

**10-3b-104 Powers and duties of mayor in six-member council and five-member council forms of government.**

- (1) Except as provided in Subsection (2), the mayor in a municipality operating under a six-member council form of government or a five-member council form of government:
- (a) is the chief executive officer of the municipality to whom all employees of the municipality report;
  - (b) shall:
    - (i) keep the peace and enforce the laws of the municipality;
    - (ii) ensure that all applicable statutes and municipal ordinances and resolutions are faithfully executed and observed;
    - (iii) if the mayor remits a fine or forfeiture under Subsection (1)(c)(ii), report the remittance to the council at the council's next meeting after the remittance;
    - (iv) perform all duties prescribed by statute or municipal ordinance or resolution;
    - (v) report to the council the condition and needs of the municipality; and
    - (vi) report to the council any release granted under Subsection (1)(c)(iv); and
  - (c) may:
    - (i) recommend for council consideration any measure that the mayor 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:
      - (A) assign or appoint a member of the council to administer one or more departments of the municipality; and
      - (B) appoint a person to fill:
        - (I) a municipal office; or
        - (II) 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.
- (2) The powers and duties in Subsection (1) are subject to:
- (a) municipal ordinances in effect on May 4, 2008 modifying the powers and duties of the mayor; and
  - (b) the council's authority to limit or expand the mayor's powers and duties under:
    - (i) Subsection 10-3b-303(2)(a), for a municipality operating under the six-member council form of government; and
    - (ii) Subsection 10-3b-403(2)(a), for a municipality operating under the five-member council form of government.

Enacted by Chapter 19, 2008 General Session