [2.57.040 Guidelines advisory.](#)
- [2.57.050 Review of decision.](#)
- [2.57.060 Reviewing guidelines.](#)
- [2.57.070 Results of review.](#)

#### **2.57.010 Short Title.**

The ordinance codified in this title and chapter shall be known as the "Takings Ordinance" and may be so cited and pleaded.

#### **2.57.020 Policy considerations.**

There is an underlying policy in Hyrum City strongly favoring the careful consideration of matters involving constitutional taking claims. This policy arises out of fairness to the owner of private property bringing the claim and in view of the uncertainty and expense involved in defending law suits alleging such issues. At the same time, the legitimate role of government in lawfully regulating real property must be preserved together with the public's right to require the dedication of exaction of property consistent with the Constitution. Consistent with this policy, it is desired that a procedure be established for the review of actions that may involve the issue of a constitutional taking. These provisions are to assist governments in considering decisions that may involve constitutional takings. It is intended that a procedure for such a review be provided, as well as guidelines for such considerations. This chapter is further intended and shall be construed to objectively and fairly review claims by citizens that a specific government action should require payment of just compensation, yet preserve the ability of the City to lawfully regulate real property and fulfill its other duties and functions.

#### **2.57.030 Definitions.**

The following terms are defined in this section: "Constitutional taking" means actions by the City involving the physical taking or exaction of private real property that might require compensation to a private real property owner because of:

- A. The Fifth or Fourteenth Amendment to the Constitution of the United States. Article I, Section 22, of the Utah Constitution;
  - 1. Any court ruling governing the physical taking or exaction of private real property by a

government entity.

- B. Action by the City involving the physical taking or exaction of private real property is not a constitutional taking if the physical taking or exaction:
  - 1. Bears an essential nexus to a legitimate governmental interest; and
  - 2. Is roughly proportionate and reasonably related, on an individualized property basis, both in nature and extent, to the impact of the proposed development on the legitimate government interest.

**2.57.040 Guidelines advisory.**

The guidelines adopted and decisions rendered pursuant to the provisions of this section are advisory and shall not be construed to expand or limit the scope of the City's liability for a constitutional taking. The reviewing body or person, shall not be required to make any determination under this chapter except pursuant to Section 2.57.050.

**2.57.050 Review of decision.**

Any owner of private real property who claims there has been a constitutional taking of his or her private real property shall request a review of the decision of any officer, employee, board, commission, or council giving rise to the takings claim. The following are specific procedures established for such a review:

- A. The person requesting the review must have obtained a final and authoritative internal determination relative to the decision for which they are requesting review.
- B. Within thirty days from the date of the final decision that gave rise to the concern that a constitutional taking has occurred, the person requesting the review shall file in writing in the office of the City Recorder a request for review of that decision. A copy shall also be filed with the City Attorney.
- C. The City Council, or individual or body designated by the City Council, shall immediately set a time to review the decision that gave rise to the constitutional takings claim.
- D. In addition to the written request for review, the applicant must submit prior to the date of the review the following:
  - 1. Name of the applicant requesting review;
  - 2. Name and business address of current owner of the property, form of ownership—whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other—and if owned by a corporation, partnership or joint venture, name and address of all principal shareholders or partners;

3. A detailed description of the grounds for the claim there has been a constitutional taking;
  4. A detailed description of the property taken; Evidence and documentation as to the value of the property taken, including the date and initial cost of the property. This should include any evidence of the value of that same property before and after the alleged constitutional taking as well as the name of the party from whom purchased, including the relationship, if any, between the person requesting a review and the party from whom the property was acquired.
  5. Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest, etc.;
  6. Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property within the three years prior to the date of application;
  7. All appraisals of the property prepared for any purpose—including financing, offering for sale, or ad valorem taxation—within the three years prior to the date of application.
  8. The assessed value of and ad valorem taxes on the property for the previous three years;
  9. All information concerning current mortgages or other loans secured by the property, including name of the mortgages or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including but not limited to, right of purchasers to assume the loan;
  10. All listings of the property for sale or rent price asked and offers received, if any, within the previous three years;
  11. All studies commissioned by the petitioner or agents of the petitioner within the previous three years concerning feasibility of development or utilization of the property;
  12. For income producing property, itemized income and expense statements from the property for the previous three years;
  13. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property; and
  14. Any additional information the City Council or designee deems reasonably necessary, in its opinion, to arrive at a conclusion concerning whether there has been a constitutional taking.
- E. An application shall not be deemed to be complete or submitted until the reviewing body/official certifies to the applicant that all the materials and information required above have been received

by the City. The reviewing body/official shall promptly notify the applicant of any incomplete application.

- F. The City Council or an individual or body designated by the Council, shall hear all the evidence related to and submitted by the applicant, or any other interested party.
- G. A final decision on the review shall be rendered within fourteen (14) days from the date the completed application for review has been received by the City Recorder. The decision of the City Council or designee regarding the results of the review shall be given in writing to the applicant and to the officer, employee, board, commission, or council that rendered the final decision that gave rise to the constitutional takings claim.
- H. If the City Council fails to year and decide the review within fourteen (14) days, the decision appealed from shall be presumed to be approved.

**2.57.060 Reviewing guidelines.**

The City Council or an individual or body designated by the City Council, shall review the facts and information presented by the applicant to determine whether or not the action by the City constitutes a constitutional taking as defined in this chapter. In doing so, they shall consider:

- A. Whether the physical taking or exaction of the private real property bears an essential nexus to a legitimate governmental interest;
- B. Whether a legitimate governmental interest exists for the action taken by the City; and
- C. Is the property and exaction taken, roughly proportionate or reasonably related, on an individual property basis, both in nature and extent, to the impact caused by the activities that are the subject of the decision being reviewed.

**2.57.070 Results of review.**

After completing the review, the reviewing (person/body) shall make a determination regarding the above issues and, where determined to be necessary and appropriate, shall make a recommendation to the officer, employee, board, commission or council that made the decision that gave rise to the constitutional taking claims. (Ord. 00-06)

## Chapter 2.60

### MUNICIPAL ELECTIONS

Sections:

[2.60.010 Nomination of candidates for office.](#)

2.60.010 Nomination of candidates for office.

Pursuant to Section 20-5-10(1) of the Utah Code Annotated, 1953, candidates for municipal office shall be nominated at a primary election. If the number of candidates for a particular office does not exceed twice the number of offices to be filled no primary election for that office shall be held, and the candidate is deemed nominated. (Ord. 91-05)



## Chapter 2.64

### MUNICIPAL PROPERTY

Sections:

[2.64.010 Unlawful use.](#)

[2.64.020 Repair or restoration when damaged, altered or changed.](#)

[2.64.030 Franchise or easement to use.](#)

[2.64.040 Exemptions.](#)

#### 2.64.010 Unlawful use.

Unless authorized by permit or other written authorization issued by the municipality or unless authority is granted by provisions of this code or other ordinance of the municipality now or hereafter enacted, it is a class B misdemeanor for any person to:

- A. Construct, lay, excavate, erect, operate or maintain over, under, across, in or through any property owned or controlled by this municipality any utility, canal, ditch, construction or building;
- B. Enter upon any property of this municipality contrary to posting or marking restricting or prohibiting use of the area;
- C. Intentionally use or perform acts upon property of the municipality which materially impair, alter, or damage the property. (Prior code § 8-111)

#### **2.64.020 Repair or restoration when damaged, altered or changed.**

The governing body, in addition to any other penalty which may be imposed, may order any person who has damaged, altered or changed any property of this municipality to repair or restore the property to its original condition prior to the damage, alteration or change. (Prior code § 8-112)

#### **2.64.030 Franchise or easement to use.**

The governing body may grant to any person a franchise or easement on such terms and conditions as it deems reasonable, for the purpose of entering upon, constructing, building, operating and maintaining any business or for other use of the property of this municipality, and the provisions of Sections 2.64.010 and 2.64.020 shall not apply to the extent such provisions are waived, qualified or made inapplicable to the rights or privileges granted in the franchise ordinance or easement. Any franchise or easement granted by this municipality shall be in writing and any franchise or easement not in writing shall be void. (Prior code § 8-113)

**2.64.040 Exemptions.**

It shall be a violation of his chapter where any person uses the public property of this municipality in the manner or for the purposes for which such property has been made available for public use. (Prior code § 8-114)

## Chapter 2.68

### CITY JAIL

Sections:

[2.68.010 Governing body to provide.](#)

[2.68.020 Jailer-Designated.](#)

[2.68.030 Jailer-Duties.](#)

[2.68.040 Rules and discipline-Records.](#)

#### **2.68.010 Governing body to provide.**

- A. The governing body shall provide for a place of incarceration which shall be the municipal jail.
- B. The governing body may contract with any person, county, municipality, or combination thereof for the purpose of providing suitable premises and facilities to be used by the municipality as the municipal jail. (Prior code § 13-121)

#### **2.68.020 Jailer-Designated.**

Until another person is appointed, the chief of police shall be ex officio jailer. (Prior code § 13-122 (part))

#### **2.68.030 Jailer-Duties.**

The jailer shall:

- A. Receive and safely keep all persons duly committed to his custody and file and preserve all commitments by which persons are committed;
- B. Keep a record of each showing the date of arrest, offense charged, term of commitment, date of release and the name, age and place of birth and description of the person committed in a book kept for that purpose;
- C. Receive all persons committed to jail by competent authority, and provide them with necessary food, clothing and bedding. He shall cause the prison to be warmed and lighted, when necessary, and to be kept in a sanitary condition. He shall enforce all rules prescribed by the governing body for the government of the prison. (Prior code § 13-122 (part), 13-124)

#### **2.68.040 Rules and discipline-Records.**

The jailer shall formulate a system of prison rules and discipline and keep a record in which shall be entered a statement of every infraction thereof committed by any person confined therein. (Prior code § 13-123)



## Chapter 2.72

### SENIOR CITIZENS

Sections:

[2.72.010 Creation](#)

[2.72.020 Purpose and scope.](#)

[2.72.030 Director-Position created.](#)

[2.72.040 Director-Powers and duties.](#)

[2.72.050 Advisory Board-Created-Appointments.](#)

[2.72.060 Advisory Board-Duties and powers.](#)

[2.72.070 Advisory Board-Members-Terms.](#)

[2.72.080 Advisory Board-Members-Qualifications.](#)

[2.72.090 Advisory Board-Vacancies.](#)

[2.72.100 Advisory Board-Chairman-Meetings.](#)

[2.72.110 Advisory Board-Compensation.](#)

#### **2.72.010 Creation.**

There is created a department of the city to be known as the Hyrum City Senior Citizens, hereinafter referred to as the "senior citizens."

#### **2.72.020 Purpose and scope.**

The purpose and scope of the senior citizens is to maintain the Senior Citizens Center and provide such programs and activities for senior citizens as allowed by budget and within the guidelines set by the Hyrum City Council with the advice of the Hyrum City Senior Citizen Advisory Board.

#### **2.72.030 Director-Position created.**

There is created the position of Director of the Senior Citizens Center.

#### **2.72.040 Director-Powers and duties.**

The director shall have responsibility for the general supervision of the department and the Senior Citizens Center pursuant to the provisions hereof and under the direction of the city council which may, from time to time by resolution or otherwise, prescribe his powers and duties and direct the manner and frequency with which he shall make reports to the city council or seniors board concerning the department.

#### **2.72.050 Advisory Board-Created-Appointments.**

There is hereby created and established a body to be designated as the Hyrum City Senior Citizens Advisory Board, hereinafter referred to as "seniors board", which shall be composed of five members, all of whom shall be appointed by the mayor with the advice and consent of the city council. A member of the governing body may be appointed as an ex officio member of the seniors board.

#### **2.72.060 Advisory Board-Duties and powers.**

It shall be the duty of the seniors board to act in an

advisory capacity to the city council in matters of administration of the Senior Citizens Center and the senior citizens program. All business done or to be done by the city council, or legal representatives thereof, in connection with the administration or operation of the senior citizens, including limits of authority or designation of responsibilities of the director, shall be decided by the city council with the advice and recommendation of the seniors board, the ultimate powers of authority of the senior citizens rest with the city council. The city council may, from time to time by resolution or otherwise, prescribe the duties, powers, and responsibilities of the seniors board.

**2.72.070 Advisory Board-Members-Terms.**

Persons appointed to the seniors board shall serve a term of five persons, providing that the first appointment of one member shall be for a term of one year, the first appointment of one member shall be for two years, the first appointment of one member shall be for three years, and the first appointment of one member shall be for four years. Members may serve more than one consecutive term but not more than two consecutive terms.

**2.72.080 Advisory Board-Members-Qualifications.**

Members of the seniors board shall have been residents of Hyrum City for at least three years preceding their appointments and shall have reached at least their fiftieth birthday before accepting appointment to the seniors board. The member of the governing body appointed as an ex officio member is exempt from the age requirement.

**2.72.090 Advisory Board-Vacancies.**

Vacancies occurring through expiration of terms of appointment, death, disability, resignation, or removal from the city shall be filled by appointment of the mayor with the advice and consent of the city council.

**2.72.100 Advisory board-Chairman-Meetings.**

The seniors board shall formulate its own rules for the selection of a chairman as well as the time, place, and manner of meetings, and other procedural matters; provided, that there shall be at least one meeting of the seniors board each month.

**2.72.110 Advisory Board-Compensation.**

Each member of the seniors board will normally not be compensated for his services as a member of the seniors board. Board members may be reimbursed for expenses incurred in carrying out their duties, which expenses shall be considered part of the operating cost of the seniors department. (Ord. 94-03)

## Chapter 2.75

### MUSEUM ADVISORY BOARD

Sections:

- [2.75.010 Creation](#)
- [2.75.020 Duties and Powers.](#)
- [2.75.030 Members - Terms.](#)
- [2.75.040 Members - Qualifications.](#)
- [2.75.050 Vacancies.](#)
- [2.75.060 Chairman - Meetings.](#)
- [2.75.070 Compensation.](#)
- [2.75.080 Support.](#)
- [2.75.090 Appointment of Museum Director.](#)

#### **2.75.010 Creation.**

There is created and established a body to be known as the Hyrum City Museum Advisory Board, hereinafter referred to as "the Board", which shall be composed of five members, all of whom shall be appointed by the mayor with the advice and consent of the City Council. A member of the governing body may be appointed as an ex officio member of the Museum Advisory Board. (Ord. 98-20)

#### **2.75.020 Duties and powers.**

The board is created for the purpose of advising and assisting the director of the Hyrum City Museum in the following areas:

- A. Promoting and preserving cultural opportunities.
- B. Promoting an interest in and an appreciation of the history and accomplishments of the people of the area and preserving the history and accomplishments of the people of the area.
- C. Promoting an understanding of the natural history and natural resources, including the wildlife of the area.
- D. Promoting an appreciation and understanding of art. Developing, preserving, and maintaining a permanent art collection. (Ord. 98-20)

#### **2.75.030 Members - Terms.**

Persons appointed to the board shall serve a term of five years, providing that the first appointment of one member shall be for a term of one year, the first appointment of one member shall be for two years, the first appointment of one member shall be for three years, and the first appointment of one member shall be for four years. Members may serve more than one consecutive term but not more than two consecutive terms. (Ord. 98-20)

#### **2.75.040 Members - Qualifications.**

Members of the board shall have been residents of Hyrum City for at least one year preceding their appointments.

Members will be persons with an interest in Hyrum's museum.  
(Ord. 98-20)

**2.75.050 Vacancies.**

Vacancies occurring through expiration of terms of appointment, death, disability, resignation, or removal from the City shall be filled by appointment of the mayor with the advise and consent of the City Council. (Ord. 98-20)

**2.75.060 Chairman - Meetings.**

The board shall formulate its own rules for the selection of a chairman as well as the time, place, and manner of meetings, and other procedural matters; provided, that there shall be at least one meeting of the board each quarter.  
(Ord. 98-20)

**2.75.070 Compensation.**

Each member of the board will normally not be compensated for services rendered. Board members may be reimbursed for expenses incurred in carrying out their duties, shall be considered part of the operating cost of the museum. (Ord. 98-20)

**2.75.080 Support**

The Office shall provide staff support for Board activities only upon request by the Board Chair and with approval of the City Administrator. Support activities for Board include, but are not limited to:

- A. Members of the board shall have been residents of Hyrum City for at least one year preceding their appointments.
  - B. Members will be persons with an interest in Hyrum's museum.
  - C. Performing other duties as directed by the Board Chair in carrying out the duties of the Board.
- (Ord. 98-20)

**2.75.090 Appointment of Museum Director.**

To provide proper assistance and direction of the Museum the Mayor of Hyrum City, after reviewing the recommendations of the Museum Board and with the advice and consent of the Hyrum City Council, shall appoint or hire a director of the Hyrum City Museum. The Mayor shall also, with the advice and consent of the Hyrum City Council and after reviewing the recommendations of the Museum Board, remove the director of the Hyrum City Museum as is deemed necessary.

To carry out the purposes of the Hyrum City Museum, the director shall conduct, oversee, and supervise the daily operations and functions of the Museum.

The director shall be responsible to maintain, store, exhibit and display such artistic, historical, natural or environmental works, relics and information as is deemed

significant and necessary to carry out the purposes of the Hyrum City Museum.

The director shall be responsible to maintain adequate book and/or records of acquisitions, storage, expenditures and inventory of the property of the Museum as is necessary and shall further make annual reports and recommendations to the City Council on or before June 30 of each calendar year, as are requested by the City and as are deemed appropriate by the director. (Ord. 98-20)