

# TITLE I

## ADMINISTRATIVE ORDINANCE

### CHAPTER 1

#### CORPORATE NAME AND SEAL

**1-1-1: Corporate Name**

**1-1-2: Corporate Seal**

**1-1-1: CORPORATE NAME.** The Corporate name of this municipal corporation shall be "Syracuse". However, to designate the municipal character of the corporation, the name may be stated "Syracuse, a municipal corporation".

**1-1-2: CORPORATE SEAL.** The corporate seal of Syracuse is described as follows: The impression is one and three-fourths inches in diameter, is inscribed in the outer circle "Syracuse City, Davis County, Utah", contains the words "Corporate Seal" in the center circle, and has a small star in the center of the seal. (1971)

**CHAPTER 2**  
**ORDINANCES**

- 1-2-1: Official Designation of Revised Ordinances**
- 1-2-2: Amendments**
- 1-2-3: Separability**
- 1-2-4: Enacting Clause of Ordinances**
- 1-2-5: Effective Date of Ordinances**
- 1-2-6: Footnotes and Appendix**
- 1-2-1: OFFICIAL DESIGNATION OF REVISED ORDINANCES.** Upon adoption by the City Council, the ordinances of Syracuse, Utah, as compiled, revised, and herein set forth are to be and shall be designated and referred to as the Revised Ordinances of Syracuse, Utah, 1971. Reference by number to any section of these Revised Ordinances shall refer not only to the section but also to the general penalty clause relating thereto. (1971)
- 1-2-2: AMENDMENTS.** All ordinances adding to, deleting from, or altering any part of these Revised Ordinances shall constitute an amendment to these Revised Ordinances. (1971)
- 1-2-3: SEVERABILITY.** If any section, subsection, sentence, clause, or phrase of these Revised Ordinances is for any reason held to be unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or sections of these Revised Ordinances. (1971)
- 1-2-4: ENACTING CLAUSE OF ORDINANCES.** The enacting clause of all ordinances of the city shall be in substantially the following form: "Be it ordained by the City Council of Syracuse, Utah." (1971)
- 1-2-5: EFFECTIVE DATE.** Ordinances shall become effective 20 days after publication or posting or 30 days after final passage by the governing body, whichever is sooner, but Ordinances may become effective at an earlier or later date after publication or posting if so provided in the Ordinance, except that whenever a revision is made and the Revised Ordinances are published by authority of the City Council, no further publication shall be necessary, and it shall not be necessary to post or publish rules and regulations adopted by the City Council which are printed as a code in book form as long as three copies are available at the City Recorder's Office for use and examination by the general public.(1986)
- 1-2-6: FOOTNOTES AND APPENDIX.** Footnotes and the appendix are for reference purposes only. (1971)
- 1-2-7: PENALTY FOR VIOLATION OF ORDINANCE.** Unless otherwise specifically authorized by Statute, the governing body of the City may provide a penalty for the violation of any City Ordinance by a fine not over \$1,000.00, or by a term of imprisonment up to six months, or by both such fine and term of imprisonment. The governing body may prescribe a minimum penalty for the violation of any City Ordinance. (1986)

## CHAPTER 3

### SAVING CLAUSE

**1-3-1: Repeal of General Ordinance**

**1-3-2: Saver from Repeal**

**1-3-3: Effect of Repeal**

**1-3-1: REPEAL OF GENERAL ORDINANCES.** So far as the provisions of the Revised Ordinances of Syracuse, 1971, are the same in effect as those of previously existing Ordinances, they shall be construed as continuations thereof; but subject to the above limitations and provisions of the next Section; all Ordinances of this City heretofore in force are hereby repealed. (1971)

**1-3-2: SAVER FROM REPEAL.** All existing ordinances of this city that are contractual in character, including franchises, grants, and dedications; special tax ordinances; ordinances relating to bond issues; ordinances relating to boundaries and annexations; salary ordinances; ordinances establishing, naming or vacating streets, alleys or other public places; improvement ordinances; ordinances relating to elections; ordinances amending the Zoning Map and changing zones, but not changing regulations of zones; and all other ordinances of private, local or temporary nature, or of a special rather than general character are hereby expressly saved from repeal and shall remain in full force and issue. (1971)

**1-3-3: EFFECT OF REPEAL.** These Revised Ordinances shall not affect any act done, or right accrued, any penalty incurred, any suit, prosecution or proceeding pending, or the tenure of office of any person holding office at the time when it takes effect; nor shall the repeal of an ordinance hereby have the effect of reviving any ordinance theretofore repealed or superseded  
However, in any court proceeding, if any penalty, forfeiture or punishment be migrated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgement announced after the new ordinance takes effect. (1971)

## CHAPTER 4

### DEFINITIONS AND RULES OF CONSTRUCTION

**1-4-1: Definitions**

**1-4-2: Rules of Construction**

**1-4-1: DEFINITIONS.** In the construction of these Revised Ordinances and all ordinances amendatory thereof the following words and terms shall have the meaning herein ascribed to them, unless such definition or construction would be inconsistent with the manifest intent of the City Council or contrary to the context of the ordinance:

**AGENT:** The word "agent" as used in these Revised Ordinances shall mean a person acting on behalf of another.

**CITY:** The word "city" shall mean the City of Syracuse.

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

**KNOWINGLY:** The word "knowingly" imports only a knowledge that the facts exist which bring the act or omission within the provisions of these Revised Ordinances. It does not require any knowledge of the unlawfulness of such an act or omission.

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

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

**MISDEMEANOR:** The word "misdemeanor" shall mean any offence in violation of the provisions of these Revised Ordinances. It is a lesser offence than a felony as defined by State Law.

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

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

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

**OCCUPANT:** The term "occupant" applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

OFFENSE: The word "offense" shall mean any act forbidden by any provision of these Revised Ordinances or the omission of any act required by the provisions of these Revised Ordinances.

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

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

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

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

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

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

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

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

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

**1-4-2:**

**RULES OF CONSTRUCTION.** In the construction of these Revised Ordinances and all ordinances amendatory thereof, the following rules shall apply except where such construction would be inconsistent with the manifest intent of the City council or contrary to the context of the ordinance.

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

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

SHALL: The word "shall" is mandatory and not merely directory.

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

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

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

## CHAPTER 5

### PENALTY

**1-5-1: General Penalty Clause**

**1-5-2: Liability of Employer and Agents**

**1-5-3; Liability of Officers**

**1-5-1: GENERAL PENALTY CLAUSE.** In any case where there shall be a violation of any Section of these Revised Ordinances for which no specific penalty is provided, the person violating the same shall be deemed guilty of a Class B misdemeanor and for any one offence be punished by a fine in any sum not over \$1,000.00, or by imprisonment not to exceed six months, or by both such fine and imprisonment. A judgement that the defendant pay a fine under any of the provisions of these Revised Ordinances, or any other Ordinances hereafter enacted, may also direct that he pay all costs of the prosecution.

Unless otherwise specified, a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

In all cases where the same offense is made punishable or is created by different clauses or sections of these Revised Ordinances, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, however, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

The court may also impose a civil penalty for the unauthorized use of City property, including, but not limited to, the use of parks, streets, and other public grounds or equipment. Rules of civil procedure shall be substantially followed in the imposition of civil penalties. (1986)

**1-5-2: LIABILITY OF EMPLOYERS AND AGENTS.** When the provisions of these Revised Ordinances or the provisions of an ordinance prohibit the commission or omission of an act, not only the person actually doing the prohibited thing or omitting the direct act, but also the employer and all other persons concerned or aiding or abetting therein shall be guilty of the offense described and liable to the penalty prescribed for the offense.(1971

**1-5-3: LIABILITY OF OFFICERS.** No provision of these Revised Ordinances designating the duties of any officer or employee shall be construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the City Council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (1971)

## CHAPTER 6

### NOMINATIONS AND ELECTIONS

- 1-6-1: Elective Officers**
- 1-6-2: Election Procedures**
- 1-6-3: Primary Election**
- 1-6-4: Declaration of Candidacy**
- 1-6-5: Nomination by Petition**
- 1-6-6: Time for Filing**
- 1-6-7: List of Candidates Published**
- 1-6-8: Sample Ballots to be Posted and Notice of Election Given**
- 1-6-9: Candidates Eligible for Placement on Ballots**
- 1-6-10: Qualifications of Electors**
- 1-6-11: Combined Voting Districts**
- 1-6-12: Election Judges**
- 1-6-13: Canvass Returns of Elections--Certificates**
- 1-6-1: ELECTIVE OFFICERS.** On the Tuesday next following the first Monday in November, 1991, and biennially thereafter, there shall be held an election to fill all elective offices to be vacated in the City at 12:00 o'clock noon on the first Monday in January following. In the year 1991, there shall be elected three Council Members for a term of four years, and quadrennially thereafter. In the year 1993 there shall be elected a Mayor and two Council Members for a term of four years, and quadrennially thereafter. The officers elected shall begin their terms of office at 12:00 o'clock noon on the first Monday in January following their election and shall continue in the office to which they were elected for four years. (1991)
- 1-6-2: ELECTION PROCEDURES.** Elections for Mayor and Council Members shall be conducted according to the Municipal Election Section of the Utah Code, Reference 20-5-10(1). (1993)
- 1-6-3: PRIMARY ELECTION.** This ordinance provides for a non-partisan election. A primary election will only be held when the number of persons filing for office exceeds twice the number to be elected. (1993)
- 1-6-4: DECLARATION OF CANDIDACY.** A person may become a candidate for any municipal office if that person is a registered voter and has resided within the City, or in a recent annexed area, for 12 consecutive months immediately before the date of the election.

Any Qualified person desiring to become candidates for mayor or member of the City Council shall file with the City Recorder a Declaration of Candidacy in substantially the following form:

I, \_\_\_\_\_, being first duly sworn, say that I reside at \_\_\_\_\_, City of Syracuse, County of Davis, State of Utah, 84075, Telephone No. \_\_\_\_\_; that I am a registered voter therein; that I am a candidate for nomination to the office of \_\_\_\_\_ for the term of \_\_\_\_\_ years. I request that my name be printed upon the official primary ballot if a primary election for such office is held. If there is no primary for the office listed, I request that my name be printed on the November ballot.

(Signed) \_\_\_\_\_

Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

(Signed) \_\_\_\_\_  
(Official designation of officer taking oath) (1997)

**1-6-5: NOMINATION BY PETITION.**

(A) Any registered voter who has lived in the City, or in a recently annexed area of the City, for 12 consecutive months immediately before the date of election may be nominated for municipal office by a petition filed with the City Recorder. Petition must be signed by at least 25 residents of the City who are 18 years of age or older and shall substantially conform with the following form:

NOMINATION PETITION

The undersigned residents of Syracuse City, being 18 years of age or older, hereby nominate \_\_\_\_\_ to the office of \_\_\_\_\_, for the (two or four-year term, whichever is applicable). The remainder of the petition shall contain lines (columns) for the signatures of persons signing the Petition, and their respective addresses and telephone numbers.

(B) If the Nomination Petition fails to state whether the nomination is for the two or four-year term, the nomination is deemed to be for the four-year term. (1997)

**1-6-6: TIME FOR FILING.** A candidate for office in the City shall file a Declaration of Candidacy or Nomination Petition substantially similar to those prescribed in Section 1-6-4 or 1-6-5(A), with the City Recorder between July 15 and August 15 of any odd numbered year during office hours, but not later than 5 p.m. (1997)

**1-6-7: LIST OF CANDIDATES PUBLISHED.** Immediately after expiration of the period for filing a Declaration of Candidacy or Petition, the City Recorder shall cause the names of the candidates as they will appear on the ballot to be published in at least two successive publications of a newspaper with general circulation in the City. (1991)

**1-6-8: SAMPLE BALLOTS TO BE POSTED AND NOTICE OF ELECTION GIVEN.**

(A) The City Recorder, at least five days before each election, shall give written or printed notice of the date of election, the hours during which polls will be open, the polling places in each district, and the qualifications for persons to vote in the

election. A copy of the notice and a sample ballot shall be posted in each voting district in at least five places by the registration agent. One such notice may be posted in a well-used public location in a nearby or adjacent district.

- (B) The Recorder, in lieu of or in addition to posting, may immediately before the election publish the notice and sample ballot in one or more newspapers with general circulation in the City.
- (C) If paper ballots are used, the City Recorder shall provide printed ballots for every municipal election. Official ballots shall be printed and in the possession of the Recorder at least four days before the election. Sample ballots shall be printed and in the possession of the Recorder seven days before the election. Sample ballots shall be printed in the same form as official ballots but upon paper of a different color, and they shall be made available for public inspection. Sample ballots shall be posted with instruction cards in the manner prescribed in Section 20-5-53, Utah Code Annotated, 1953, as amended. (1991)

**1-6-9: CANDIDATES ELIGIBLE FOR PLACEMENT ON BALLOTS.**

- (A) The two candidates' names who receive the highest number of votes for Mayor shall be placed upon the November municipal ballot for Mayor.
- (B) The City Recorder shall certify twice the number of candidates as there are positions to be filled as eligible for election in the November municipal election from those receiving the greater number of votes in the primary election, and shall cause their names to be placed upon the November municipal election ballot.
- (C) Any vacancy occurring after the primary election shall remain vacant on the November ballot. (1991)

**1-6-10: QUALIFICATIONS OF ELECTORS.** All qualified electors of the State who reside in the City of Syracuse and who are registered in a voting district within the City at the time of the election, are entitled to vote at such election. (1991)

**1-6-11: COMBINED VOTING DISTRICTS.**

- (A) The governing body of the City, for purposes of an election, may combine regular County voting districts into one municipal election district if it designates the location and address of each such district.
- (B) If only two districts are combined, the polling place shall be within the combined voting district or within one-half mile of the boundaries of the combined voting district.
- (C) If more than two districts are combined, the polling place should be as near as practical to the middle of the combined district. (1991)

**1-6-12: ELECTION JUDGES.**

- (A) At least 15 days before each election, the governing body shall appoint election judges and their alternates. Each judge and alternate shall be a registered voter of the City. No member of candidate's immediate family may serve as an election judge in that candidate's district. For purposes of this Section, any judge or alternate may administer oaths. The Recorder shall file a list containing the name, address, district, and telephone number (if any) of all persons appointed. The list shall be available in the Recorder's office for inspection and examination

during business hours by any voter of the City who, if such voter desires, may make a copy of it.

- (B) If paper ballots or an electronic voting system are used, the City shall appoint three judges for each election district and such alternate judges as the governing body deems necessary.
- (C) Each judge and alternate shall be issued a certificate under the Recorder's official seal certifying the appointments. The Certificate and an acceptance of appointment shall be mailed to each judge and alternate.
- (D) Each election judge and alternate shall file an acceptance with the Recorder within seven days after receipt of the certificate of appointment. Failure to timely file an acceptance results in a vacancy. A vacancy shall be filled by an alternate or in the manner provided for an original appointment. (1991)

**1-6-13: CANVASS RETURNS OF ELECTIONS--CERTIFICATES.** On the Tuesday following any municipal election, the City Council must convene and publicly canvass the result, and issue certificates of 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 candidate elected shall be determined as provided by law. Reasonable notice of the time and place for determination of the winner of the election shall be given each candidate. (1991)

## CHAPTER 7

### OFFICERS

- 1-7-1: Eligibility of Officers
- 1-7-2: Term of Office of Mayor and Councilmen
- 1-7-3: Appointive Officers
- 1-7-4: Term of Office for Appointive Officers
- 1-7-5: Vacancies
- 1-7-6: Oath of Office
- 1-7-7: Bonds
- 1-7-8: Salaries
- 1-7-9: Records Open to Inspection
- 1-7-10: Expenditures to be Approved
- 1-7-11: Officers Not to Exceed Budget Appropriations
- 1-7-12: Officers Not to be Interested in Contracts or Accept favors
- 1-7-13: Additional Duties and Powers May Be Prescribed
- 1-7-14: Termination of Office

1-7-1: **ELIGIBILITY OF OFFICERS.** No person not a qualified elector of Syracuse shall be eligible to the office of Mayor, Councilman, Recorder, Treasurer, Marshal, or Justice Court Judge, nor shall any person be eligible to any office who is a defaulter of the corporation. (1971)

1-7-2: **TERM OF OFFICE OF MAYOR AND COUNCILMEN.** The Mayor and Councilman shall enter upon their duties at 12:00 o'clock noon on the first Monday in January next succeeding their election. The Mayor and each Councilman shall continue in office for a term of four years, and in each case until a successor is duly elected and qualified, unless otherwise provided. If any elective officer of Syracuse shall at any time during his term of office remove from the limits of the City, his office shall thereby become vacant. (1971)

1-7-3: **APPOINTIVE OFFICERS.** On or before the first Monday in February following a municipal election the Mayor, with the advice and consent of the City Council, shall appoint a qualified resident or nonresident to each of the offices of City Recorder, City Treasurer and Police Chief.

The City Recorder shall be ex-official City Auditor and shall perform the duties of such office.

The Mayor, with the advice and consent of the Council, may also appoint all officers and agents deemed necessary for the government of the City 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. 04-15)

**1-7-4:** **TERM OF OFFICE FOR APPOINTIVE OFFICERS.** Except as otherwise provided by law, the term of office of all appointive officers shall be until the election next following their appointment and until their respective successors are chosen and qualified, unless they are sooner removed by the Mayor with the concurrence of a majority of the members of the City Council, or by the City Council with the concurrence of the Mayor. (1971)

**1-7-5:** **VACANCIES.**

(A) Mayor. Whenever a vacancy in the office of Mayor occurs, the City Council shall elect a Mayor who shall serve until the next municipal election and until his successor is elected and qualified.

(B) Councilman. If any vacancy occurs in the office of Councilman, such vacancy shall be filled for the unexpired term by appointment of the City Council.

(C) Recorder, Treasurer, Marshal. If a vacancy shall occur in the office of Recorder, Treasurer, or Marshal, the Mayor, by and with the consent of the City Council, shall forthwith fill such vacancy by appointment for the unexpired term, and until his successor is elected and qualified. (1990)

**1-7-6:** **OATH OF OFFICE.** All officers of Syracuse, whether elected or appointed, shall, before entering upon the duties of their respective offices, take, subscribe, and file the constitutional oath of office. (1971)

**1-7-7:** **BONDS.** Every officer of Syracuse, whether elected or appointed, shall before entering upon the duties of his office, execute a bond with good and sufficient sureties, payable to the City, in such penal sum as may, by resolution or ordinance, be directed, 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 Treasurer's Bond shall be fixed at a sum not less than \$2,500.00. The bonds of all other officers shall be approved by the City Council. The premium charged by a corporate surety for any official bond shall be paid by the City. (1971)

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**1-7-8:** **SALARIES.** The elective and appointive officers shall receive such compensation for their services as the Mayor and City Council may fix by ordinance adopting compensation or compensation schedules enacted after public hearing.

(A) Upon its own motion the City Council may review or consider the compensation of any officer or officers of the City or a salary schedule applicable to any officer or officers of the City for the purpose of determining whether or not it should be adopted, changed, or amended, it shall set a time and place of a public hearing at which all interested persons shall be given an opportunity to be heard.

(B) Notice of the time, place, and purpose of the meeting shall be published at least seven days prior thereto by publication in at least one issue of a newspaper published in the County within which the City is situated and generally circulated in the City.

(C) After the conclusion of the public hearing, the Mayor and City Council may enact an ordinance fixing, changing, or amending the compensation of any elective or appointive officer of the City or adopting a compensation schedule applicable to any officer or officers.

(D) The compensation of all City officers shall be paid at least monthly out of the City Treasury. (1971)

- 1-7-9: RECORDS OPEN TO INSPECTION.** All records, books, papers, and documents belonging to any office of the City shall be open at any time to inspection by the Mayor or any member of the Council. (1971)
- 1-7-10: EXPENDITURES TO BE APPROVED.** No purchase shall be made and no indebtedness incurred by any officer or employee of this City without approval and order of the City Recorder or of some other person duly authorized and commissioned by the City Council to act as purchasing agent for the City. (1971)
- 1-7-11: OFFICERS NOT TO EXCEED BUDGET APPROPRIATIONS.** No City officer shall make or incur expenditures or encumbrances in excess of total appropriation for any department in the budget as adopted or as subsequently amended. Any obligation that is so contracted by any such officer shall be and become the obligation of the officer himself and shall not be or become valid or enforceable against the City. (1971)
- 1-7-12: OFFICERS NOT BE INTERESTED IN CONTRACTS OR ACCEPT FAVORS.** No officer of the City shall be directly or indirectly interested in any contract, work, or business, or in the sale of any article, the expense, price, or consideration of which is paid from the City Treasury or in any other consideration or favor as provided by Section 10-6-38 of the Utah Code Annotated, 1953. (1971)
- 1-7-13: ADDITIONAL DUTIES AND POWERS MAY BE PRESCRIBED.** The duties, powers and privileges of all officers in any way connected with the City government not herein defined shall be defined by the City Council. (1971)
- 1-7-14: TERMINATION OF OFFICE.** Every officer and employee of the City, upon the expiration of his term for any cause whatsoever, shall, within five days after notification and request, deliver to his successor all books and records which may be the property of the City. (1971)

## CHAPTER 8

### MAYOR

- 1-8-1: **Chief Executive of City**
- 1-8-2: **Presiding Officer of Council**
- 1-8-3: **Appointment Officer of Council**
- 1-8-4: **Budget Officer**
- 1-8-5: **Pardons**
- 1-8-6: **May Suppress Disorder**
- 1-8-7: **May Require Aid**
- 1-8-8: **May Examine Records**
- 1-8-9: **General Duties**
- 1-8-10: **Mayor Pro Tempore**

1-8-1: **CHIEF EXECUTIVE OF CITY.** The Mayor shall be the Chief Executive of Syracuse. (1971)

1-8-2: **PRESIDING OFFICER OF COUNCIL.** The Mayor shall preside at all meetings of the City Council, but shall not vote except in case of a tie when he shall give the casting vote. He shall from time to time give the Council information concerning the affairs of the City and shall recommend for their consideration such measures as he may deem expedient. The Mayor 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. (1971)

1-8-3: **APPOINTMENTS BY MAYOR.** On or before the first Monday in February following a municipal election, the Mayor, with the advice and consent of the City Council, shall appoint a qualified resident or nonresident to each of the offices of City Recorder, City Treasurer and City Marshal except as otherwise provided by ordinance.

The Mayor, with the advice and consent of the Council, may also 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. 04-15)

1-8-4: **BUDGET OFFICER.** The Mayor shall be the budget officer of the City, or he may appoint, with the approval of the City Council, some other person to exercise the function of the budget officer. On or before May 1st of every year, the budget officer shall prepare for the ensuing budget year, on forms provided by the State Auditor, and file with the City Council a tentative budget for each fund for which a budget may be required. (1971)

1-8-5: **PARDONS.** The Mayor may remit fines and forfeitures and release any person imprisoned for violation of any City ordinance, but he shall report any such remission or release with the reasons therefor to the City Council at its next season. (1971)

1-8-6: **MAY SUPPRESS DISORDER.** The Mayor may exercise within the City limits the power to suppress disorder and keep the peace. (1971)

- 1-8-7:**           **MAY REQUIRE AID.** The Mayor may when necessary call upon every male inhabitant of the City over the age of 21 years to aid in enforcing the laws and ordinances and in suppressing riots and other disorderly conduct. (1971)
- 1-8-8:**           **MAY EXAMINE RECORDS.** The Mayor may at any time examine and inspect the books, records, and papers of any officer of, or agent employed by the City. (1971)
- 1-8-9:**           **GENERAL DUTIES:** The Mayor shall perform all other duties prescribed by law or ordinance and shall see that the laws and ordinances are faithfully executed. (1971)
- 1-8-10:**          **MAYOR PRO TEMPORE.** During the temporary absence or disability of the Mayor, the City Council shall elect one of its number to act as Mayor Pro Tempore, who during such absence or disability shall possess the powers of Mayor. By July 1 of each year the Mayor and City Council shall further designate the Mayor Pro Tempore and two additional persons, in specific order of succession, as emergency interim successors to act in the absence of the Mayor, in accordance with the provisions of Section 63-56-401, Utah Code Annotated, 1953, as amended. (1992)

## CHAPTER 9

### CITY COUNCIL

- 1-9-1: **Legislative and Governing Body**
- 1-9-2: **Powers and Duties**
- 1-9-3: **Regulation of Offices and Departments**
- 1-9-4: **Ordinances**
- 1-9-5: **Regular Meetings**
- 1-9-6: **Special Meetings**
- 1-9-7: **Quorum**
- 1-9-8: **Rules; Expulsion of Members**
- 1-9-9: **Action on Committee Reports**
- 1-9-10: **Election Responsibilities**
- 1-9-11: **May Require Reports**
- 1-9-12: **Consideration of Claims**
- 1-9-13: **Audit of Accounts**
- 1-9-14: **Adoption of Budget**
- 1-9-15: **Annual Property Tax Levy**
- 1-9-16: **Right to Make Improvements**

1-9-1: **LEGISLATIVE AND GOVERNING BODY.** The Mayor and City Council shall be the legislative and governing body of the City of Syracuse. (1971)

1-9-2: **POWERS AND DUTIES.** The Mayor and City Council, as the legislative and governing body, shall have, exercise, and discharge all the rights, powers, privileges, and authority conferred by the laws of the State of Utah upon cities of the third class, and shall perform all duties that may be required of them by law. (1971)

1-9-3: **REGULATION OF OFFICES AND DEPARTMENTS.** The City Council shall have power to formulate and adopt by ordinance or resolution all necessary rules and regulations, not in conflict with these ordinances or with the laws of the State of Utah, prescribing the duties of officers and employees, including the management of the respective offices and departments, and for this purpose may divide the work of the City into departments with each Councilman having responsibility for a particular department or departments assigned to him. (1971)

**1-9-4:**           **ORDINANCES.** The City Council may pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by law, and such as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort and convenience of the City and the inhabitants thereof, and for the protection of property therein; and may enforce obedience to such ordinances with such fines or penalties as they may deem proper; provided, that the punishment of any offense shall be by fine in any sum less than \$300.00 or by imprisonment not to exceed six months, or by both such fine imprisonment. (1971)

The concurrence of a majority of the members elected shall be necessary to the passage of any ordinance or proposition. When there are 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 removal of an appointive officer. The yeas and nays shall be taken upon the passage of all ordinances and all propositions to create any liability against the City, and in all other cases at the request of any member of the Council, which shall be entered upon the journal of its proceedings. (1971)

**1-9-5:**           **REGULAR MEETINGS.** Any two members of the Council or the Mayor 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. (1971)

**1-9-7:**           **QUORUM.** The majority of the City Council shall constitute a quorum to do business; but a smaller number may adjourn from time to time, and are hereby empowered to compel the attendance of an absent member. Should any member of the City Council, when notified by the City Marshal or other proper authority that his presence is necessary to form a quorum (unless he shall present an excuse satisfactory to the Council at its next regular meeting), or should any member leave the Council when in session without the consent of the Council when such leaving would break the quorum, he may be fined in any sum not exceeding \$50.00. (1971)

**1-9-8:**           **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. (1971)

**1-9-9:**           **ACTION ON COMMITTEE REPORTS.** Any report of a committee of the City Council shall by request of any two members be deferred for final action thereon to the next regular meeting after the report is made. (1971)

**1-9-10:**          **ELECTION RESPONSIBILITIES.** The City Council shall appoint judges of election, designate the places of voting, canvass the result, and issue certificates of election to each person elected. (1971)

**1-9-11:**          **MAY REQUIRE REPORTS.** The City Council may 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. (1971)

**1-9-12:**          **CONSIDERATION OF CLAIMS.** It shall be the duty of the City Council to carefully examine all claims presented against the City.

- 1-9-13: AUDIT OF ACCOUNTS:** It shall be the duty of the City Council to at least biennially have made by or under the immediate direction and supervision of a competent accountant not in the hire of the City a complete audit of the accounts of all officers having the care, management, collection or disbursement of moneys belonging to the City or appropriated by law or otherwise acquired for the City's use and benefit. Such audits shall be made in accordance with the uniform classification of accounts as provided by law. Such audit for any fiscal year shall be completed not less than six calendar months after the close of such fiscal year. All audit reports so made shall be filed and preserved by the City Council and copies thereof shall be filed with the State Auditor. Copies of such audits shall be open to inspection by any interested person or persons wherever filed. (1971)
- 1-9-14: ADOPTION OF BUDGET.** On or before June 30th of each year, the City Council shall by resolution adopt a budget for the ensuing fiscal year. (1971)
- 1-9-15: ANNUAL PROPERTY TAX LEVY.** Not later than the second Monday in August of each year, the City Council at a regular meeting thereof shall, by resolution, levy taxes on the real and personal property within the City made taxable by law for the various municipal purposes. (1971)
- 1-9-16: RIGHT TO MAKE IMPROVEMENTS.** The City Council shall have the right to make improvements within the City, subject to the conditions established by law regulating such improvements. To defray the cost and expense of such improvements, the City Council may levy by ordinance special taxes and assessments upon property which may be affected or specially benefited by such improvements. (1971)

## CHAPTER 10

### RECORDER

**1-10-1: Duty to Keep Records**

**1-10-2: Countersign Contracts**

**1-10-3: Accounts and Payment of Claims**

**1-10-4: Ex Officio Auditor**

**1-10-5: Financial Statements**

**1-10-6: Annual Report**

**1-10-7: Publication of Annual Statement of Financial Condition**

**1-10-8: Certification of Annual Property Tax Levy**

**1-10-9: General Duties**

**1-10-1: DUTY TO KEEP RECORDS.** The City Recorder shall keep a record of the proceedings of the City Council, whose meetings it shall be his duty to attend. He shall accurately record all ordinances and resolutions passed by the City Council in a book kept for that purpose; he shall certify to the publication or posting of all ordinances and retain the affidavits of publication or posting; and he shall attest all papers signed by the Mayor officially. He shall also keep, in a book provided for that purpose, the names of persons elected or appointed to Commissions and Boards, together with the dates on which they entered upon the duties of their respective offices and the date of their resignation or removal thereon. He shall keep the corporate seal and all papers and records of the City. Copies of all papers filed in his office and transcripts from all records of the City evidence in all courts as if the originals thereof were produced. (1971)

**1-10-2: 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. He shall maintain a record of all contracts, properly indexed, which record shall be open to the inspection of all interested persons. (1971)

**1-10-3: ACCOUNTS AND PAYMENT OF CLAIMS.** The City Recorder shall maintain or cause to be maintained the general books for each fund of the City and all subsidiary and detailed records relating thereto, including a list of outstanding bonds, for what purpose, when and where payable, and the rate of interest they respectively bear, together with the amount of each outstanding. He shall keep accounts with all receiving and disbursing officers of the City, shall audit ask claims and demands against the City before they are allowed by the City Council, and shall prepare checks in payment thereof to be drawn on the appropriate bank accounts of the City. He shall certify on the voucher copy of said check or other supporting record that he has audited said claim and found it to be true and

correct, and that said claim has been approved by the City Council and he shall state the date of such approval. (1971)

**1-10-4: EX OFFICIO AUDITOR.** The City Recorder shall be the ex officio auditor of Syracuse and shall perform the duties of such office without extra compensation. (1971)

**1-10-5: FINANCIAL STATEMENTS.** The City Recorder or other delegated person shall prepare and present to the City Council the following financial statements:

(A) As of the end of each month a summary of cash receipts and disbursements by funds or appropriate groups of funds, showing in total, the beginning cash and invested balances, the receipts and disbursements separately for the period, and cash and invested balances in each fund or groups of funds at the end of the period.

(B) As of the end of such period as the City Council may direct, but not less often than once each quarter, a statement of revenues and expenditures and comparison with the budget of the general fund.

(C) A statement of income and expense of each utility fund, reflecting operations to date in the current year and a comparison thereof with operating results for the same period during the preceding year.

(D) As of the end of such periods as the City Council may require, a condensed statement of receipts and disbursements and comparison with the cash budget of each utility fund.

(E) Such statements of operations in other special funds or reports on financial condition at such times as the City Council may require. (1971)

**1-10-6: ANNUAL REPORT.** Within a reasonable time after the close of each fiscal year, the City Recorder or other delegated person shall prepare, in accordance with the system of uniform accounting, statements of revenues and expenditures and comparison with budgets for those funds for which budgets are required, statements of revenues and expenditures or of income and expense, as the case may be, of all other operating funds; a balance sheet of each fund and a combined balance sheet of all funds as of the close of the fiscal year, together with such other financial and statistical data as the City Council may require; provided, that this requirement may be satisfied by the report of the independent auditor on the results of operation for the year and financial condition at the close of the year, if the same be currently prepared and presented to the City Council. Copies of the annual report shall be filed as a public document in the office of the City Recorder. (1971)

**1-10-7: PUBLICATION OF ANNUAL STATEMENT OF FINANCIAL CONDITION.** The City Recorder shall prepare and publish, on or before the first Monday in October of each year, in some newspaper having general circulation in the City, a detailed statement of the financial condition of the City, and all the revenues and expenditures of the previous year. (1971)

**1-10-8: CERTIFICATION OF ANNUAL PROPERTY TAX LEVY.** The City Recorder shall certify the resolution making the annual tax levy to the County Auditor not later than the first Thursday in August of each year. (1971)

**1-10-9: GENERAL DUTIES.** The City Recorder shall perform such other duties as may be required by City ordinance or State law. (1971)



## CHAPTER 11

### TREASURER

**1-11-1: Receive Money and Keep Accounts**

**1-11-2: Receipts for payments**

**1-11-3: Signing Checks**

**1-11-4: Payment of Warrants**

**1-11-5: Special Assessments**

**1-11-6: Misuse of Funds**

**1-11-7: General Duties**

**1-11-1: RECEIVE MONEY AND KEEP ACCOUNTS.** The City Treasurer shall be custodian of all money, bonds or other securities belonging to the City. He shall receive all money payable to the City, including all taxes, licenses and fines, and keep an accurate detailed account thereof. He shall collect all special taxes and assessments as provided by law and ordinance. (1971)

**1-11-2: RECEIPTS FOR PAYMENTS.** The City Treasurer shall give or cause to be given to every person paying money to the City Treasury a receipt or other evidence of payment therefor, specifying the date of payment and upon what account paid, and shall file the duplicate of such receipt or other evidence of payments in the office of the City Recorder. (1971)

**1-11-3: SIGNING CHECKS.** The Treasurer or such other person or persons as the City Council may by resolution designate shall sign all checks prepared by the Recorder. Prior to affixing said signatures, the City Treasurer or such other person shall determine that sufficient funds are on deposit in the appropriate bank accounts of the City to honor such check. The Treasurer shall make provision for payment of all warrants issued before signing any subsequently issued checks. (1971)

**1-11-4: PAYMENT OF WARRANTS.** The Treasurer shall pay all warrants in the order in which presented and as money becomes available for payment thereof in the appropriate funds of the City. The Treasurer shall note upon the back of each warrant presented to him the date of presentation and the date of payment. (1971)

**1-11-5: SPECIAL ASSESSMENTS.** All money received by the Treasurer on any special assessments shall be applied to the payment of the improvement for which the assessment was made. Such 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, except as otherwise provided by law. (1971)

**1-11-6: MISUSE OF FUNDS.** The Treasurer shall keep all money belonging to the City separate and distinct from his own money and shall promptly make deposit thereof in the appropriate bank accounts of the City. Whenever it shall appear to the City Council that the Treasurer is making profit out of public money or is using the same for any purpose not authorized by law, it shall suspend him from office. Upon his conviction for such offense his office shall become vacant. (1971)

**1-11-7: GENERAL DUTIES.** The Treasurer shall perform such other duties as may be required by City ordinance or State law. (1971)

## CHAPTER 12

### MARSHAL

**1-12-1: Duties of Marshal**

**1-12-2: Police Department**

**1-12-3: Right of Arrest**

**1-12-4: Register of Arrests**

**1-12-5: Contract with County**

**1-12-1: DUTIES OF MARSHAL.** The City Marshal shall, under the direction of the City 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. He shall suppress riots, disturbances and breaches of the peace, and apprehend all persons committing any offense against the laws of the State or the ordinances and regulations of the City for the preservation and property of all persons. (1971)

**1-12-2: POLICE DEPARTMENT.** There is hereby created a Police Department for Syracuse which shall consist of the City Marshal, who shall be ex officio Chief of Police, and such other officers and members as may be provided for by the Mayor and City Council. It shall be the duty of the members of the Police Department of this City at all times to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, protect persons and property, remove nuisances existing in the public streets, roads and highways, enforce every law relating to the suppression offences, and perform all duties enjoined upon them by ordinance. (1971)

**1-12-3: RIGHT OF ARRESTS.** The Marshal and the members of the Police Department shall have power and authority, without process, to arrest and take into custody any person who shall commit or threaten to attempt to commit in the presence of such police officer, or within his view, any breach of the peace, or any offense directly prohibited by the laws of this State, or by City ordinance

**1-12-4: REGISTER OF ARRESTS.** The Chief of Police shall provide and cause to be kept a register of arrests. Upon such register there shall be entered a statement showing the date of arrest, the name of the person arrested, the name of the officer making the arrest and the offense charged. (1971)

**1-12-5: CONTRACT WITH COUNTY.** In lieu of appointing a City Marshal and/or creating and staffing a Police Department, the City Council may, by ordinance, approve and enter into a Contract with Davis County for the County Sheriff's Department to perform the duties of the City Marshal and Police Department. (1971)

## CHAPTER 13

### JUSTICE COURT JUDGE

- 1-13-1: **Powers And Duties**
- 1-13-2: **Jurisdiction**
- 1-13-3: **Procedure**
- 1-13-4: **Authority of Justice Court Judge**
- 1-13-5: **Residence - Place and Holding Court**
- 1-13-6: **Docket To Be Kept - Entries Required**
- 1-13-7: **Monthly Reports to Court Administrator and City**
- 1-13-8: **Delivery of Docket and Papers to Successor**
- 1-13-9: **Required Annual Training - Expenses - Failure to Attend**
- 1-13-10: **Term of Office For City Justice Court Judge - Vacancy - Report to Court Administrator**
- 1-13-11: **Determination of Compensation - Limits on Secondary Employment**
- 1-13-12: **Justice Court Judge to be Appointed - Procedure - Report to Judicial Council - Retention Election - Vacancy**
- 1-13-13: **Temporary Justice Court Judge**
- 1-13-14: **Eligibility for Office of Justice - Retirement - Service After Retirement**
- 1-13-15: **Amendment of Title of Judge of Justice Court**
- 1-13-1: **POWERS AND DUTIES.** The Judge of the Justice Court of the City shall have and exercise all those powers and perform all those duties which may be accorded to him and be imposed upon him by the laws of the State of Utah or the Ordinances of this City. (1990)
- 1-13-2: **JURISDICTION.** The City Justice Court shall have exclusive original jurisdiction of cases arising under or by reason of the violation of any Ordinance of the City, and shall have the same powers and jurisdiction as Judges of Justice Courts in all other actions, civil and criminal. (1990)
- 1-13-3: **PROCEDURE.** In conducting his Court, exercising his powers, and performing his duties, the Judge of the City Justice Court shall adhere to and follow the rules of civil procedure, the code of criminal procedure, and the rules of evidence as set forth and contained in these Revised Ordinances and in Utah Code Annotated, 1953, as amended, and other applicable State Statutes, as the same may be amended from time to time. All criminal actions arising under City Ordinances shall be tried and determined without a jury unless imprisonment may be made part of the penalty, but any demand by the defendant for a jury trial, to be effective, must be made before the day set for the commencement of the trial. (1990)

- 1-13-4: AUTHORITY OF JUSTICE COURT JUDGE.** The City Justice Court Judge shall:
- (A) Have the same authority regarding matters within his jurisdiction as Judges of Courts of record;
  - (B) Issue search warrants and warrants of arrest upon a finding of probable cause; and
  - (C) Conduct proceedings to determine probable cause for any case within his jurisdiction, and an accused person's release on bail or his own recognizance. (1990)
- 1-13-5 RESIDENCE – PLACE OF HOLDING COURT.** The City Justice Court Judge shall reside within Davis County and shall hold court in Syracuse City, except that he may hold Court at the County or City Jail as directed by the City governing body. (Ord. 02-22
- 1-13-6: DOCKET TO BE KEPT - ENTRIES REQUIRED.** The Judge of the City Justice Court shall keep a book denominated as a "Docket" in which he shall enter a record of all proceedings in his Court, and shall enter in said Docket the information required by Section 78-5-121, Utah Code Annotated, 1953, as well as other matters considered pertinent and necessary in connection with any action handled by him, and shall keep or cause to be kept an alphabetical index to the names of the parties to each judgment entered therein by the first letter of the family surname and with a reference to the page of entry. (1990)
- 1-13-7: MONTHLY REPORTS TO COURT ADMINISTRATOR AND CITY**
- (A) The City Justice Court Judge shall file monthly with the State Court Administrator a report of the judicial business of the Judge. The report shall be on forms supplied by the State Court Administrator.
  - (B) The report shall state the number of criminal and small claims actions filed, the dispositions entered, and other information as specified in the forms.
  - (C) A copy of the report shall be furnished by the Justice Court Judge to the City. (1990)
- 1-13-8: DELIVERY OF DOCKET AND PAPERS TO SUCCESSOR.** The City Justice Court Judge, upon the expiration of his term of office, shall deposit with his successor his dockets and all papers filed in his office and also those of his predecessors or any others in his custody. The dockets and papers shall be kept as public records. (1990)
- 1-13-9: REQUIRED ANNUAL TRAINING - EXPENSES - FAILURE TO ATTEND**
- (A) Prior to assuming office the City Justice Court Judge shall attend an orientation seminar conducted under the direction of the Judicial Council, completion to be evidenced by a Certificate awarded by the Council. Failure to obtain the Certificate disqualifies the person for office and renders the office vacant.
  - (B) The City's Justice Court Judge shall attend the continuing education conducted under the supervision of the Judicial Council each calendar year and successfully complete the same.

- (C) The City shall assume the expenses of travel, meals, and lodging for the Judge to attend education and training seminars conducted by the Judicial Council.
- (D) If the City Justice Court Judge shall fail to obtain a Certificate for two consecutive years, he may be removed from office for cause under this Section. (1990)

**1-13-10: TERM OF OFFICE FOR CITY JUSTICE COURT JUDGE - VACANCY - REPORT TO COURT ADMINISTRATOR.**

- (A) The term of office of the City Justice Court Judge is four years, beginning the first Monday in February, 1992. The Judge holding office when this Ordinance takes effect or appointed to fill any vacancy shall hold office until reappointed or a successor is appointed and certified by the Judicial Council.
- (B) If a vacancy occurs in the office of the City Justice Court Judge prior to the completion of his term of office, the appointing authority may fill the vacancy by appointment for the unexpired term under Section 78-5-134, Utah Code Annotated, 1953, as amended.
- (C) When there is a vacancy in the office of the City Justice Court Judge, the City may contract with a Justice Court Judge of the County, an adjacent County, or a City within those Counties for judicial services. The contract shall be for the same term as the term of office of the Judge whose services are replaced by the contract.
- (D) The governing body of the City shall notify the Office of the State Court Administrator in writing of the appointment, resignation, or the contractual agreement for services of a Judge under this Section within 30 days after the fact. (1990)

**1-13-11: DETERMINATION OF COMPENSATION - LIMITS ON SECONDARY EMPLOYMENT.**

- (A) The City Justice Court shall be paid a fixed compensation established by Resolution of the City Council, taking into consideration recommendations of the Office of the State Court Administrator as provided in Section 78-5-128, Utah Code Annotated, but in no case shall such salary be an amount greater than 75% of the salary of a Circuit Court Judge.
- (B) The compensation shall be comprised of a monthly salary and shall be computed upon the number of hours, days, or other periods of time that the Justice Court Judge is to be available to perform all judicial functions. Such salary shall be reviewed annually and may be adjusted as needed. The salary fixed for the City Justice Court Judge may not be diminished during the term for which the Judge has been appointed. A copy of the Resolution, Ordinance, or other documents fixing the salary and any adjustments thereof shall be furnished by the City to the State Court Administrator.
- (C) The City Justice Court Judge may not appear as an attorney in any criminal matter in a Federal, State, or Justice Court or appear as an attorney in any Justice Court or in any Juvenile Court case involving conduct which would be criminal if committed by an adult.
- (D) The City Justice Court Judge may not hold any office or employment including contracting for services in any justice agency of State government or any political

subdivision of the State, including law enforcement, prosecution, criminal defense, corrections, or Court employment.

- (E) The City Justice Court Judge may not hold any office in any political party or organization engaged in any political activity or serve as an elected official in State Government or any political subdivision of the State.
- (F) The City Justice Court Judge may not own or be employed by any business entity which regularly litigates in Small Claims Court.
- (G) Any Judge who violates this Section may be subject to removal by the Judicial Conduct Commission under Section 78-7-28 of the Utah Code Annotated. (1990)

**1-13-12:**

**JUSTICE COURT JUDGE TO BE APPOINTED - PROCEDURE - REPORT TO JUDICIAL COUNCIL - RETENTION ELECTION - VACANCY.**

- (A) The City Justice Court Judge shall be appointed by the Mayor and be confirmed by the City Council.
- (B) When a vacancy occurs in the office of the Justice Court Judge, the governing body shall advertise the vacancy and solicit applications for the vacancy. The applications shall be reviewed and the Mayor shall appoint the best qualified candidate to office based solely upon fitness for office.
- (C) The name of the appointee shall be submitted to the City Council. If the City Council does not confirm the appointment within 30 days of submission, the Mayor may either appoint another of the applicants or reopen the vacancy by advertisement and solicitations of applicants.
- (D) After a newly appointed Justice Court Judge has been confirmed by the City Council, the Judge's name shall be reported to the Judicial Council. The Judicial Council shall certify the Judge upon successful completion of the orientation program. A Justice Court Judge may not perform judicial duties until so certified by the Judicial Council.
- (E) At the conclusion of a term of office the appointing authority may reappoint the incumbent Justice Court Judge if that Judge has been certified as meeting the evaluation criteria for judicial performance established by the Judicial Council.
- (F) At the conclusion of a term of office, or when a vacancy occurs in the position of Justice Court Judge, the City may contract with a Justice Court Judge in the County or an adjacent County to serve as Justice Court Judge. The contract shall be for the duration of the Justice Court Judge's term of office.
- (G) A Justice Court Judge serving under contract shall be exempt from the residency requirements of Section 1-13-5 of these Revised Ordinances.(1990)

**1-13-13:**

**TEMPORARY JUSTICE COURT JUDGE:** If the City Judge is absent or disqualified, the appointing authority may appoint another Justice Court Judge currently holding office within the County to serve as a temporary Justice Court Judge. A retired Justice Court Judge may also be appointed as a temporary Justice Court Judge under rule of the Supreme Court. (1990)

**1-13-14: ELIGIBILITY FOR OFFICE OF JUSTICE - RETIREMENT - SERVICE AFTER RETIREMENT.** A Justice Court Judge of the City shall be:

- (A) A citizen of the United States;
- (B) 25 years of age or older;
- (C) A resident of Utah for at least three years immediately preceding his appointment;
- (D) A resident of Davis County for at least six months immediately preceding the appointment; and
- (E) A qualified voter of the City.

The Justice Court Judge shall not be required to be admitted to practice law in the State as a qualification to hold office, but shall have, at the minimum, a diploma of graduation from high school or its equivalent. The Justice Court Judge shall be a person who has demonstrated maturity of judgment, integrity, and the ability to understand and apply appropriate law with impartiality. (1990)

**1-13-15: AMENDMENT OF TITLE OF JUDGE OF JUSTICE COURT:** The name of the City Justice of the Peace shall be deleted from Sections 1-7-3, 1-7-5(C), and 1-8-3 of these Revised Ordinances and the provisions of this Ordinance shall govern the appointment of the City Justice Court Judge and filling vacancies in said office and position.

Whenever the name "Justice of the Peace" appears in the Revised Ordinances of the City, including in the Criminal Code (Title VIII) or Traffic Code (Title XI), the name shall be and is hereby amended to read "Justice Court Judge", and all references to the "Justice of the Peace Court" in any Ordinances of the City shall be and are hereby amended to read "Justice Court". (1990)

## CHAPTER 14

### ATTORNEY

**1-14-1: City May Contract With or Retain Attorney**

**1-14-2: Attorney to Act as Legal Advisor**

**1-14-3: Attorney To Represent City in All Suits**

**1-14-1: CITY MAY CONTRACT WITH OR RETAIN ATTORNEY.** The City may contract with or retain an attorney licensed to practice law in the State of Utah to provide such legal assistance to the City as may be necessary. (1971)

**1-14-2: ATTORNEY TO ACT AS LEGAL ADVISOR.** The Attorney shall advise the City Council, City officers and employees on all matters pertaining to contracts, ordinances, and other legal documents, and shall give advice on such other legal questions as may arise in relation to the business of the City. (1971)

**1-14-3: ATTORNEY TO REPRESENT CITY IN ALL SUITS.** It shall be the duty of the Attorney to appear and represent the City in all suits that may be brought in any court of record or otherwise, in which the City may be plaintiff or defendant, or in any manner interested, and to prosecute or defend such suit and protect the interests of the City as the circumstances require. (1971)

## CHAPTER 15

### ENGINEER

**1-15-1: Duties of Engineer**

**1-15-1: DUTIES OF ENGINEER.** The City may contract with or retain a registered professional engineer to advise the City Council, City officials and employees on all engineering matters referred to him, and shall perform such duties as are provided by law or ordinance or as may be imposed upon him by the Mayor or City Council from time to time. (1971)

**CHAPTER 16**  
**BUILDING INSPECTOR**

**1-16-1: Appointment**

**1-16-2: Duties**

**1-16-3: Permits**

**1-16-4: Stop Order**

**1-16-5: Entry Powers**

**1-16-1: APPOINTMENT.** There is hereby created the position of Building Inspector, who shall be appointed by the City Council. (1971)

**1-16-2: DUTIES.** It shall be the duty of the Building Inspector to see to the enforcement of all ordinance provisions relating to buildings or zoning, and to inspect all buildings or structures being erected or altered, as frequently as may be necessary to insure compliance with the City ordinances. The Building Inspector shall also act as plumbing inspector and electrical inspector and shall have all the powers and perform all the duties connected therewith. (1971)

**1-16-3: PERMITS.** The Building Inspector shall issue permits for the construction, alteration or repair of structures or parts thereof and for the repair or installation of plumbing and electrical facilities or fixtures within any structure; but no permit shall be issued unless the plans of and for the proposed construction, alteration, repair, installation or use, fully conform to all City regulations then in effect. (1971)

**1-16-4: STOP ORDER.** The Building Inspector shall have the power to order all work stopped on construction or alteration or repair of building in the City when such work is being done in violation of any provision of any ordinance relating thereto. Work shall not be resumed after the issuance of such an order except on the written permission of the Inspector; provided, that if the stop order is an oral one, it shall be followed by a written stop order within a hour. (1971)

**1-16-5: ENTRY POWERS.** The Building Inspector shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing or constructing any building or structures is going on, for the purpose of making inspections, at any reasonable hour. (1971)

## CHAPTER 17

### WATER DEPARTMENT

**1-17-1: Creation of Department**

**1-17-2: Duties of Superintendent**

**1-17-1: CREATION OF DEPARTMENT.** There is hereby created a Water Department which shall consist of a Superintendent and such other employees as shall be provided for by the City Council. (1971)

**1-17-2: DUTIES OF SUPERINTENDENT.** The Superintendent of the Water Department shall, under the direction of the City Council, have charge of all water and water sources, water tanks, water mains, fire hydrants, and all the equipment and appurtenances pertaining to the water system. He shall have the direction for the laying of the water mains, the installation of all service pipes, the regulation of the supply of water, and shall perform such other duties as may be required of him by law or ordinance or by his contract of employment. He shall report to the City Council quarterly, or oftener if required, his activities as Superintendent and the condition for the water system; and he shall make such suggestions as the nature of the service may require. (1971)

## CHAPTER 18

### STREETS DEPARTMENT

**1-18-1: Creation of Department**

**1-18-2: Duties of Superintendent**

**1-18-1: CREATION OF DEPARTMENT.** There is hereby created a Streets Department which shall consist of a Superintendent and such other employees as shall be provided for by the City Council. (1971)

**1-18-2: DUTIES OF SUPERINTENDENT.** The Superintendent of the Streets Department shall be responsible for the maintenance of all streets and walks in the City. (1971)

## CHAPTER 19

### OFFICE OF CITY ADMINISTRATOR

1-19-1: Office Created

1-19-2: Control

1-19-3: General Duties

1-19-4: Employees

1-19-5: Contracts

1-19-6: Purchases

1-19-7: Budget Officer

1-19-8: Accounts

1-19-9: Inventories-Properties

1-19-10: Reports and Publications

1-19-11: Elections

1-19-12: Maps-Plats

1-19-13: Offices

1-19-14: Absence from City

1-19-15: Salary

1-19-1: **OFFICE CREATED.** the office of City Administrator is hereby created pursuant to Section 10-3-901, Utah Code Annotated 1953, as amended. (1993)

1-19-2: **CONTROL.** The powers, duties and functions of the office of City Administrator shall be subject to the control of the governing body, but such Administrator shall report to the Mayor pursuant to the provisions of Section 10-3-809, Utah Code Annotated 1953, as amended. (1993)

1-19-3: **GENERAL DUTIES.** The Administrator shall:

(A) Have and exercise all powers and duties assigned to him/her from time to time by the Governing body.

(B) Be charged with the enforcement of all civil laws and Ordinances within the city insofar as their enforcement is within the powers of the City.

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

(D) Have and exercise general control and supervision over all activities of the City. This control and general supervision shall include, but not be limited to, construction, maintenance, improvement, repair and replacement of all City properties, ditches, culverts, gutters and curbing, all public buildings, streets, parks, playgrounds and other grounds belonging to or under the jurisdiction of the City, ball parks, records, and supplies.

(E) Perform such other duties as the Council may from time to time prescribe. (1993)

**1-19-4: EMPLOYEES.** The City Administrator shall have and exercise all powers which are now or may hereafter be conferred by law upon the City of Syracuse with respect to the employment and removal of employees in all departments of the City, except elected officials of the City, and shall hire and discharge personnel in said departments subject to the approval of the Mayor and City Council, and exercise general supervision over such employees. (1993)

**1-19-5: CONTRACTS.** The city Administrator shall examine all proposed contracts to which the City may be a party, and shall, with the Mayor, sign on behalf of the City any contract authorized and approved by the City Council, except where the City Council directs that some other officer or officers shall do so. It shall be the duty of the City Administrator to see that all terms of any contract to which the City is a party are fully performed by all parties thereto. (1993)

**1-19-6: PURCHASES.** The City Administrator shall be general purchasing agent of the City, and except where specific provision to the contrary is made by law or by the City Council, he/she shall authorize all purchases of supplies, materials, and equipment approved by the Council, in the manner prescribed by and subject to the limitations imposed by law and the City Council. No purchases shall be made or obligations incurred except upon authorization by the Council, and no expense shall be incurred for a purpose requiring a prior appropriation unless the amount of such purchase is covered by an unexpended appropriation for such purpose. (1993)

**1-19-7: BUDGET OFFICER.** The City Administrator shall serve as Budget Officer for the City and shall perform, or cause to be performed, all of the duties of such office as set forth in the Uniform Municipal Fiscal Procedures Act, together with such other duties as the Council may from time to time, by Resolution, designate. (1993)

**1-19-8: ACCOUNTS.** The City Administrator shall keep current accounts showing at all times the fiscal condition of the City, including the current and anticipated expenditures, appropriations, cash on hand and anticipated revenues of all City funds and accounts and he/she shall see to the collection of all money due the City. (1993)

**1-19-9: INVENTORIES-PROPERTIES.** The City Administrator shall keep a current inventory showing all real and personal property of the City and its location. He/she shall be responsible for the care and custody of all such property. This responsibility shall extend to all other equipment, buildings, parks, and all City property which is not by law assigned to some officer or body for care and control. (1993)

**1-19-10: REPORTS AND PUBLICATIONS.** The City Administrator shall publish, or cause to be published, all notices, ordinances, or other documents required by law to be published and prepare, or cause to be prepared, all reports which the City or any of the officials thereof are required to prepare. (1993)

**1-19-11: ELECTIONS.** The City Administrator shall cause to be prepared all notices, ballots, and election supplies necessary in connection with municipal elections. (1993)

**1-19-12: MAPS-PLATS.** Unless otherwise provided by Ordinance, the City Administrator shall cause to be kept a complete set of maps and plats showing the location of all

City utilities, and other municipal properties, all streets and other public places and all lots or parcels of land subdivided according to law. (1993)

**1-19-13: OFFICES.** The City Administrator shall maintain an office in the City Hall and shall spend such time in the performance of his/her duties as may be required from time to time by direction of the Mayor and Council. (1993)

**1-19-14: ABSENCE FROM CITY.**

(A) In the event the City Administrator shall be absent from the City or incapacitated from performing his/her duties, an officer or other person designated by the Mayor may be authorized to act as Administrator during such absence or incapacity; provided, however, that if such absence or incapacity shall extend for a period of ten or more consecutive days, such designation shall be subject to the approval of the City Council. (1993)

(B) The powers, duties, and functions of the office of the City Administrator shall be carried out by said Administrator, who shall be a qualified person, who need not be an elector, appointed by the Mayor with the advice and consent of the City Council, and to serve at the pleasure of the City Council, and be subject to removal by it any time without cause, by a majority vote thereof. Before taking office the City Administrator shall furnish a fidelity bond in an amount to be determined by Resolution of the City Council, conditioned upon the faithful performance of his/her duties, with a corporation licensed to do business in the State of Utah as surety. Such bond shall be filed with the City Recorder after being approved by the City Council, and the premium for such bond shall be paid by the City. (1993)

(C) Additional personnel may from time to time be employed within the office of City Administrator as the City Council may determine. (1993)

**1-19-15: SALARY.** The salary of the City Administrator shall be set from time to time by Resolution of the City Council.

Appendix. 1-2-6

Attorney

City may Contract to Retain. 1-14-1

To Act as Legal Advisor. 1-14-2

to Represent City in all Suits. 1-14-3

Audit. 1-10-6

Ex-officio Auditor. 1-10-4

Requirements. 1-9-13

Budget

Adoption of. 1-9-14

Expenditures not to Exceed Appropriations. 1-7-11

Expenditures to be approved. 1-7-10

Officer. 1-19-7. 1-8-4

Building Inspector

Appointment. 1-16-1

Duties. 1-16-2

May Order Work Stopped. 1-16-4

Power of Entry. 1-16-5

To Issue Permits. 1-16-3

City Administrator

Absence from City. 1-19-14

Budget Officer. 1-19-7

Contracts. 1-19-5

- Controlled by Governing Body. 1-19-2
- Elections. 1-19-11
- Employees. 1-19-4
- Financial Statements. 1-19-8
- General Duties. 1-19-3
- Inventory of Property. 1-19-9
- Maps, Plats. 1-19-12
- Office. 1-19-13
- Office Created. 1-19-1
- Purchases. 1-19-6
- Reports and Publications. 1-19-10
- Salary. 1-19-15

#### City Council

- Action on Committee Reports. 1-9-9
- Adoption of Budget. 1-9-14
- Audit. 1-9-13
- Consideration of Claims. 1-9-12
- Election Responsibilities. 1-9-10
- Expulsion of Members. 1-9-8
- May Require Reports. 1-9-11
- Powers and Duties. 1-9-2
- Quorum. 1-9-7
- Regular Meetings. 1-9-6
- Regulation of Offices and Departments. 1-9-3
- Right to Make Improvements. 1-9-16
- Rules. 1-9-8
- Tax Levy. 1-9-15
- Term of Office. 1-7-2
- Vacancy. 1-7-5

Corporate Name. 1-1-1

Corporate Seal. 1-1-2

#### Elections

- Candidacy. 1-6-4
- Candidates. 1-6-9
- Canvass Returns. 1-6-13
- City Administrator. 1-19-11
- City Council Responsibilities. 1-9-10
- Election Judges. 1-6-12
- Elective Officers. 1-6-1
- List of Candidates Published. 1-6-7
- Nomnation by Petition. 1-6-5
- Notice of Election. 1-6-8
- Primary. 1-6-3
- Procedures. 1-6-2
- Qualifications of Electors. 1-6-10
- Sample Ballots. 1-6-8
- Terms of Office. 1-6-1
- Time for Filing. 1-6-6
- Voting Districts. 1-6-11

#### Engineer

- Duties. 1-15-1

#### Expenditures

- Claims. 1-10-3. 1-9-12
- Financial Statement. 1-10-7
  - City Administrator. 1-19-8
  - Recorder. 1-10-5
- Footnotes. 1-2-6
- Governing Body. 1-9-1
- Improvements
  - Right to Make. 1-9-16
- Justice Court
  - Docketing Requirements. 1-13-6
  - Jurisdiction. 1-13-2
  - Place of Holding Court. 1-13-5
  - Procedure. 1-13-3
  - Reports Required. 1-13-7
- Justice Court Judge
  - Appointment. 1-13-12
  - Authority. 1-13-4
  - Compensation. 1-13-11
  - Eligibility. 1-13-14
  - Powers and Duties. 1-13-1
  - Residence. 1-13-5
  - Secondary Employment. 1-13-11
  - Successor. 1-13-8
  - Temporary. 1-13-13
  - Term of Office. 1-13-10
  - Title. 1-13-15
  - Training. 1-3-9
  - Vacancy. 1-13-12. 1-13-10
- Mayor
  - Appointments. 1-8-3
  - Budget Officer. 1-8-4
  - Chief Executive. 1-8-1
  - General Duties. 1-8-9
  - May Examine Records. 1-8-8
  - May Require Aid. 1-8-7
  - May Suppress Disorder. 1-8-6
  - Presiding Officer of Council. 1-8-2
  - Pro Tempore. 1-8-9
  - Term of Office. 1-7-3
  - Vacancy. 1-7-5
- Officers
  - Additional Duties & Powers. 1-7-13
  - Appointive. 1-7-3
    - Term of Office. 1-7-4
    - Vacancy. 1-7-5
  - Bonds. 1-7-7
  - Contracts. 1-7-12
  - Eligibility. 1-7-1
  - Not to Accept Favors. 1-7-12
  - Oath of Office. 1-7-6
  - Salaries. 1-7-8
  - Term of Office

- City Council. 1-7-2
- Mayor. 1-7-2
- Termination. 1-7-14
- Ordinances
  - Amendments. 1-2-2
  - City Council. 1-9-4
  - Definitions. 1-4-1
  - Effect of Repeal. 1-3-3
  - Effective Date. 1-2-5
  - Enacting Clause. 1-2-4
  - Liability of Employers and Agents. 1-5-2
  - Liability of Officers. 1-5-3
  - Official Designation of. 1-2-1
  - Penalty. 1-2-7
  - Penalty of. 1-5-1
  - Repeal of. 1-3-1
  - Rules of Construction. 1-4-2
  - Saver from Repeal of. 1-3-2
  - Severability. 1-2-3
- Pardons. 1-8-5
- Payments
  - Receipts for. 1-11-2
  - Warrants. 1-11-4
- Police Chief
  - Duties of. 1-12-1
- Police Department. 1-12-2
  - Contract with County. 1-12-5
  - Register of Arrests. 1-12-4
  - Right of Arrests. 1-12-3
- Purchasing Procedures
  - Approval of Claims. 1-10-3. 1-9-12
- Recorder
  - Annual Financial Statement. 1-10-7
  - Annual Report. 1-10-6
  - Certification of Annual Property Tax Levy. 1-10-8
  - Countersign Contracts. 1-10-2
  - Duty to Keep Records. 1-10-1
  - Ex-officio Auditor. 1-10-4
  - Financial Statements. 1-10-5
  - General Duties. 1-10-9
  - To Maintain Accounts. 1-10-3
- Records
  - Duty to Keep. 1-10-1
  - Mayor May Examine. 1-8-8
  - Open to Inspection. 1-7-9
- Special Assessments. 1-11-5
- Streets Department
  - Creation of. 1-18-1
  - Duties of Superintendent. 1-18-2
- Taxes
  - Annual Property Tax Levy. 1-9-15
  - Certification of Property Tax Levy. 1-10-8

Treasurer

- General Duties. 1-11-7
- Misuse of Funds. 1-11-6
- Payment of Warrants. 1-11-4
- Receipts for Payments. 1-11-2
- Receive Money and Keep Accounts. 1-11-1
- Signing Checks. 1-11-3
- Special Assessments. 1-11-5

Water Department

- Creation of. 1-17-1
- Duties of Superintendent. 1-17-2