

Chapter 4

(Title 2, Chapter 4 adopted by Ordinance 2008-12, effective March 11, 2008)

Ordinances, Resolutions, and Regulations

Sections:

- 2-4-1. Ordinances.
- 2-4-2. Resolutions.
- 2-4-3. Regulations.

Section 2-4-1. Legislation.

- A. Ordinances: Except as otherwise specifically provided, the city council shall exercise its legislative powers through ordinances.
- B. Extent Of Power: The city council may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity over which it has jurisdiction.
- C. Liability For Erroneous Ordinances: An officer of the municipality shall not be convicted of a criminal offense where he or she relied on or enforced an ordinance he or she reasonably believed to be a valid ordinance. It shall be a defense to any action for punitive damages that the official acted in good faith in enforcing an ordinance or that he or she enforced an ordinance on advice of legal counsel.
- D. Form: Every ordinance shall be in writing before the vote is taken and shall contain and be in substantially the order and form as specified by §10-3-27 of the Utah Code.

Section 2-4-2. Resolutions.

- A. Administrative: Unless otherwise required by law, the city council may exercise administrative powers by resolution. Punishment, fines, or forfeitures may not be imposed by resolution. Resolutions may among other things be used to establish water and sewer rates, charges for garbage collection, fees charged for municipal services, to establish personnel policies and guidelines and regulating the use and operation of city property.
- B. Form: Any resolution passed by the city council shall be in a form and contain sections substantially similar to that prescribed for ordinances.
- C. No Publication; When Effective: Resolutions may become effective without publication or posting and may take effect on passage or at a later date as the city council may determine, but resolutions may not become effective more than three (3) months from the date of passage.
- D. Filing: Resolutions shall be retained on file in the records of the city, but shall not be codified.

Section 2-4-3. Regulations.

- A. Authorization Necessary: A department head or an administrative officer of the city may promulgate regulations, policies or procedures governing the administration of the duties of his or her department or office and provided said regulations are not in conflict with directives of the mayor, city council, city ordinances, resolutions or state law.

B. Requirements: In promulgating a regulation, the department head or administrative officer shall substantially comply with the following:

1. Written: The regulation shall be in writing and shall be made available to the employees within that department.
2. Consistency: The regulation shall be consistent with this code and other city ordinances, resolutions or regulations promulgated by the mayor or city council.
3. Not Arbitrary Or Capricious: The regulation, in whole or in part, shall not be arbitrary or capricious.