

10-3-704. Form of ordinance.

Any ordinance passed by the governing body, after the effective date of this act, shall contain and be in substantially the following order and form:

- (1) a number;
- (2) a title which indicates the nature of the subject matter of the ordinance;
- (3) a preamble which states the need or reason for the ordinance;
- (4) an ordaining clause which states "Be it ordained by the ____ (name of the governing body and municipality):";
- (5) the body or subject of the ordinance;
- (6) when applicable, a statement indicating the penalty for violation of the ordinance or a reference that the punishment is covered by an ordinance which prescribes the fines and terms of imprisonment for the violation of a municipal ordinance; or, the penalty may establish a classification of penalties and refer to such ordinance in which the penalty for such violation is established;
- (7) a statement indicating the effective date of the ordinance or the date when the ordinance shall become effective after publication or posting as required by this chapter;
- (8) a line for the signature of the mayor or acting mayor to sign the ordinance;
- (9) a place for the municipal recorder to attest the ordinance and fix the seal of the municipality; and
- (10) in municipalities where the mayor may disapprove an ordinance passed by the legislative body, the ordinance must show, that it was passed with the mayor's approval or that if the mayor disapproved the ordinance, that it was passed over his disapproval. If the mayor neither approves, or disapproves an ordinance, the ordinance should show that it became effective without the approval or disapproval of the mayor.

17-53-208. Ordinances -- Effective dates -- Publication -- Adoption of ordinances printed in book form.

(1) The enacting clause of all **ordinances** of the county legislative body shall be as follows: "The County Legislative Body of _____ County ordains as follows:".

(2) Every **ordinance** shall be signed by the chair of the county legislative body and attested by the clerk. On the passage of all **ordinances** the votes of the several members of the county legislative body shall be entered on the minutes, and all **ordinances** shall be entered at length in the **ordinance** book.

(3) (a) No **ordinance** passed by the county legislative body may take effect within less than 15 days after its passage.

(b) The legislative body of each county adopting an **ordinance** shall, before the **ordinance** may take effect:

(i) deposit a copy of the **ordinance** in the office of the county clerk; and

(ii) (A) publish a short summary of the **ordinance**, together with a statement that a complete copy of the **ordinance** is available at the county clerk's office and with the name of the members voting for and against the **ordinance**:

(I) for at least one publication in:

(Aa) a newspaper published in and having general circulation in the county, if there is one; or

(Bb) if there is none published in the county, in a newspaper of general circulation within the county; and

(II) as required in Section 45-1-101; or

(B) post a complete copy of the **ordinance** in nine public places within the county.

(4) Any **ordinance** printed by authority of the county legislative body in book form or electronic media, or any general revision of county **ordinances** printed in book form or electronic media, may be adopted by an **ordinance** making reference to the printed **ordinance** or revision if a copy of the **ordinance** or revision is filed in the office of the county clerk at the time of adoption for use and examination by the public.

(5) **Ordinances** establishing rules and regulations, printed as a code in book form or electronic media, for the construction of buildings, the installation of plumbing, the installation of electric wiring, or other related or similar work may be adopted by reference to the code book if a copy of the code book is filed in the office of the county clerk at the time of the adoption of the **ordinance** for use and examination by the public.

(6) **Ordinances** that in the opinion of the county legislative body are necessary for the immediate preservation of the peace, health, or safety of the county and the county's inhabitants may, if so provided in the **ordinance**, take effect immediately upon publication in one issue of a newspaper published in and having general circulation in the county, if there is one, and if there is none published in the county, then immediately after posting at the courthouse door.

(7) An **ordinance** may take effect at a later date than provided in this section, if the **ordinance** so provides.

(8) An order entered in the minutes of the county legislative body that an **ordinance** has been duly published or posted shall be prima facie proof of the publication or posting.

19-4-113. Water source protection ordinance required.

- (1) (a) Before May 3, 2010, a first or second class county shall:
- (i) adopt an **ordinance** in compliance with this section after:
 - (A) considering the rules established by the board to protect a watershed or water source used by a public water system;
 - (B) consulting with a wholesale water supplier or retail water supplier whose drinking water source is within the county's jurisdiction;
 - (C) considering the effect of the proposed **ordinance** on:
 - (I) agriculture production within an agricultural protection area created under Title 17, Chapter 41, Agriculture and Industrial Protection Areas; and
 - (II) a manufacturing, industrial, or mining operation within the county's jurisdiction;
 - (D) holding a public hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act; and
 - (ii) file a copy of the **ordinance** with the board.
 - (b) A municipality in a first or second class county may adopt an **ordinance** that a first or second class county is required to adopt by this section by following the procedures and requirements of this section.
- (2) (a) A county **ordinance** adopted in accordance with this section applies to the incorporated and unincorporated areas of the county unless a municipality adopts an **ordinance** in accordance with this section.
- (b) A municipal **ordinance** adopted in accordance with this section supercedes, within the municipality's jurisdiction, a county **ordinance** adopted in accordance with this section.
- (3) An **ordinance** required or authorized by this section at a minimum shall:
- (a) designate a drinking water source protection zone in accordance with Subsection (4) for a groundwater source that is:
- (i) used by a public water system; and
 - (ii) located within the county's or municipality's jurisdiction;
- (b) contain a zoning provision regulating the storage, handling, use, or production of a hazardous or toxic substance within a drinking water source protection zone designated under Subsection (3)(a); and
- (c) authorize a retail water supplier or wholesale water supplier to seek enforcement of the **ordinance** provision required by Subsections (3)(a) and (b) in a district court located within the county or municipality if the county or municipality:
- (i) notifies the retail water supplier or wholesale water supplier within 10 days of receiving notice of a violation of the **ordinance** that the county or municipality will not seek enforcement of the **ordinance**; or
 - (ii) does not seek enforcement within two days of a notice of violation of the **ordinance** when the violation may cause irreparable harm to the groundwater source.
- (4) A county shall designate a drinking water source protection zone required by Subsection (3)(a) within:
- (a) a 100 foot radius from the groundwater source; and
 - (b) a 250 day groundwater time of travel to the groundwater source if the supplier calculates the time of travel in the public water system's drinking water source protection

plan in accordance with board rules.

(5) A zoning provision required by Subsection (3)(b) is not subject to Subsection 17-41-402(3).

(6) An **ordinance** authorized by Section 10-8-15 supercedes an **ordinance** required or authorized by this section to the extent that the **ordinances** conflict.

(7) The board shall:

(a) provide information, guidelines, and technical resources to a county or municipality preparing and implementing an **ordinance** in accordance with this section; and

(b) report to the Natural Resources, Agriculture, and Environment Interim Committee before November 30, 2010 on:

(i) compliance with this section's requirement to adopt an **ordinance** to protect a public drinking water source; and

(ii) the effectiveness of the **ordinance** in retaining state primacy in regulating drinking water.

**10-3b-204. Presenting council action to mayor -- Veto -- Reconsideration --
When ordinance, tax levy, or appropriation takes effect.**

(1) The council in each municipality operating under a council-mayor form of municipal government shall present to the mayor each **ordinance**, tax levy, and appropriation passed by the council.

(2) (a) The mayor in a municipality operating under a council-mayor form of municipal government may veto an **ordinance** or tax levy or all or any part of an appropriation passed by the council.

(b) If a mayor vetoes an **ordinance** or tax levy or all or any part of an appropriation, the mayor shall return the **ordinance**, tax levy, or appropriation to the council within 15 days after the council presents the **ordinance**, tax levy, or appropriation to the mayor, with a statement explaining the mayor's objections.

(3) At its next meeting following a mayor's veto under Subsection (2), the council shall reconsider the vetoed **ordinance**, tax levy, or appropriation.

(4) An **ordinance**, tax levy, or appropriation passed by the council takes effect upon recording as provided in Chapter 3, Part 7, Municipal **Ordinances**, Resolutions, and Procedure, if:

(a) the mayor signs the **ordinance**, tax levy, or appropriation;

(b) the mayor fails to sign the **ordinance**, tax levy, or appropriation within 15 days after the council presents the **ordinance**, tax levy, or appropriation to the mayor; or

(c) following a veto, the council reconsiders the **ordinance**, tax levy, or appropriation and passes it by a vote of at least two-thirds of all council members.

11-42-404. Adoption of a resolution or ordinance levying an assessment -- Notice of the adoption -- Effective date of resolution or ordinance -- Notice of assessment interest.

(1) (a) After receiving a final report from a board of equalization under Subsection 11-42-403(5) or, if applicable, after the time for filing an appeal under Subsection 11-42-403(6) has passed, the governing body may adopt a resolution or **ordinance** levying an assessment against benefitted property within the assessment area.

(b) Each local entity that levies an assessment under this chapter shall levy the assessment at one time only, unless the assessment is to pay operation and maintenance costs or the costs of economic promotion activities.

(c) An assessment resolution or **ordinance** adopted under Subsection (1)(a):

(i) need not describe each tract, block, lot, part of block or lot, or parcel of property to be assessed;

(ii) need not include the legal description or tax identification number of the parcels of property assessed in the assessment area; and

(iii) is adequate for purposes of identifying the property to be assessed within the assessment area if the assessment resolution or **ordinance** incorporates by reference the corrected assessment list that describes the property assessed by legal description and tax identification number.

(2) (a) Each local entity that adopts an assessment resolution or **ordinance** shall give notice of the adoption by:

(i) (A) publishing a copy of the resolution or **ordinance**, or a summary of the resolution or **ordinance**, once in a newspaper of general circulation within the local entity's jurisdictional boundaries; or

(B) if there is no newspaper of general circulation with the local entity's jurisdictional boundaries as described in Subsection (2)(a)(i)(A), posting a copy of the resolution or **ordinance** in at least three public places within the local entity's jurisdictional boundaries for at least 21 days; and

(ii) publishing, in accordance with Section 45-1-101, a copy of the resolution or **ordinance** for at least 21 days.

(b) No other publication or posting of the resolution or **ordinance** is required.

(3) Notwithstanding any other statutory provision regarding the effective date of a resolution or **ordinance**, each assessment resolution or **ordinance** takes effect:

(a) on the date of publication or posting of the notice under Subsection (2); or

(b) at a later date provided in the resolution or **ordinance**.

(4) (a) The governing body of each local entity that has adopted an assessment resolution or **ordinance** under Subsection (1) shall, within five days after the 25-day prepayment period under Subsection 11-42-411(6) has passed, file a notice of assessment interest with the recorder of the county in which the assessed property is located.

(b) Each notice of assessment interest under Subsection (4)(a) shall:

(i) state that the local entity has an assessment interest in the assessed property;

(ii) if the assessment is to pay operation and maintenance costs or for economic promotion activities, state the maximum number of years over which an assessment will be payable; and

(iii) describe the property assessed by legal description and tax identification

number.

(c) A local entity's failure to file a notice of assessment interest under this Subsection (4) has no affect on the validity of an assessment levied under an assessment resolution or **ordinance** adopted under Subsection (1).

11-42-411. Installment payment of assessments.

(1) (a) In an assessment resolution or **ordinance**, the governing body may, subject to Subsection (1)(b), provide that some or all of the assessment be paid in installments over a period not to exceed 20 years from the effective date of the resolution or **ordinance**.

(b) If an assessment resolution or **ordinance** provides that some or all of the assessment be paid in installments for a period exceeding 10 years from the effective date of the resolution or **ordinance**, the governing body:

(i) shall make a determination that:

(A) the improvement for which the assessment is made has a reasonable useful life for the full period during which installments are to be paid; or

(B) it would be in the best interests of the local entity and the property owners for installments to be paid for more than 10 years; and

(ii) may provide in the resolution or **ordinance** that no assessment is payable during some or all of the period ending three years after the effective date of the resolution or **ordinance**.

(2) An assessment resolution or **ordinance** that provides for the assessment to be paid in installments may provide that the unpaid balance be paid over the period of time that installments are payable:

(a) in substantially equal installments of principal; or

(b) in substantially equal installments of principal and interest.

(3) (a) Each assessment resolution or **ordinance** that provides for the assessment to be paid in installments shall, subject to Subsections (3)(b) and (c), provide that the unpaid balance of the assessment bear interest at a fixed rate, variable rate, or a combination of fixed and variable rates, as determined by the governing body, from the effective date of the resolution or **ordinance** or another date specified in the resolution or **ordinance**.

(b) If the assessment is for operation and maintenance costs or for the costs of economic promotion activities:

(i) a local entity may charge interest only from the date each installment is due; and

(ii) the first installment of an assessment shall be due 15 days after the effective date of the assessment resolution or **ordinance**.

(c) If an assessment resolution or **ordinance** provides for the unpaid balance of the assessment to bear interest at a variable rate, the assessment resolution or **ordinance** shall specify:

(i) the basis upon which the rate is to be determined from time to time;

(ii) the manner in which and schedule upon which the rate is to be adjusted; and

(iii) a maximum rate that the assessment may bear.

(4) Interest payable on assessments may include:

(a) interest on assessment bonds;

(b) ongoing local entity costs incurred for administration of the assessment area; and

(c) any costs incurred with respect to:

(i) securing a letter of credit or other instrument to secure payment or repurchase of bonds; or

(ii) retaining a marketing agent or an indexing agent.

(5) Interest imposed in an assessment resolution or **ordinance** shall be paid in addition to the amount of each installment annually or at more frequent intervals as

provided in the assessment resolution or **ordinance**.

(6) (a) Except for an assessment for operation and maintenance costs or for the costs of economic promotion activities, a property owner may pay some or all of the entire assessment without interest if paid within 25 days after the assessment resolution or **ordinance** takes effect.

(b) After the 25-day period stated in Subsection (6)(a), a property owner may at any time prepay some or all of the assessment levied against the owner's property.

(c) A local entity may require a prepayment of an installment to include:

(i) an amount equal to the interest that would accrue on the assessment to the next date on which interest is payable on bonds issued in anticipation of the collection of the assessment; and

(ii) the amount necessary, in the governing body's opinion or the opinion of the officer designated by the governing body, to assure the availability of money to pay:

(A) interest that becomes due and payable on those bonds; and

(B) any premiums that become payable on bonds that are called in order to use the money from the prepaid assessment installment.

10-3-702. Extent of power exercised by ordinance.

The governing body may pass any **ordinance** to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by this act or any other provision of law. An officer of the municipality shall not be convicted of a criminal offense where he relied on or enforced an **ordinance** he 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 enforced an **ordinance** on advice of legal counsel.

10-3-711. Publication and posting of ordinances.

(1) Before an **ordinance** may take effect, the legislative body of each municipality adopting an **ordinance**, except an **ordinance** enacted under Section 10-3-706, 10-3-707, 10-3-708, 10-3-709, or 10-3-710, shall:

- (a) deposit a copy of the **ordinance** in the office of the municipal recorder; and
 - (b) (i) publish a short summary of the **ordinance** at least once:
 - (A) in a newspaper published within the municipality; or
 - (B) if there is no newspaper published within the municipality, in a newspaper of general circulation within the municipality; or
 - (ii) post a complete copy of the **ordinance**:
 - (A) for a city of the first class, in nine public places within the city; or
 - (B) for any other municipality, in three public places within the municipality.
- (2) (a) Any **ordinance**, code, or book, other than the state code, relating to building or safety standards, municipal functions, administration, control, or regulations, may be adopted and shall take effect without further publication or posting, if reference is made to the code or book and at least one copy has been filed for use and examination by the public in the office of the recorder or clerk of the city or town prior to the adoption of the **ordinance** by the governing body.
- (b) Any state law relating to building or safety standards, municipal functions, administration, control, or regulations, may be adopted and shall take effect without further publication or posting if reference is made to the state code.
- (c) The **ordinance** adopting the code or book shall be published in the manner provided in this section.

11-42-608. Reducing assessments after issuance of refunding assessment bonds.

(1) Each local entity that issues refunding assessment bonds shall adopt a resolution or **ordinance** amending the assessment resolution or assessment **ordinance** previously adopted.

(2) Each amending resolution or **ordinance** under Subsection (1) shall:

(a) reduce, as determined by the local entity's governing body:

(i) the assessments levied under the previous resolution or **ordinance**;

(ii) the interest payable on the assessments levied under the previous resolution or **ordinance**; or

(iii) both the assessments levied under the previous resolution or **ordinance** and the interest payable on those assessments;

(b) allocate the reductions under Subsection (2)(a) so that the then unpaid assessments levied against benefitted property within the assessment area and the unpaid interest on those assessments receive a proportionate share of the reductions;

(c) (i) state the amounts of the reduced payment obligation for each property assessed in the prior resolution or **ordinance**; or

(ii) incorporate by reference a revised assessment list approved by the governing body containing the reduced payment obligations; and

(d) state the effective date of any reduction in the assessment levied in the prior resolution or **ordinance**.

(3) A resolution or **ordinance** under Subsection (2) is not required to describe each block, lot, part of block or lot, tract, or parcel of property assessed.

(4) Each reduction under Subsection (2)(a) shall be the amount by which the principal or interest or both payable on the refunding assessment bonds, after accounting for incidental refunding costs associated with the refunding assessment bonds, is less than the amount of principal or interest or both payable on the prior bonds.

(5) A reduction under Subsection (2)(a) does not apply to an assessment or interest paid before the reduction.

(6) A resolution or **ordinance** under Subsection (2) may not become effective before the date when all principal, interest, any redemption premium on the prior bonds, and any advances made under Subsection 11-42-607(5)(a) are fully paid or legally considered to be paid.

(7) (a) At least 21 days before the first payment of a reduced assessment becomes due, each local entity shall provide notice of the reduced payment obligations resulting from adoption of a resolution or **ordinance** under Subsection (2) by mailing, postage prepaid, a notice to each owner of benefitted property within the assessment area at the owner's mailing address.

(b) Each notice under Subsection (7)(a) shall:

(i) identify the property subject to the assessment; and

(ii) state the amount of the reduced payment obligations that will be payable after the applicable date stated in the resolution or **ordinance** under Subsection (1).

(c) A notice under Subsection (7)(a) may:

(i) contain other information that the governing body considers appropriate; and

(ii) be included with any other notice regarding the payment of an assessment and interest that the local entity sends to property owners in the assessment area within the

time and addressed as required under Subsection (7)(a).

(d) The validity of a resolution or **ordinance** under Subsection (1) is not affected by:

(i) a local entity's failure to provide notice as required under this Subsection (7); or

(ii) a defect in the content of the notice or the manner or time in which the notice was provided.

(e) Whether or not notice under this Subsection (7) is properly given, no other notice is required to be given to owners of property within an assessment area in connection with the issuance of refunding assessment bonds.

(8) Except for the amount of reduction to a prior assessment or interest on a prior assessment, neither the issuance of refunding assessment bonds nor the adoption of a resolution or **ordinance** under Subsection (1) affects:

(a) the validity or continued enforceability of a prior assessment or interest on the assessment; or

(b) the validity, enforceability, or priority of an assessment lien.

(9) Each reduction of a prior assessment and the interest on the assessment shall continue to exist in favor of the refunding assessment bonds.

(10) Even after payment in full of the prior bonds that are refunded by refunding assessment bonds, an assessment lien continues to exist to secure payment of the reduced payment obligations, the penalties and costs of collection of those obligations, and the refunding assessment bonds in the same manner, to the same extent, and with the same priority as the assessment lien.

(11) A lien securing a reduced payment obligation from which refunding assessment bonds are payable and by which the bonds are secured is subordinate to an assessment lien securing the original or prior assessment and prior bonds until the prior bonds are paid in full or legally considered to be paid in full.

(12) Unless prior bonds are paid in full simultaneously with the issuance of refunding assessment bonds, the local entity shall:

(a) irrevocably set aside the proceeds of the refunding assessment bonds in an escrow or other separate account; and

(b) pledge that account as security for the payment of the prior bonds, refunding assessment bonds, or both.

(13) This part applies to all refunding assessment bonds:

(a) whether already issued or yet to be issued; and

(b) even though the prior bonds they refunded were issued under prior law, whether or not that law is currently in effect.

59-12-204. Sales and use tax ordinance provisions -- Tax rate -- Distribution of tax revenues -- Commission requirement to retain an amount to be deposited into the Qualified Emergency Food Agencies Fund.

(1) The tax **ordinance** adopted pursuant to this part shall impose a tax upon those transactions listed in Subsection 59-12-103(1).

(2) (a) The tax **ordinance** under Subsection (1) shall include a provision imposing a tax upon every transaction listed in Subsection 59-12-103(1) made within a county, including areas contained within the cities and towns located in the county:

(i) at the rate of 1% of the purchase price paid or charged; and

(ii) if the transaction is consummated within the county in accordance with Section 59-12-205.

(b) Notwithstanding Subsection (2)(a), a tax **ordinance** under this Subsection (2) shall include a provision prohibiting a county, city, or town from imposing a tax under this section on the sales and uses described in Section 59-12-104 to the extent the sales and uses are exempt from taxation under Section 59-12-104.

(3) Such tax **ordinance** shall include provisions substantially the same as those contained in Part 1, Tax Collection, insofar as they relate to sales or use tax, except that the name of the county as the taxing agency shall be substituted for that of the state where necessary for the purpose of this part and that an additional license is not required if one has been or is issued under Section 59-12-106.

(4) Such tax **ordinance** shall include a provision that the county shall contract, prior to the effective date of the **ordinance**, with the commission to perform all functions incident to the administration or operation of the **ordinance**.

(5) Such tax **ordinance** shall include a provision that the sale, storage, use, or other consumption of tangible personal property, the purchase price or the cost of which has been subject to sales or use tax under a sales and use tax **ordinance** enacted in accordance with this part by any county, city, or town in any other county in this state, shall be exempt from the tax due under this **ordinance**.

(6) Such tax **ordinance** shall include a provision that any person subject to the provisions of a city or town sales and use tax shall be exempt from the county sales and use tax if the city or town sales and use tax is levied under an **ordinance** including provisions in substance as follows:

(a) a provision imposing a tax upon every transaction listed in Subsection 59-12-103(1) made within the city or town at the rate imposed by the county in which it is situated pursuant to Subsection (2);

(b) notwithstanding Subsection (2)(a), a provision prohibiting the city or town from imposing a tax under this section on the sales and uses described in Section 59-12-104 to the extent the sales and uses are exempt from taxation under Section 59-12-104;

(c) provisions substantially the same as those contained in Part 1, Tax Collection, insofar as they relate to sales and use taxes, except that the name of the city or town as the taxing agency shall be substituted for that of the state where necessary for the purposes of this part;

(d) a provision that the city or town shall contract prior to the effective date of the city or town sales and use tax **ordinance** with the commission to perform all functions incident to the administration or operation of the sales and use tax **ordinance** of the city

or town;

(e) a provision that the sale, storage, use, or other consumption of tangible personal property, the gross receipts from the sale of or the cost of which has been subject to sales or use

tax under a sales and use tax **ordinance** enacted in accordance with this part by any county other than the county in which the city or town is located, or city or town in this state, shall be exempt from the tax; and

(f) a provision that the amount of any tax paid under Part 1, Tax Collection, shall not be included as a part of the purchase price paid or charged for a taxable item.

(7) Notwithstanding any other provision of this section, beginning July 1, 2000, the commission shall:

(a) determine and retain the portion of sales and use tax imposed under this section:

(i) by each county and by each city and town within that county whose legislative body consents by resolution to the commission's retaining and depositing sales and use tax revenues as provided in this Subsection (7); and

(ii) that is equal to the revenues generated by a 1/64% tax rate;

(b) deposit the revenues described in Subsection (7)(a) into a special fund of the county, or a city, town, or other political subdivision of the state located within that county, that has issued bonds to finance sports or recreational facilities or that is leasing sports or recreational facilities, in order to repay those bonds or to pay the lease payments; and

(c) continue to deposit those revenues into the special fund only as long as the bonds or leases are outstanding.

(8) (a) Notwithstanding any other provision of this section, beginning on July 1, 2009, the commission shall calculate and retain a portion of the sales and use tax collected under this part as provided in this Subsection (8).

(b) For a city, town, or unincorporated area of a county that imposes a tax under this part, the commission shall calculate a percentage each month by dividing the sales and use tax collected under this part for that month within the boundaries of that city, town, or unincorporated area of a county by the total sales and use tax collected under this part for that month within the boundaries of all of the cities, towns, and unincorporated areas of the counties that impose a tax under this part.

(c) For a city, town, or unincorporated area of a county that imposes a tax under this part, the commission shall retain each month an amount equal to the product of:

(i) the percentage the commission determines for the month under Subsection (8)(b) for the city, town, or unincorporated area of a county; and

(ii) \$25,417.

(d) The commission shall deposit an amount the commission retains in accordance with this Subsection (8) into the Qualified Emergency Food Agencies Fund created by Section 9-4-1409.

(e) An amount the commission deposits into the Qualified Emergency Food Agencies Fund shall be expended as provided in Section 9-4-1409.

63G-2-701. Political subdivisions may adopt ordinances in compliance with chapter.

(1) (a) Each political subdivision may adopt an **ordinance** or a policy applicable throughout its jurisdiction relating to information practices including classification, designation, access, denials, segregation, appeals, management, retention, and amendment of records.

(b) The **ordinance** or policy shall comply with the criteria set forth in this section.

(c) If any political subdivision does not adopt and maintain an **ordinance** or policy, then that political subdivision is subject to this chapter.

(d) Notwithstanding the adoption of an **ordinance** or policy, each political subdivision is subject to Parts 1 and 3, and Sections 63A-12-105, 63A-12-107, 63G-2-201, 63G-2-202, 63G-2-205, 63G-2-206, 63G-2-601, and 63G-2-602.

(e) Every **ordinance**, policy, or amendment to the **ordinance** or policy shall be filed with the state archives no later than 30 days after its effective date.

(f) The political subdivision shall also report to the state archives all retention schedules, and all designations and classifications applied to record series maintained by the political subdivision.

(g) The report required by Subsection (1)(f) is notification to state archives of the political subdivision's retention schedules, designations, and classifications. The report is not subject to approval by state archives. If state archives determines that a different retention schedule is needed for state purposes, state archives shall notify the political subdivision of the state's retention schedule for the records and shall maintain the records if requested to do so under Subsection 63A-12-105(2).

(2) Each **ordinance** or policy relating to information practices shall:

(a) provide standards for the classification and designation of the records of the political subdivision as public, private, controlled, or protected in accordance with Part 3 of this chapter;

(b) require the classification of the records of the political subdivision in accordance with those standards;

(c) provide guidelines for establishment of fees in accordance with Section 63G-2-203; and

(d) provide standards for the management and retention of the records of the political subdivision comparable to Section 63A-12-103.

(3) (a) Each **ordinance** or policy shall establish access criteria, procedures, and response times for requests to inspect, obtain, or amend records of the political subdivision, and time limits for appeals consistent with this chapter.

(b) In establishing response times for access requests and time limits for appeals, the political subdivision may establish reasonable time frames different than those set out in Section 63G-2-204 and Part 4 of this chapter if it determines that the resources of the political subdivision are insufficient to meet the requirements of those sections.

(4) (a) The political subdivision shall establish an appeals process for persons aggrieved by classification, designation or access decisions.

(b) The policy or **ordinance** shall provide for:

(i) (A) an appeals board composed of the governing body of the political subdivision; or

(B) a separate appeals board composed of members of the governing body and the public, appointed by the governing body; and

(ii) the designation of a person as the chief administrative officer for purposes of determining appeals under Section 63G-2-401 of the governmental entity's determination.

(5) If the requester concurs, the political subdivision may also provide for an additional level of administrative review to the records committee in accordance with Section 63G-2-403.

(6) Appeals of the decisions of the appeals boards established by political subdivisions shall be by petition for judicial review to the district court. The contents of the petition for review and the conduct of the proceeding shall be in accordance with Sections 63G-2-402 and 63G-2-404.

(7) Any political subdivision that adopts an **ordinance** or policy under Subsection (1) shall forward to state archives a copy and summary description of the **ordinance** or policy.

4-25-7. County legislative body authorized to adopt fence ordinance -- Lawful fence to be specified by ordinance -- Dividing the county into divisions for different fencing regulations.

(1) A county legislative body may, by **ordinance**, declare and enforce a general policy within the county for the fencing of farms, subdivisions, or other private property, to allow domestic animals to graze without trespassing on farms, subdivisions, or other private property.

(2) If an **ordinance** is adopted under Subsection (1), the county legislative body:

(a) shall through **ordinance** declare and specify what constitutes a lawful fence; and

(b) may divide the county into divisions and prescribe different fencing regulations for each division.

10-3-709. Repeal of conflicting provisions -- Title.

Such revision shall be by one **ordinance** embracing all **ordinances** of a general and permanent character preserved as changed or added to and perfected by the revision, codification and compilation and shall be a repeal of all **ordinances** in conflict with the revision, codification and compilation, but all **ordinances** then enforced shall continue in force after the revision, codification and compilation for the purpose of all rights acquired, fines, penalties and forfeitures and liabilities incurred and actions therefor. The only title necessary for such **ordinance** shall be "an **ordinance** revising, codifying and compiling the general **ordinances** of the city or town of ____ (inserting the name of the municipality)."

23-13-17. Spotlighting of coyote, red fox, striped skunk, and raccoon -- County ordinances -- Permits.

(1) Spotlighting may be used to hunt coyote, red fox, striped skunk, or raccoon where allowed by a county **ordinance** enacted pursuant to this section.

(2) The **ordinance** shall provide that:

(a) any artificial light used to spotlight coyote, red fox, striped skunk, or raccoon must be carried by the hunter;

(b) a motor vehicle headlight or light attached to or powered by a motor vehicle may not be used to spotlight the animal; and

(c) while hunting with the use of an artificial light, the hunter may not occupy or operate any motor vehicle.

(3) For purposes of the county **ordinance**, "motor vehicle" shall have the meaning as defined in Section 41-6a-102.

(4) The **ordinance** may specify:

(a) the time of day and seasons when spotlighting is permitted;

(b) areas closed or open to spotlighting within the unincorporated area of the county;

(c) safety zones within which spotlighting is prohibited;

(d) the weapons permitted; and

(e) penalties for violation of the **ordinance**.

(5) (a) A county may restrict the number of hunters engaging in spotlighting by requiring a permit to spotlight and issuing a limited number of permits.

(b) (i) A fee may be charged for a spotlighting permit.

(ii) Any permit fee shall be established by the county **ordinance**.

(iii) Revenues generated by the permit fee shall be remitted to the Division of Wildlife Resources for deposit into the Wildlife Resources Account, except the Wildlife Board may allow any county that enacts an **ordinance** pursuant to this section to retain a reasonable amount to pay for the costs of administering and enforcing the **ordinance**, provided this use of the permit revenues does not affect federal funds received by the state under 16 U.S.C. Sec. 669 et seq., Wildlife Restoration Act and 16 U.S.C. Sec. 777 et seq., Sport Fish Restoration Act.

(6) A county may require hunters to notify the county sheriff of the time and place they will be engaged in spotlighting.

(7) The requirement that a county **ordinance** must be enacted before a person may use spotlighting to hunt coyote, red fox, striped skunk, or raccoon does not apply to:

(a) a person or his agent who is lawfully acting to protect his crops or domestic animals from predation by those animals; or

(b) an animal damage control agent acting in his official capacity under a memorandum of agreement with the division.

Amended by Chapter 2, 2005 General Session

10-9a-602. Planning commission preparation and recommendation of subdivision ordinance -- Adoption or rejection by legislative body.

- (1) The planning commission shall:
 - (a) prepare and recommend a proposed **ordinance** to the legislative body that regulates the subdivision of land;
 - (b) prepare and recommend or consider and recommend a proposed **ordinance** that amends the regulation of the subdivision of the land in the municipality;
 - (c) provide notice consistent with Section 10-9a-205; and
 - (d) hold a public hearing on the proposed **ordinance** before making its final recommendation to the legislative body.
- (2) The municipal legislative body may adopt or reject the **ordinance** either as proposed by the planning commission or after making any revision the legislative body considers appropriate.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-602. Planning commission preparation and recommendation of subdivision ordinance -- Adoption or rejection by legislative body.

- (1) The planning commission shall:
 - (a) prepare and recommend a proposed **ordinance** to the legislative body that regulates the subdivision of land;
 - (b) prepare and recommend or consider and recommend a proposed **ordinance** that amends the regulation of the subdivision of the unincorporated land in the county;
 - (c) provide notice consistent with Section 17-27a-205; and
 - (d) hold a public hearing on the proposed **ordinance** before making its final recommendation to the legislative body.
- (2) The county legislative body may adopt or reject the **ordinance** either as proposed by the planning commission or after making any revision the county legislative body considers appropriate.

Renumbered and Amended by Chapter 254, 2005 General Session

17-27a-502. Preparation and adoption of land use ordinance or zoning map.

(1) The planning commission shall:
(a) provide notice as required by Subsection 17-27a-205(1)(a);
(b) hold a public hearing on a proposed land use **ordinance** or zoning map; and
(c) prepare and recommend to the legislative body a proposed land use **ordinance** or **ordinances** and zoning map that represent the planning commission's recommendation for regulating the use and development of land within all or any part of the unincorporated area of the county.

(2) The county legislative body shall consider each proposed land use **ordinance** and zoning map recommended to it by the planning commission, and, after providing notice as required by Subsection 17-27a-205(1)(b) and holding a public meeting, the legislative body may adopt or reject the proposed **ordinance** or map either as proposed by the planning commission or after making any revision the county legislative body considers appropriate.

Renumbered and Amended by Chapter 254, 2005 General Session

10-1-305. Municipal energy sales and use tax ordinance provisions.

Each municipal energy sales and use tax **ordinance** under Subsection 10-1-304(1) shall include:

(1) a provision imposing a tax on every sale or use of taxable energy made within a municipality at a rate determined by the municipality that is up to 6% of the delivered value of the taxable energy;

(2) provisions substantially the same as those required by Title 59, Chapter 12, Part 1, Tax Collection, as they relate to sales and use tax, except that:

(a) the tax shall be calculated on the delivered value of the taxable energy to the consumer;

(b) an exemption is not allowed from a tax imposed under this part for the sale or use of taxable energy that is exempt from the state sales and use tax under Title 59, Chapter 12, Part 1, Tax Collection, except that the municipality shall include in its **ordinance** an exemption for:

(i) the sales and use of aviation fuel, motor fuel, or special fuel subject to taxation under Title 59, Chapter 13, Motor and Special Fuel Tax Act;

(ii) the sales and use of taxable energy that the municipality is prohibited from taxing under federal law or the Constitution of the United States or the Utah Constitution;

(iii) the sales and use of taxable energy purchased or stored in the state for resale;

(iv) the sales or use of taxable energy to a person if the primary use is for use in compounding or producing taxable energy or a fuel subject to taxation under Title 59, Chapter 13, Motor and Special Fuel Tax Act;

(v) taxable energy brought into the state by a nonresident for the nonresident's own personal use or enjoyment while within the state, except taxable energy purchased for use in the state by a nonresident living or working in the state at the time of purchase;

(vi) the sales or use of taxable energy for any purpose other than use as a fuel or energy; and

(vii) the sale of taxable energy for use outside a municipality imposing a municipality energy sales and use tax;

(c) the **ordinance** may provide for an exemption from the municipal energy sales and use tax under this part for customers who, as of July 1, 1997, were being supplied electrical energy by a supplier other than the municipality if:

(i) the municipality is a generator of electrical energy for customers within its borders; and

(ii) the municipality is unable to generate electrical energy for the customer;

(d) the name of the municipality as the taxing agency shall be substituted for that of the state when necessary for purposes of this part; and

(e) an additional license to collect the tax is not required if one has been issued under Section 59-12-106;

(3) a provision that, on or before the effective date of the **ordinance**, the municipality shall enter into a contract with the commission to have the commission perform all functions related to the administration or operation of the **ordinance**, except that a municipality may collect the municipal energy sales and use tax directly as provided in Subsection 10-1-307(3);

(4) a provision that:

(a) except as provided under Subsection (4)(b), the sale, storage, use, or other consumption of taxable energy is exempt from the tax due under the **ordinance** if the delivered value of the taxable energy has been subject to a municipal energy sales or use tax under an **ordinance** enacted in accordance with this part by another municipality in this state; and

(b) the municipality shall be paid the difference between the tax paid to another municipality as described in this section and the tax that would otherwise be due under the **ordinance** if the tax due under the **ordinance** exceeds the tax paid to another municipality; and

(5) a provision providing a credit against the tax in the amount of a contractual franchise fee paid if:

(a) an energy supplier pays a contractual franchise fee to a municipality pursuant to a franchise agreement in effect on July 1, 1997;

(b) the contractual franchise fee is passed through by the energy supplier to a taxpayer as a separately itemized charge; and

(c) the energy supplier has accepted the franchise; and

(6) a provision providing that the **ordinance** adopts by reference any amendments to the provisions of Title 59, Chapter 12, Part 1, Tax Collection, that relate to levying or collecting a municipal energy sales and use tax.

Amended by Chapter 180, 1998 General Session

10-9a-601. Enactment of subdivision ordinance.

- (1) The legislative body of a municipality may enact **ordinances** requiring that a subdivision plat comply with the provisions of the **ordinance** and this part before:
 - (a) it may be filed or recorded in the county recorder's office; and
 - (b) lots may be sold.
- (2) If the legislative body fails to enact a subdivision **ordinance**, the municipality may regulate subdivisions only to the extent provided in this part.

17-27a-601. Enactment of subdivision ordinance.

(1) The legislative body of a county may enact **ordinances** requiring that a subdivision plat comply with the provisions of the **ordinance** and this part before:

- (a) it may be filed or recorded in the county recorder's office; and
- (b) lots may be sold.

(2) If the legislative body fails to enact a subdivision **ordinance**, the county may regulate subdivisions only as provided in this part.

Renumbered and Amended by Chapter 254, 2005 General Session

11-42-410. Amending an assessment resolution or ordinance.

(1) A governing body may adopt a resolution or **ordinance** amending the original assessment resolution or **ordinance** adopted under Section 11-42-404 to:

(a) correct a deficiency, omission, error, or mistake:

(i) with respect to:

(A) the total cost of an improvement;

(B) operation and maintenance costs; or

(C) the cost of economic promotion activities; or

(ii) that results in a tract, lot, block, or parcel not being fully assessed or assessed in an incorrect amount;

(b) reallocate or adjust assessments under the original assessment resolution or **ordinance** for operation and maintenance costs or the costs of economic promotion activities;

(c) reallocate or adjust assessments under the original assessment resolution or **ordinance**; or

(d) reduce an assessment as a result of the issuance of refunding bonds.

(2) If an amendment under Subsection (1)(a) or (c) results in an increase in an assessment for any property owner, the governing body shall comply with the notice requirements of Section 11-42-402, unless the owner waives notice as provided in Section 11-42-104.

20A-7-401. Limitation -- Land use ordinances and budgets.

- (1) The legal voters of any county, city, or town may not initiate:
 - (a) a budget or a change in a budget; or
 - (b) a land use **ordinance** or a change in a land use **ordinance**.
- (2) The legal voters of any county, city, or town may not require any budget adopted by the local legislative body or the implementation of a land use **ordinance** adopted by the local legislative body to be submitted to the voters.