

Effective 5/12/2015

Part 5
Metro Township Council Form of Municipal Government

10-3b-501 Metro township government powers vested in a five-member council.

The powers of municipal government in a metro township, as defined in Section 10-2a-403, are vested in a council consisting of five members, one of which is the chair.

Repealed and Re-enacted by Chapter 352, 2015 General Session

10-3b-502 Governance of metro townships that are not in a municipal services district.

For a metro township in which the voters at an election held in accordance with Section 10-2a-404 do not choose a metro township with limited municipal powers that is included in a municipal services district:

- (1)
 - (a) the council:
 - (i) has the same powers, authority, and duties as a council described in Section 10-3b-403; and
 - (ii) is not subject to Section 10-3b-504; and
 - (b) the chair:
 - (i) has the same powers, authority, and duties as a mayor described in Section 10-3b-402; and
 - (ii) is not subject to Section 10-3b-503.

Repealed and Re-enacted by Chapter 352, 2015 General Session

10-3b-503 Chair in a metro township included in a municipal services district.

- (1) The chair in a metro township that is included in a municipal services district:
 - (a) is a regular and voting member of the council;
 - (b) is elected by the members of the council from among the council members;
 - (c) is the chair of the council and presides at all council meetings;
 - (d) exercises ceremonial functions for the municipality;
 - (e) may not veto any ordinance, resolution, tax levy passed, or any other action taken by the council;
 - (f) represents the metro township on the board of a municipal services district; and
 - (g) has other powers and duties described in this section and otherwise authorized by law except as modified by ordinance under Subsection 10-3b-504(2).
- (2) Except as provided in Subsection (3), the chair in a metro township that is included in a municipal services district:
 - (a) shall:
 - (i) keep the peace and enforce the laws of the metro township;
 - (ii) ensure that all applicable statutes and metro township ordinances and resolutions are faithfully executed and observed;
 - (iii) if the chair remits a fine or forfeiture under Subsection (2)(g)(ii), report the remittance to the council at the council's next meeting after the remittance;
 - (iv) perform all duties prescribed by statute or metro township ordinance or resolution;
 - (v) report to the council the condition and needs of the metro township;
 - (vi) report to the council any release granted under Subsection (2)(b)(iv); and
 - (b) may:

- (i) recommend for council consideration any measure that the chair considers to be in the best interests of the municipality;
 - (ii) remit fines and forfeitures;
 - (iii) if necessary, call on residents of the municipality over the age of 21 years to assist in enforcing the laws of the state and ordinances of the municipality;
 - (iv) release a person imprisoned for a violation of a municipal ordinance;
 - (v) with the council's advice and consent appoint a person to fill a municipal office or a vacancy on a commission or committee of the municipality; and
 - (vi) at any reasonable time, examine and inspect the official books, papers, records, or documents of:
 - (A) the municipality; or
 - (B) any officer, employee, or agency of the municipality.
- (3) The powers and duties in Subsection (1) are subject to the council's authority to limit or expand the chair's powers and duties under Subsection 10-3b-504(2).
- (4)
- (a) If the chair is absent, unable, or refuses to act, the council may elect a member of the council as chair pro tempore, to:
 - (i) preside at a council meeting; and
 - (ii) perform during the chair's absence, disability, or refusal to act, the duties and functions of chair.
 - (b) In accordance with Section 10-3c-203, the county clerk of the county in which the metro township is located shall enter in the minutes of the council meeting the election of a council member as chair under Subsection (1)(b) or chair pro tempore under Subsection (4)(a).

Repealed and Re-enacted by Chapter 352, 2015 General Session

10-3b-504 Council in a metro township that is included in a municipal services district.

- (1) The council in a metro township that is included in a municipal services district:
- (a) exercises any executive or administrative power and performs or supervises the performance of any executive or administrative power, duty, or function that has not been given to the chair under Section 10-3b-503 unless the council removes that power, duty, or function from the chair in accordance with Subsection (2);
 - (b) may:
 - (i) subject to Subsections (1)(c) and (2), adopt an ordinance:
 - (A) removing from the chair any power, duty, or function of the chair; and
 - (B) reinstating to the chair any power, duty, or function previously removed under Subsection (1)(b)(i)(A); and
 - (ii) adopt an ordinance delegating to the chair any executive or administrative power, duty, or function that the council has under Subsection (1)(a); and
 - (c) may not remove from the chair or delegate:
 - (i) any of the chair's legislative or judicial powers or ceremonial functions;
 - (ii) the chair's position as chair of the council; or
 - (iii) any ex officio position that the chair holds.
- (2) Adopting an ordinance under Subsection (1)(b)(i) removing from or reinstating to the chair a power, duty, or function provided for in Section 10-3b-503 requires the affirmative vote of:
- (a) the chair and a majority of all other council members; or
 - (b) all council members except the chair.
- (3) The metro township council of a metro township that is included in a municipal services district:

- (a) shall:
 - (i) by ordinance, provide for the manner in which a subdivision is approved, disapproved, or otherwise regulated;
 - (ii) review municipal administration, and, subject to Subsection (5), pass ordinances;
 - (iii) perform all duties that the law imposes on the council; and
 - (iv) elect one of its members to be chair of the metro township and the chair of the council;
- (b) may:
 - (i)
 - (A) notwithstanding Subsection (3)(c), appoint a committee of council members or citizens to conduct an investigation into an officer, department, or agency of the municipality, or any other matter relating to the welfare of the municipality; and
 - (B) delegate to an appointed committee powers of inquiry that the council considers necessary;
 - (ii) make and enforce any additional rule or regulation for the government of the council, the preservation of order, and the transaction of the council's business that the council considers necessary; and
 - (iii) subject to the limitations provided in Subsection (5), take any action allowed under Section 10-8-84 that is reasonably related to the safety, health, morals, and welfare of the metro township inhabitants; and
- (c) may not:
 - (i) direct or request, other than in writing, the appointment of a person to or the removal of a person from an executive municipal office;
 - (ii) interfere in any way with an executive officer's performance of the officer's duties; or
 - (iii) publicly or privately give orders to a subordinate of the chair.
- (4) A member of a metro township council as described in this section may not have any other compensated employment with the metro township.
- (5) The council of a metro township that is included in a municipal services district may not adopt an ordinance or resolution that authorizes, provides, or otherwise governs a municipal service, as defined in Section 17B-2a-1102, that is provided by a municipal services district created under Title 17B, Chapter 2a, Part 11, Municipal Services District Act.

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