

**Revisor's Corrections to Utah Code - Title 10**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kirk A. Cullimore**

House Sponsor: Jefferson Moss

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**LONG TITLE**

**General Description:**

This bill makes code revisions in Title 10, Utah Municipal Code.

**Highlighted Provisions:**

This bill:

- replaces the term "this act" in Title 10, Utah Municipal Code, with a citation to the relevant title, chapter, or legislation;
- replaces certain effective date language with the effective date of the referenced legislation;
- establishes subsection structuring within code sections without structure;
- repeals obsolete language; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

**AMENDS:**

- 10-1-103**, as enacted by Laws of Utah 1977, Chapter 48
- 10-1-105**, as last amended by Laws of Utah 2010, Chapter 378
- 10-1-106**, as enacted by Laws of Utah 1977, Chapter 48
- 10-1-107**, as enacted by Laws of Utah 1977, Chapter 48
- 10-1-108**, as last amended by Laws of Utah 2010, Chapter 378
- 10-1-109**, as last amended by Laws of Utah 2010, Chapter 378
- 10-1-111**, as enacted by Laws of Utah 1977, Chapter 48

28       **10-1-113**, as last amended by Laws of Utah 2010, Chapter 378  
29       **10-2-603**, as last amended by Laws of Utah 1987, Chapter 92  
30       **10-2-605**, as enacted by Laws of Utah 1977, Chapter 48  
31       **10-2-606**, as last amended by Laws of Utah 1993, Chapter 227  
32       **10-2-612**, as enacted by Laws of Utah 1977, Chapter 48  
33       **10-2-613**, as enacted by Laws of Utah 1977, Chapter 48  
34       **10-2-614**, as last amended by Laws of Utah 2010, Chapter 378  
35       **10-2-705**, as last amended by Laws of Utah 2009, Chapter 350  
36       **10-2-706**, as last amended by Laws of Utah 1993, Chapter 227  
37       **10-2-707**, as last amended by Laws of Utah 1990, Chapter 59  
38       **10-3-603**, as enacted by Laws of Utah 1977, Chapter 48  
39       **10-3-604**, as last amended by Laws of Utah 1981, Chapter 49  
40       **10-3-608**, as last amended by Laws of Utah 2010, Chapter 378  
41       **10-3-610**, as enacted by Laws of Utah 1977, Chapter 48  
42       **10-3-702**, as last amended by Laws of Utah 2010, Chapter 378  
43       **10-3-705**, as last amended by Laws of Utah 1979, Chapter 38  
44       **10-3-706**, as enacted by Laws of Utah 1977, Chapter 48  
45       **10-3-709**, as enacted by Laws of Utah 1977, Chapter 48  
46       **10-3-710**, as enacted by Laws of Utah 1977, Chapter 48  
47       **10-3-713**, as enacted by Laws of Utah 1977, Chapter 48  
48       **10-3-716**, as last amended by Laws of Utah 2006, Chapter 55  
49       **10-3-828**, as last amended by Laws of Utah 1990, Chapter 59  
50       **10-3-903**, as enacted by Laws of Utah 1977, Chapter 48  
51       **10-3-904**, as enacted by Laws of Utah 1977, Chapter 48  
52       **10-3-917**, as last amended by Laws of Utah 2003, Chapter 292  
53       **10-3-1004**, as last amended by Laws of Utah 2010, Chapter 378  
54       **10-3-1005**, as enacted by Laws of Utah 1977, Chapter 48  
55       **10-3-1006**, as enacted by Laws of Utah 1977, Chapter 48  
56       **10-3-1007**, as enacted by Laws of Utah 1977, Chapter 48  
57       **10-3-1008**, as enacted by Laws of Utah 1977, Chapter 48  
58       **10-3-1010**, as last amended by Laws of Utah 1983, Chapter 29  
59       **10-3-1012.5**, as last amended by Laws of Utah 2010, Chapter 378  
60       **10-3-1104**, as enacted by Laws of Utah 1977, Chapter 48  
61       **10-3-1107**, as last amended by Laws of Utah 1993, Chapter 4

62        **10-5-127**, as enacted by Laws of Utah 1983, Chapter 34  
63        **10-5-128**, as enacted by Laws of Utah 1983, Chapter 34  
64        **10-6-102**, as enacted by Laws of Utah 1979, Chapter 26  
65        **10-6-107**, as last amended by Laws of Utah 1981, Chapter 52  
66        **10-6-114**, as enacted by Laws of Utah 1979, Chapter 26  
67        **10-6-115**, as enacted by Laws of Utah 1979, Chapter 26  
68        **10-6-119**, as last amended by Laws of Utah 1999, Chapter 300  
69        **10-6-123**, as last amended by Laws of Utah 2010, Chapter 378  
70        **10-6-126**, as enacted by Laws of Utah 1979, Chapter 26  
71        **10-6-128**, as last amended by Laws of Utah 1999, Chapter 300  
72        **10-6-136**, as enacted by Laws of Utah 1979, Chapter 26  
73        **10-6-143**, as enacted by Laws of Utah 1979, Chapter 26  
74        **10-6-144**, as enacted by Laws of Utah 1979, Chapter 26  
75        **10-6-145**, as enacted by Laws of Utah 1979, Chapter 26  
76        **10-6-146**, as enacted by Laws of Utah 1979, Chapter 26  
77        **10-7-8**, as last amended by Laws of Utah 2005, Chapter 105  
78        **10-7-9**, as last amended by Laws of Utah 1953, First Special Session, Chapters 2, 2  
79        **10-7-14.1**, as last amended by Laws of Utah 1953, First Special Session, Chapters 3, 3  
80        **10-7-26**, as last amended by Laws of Utah 1969, Chapter 27  
81        **10-7-27**, Utah Code Annotated 1953  
82        **10-7-29**, Utah Code Annotated 1953  
83        **10-7-33**, Utah Code Annotated 1953  
84        **10-7-65**, as last amended by Laws of Utah 1990, Chapter 59  
85        **10-7-67**, Utah Code Annotated 1953  
86        **10-7-72**, as last amended by Laws of Utah 2010, Chapter 378  
87        **10-7-80**, as enacted by Laws of Utah 1965, Chapter 16  
88        **10-7-84**, as enacted by Laws of Utah 1965, Chapter 16  
89        **10-8-92**, Utah Code Annotated 1953  
90        **10-8-93**, as last amended by Laws of Utah 2000, Chapter 133  
91        **10-9a-514**, as last amended by Laws of Utah 2011, Chapter 14  
92        **10-15-2**, as enacted by Laws of Utah 1966, Second Special Session, Chapters 2, 2  
93        **10-15-3**, as last amended by Laws of Utah 1997, Chapter 10  
94        **10-15-4**, as last amended by Laws of Utah 2010, Chapter 378  
95        **10-15-5**, as enacted by Laws of Utah 1966, Second Special Session, Chapters 2, 2

10-15-6, as last amended by Laws of Utah 2008, Chapter 360

REPEALS:

10-1-101, as enacted by Laws of Utah 1977, Chapter 48

10-1-102, as enacted by Laws of Utah 1977, Chapter 48

10-1-110, as last amended by Laws of Utah 1993, Chapter 4

10-1-112, as last amended by Laws of Utah 2010, Chapter 378

10-1-114, as last amended by Laws of Utah 2016, Chapter 348

10-1-115, as enacted by Laws of Utah 1977, Chapter 48

10-15-1, as enacted by Laws of Utah 1966, Second Special Session, Chapters 2, 2

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **10-1-103** is amended to read:

**10-1-103 . Construction.**

The powers herein delegated to any municipality shall be liberally construed to permit the municipality to exercise the powers granted by this [aet] title except in cases clearly contrary to the intent of the law.

Section 2. Section **10-1-105** is amended to read:

**10-1-105 . No changes intended.**

(1) Unless otherwise specifically provided in this [aet] title, the provisions of this [aet] title may not operate in any way to affect the property or contract rights or other actions which may exist in favor of or against any municipality.[-]

(2) Nor shall this [aet] title operate in any way to change or affect any ordinance, order or resolution in force in any municipality and such ordinances, orders and resolutions which are not repugnant to law, shall continue in full force and effect until repealed or amended.

Section 3. Section **10-1-106** is amended to read:

**10-1-106 . Scope of title.**

This [aet] title shall apply to all municipalities incorporated or existing under the law of the State of Utah except as otherwise specifically excepted by the home rule provisions of Article XI, Section 5 of the Constitution of the State of Utah.

Section 4. Section **10-1-107** is amended to read:

**10-1-107 . Municipalities.**

All municipalities which have been incorporated under any previous act of the United States or of the State of Utah shall be treated as properly incorporated under [~~this act~~] Laws of

Utah 1977, Chapter 48.

Section 5. Section **10-1-108** is amended to read:

**10-1-108 . Cumulative powers -- Powers not in derogation of state agencies.**

- (1) The provisions of this [~~act or any other act not expressly repealed by Section 10-1-114~~] title or any other act not expressly repealed by Laws of Utah 1977, Chapter 48, Section 1, shall be considered as an alternative or additional power and not as a limitation on any other power granted to or possessed by municipalities.~~[-]~~
- (2) The provisions of this [~~act~~] title may not be considered as impairing, altering, modifying or repealing any of the jurisdiction or powers possessed by any department, division, commission, board, or office of state government.

Section 6. Section **10-1-109** is amended to read:

**10-1-109 . Saving clause.**

- (1) The repeal of the titles, chapters, and sections specified in [~~Section 10-1-114~~] Laws of Utah 1977, Chapter 48, Section 1, do not:
- [~~(1)~~] (a) affect suits pending or rights existing immediately [~~prior to the effective date of this act~~] before July 1, 1977;
- [~~(2)~~] (b) impair, avoid, or affect any grant or conveyance made or right acquired or cause of action now existing under any repealed act or amendment thereto; or
- [~~(3)~~] (c) affect or impair the validity of any bonds or other obligation issued or sold prior to [~~the effective date of this act.~~] July 1, 1977.
- (2) The repeal of any validating act or part thereof does not avoid the effect of the validation.~~[-]~~
- (3) No act repealed by [~~Section 10-1-114~~] Laws of Utah 1977, Chapter 48, Section 1, shall repeal any act or part thereof which embraces the same or similar subject matter as the act repealed.

Section 7. Section **10-1-111** is amended to read:

**10-1-111 . Existing indebtedness.**

Any bond or other evidence of indebtedness issued under the provisions of any act repealed by [~~this act~~] Laws of Utah 1977, Chapter 48, which is outstanding and unpaid as of July 1, 1977, shall be amortized and retired by taxation or revenue in the manner provided by the act under which such indebtedness was incurred, notwithstanding repeal or change of the act.

Section 8. Section **10-1-113** is amended to read:

**10-1-113 . Severability clause.**

If any chapter, part, section, paragraph or subsection of this [æ] title, or the application thereof is held to be invalid, the remainder of this [æ] title is not affected thereby.

Section 9. Section **10-2-603** is amended to read:

**10-2-603 . Plan of consolidation.**

- (1) The resolution for consolidation shall have attached a plan approved by the governing bodies, properly executed by the mayors and attested by the recorders setting forth the nature of the obligations, assets, and liabilities of the municipalities to be included within the proposed consolidated municipality.[-]
- (2) The plan shall include a list of every public utility or property on which any debt is owed or due, all or any part of which is payable from the revenues of the utility or property, or from taxes which have been levied and which are outstanding at the time the proposed consolidation is to become effective.[-]
- (3) The plan shall also specify the rights, duties, and obligations of the proposed consolidated municipality.

Section 10. Section **10-2-605** is amended to read:

**10-2-605 . Effect of plan of consolidation.**

- (1) The plan of consolidation shall be subordinate in all respects to the contract rights of all holders of any securities or obligations of the municipality outstanding at the effective date of the consolidation.[-]
- (2) The plan shall be available to the public for inspection and copying.[-]
- (3) The plan may extend for a period of up to 20 years, except that those provisions necessary for the protection of the holders of any securities or other obligations of any municipalities being consolidated shall extend for such longer time as may be necessary to ensure the payment of the securities and obligations.[-]
- (4) Any person may enforce the provisions and terms of the plan during the period in which the plan is effective.[-]
- (5) After the expiration of the period of the plan, the rights, duties and obligations stated in the plan shall be governed by the laws of the State of Utah and not by the plan.[-]
- (6) The plan shall be effective only if the consolidation is approved by the voters of the respective municipalities to be consolidated.

Section 11. Section **10-2-606** is amended to read:

**10-2-606 . Public hearings.**

- (1) The governing body of each municipality in its plan for consolidation shall set a time and place for a public hearing or public hearings which shall be held at least 10

days after the plan of consolidation and the dates of the public hearing have been submitted to the county legislative bodies.[-]

(2) The public hearing may be held jointly or separately by the governing bodies of each municipality to be consolidated.[-]

(3) Any interested person may be heard on any aspect of the proposed consolidation.[-]

(4) One or more certified copies of the plan of consolidation shall be available in the recorder's office of each municipality at least five days prior to the hearing.

Section 12. Section **10-2-612** is amended to read:

**10-2-612 . New municipality -- Ownership of property -- Indebtedness of original municipalities.**

(1) Any consolidated municipality shall be deemed to be a continuation of the merged municipalities, except as herein expressly provided, and shall own all of the assets, property, records, seals, equipment, and be responsible for the liabilities of each and all of the municipalities dissolved by the consolidation.[-]

(2) The new municipality shall require the inhabitants of an original municipality included in the consolidation, by special tax levy, to satisfy any indebtedness incurred by the original municipalities provided inhabitants residing in other parts of the consolidated municipality did not or do not benefit by the revenue or services obtained by the expenditures causing the indebtedness.[-]

(3) The governing body of the consolidated municipality shall be subject to the terms of the consolidation plan.

Section 13. Section **10-2-613** is amended to read:

**10-2-613 . Governing body until next election.**

(1) Until the next regular municipal election, the elected officials of the municipalities consolidated into the consolidated municipality shall constitute the governing body of the municipality.[-]

(2) The governing body shall elect one of their members to serve as mayor of the municipality and may appoint such other officers as deemed necessary to carry out the business of the municipality.

Section 14. Section **10-2-614** is amended to read:

**10-2-614 . Ordinances, resolutions, and orders.**

(1) All ordinances, resolutions and orders, in force in any of the municipalities when it is consolidated, shall remain in full force and effect within the respective areas of the municipalities which existed prior to consolidation insofar as the ordinances, resolutions

and orders are not repugnant to law, until repealed or amended, but may not in any case exceed three years.[-]

- (2) The governing body of the new municipality shall as soon as possible adopt new ordinances, resolutions and orders for the uniform governance of the new municipality.

Section 15. Section **10-2-705** is amended to read:

**10-2-705 . Judgment -- Determination of claims.**

- (1) The vote shall be taken and canvassed in the same manner as in other municipal elections, and return thereof made to the district court.[-]
- (2) If the district court finds that a majority of the votes cast favored dissolution, a judgment shall be entered approving the dissolution of the municipality and, upon dissolution, the corporate powers of such municipality shall cease, and the court shall cause notice to be given in a manner to be prescribed by it, requiring all claims against the municipality to be filed in the court within a time fixed in the notice, not exceeding six months, and all claims not so filed shall be forever barred.[-]
- (3) At the expiration of the time so fixed the court shall adjudicate claims so filed, which shall be treated as denied, and any citizen of the municipality at the time the vote was taken may appear and defend against any claim so filed, or the court may in its discretion appoint some person for that purpose.

Section 16. Section **10-2-706** is amended to read:

**10-2-706 . Taxes to meet municipal obligations.**

- (1) The court shall have power to wind down the affairs of the municipality, to dispose of its property as provided by law, and to make provisions for the payment of all indebtedness thereof and for the performance of its contracts and obligations, and shall order such taxes levied from time to time as may be requisite therefore, which the county legislative body shall levy against the property within the municipality.[-]
- (2) The taxes shall be collected by the county treasurer in the manner for collecting other property taxes and shall be paid out under the orders of the court, and the surplus, if any, shall be paid into the school fund for the district in which the taxes were levied.[-]
- (3) All municipal property remaining after the winding down of the affairs of the municipality, shall be transferred to the board of education of such school district, which board hereby is empowered to enforce all claims for the same and to have the use of all property so vesting.

Section 17. Section **10-2-707** is amended to read:

**10-2-707 . Disposition of records.**



- (1) The books, documents, records, papers, and seal of any dissolved municipality shall be deposited with the county clerk for safekeeping and reference.[-]
- (2) All court records of justice court judges shall be deposited with a justice court judge of the county to be designated by the court, and other records with the district court.[-]
- (3) The courts respectively have authority to execute and complete all unfinished business standing on the same.

Section 18. Section **10-3-603** is amended to read:

**10-3-603 . Public records.**

- (1) The governing body of each municipality shall keep a journal of its proceedings.[-]
- (2) The books, records, accounts and documents of each municipality shall be kept at the office of the recorder and approved copies shall be open and available to the public during regular business hours for examination and copying.[-]
- (3) The governing body may by resolution establish reasonable charges for providing copies of its public records to individuals, except when by law the municipality must provide the records without cost to the public.

Section 19. Section **10-3-604** is amended to read:

**10-3-604 . Annual examination of municipal finances -- Publication of results.**

- (1) At the end of each fiscal year, the governing body of each city of the first and second class shall cause a full and complete examination of all books and accounts of the city to be made by certified public accountants, and shall publish the results of the examination and a detailed and itemized statement of all receipts and disbursements of the city in a summary of their proceedings and expenses during the fiscal year.[-]
- (2) The city shall then provide printed copies to the newspapers of the city and to the city recorder who shall provide one copy of it to any person on request.

Section 20. Section **10-3-608** is amended to read:

**10-3-608 . Rules of conduct for the public.**

- (1) The governing body on a two-thirds vote may expel any person who is disorderly during the meeting of the governing body.[-]
- (2) This section or any action taken by the governing body pursuant hereto does not preclude prosecution under any other provision of law.

Section 21. Section **10-3-610** is amended to read:

**10-3-610 . Requiring attendance of witnesses-- Production of evidence.**

- (1) The governing body of each municipality may require the attendance of any person to give testimony or produce records, documents or things for inspection, copying or

examination necessary or useful for the governance of the municipality.[-]

- (2) The governing body may by ordinance establish its own procedures for issuing subpoenas to require attendance and production under this section or it may issue subpoenas in its own name in the same manner as is provided in the Utah Rules of Civil Procedure.

Section 22. Section **10-3-702** is amended to read:

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

- (1) 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] title or any other provision of law.[-]
- (2) An officer of the municipality may not be convicted of a criminal offense where he relied on or enforced an ordinance he reasonably believed to be a valid ordinance.[-]
- (3) 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.

Section 23. Section **10-3-705** is amended to read:

**10-3-705 . Requirements as to form -- Effective date.**

- (1) Ordinances passed or enacted by the governing body shall be signed by the mayor, or if he is absent, by the mayor pro tempore, or by a quorum of the governing body, and shall be recorded before taking effect.[-]
- (2) No ordinance shall be void or unlawful by reason of its failure to conform to the provisions of Subsection 10-3-704(1), (2), (3) or (4).[-]
- (3) Ordinances which do not have an effective date shall become effective 20 days after publication or posting, or 30 days after final passage by the governing body, whichever is sooner.

Section 24. Section **10-3-706** is amended to read:

**10-3-706 . Revision of ordinances.**

- (1) The governing body by resolution may authorize and direct the mayor to appoint, with the advice and consent of the governing body, one or more persons to prepare and submit to the governing body a compilation, revision or codification of municipal ordinances.[-]
- (2) The compensation for the service shall be fixed by resolution of the governing body and paid out of the municipal treasury.

Section 25. Section **10-3-709** is amended to read:

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

- (1) 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.[-]
- (2) 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)."

Section 26. Section **10-3-710** is amended to read:

**10-3-710 . Publication in book, pamphlet, or looseleaf form -- State statutes.**

- (1)(a) Ordinances revised, codified, compiled and published in book, pamphlet or looseleaf form by authority of the governing body need not be printed or published in any other manner, except that the ordinance adopting the revision, codification or compilation shall be published or posted in the manner provided by law.[-]
- (b) Provisions of state law may be adopted by reference.[-]
- (2) Any changes necessary to conform those state laws with municipal ordinance shall be noted.

Section 27. Section **10-3-713** is amended to read:

**10-3-713 . Recording, numbering, and certification of passage.**

- (1) The municipal recorder shall record, in a book used exclusively for that purpose, all ordinances passed by the governing body.[-]
- (2) The recorder shall give each ordinance a number, if the governing body has not already so done.[-]
- (3) Immediately following each ordinance, or codification of ordinances, the recorder shall make or cause to be made a certificate stating the date of passage and of the date of publication or posting, as required.[-]
- (4) The record and memorandum, or a certified copy thereof, shall be prima facie evidence of the contents, passage, and publication or posting of the ordinance or codification.

Section 28. Section **10-3-716** is amended to read:

**10-3-716 . Fines and forfeitures -- Disposition.**

- (1) All fines, penalties, and forfeitures for the violation of any ordinance, when collected, shall be paid in accordance with Section 51-4-2.[-]

(2) A violation of this section constitutes a class C misdemeanor.[-]

(3) The retention or use of any fine, penalty, or forfeiture by any person for personal use or benefit constitutes a class B misdemeanor, except that if the amount or amounts exceed \$1,000 the offense is a class A misdemeanor as defined in the Utah Criminal Code.

Section 29. Section **10-3-828** is amended to read:

**10-3-828 . Oath -- Filing.**

(1) The oath of office required under this part shall be administered by any judge, notary public, or by the recorder of the municipality.[-]

(2) Elected officials shall take their oath of office at 12:00 noon on the first Monday in January following their election or as soon thereafter as is practical.[-]

(3) Appointed officers shall take their oath at any time before entering on their duties.[-]

(4) All oaths of office shall be filed with the recorder of the respective municipality.

Section 30. Section **10-3-903** is amended to read:

**10-3-903 . City engineer -- Custodian of records of public improvements.**

(1) The city engineer's office in cities of the first and the second class shall be an office of record for all maps, plans, plats, profiles, drawings, final estimates, specifications and contracts which in any way relate to the public improvements and engineering affairs of the city.[-]

(2) The city engineer shall be custodian of all drawings and documents above mentioned.

Section 31. Section **10-3-904** is amended to read:

**10-3-904 . Books and supplies -- Recording -- Filing -- Inspection.**

(1) The city engineer's office shall be supplied with all necessary books, cases and supplies for recording and filing as required.[-]

(2) The city engineer shall record and file all drawings and documents pertaining to public lands and improvements.[-]

(3) Those made in his office shall be placed on record as soon as completed and shall then be open for public inspections, and any person copying the same or taking notes therefrom may do so in pencil only.[-]

(4) He shall keep the records and files in good condition and turn the same over to his successor in office.[-]

(5) He shall allow no alteration, mutilation or changes to be made in any matter of record, and shall be held strictly accountable for the same.

Section 32. Section **10-3-917** is amended to read:

**10-3-917 . Engineer in a city of the third, fourth, or fifth class or town.**

(1) The governing body of a city of the third, fourth, or fifth class or a town may by ordinance establish the office of municipal engineer and prescribe the duties and obligations for that office which are consistent with the duties and obligations of the city engineer in cities of the first and second class.[-]

(2) If a city of the third, fourth, or fifth class or town uses the engineer employed by the county in which the municipality is located, the municipality may, by ordinance prescribe for its municipal engineer either the duties of a municipal engineer or, if different, the duties of the county engineer, or a combination of duties.

Section 33. Section **10-3-1004** is amended to read:

**10-3-1004 . Qualifications of commissioners -- Salary -- Removal.**

(1) Not more than two members of the civil service commission shall at any one time be of the same political party.[-]

(2) No member of the civil service commission shall during his tenure of office hold any other public office, or be a candidate for any other public office.[-]

(3) Each member shall receive \$25 for each meeting of the commission which he shall attend, but may not receive more than \$100 in any one month.[-]

(4) In case of misconduct, inability or willful neglect in the performance of the duties of the office by any member, the member may be removed from office by the board of city commissioners by a majority vote of the entire membership, but the member shall, if he so desires, have opportunity to be heard in defense.

Section 34. Section **10-3-1005** is amended to read:

**10-3-1005 . Organization of commission -- Secretary -- Offices.**

(1) The civil service commission shall organize by selecting one of its members chairman, and shall appoint as secretary one of the available officers or employees of the city, who shall act and serve without additional compensation.[-]

(2) The secretary shall keep a record of all meetings of the civil service commission and of its work and shall perform such other services as the commission may require, and shall have the custody of the books and records of the commission.[-]

(3) The board of city commissioners shall provide suitable accommodations and equipment to enable the civil service commission to attend to its business.

Section 35. Section **10-3-1006** is amended to read:

**10-3-1006 . Rules and regulations -- Printing and distribution.**

(1) The civil service commission shall make all necessary rules and regulations to carry out the purposes of this part and for examinations, appointments and promotions.[-]

(2) All rules and regulations shall be printed by the civil service commission for distribution.

Section 36. Section **10-3-1007** is amended to read:

**10-3-1007 . Examinations.**

(1) All applicants for employment in the classified civil service shall be subject to examination, which shall be public, competitive and free.[-]

(2) Examinations shall be held at such times and places as the civil service commission shall from time to time determine, and shall be for the purpose of determining the qualifications of applicants for positions.[-]

(3) Examinations shall be practical and shall fairly test the fitness in every respect of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include tests of physical qualifications and health.

Section 37. Section **10-3-1008** is amended to read:

**10-3-1008 . Appointments from civil service list -- Probation period.**

(1) In all cases the appointing power shall notify the civil service commission of each separate position to be filled, and shall fill such place by the appointment of one of the persons certified by the commission therefor.[-]

(2) Such appointment shall be on probation, and of a character and for a period to be prescribed by the civil service commission.

Section 38. Section **10-3-1010** is amended to read:

**10-3-1010 . Promotions -- Basis -- Certification of applicants.**

(1) The civil service commission shall provide for promotion in the classified civil service on the basis of ascertained merit, seniority in service and standing obtained by competitive examination, and shall provide, in all cases where practicable, that vacancies shall be filled by promotion from the members of the next lower rank as submit themselves for the examination and promotion.[-]

(2) The civil service commission shall certify to the appointing power the names of not more than five applicants having the highest rating for each promotion.

Section 39. Section **10-3-1012.5** is amended to read:

**10-3-1012.5 . Appeal to Court of Appeals -- Scope of review.**

(1) Any final action or order of the commission may be appealed to the Court of Appeals for review.[-]

(2) The notice of appeal shall be filed within 30 days of the issuance of the final action or order of the commission.[-]

(3) The review by Court of Appeals shall be on the record of the commission and shall be for the purpose of determining if the commission has abused its discretion or exceeded its authority.

Section 40. Section **10-3-1104** is amended to read:

**10-3-1104 . Library personnel -- Monthly wage deductions and matching sums --  
Time of inclusion.**

(1)(a) The librarians, assistants and employees of any public library may, at the discretion of the board of directors of the library, be included within and participate in the pension, retirement, sickness, disability and death benefit system established under Section 10-3-1103.[-]

(b) In the event the librarian, assistants and employees of the municipality are included within and participate in the system, there shall be deducted from the monthly wage or salary of the librarian, assistants and employees and paid into the system, a percentage of their wage or salary equal to the percentage of the monthly wage or salary of other employees of the municipality which is paid into the system.[-]

(c) Also there shall be paid monthly into the system from the funds of the library a further sum equal to the total amount deducted monthly from the wage or salary of the librarian, assistants and employees and paid into the retirement system.

(2)(a) Where the election by the board of directors of any library for inclusion of its librarian, assistants and employees within the system of any municipality is subsequent to the establishment of the system, the inclusion may begin as of the date of the establishment of the system or as of the date of the election as shall be determined by the board of directors.[-]

(b) If inclusion is as of the date of the establishment of the system, there shall be paid into the system in addition to the subsequent monthly wage deductions and matching sums, a sum equal to the aggregate of monthly payroll deductions and matching sums that would have accrued during the period beginning with the establishment of the system and ending with the election had the librarian, assistants and employees been included within the system from its establishment.

Section 41. Section **10-3-1107** is amended to read:

**10-3-1107 . Cost of living adjustment -- Price index used.**

(1)(a) The governing body of each municipality may, in their discretion, adopt a plan to allow any person who qualifies under this part to receive a cost of living adjustment in that person's monthly retirement allowance.[-]

(b) The adjustment allowed shall be a percentage, not to exceed 100%, of the sum as would restore the full purchasing power of each person's original unmodified pension allowance as it was in the calendar year in which the retirement giving rise to the pension occurred.

(2) The amount necessary to restore the full purchasing power of the original unmodified pension allowance shall be computed from the consumers price index published by the United States Bureau of Labor Statistics.

(3)(a) Adjustments may be effective as of ~~[the date of this act]~~ July 1, 1977, or at any subsequent date set by the governing body.[-]

(b) A municipality may choose to pay any per cent to the maximum amount provided that such percentage be paid to all qualified persons equally.

Section 42. Section **10-5-127** is amended to read:

**10-5-127 . Signing of checks -- Determination of sufficiency of account.**

(1) The town treasurer, or in his absence a deputy treasurer appointed by the council, shall sign all checks prepared by the town clerk.[-]

(2) Prior to affixing the signature, the treasurer or deputy treasurer shall determine that a sufficient amount is on deposit in the appropriate bank account of the town to honor the check.[-]

(3) The council may also designate any town officer to countersign checks.

Section 43. Section **10-5-128** is amended to read:

**10-5-128 . Deposit of town funds -- Commingling with personal funds prohibited -- Suspension from office for unauthorized use or profit from town funds.**

(1) The treasurer shall promptly deposit all town funds in the appropriate bank accounts of the town.[-]

(2) It shall be unlawful for any person to commingle town funds with his or her own money.[-]

(3) Whenever it shall appear that the treasurer or any officer is making profit out of public money, or is using the same for any purpose not authorized by law, such treasurer or officer shall be suspended from office.

Section 44. Section **10-6-102** is amended to read:

**10-6-102 . Legislative intent -- Purpose of chapter.**

(1) This chapter is intended to provide uniform accounting, budgeting, and financial reporting procedures for cities.[-]

(2) It is the purpose of this chapter to enable cities to make financial plans for both current and capital expenditures, to insure that their executive staffs administer their respective



functions in accordance with adopted budgets, to provide the public and investors with information about the financial policies and administration of cities, to provide for the optional use of performance budgeting and related accounting and reporting procedures, and to enable larger cities to evaluate and measure operating performance and provide data comparable with other cities.

Section 45. Section **10-6-107** is amended to read:

**10-6-107 . Uniform accounting system.**

- (1) The accounting records of cities shall be established and maintained, and financial statements prepared from those records in conformance with generally accepted accounting principles promulgated from time to time by authoritative bodies in the United States.[-]
- (2) The state auditor shall prescribe in the Uniform Accounting Manual for Utah Cities a uniform system of accounting that conforms to generally accepted accounting principles.[-]
- (3) The state auditor shall maintain the manual so that it reflects current generally accepted accounting principles.

Section 46. Section **10-6-114** is amended to read:

**10-6-114 . Budget -- Public hearing on tentatively adopted budget.**

- (1) At the time and place advertised, or at any time and place to which the public hearing may be adjourned, the governing body shall hold a public hearing on the budgets tentatively adopted.[-]
- (2) All interested persons in attendance shall be given an opportunity to be heard, for or against, the estimates of revenue and expenditures or any item thereof in the tentative budget of any fund.

Section 47. Section **10-6-115** is amended to read:

**10-6-115 . Budget -- Continuing authority of governing body.**

- (1) After the conclusion of the public hearing, the governing body may continue to review any tentative budget and may insert such new items or may increase or decrease items of expenditure that were the proper subject of consideration at the public hearing, except there shall be no decrease in the amount appropriated for debt retirement and interest or reduction of any existing deficits, as provided by Section 10-6-117.[-]
- (2) It shall also increase or decrease the total anticipated revenue to equal the net change in proposed expenditures in the budget of each fund.

Section 48. Section **10-6-119** is amended to read:

**10-6-119 . Budgets in effect for budget period -- Amendment -- Filing for public**

inspection.

(1) Upon final adoption, the budgets shall be in effect for the budget period, subject to later amendment.[-]

(2) A certified copy of the adopted budgets shall be filed in the office of the city auditor or city recorder and shall be available to the public during regular business hours.

Section 49. Section **10-6-123** is amended to read:

**10-6-123 . Expenditures or encumbrances in excess of appropriations prohibited -- Processing claims.**

(1) City officers may not make or incur expenditures or encumbrances in excess of total appropriations for any department in the budget as adopted or as subsequently amended.[-]

(2) Any obligation contracted by any such officer may not be or become valid or enforceable against the city.[-]

(3) No check or warrant to cover any claim against any appropriation shall be drawn until the claim has been processed as provided by this chapter.

Section 50. Section **10-6-126** is amended to read:

**10-6-126 . Reduction of total budget appropriation of department by resolution -- Notice to governing body.**

(1) The total budget appropriation of any department may be reduced for purposes other than transfer to another department by resolution of the governing body at any regular meeting, or special meeting, called for that purpose, if notice of the proposed action is given to all members of the governing body at least five days before such action.[-]

(2) The notice may be waived in writing or orally during attendance at the meeting by any member of the governing body.

Section 51. Section **10-6-128** is amended to read:

**10-6-128 . Amendment and increase of individual fund budgets.**

(1) After the conclusion of the hearing, the governing body, by resolution or ordinance, may amend the budgets of the funds proposed to be increased, so as to make all or part of the increases therein, both estimated revenues and appropriations, which were the proper subject of consideration at the hearing.[-]

(2) Final amendments in the current period to the budgets of any of the funds set forth in Section 10-6-109 shall be adopted by the governing body on or before the last day of the fiscal period.

Section 52. Section **10-6-136** is amended to read:

**10-6-136 . Increase in appropriations for operating and capital budget funds --  
Notice.**

- (1) The total budget appropriation of any fund described in Section 10-6-135 may be increased by resolution of the governing body at any regular meeting, or special meeting called for that purpose, provided that written notice of the time, place and purpose of the meeting shall have been mailed or delivered to all members of the governing body at least five days prior to the meeting.[-]
- (2) The notice may be waived in writing or orally during attendance at the meeting by any member of the governing body.

Section 53. Section **10-6-143** is amended to read:

**10-6-143 . City treasurer or deputy -- Duties with respect to issuance of checks.**

- (1) The treasurer, or in his absence a deputy treasurer appointed by the governing body, shall sign all checks prepared by the auditor or recorder.[-]
- (2) Prior to affixing the signature, the treasurer or deputy treasurer shall determine that a sufficient amount is on deposit in the appropriate bank account of the city to honor the check.[-]
- (3) The governing body may also designate a person, other than the city auditor or the city recorder, to countersign checks.

Section 54. Section **10-6-144** is amended to read:

**10-6-144 . City treasurer -- Warrants -- Order of payment.**

- (1) In the absence of appropriate money, as set forth in Section 10-6-140, 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.[-]
- (2) The treasurer shall note upon the back of each warrant presented the date of presentation and the date of payment.

Section 55. Section **10-6-145** is amended to read:

**10-6-145 . City treasurer -- Special assessments -- Application of proceeds.**

- (1) All money received by the treasurer on any special assessment shall be applied to the payment of the improvement for which the assessment was made.[-]
- (2) The 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 whatever, except as otherwise provided in Section 10-6-131.

Section 56. Section **10-6-146** is amended to read:

**10-6-146 . City treasurer -- Deposit of city funds -- Commingling with personal funds unlawful -- Suspension from office.**

- (1) The treasurer shall promptly deposit all city funds in the appropriate bank accounts of the city.[-]
- (2) It shall be unlawful for any person to commingle city funds with his or her own money.[-]
- (3) Whenever it shall appear that the treasurer or any other officer is making profit out of public money, or is using the same for any purpose not authorized by law, such treasurer or officer shall be suspended from office.

Section 57. Section **10-7-8** is amended to read:

**10-7-8 . Resolution on bond issue -- Election as provided by Local Government Bonding Act.**

- (1) When the board of commissioners, city council or the town board of trustees of any city or town shall have decided that incurring such bonded indebtedness is advisable, it shall by resolution specify the purpose for which the indebtedness is to be created and the amount of bonds which it is proposed to issue, and shall provide for submitting the question of the issue of such bonds to the qualified electors of the city or town at the next general election, or at a special election to be called for that purpose by the board of commissioners, city council or board of trustees in such manner and subject to such conditions as is provided in Title 11, Chapter 14, Local Government Bonding Act.[-]
- (2) This section does not require an election for the issuance of refunding bonds or other bonds not required by the Constitution to be voted at an election.

Section 58. Section **10-7-9** is amended to read:

**10-7-9 . Sale of bonds -- Amount -- Tax levy to pay interest -- Utility rates -- Sinking fund -- Serial or term bonds.**

- (1) The board of commissioners, city council or board of trustees as the case may be shall provide by ordinance for the issuance and disposal of such bonds; provided, that no such bonds shall be sold for less than their face value.[-]
- (2) The board of commissioners, city council or board of trustees shall annually levy on all taxable property within the boundaries of the issuer a sufficient tax to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within the time for which such bonds are issued which levy shall be made without regard to any statutory limitation on the taxing power of such issuer which may now exist or, unless an express contrary provision appears in the statute, which may hereafter be enacted by the legislature; provided, that whenever bonds shall have been

issued for the purpose of supplying any city or town with artificial light, water or other public utility the rates or charges for the service of the system or plant so constructed may be made sufficient to meet such payments, in addition to operating and maintenance expenses, and taxes shall be levied to meet any deficiencies.[-]

(3) Water or sewer bonds may be issued for a period not exceeding 40 years; other bonds may be issued for a period not exceeding 20 years.[-]

(4) Such bonds may be either serial or term bonds.

Section 59. Section **10-7-14.1** is amended to read:

**10-7-14.1 . Declaration of public policy.**

(1) Whereas, the purification of drinking water and the treatment of raw sewage are important to public health and welfare and create an unusual need for money with which to create proper facilities for the protection of the people of the state of Utah, it is hereby declared to be the public policy of this state to grant the privilege to municipalities to raise funds to improve the aforementioned health standards, to encourage the municipalities to provide that no waste shall be discharged into any waters of the state of Utah without first being given proper treatment, to provide for the treatment of water to be used for drinking purposes to protect the health of the citizens and to give municipalities the discretion to determine the priority of development of the facilities directed toward the elimination of health hazards and pollution of public waters.[-]

(2) The construction of the facilities herein mentioned shall be given an early priority in those areas where the present welfare of the people is endangered by the lack of such facilities.

Section 60. Section **10-7-26** is amended to read:

**10-7-26 . Streets and alleys used by railway companies.**

(1) As used in this section and in Sections 10-7-27, 10-7-29, 10-7-30, 10-7-31, 10-7-32, and 10-7-33, the terms "railway company" or "street railway company" means any company which owns or operates railway tracks on, along or across a street or alley in any city or town.

(2)(a) Nothing contained in this section or in the sections referred to in Subsection (1) shall be construed to exempt any railway company from keeping every portion of every street and alley used by it and upon or across which tracks shall be constructed at or near the grade of such streets in good and safe condition for public travel, but it shall keep the same planked, paved, macadamized or otherwise in such condition for public travel as the governing body of the city or town may from time to time direct,

keeping the plank, pavement or other surface of the street or alley level with the top of the rails of the track.[-]

(b) The portions of the streets or alleys to be so kept and maintained by all such railway companies shall include all the space between their different rails and tracks and also a space outside of the outer rail of each outside track of at least two feet in width, and the tracks herein referred to shall include not only the main tracks but also all sidetracks, crossings and turnouts constructed for the use of such railways.

Section 61. Section **10-7-27** is amended to read:

**10-7-27 . Street railway companies to restore streets.**

- (1) Every street railway company shall at its own expense restore the pavement, including the foundation thereof, of every street disturbed by it in the construction, reconstruction, removal or repair of its tracks, to the same condition as before the disturbance thereof, to the satisfaction of the governing body having charge of such street.[-]
- (2) The obligation imposed hereby shall, in cities other than cities of the first class, be in lieu and substitution of any and all other obligations of any such company to pave, repave or repair any street, or to pay any part of the cost thereof, and may be enforced in the same manner as similar obligations are or may be enforced under the laws of this state.[-]
- (3) Nothing herein contained shall be considered to relieve any such company from the repayment of any money which has heretofore been advanced or expended by any city for any paving heretofore done under or by virtue of a specific contract or agreement made and entered into between the board of commissioners or the city council of any city and such company providing for the repayment thereof, but the obligation for such repayment shall be and remain enforceable as if this section had not been passed.

Section 62. Section **10-7-29** is amended to read:

**10-7-29 . Railway companies to repave streets.**

- (1) All railway companies shall be required to pave or repave at their own cost all the space between their different rails and tracks and also a space two feet wide outside of the outer rails of the outside tracks in any city or town, including all sidetracks, crossings and turnouts used by such companies.[-]
- (2) Where two or more companies occupy the same street or alley with separate tracks each company shall be responsible for its proportion of the surface of the street or alley occupied by all the parallel tracks as herein required.[-]

- (3) Such paving or repaving by such railway companies shall be done at the same time and shall be of the same material and character as the paving or repaving of the streets or alleys upon which the track or tracks are located, unless other material is specially ordered by the municipality.[-]
- (4) Such railway companies shall be required to keep that portion of the street which they are herein required to pave or repave in good and proper repair, using for that purpose the same material as the street upon which the track or tracks are laid at the point of repair or such other material as the governing body of the city may require and order; and as streets are hereafter paved or repaved street railway companies shall be required to lay in the best approved manner a rail to be approved by the governing body of the city.[-]
- (5) The tracks of all railway companies when located upon the streets or avenues of a city or town shall be kept in repair and safe in all respects for the use of the traveling public, and such companies shall be liable for all damages resulting by reason of neglect to keep such tracks in repair, or for obstructing the streets.[-]
- (6) For injuries to persons or property arising from the failure of any such company to keep its tracks in proper repair and free from obstructions such company shall be liable and the city or town shall be exempt from liability.[-]
- (7) The word "railway companies" as used in this section shall be taken to mean and include any persons, companies, corporations or associations owning or operating any street or other railway in any city or town.

Section 63. Section **10-7-33** is amended to read:

**10-7-33 . Delinquent taxes -- Installment payments -- Election and waiver.**

- (1) It shall be competent for the governing body, upon the written application of any company owning any such railway, to provide that such special taxes shall become delinquent and be payable in installments as in case of taxes levied upon abutting real estate as herein provided, but such application shall be taken and deemed a waiver of any and all objections to such taxes and the validity thereof.[-]
- (2) Such application shall be made at or before the final levy of such taxes.

Section 64. Section **10-7-65** is amended to read:

**10-7-65 . Party plaintiff -- Successive actions permitted.**

- (1) All actions brought to recover any fine or to enforce any penalty under an ordinance of a city or town shall be brought in the corporate name of the city or town as plaintiff.[-]

(2) No prosecution, recovery, or acquittal for the violation of any such ordinance shall constitute a defense to any other prosecution of the same person for any other violation of any such ordinance although the different causes of action existed at the same time and if united would not have exceeded the jurisdiction of a justice court judge.

Section 65. Section **10-7-67** is amended to read:

**10-7-67 . Pleading -- Reference to ordinance -- Judgment enforced by imprisonment.**

(1) In all actions for the violation of any ordinance it shall be sufficient if the complaint refers to the title and section of the ordinance under which such action is brought.[-]

(2) Any person upon whom any fine or penalty shall be imposed may upon the order of the court before whom the conviction is had be committed to the county jail or the city prison or to such other place as may be provided for the incarceration of offenders until such fine, penalty and costs shall be fully paid.

Section 66. Section **10-7-72** is amended to read:

**10-7-72 . Appearance by agent of corporation -- Bench warrant for default.**

(1) At the time appointed in the summons, the corporation shall appear by agent or attorney and plead thereto the same as a natural person.[-]

(2) In case no appearance is made on or before the hour appointed, the court may issue a bench warrant for the person served as the officer or agent of the corporation, requiring him to be brought forthwith before the court to plead on its behalf.

Section 67. Section **10-7-80** is amended to read:

**10-7-80 . Development committee -- Appointment of members -- Terms, compensation and expenses, vacancies and removal of members.**

(1) The board of city commissioners or council of any city within the state is hereby authorized and empowered to appoint by resolution an unpaid commission of three or more members, to be known as the city resource development committee.[-]

(2) One or more members of the board of city commissioners or council shall be designated by the board of city commissioners or council as members of such committee.[-]

(3) Each of the other members of the committee shall be a resident of the city.[-]

(4) The term of appointed members of the committee shall be two years and until their respective successors have been appointed.[-]

(5) The members of the committee shall serve as such without compensation, except that the board of city commissioners or council may provide for reimbursement of the



members of the committee for actual expenses incurred, upon presentation of proper receipts and vouchers.[-]

(6) The board of city commissioners or council shall provide for the filling of vacancies in the membership of the committee and for the removal of a member for nonperformance of duty or misconduct.

Section 68. Section **10-7-84** is amended to read:

**10-7-84 . Expenditure of city funds authorized.**

The board of city commissioners or council may expend city funds as are deemed advisable to carry out the purposes of this [aet] part.

Section 69. Section **10-8-92** is amended to read:

**10-8-92 . Joint board -- Membership -- Powers.**

When two or more political subdivisions of the state of Utah join together under this [aet] part for the purposes set forth herein, there shall be set up by the political subdivisions so joining, a joint board whose membership shall have equal representation from each of the political subdivisions joining, and which said board shall be empowered with the administration, operation, construction and maintenance of said joint hospital.

Section 70. Section **10-8-93** is amended to read:

**10-8-93 . Control of funds and disbursements -- Auditing of accounts by county auditor -- Transfer of county tax funds to board to cover deficiencies.**

(1) The joint board created pursuant to this [aet] part shall have the custody and control of all funds collected in the joint operation of such hospital and the disbursement thereof; provided that the county auditor of any county participating under the provisions of this [aet] part shall audit the accounts of said board quarterly or at more frequent intervals, if public interest, in the judgment of such auditor requires a more frequent audit.[-]

(2) The county executive of any county participating in the operation and maintenance of hospitals pursuant to this [aet] part may pay over to the joint board of such hospitals any funds yielded by a levy made pursuant to Section 17-53-221 that may be required to cover any deficiencies incurred in the operation and maintenance of such hospital.

Section 71. Section **10-9a-514** is amended to read:

**10-9a-514 . Manufactured homes.**

(1)(a) For purposes of this section, a manufactured home is the same as defined in Section 15A-1-302, except that the manufactured home shall be attached to a permanent foundation in accordance with plans providing for vertical loads, uplift,

and lateral forces and frost protection in compliance with the applicable building code.[-]

(b) All appendages, including carports, garages, storage buildings, additions, or alterations shall be built in compliance with the applicable building code.

(2) A manufactured home may not be excluded from any land use zone or area in which a single-family residence would be permitted, provided the manufactured home complies with all local land use ordinances, building codes, and any restrictive covenants, applicable to a single family residence within that zone or area.

(3) A municipality may not:

(a) adopt or enforce an ordinance or regulation that treats a proposed development that includes manufactured homes differently than one that does not include manufactured homes; or

(b) reject a development plan based on the fact that the development is expected to contain manufactured homes.

Section 72. Section **10-15-2** is amended to read:

**10-15-2 . Legislative findings and purposes.**

(1) The Legislature hereby finds and declares that in certain areas in municipalities within the state, and particularly in retail shopping areas thereof, there is need to separate pedestrian travel from vehicular travel and that such separation is necessary to protect the public safety or otherwise to serve the public interest and convenience.[-]

(2) The Legislature further finds and declares that such objectives can, in part, be accomplished by the establishment of pedestrian malls pursuant to this [aet] chapter.

Section 73. Section **10-15-3** is amended to read:

**10-15-3 . Definitions.**

As used in this chapter:

(1)(a)(i) "Intersection street" means any street which meets or crosses a pedestrian mall at a mall intersection but includes only those portions thereof on either side of the mall intersection which lie between the mall intersection and the first intersection of the intersecting street with a public street or highway open to vehicular traffic.[-]

(ii) If any portion of a pedestrian mall terminates on a street at a place thereon other than at a place of intersection with a public street or highway open to vehicular traffic, such intersecting street shall also include that portion of any street which lies between such place of termination and the first intersection of such street with

- 878 the public street or highway open to vehicular traffic.
- 879 (b) "Intersecting street" also includes any other street or portion of a street which the
- 880 legislative body declares to be such by resolution.
- 881 (2) "Legislative body" means the legislative body of the municipality.
- 882 (3) "Mall intersection" means any intersection of a street constituting a part of a pedestrian
- 883 mall with any street which intersection is itself part of a pedestrian mall.
- 884 (4) "Municipality" includes every city or town within this state.
- 885 (5) "Pedestrian mall" means one or more streets or portions thereof, on which vehicular
- 886 traffic is, or is to be, restricted in whole or in part and which is, or is to be, used
- 887 exclusively or primarily for pedestrian travel.
- 888 (6) "Street" means any public road, street, highway, alley, lane, court, way, or place of any
- 889 nature open to the use of the public, excluding state highways.

890 Section 74. Section **10-15-4** is amended to read:

891 **10-15-4 . Powers of legislative body of municipality.**

892 The legislative body of the municipalities of this state shall have the power:

- 893 (1) to establish pedestrian malls;
- 894 (2) to prohibit, in whole or in part, vehicular traffic on a pedestrian mall;
- 895 (3) to pay from the general funds of the municipality, or from other available money, or
- 896 from the proceeds of assessments levied on land benefited by the establishment of a
- 897 pedestrian mall, the damages, if any, allowed or awarded to any property owner by
- 898 reason of the establishment of the pedestrian mall;
- 899 (4) to acquire, construct, and maintain on the municipality's streets which are established as
- 900 a pedestrian mall, improvements of any kind or nature necessary or convenient to the
- 901 operation of such streets as a pedestrian mall, including paving, sidewalks, curbs,
- 902 gutters, sewers, drainage works, lighting facilities, fire protection facilities, flood
- 903 protection facilities, water distribution facilities, vehicular parking areas, retaining walls,
- 904 landscaping, tree planting, statuary, fountains, decorative structures, benches, rest
- 905 rooms, child care facilities, display facilities, information booths, public assembly
- 906 facilities, and other structures, works or improvements necessary or convenient to serve
- 907 members of the public using such pedestrian malls, including the reconstruction or
- 908 relocation of existing municipally owned works, improvements, or facilities on such
- 909 municipal streets; which foregoing changes or any portions thereof, are referred to in
- 910 this [aet] chapter as "improvements";
- 911 (5) to pay from the general funds of the municipality or other available money, or from the

proceeds of assessments levied on property benefited by any such improvements, or from the proceeds of special improvement warrants or bonds, the whole or any portion of the costs of acquisition, construction, and maintenance of such improvements in accordance with the provisions of Title 11, Chapter 42, Assessment Area Act, relating to special improvement assessments; and

- (6) to do any and all other acts or things necessary or convenient for the accomplishment of the purposes of this chapter.

Section 75. Section **10-15-5** is amended to read:

**10-15-5 . Powers of acquisition and improvement.**

- (1) The legislative body of the municipalities shall also have the power to acquire by gift, purchase, eminent domain, or otherwise, land, real property or rights of way which shall become part of the municipal street established as a pedestrian mall, or which shall otherwise be used by the municipality as a part of, or for purposes connected with, a pedestrian mall, and such lands, real property or rights of way may be improved in the same manner as municipal streets may be improved.[-]
- (2) The legislative body shall also have the power to make such improvements on mall intersections and intersecting streets or upon facilities acquired for parking and other related purposes where such improvements are necessary or convenient to the operation of the mall.[-]
- (3) The acquisitions and improvements authorized by this section shall be deemed "improvements."

Section 76. Section **10-15-6** is amended to read:

**10-15-6 . Public hearing -- Finance requirements.**

- (1) The designation of any street as a "mall" shall be by ordinance passed and published after full investigation and ample public hearing into the necessity and advisability of the creation of a mall.[-]
- (2) The ordinance shall designate the manner in which the project is to be financed, and, if financed by levy of special taxes or special improvement warrants or bonds, shall be in accordance with the provisions of Title 11, Chapter 42, Assessment Area Act.

Section 77. **Repealer.**

This bill repeals:

Section **10-1-101, Short title.**

Section **10-1-102, Effective date.**

Section **10-1-110, Continuation of prior law.**

946           Section **10-1-112, Headings do not limit sections.**  
947           Section **10-1-114, Repealer.**  
948           Section **10-1-115, Legislation enacted by Legislature.**  
949           Section **10-15-1, Short title.**  
950           Section 78. **Effective Date.**  
951           This bill takes effect on May 7, 2025.