

1 **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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3 **LONG TITLE**

4 **General Description:**

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

6 **Highlighted Provisions:**

7 This bill:

8 ▶ replaces the term "this act" in Title 10, Utah Municipal Code, with a citation to the  
9 relevant title, chapter, or legislation;

10 ▶ replaces certain effective date language with the effective date of the referenced  
11 legislation;

12 ▶ establishes subsection structuring within code sections without structure;

13 ▶ repeals obsolete language; and

14 ▶ makes technical and conforming changes.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 **AMENDS:**

21 **10-1-103**, as enacted by Laws of Utah 1977, Chapter 48

22 **10-1-105**, as last amended by Laws of Utah 2010, Chapter 378

23 **10-1-106**, as enacted by Laws of Utah 1977, Chapter 48

24 **10-1-107**, as enacted by Laws of Utah 1977, Chapter 48

25 **10-1-108**, as last amended by Laws of Utah 2010, Chapter 378

26 **10-1-109**, as last amended by Laws of Utah 2010, Chapter 378

27 **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  
96        **10-15-6**, as last amended by Laws of Utah 2008, Chapter 360  
97        REPEALS:  
98        **10-1-101**, as enacted by Laws of Utah 1977, Chapter 48

99        **10-1-102**, as enacted by Laws of Utah 1977, Chapter 48  
 100        **10-1-110**, as last amended by Laws of Utah 1993, Chapter 4  
 101        **10-1-112**, as last amended by Laws of Utah 2010, Chapter 378  
 102        **10-1-114**, as last amended by Laws of Utah 2016, Chapter 348  
 103        **10-1-115**, as enacted by Laws of Utah 1977, Chapter 48  
 104        **10-15-1**, as enacted by Laws of Utah 1966, Second Special Session, Chapters 2, 2

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

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

108        **10-1-103 . Construction.**

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

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

113        **10-1-105 . No changes intended.**

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

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

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

122        **10-1-106 . Scope of title.**

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

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

127        **10-1-107 . Municipalities.**

128        All municipalities which have been incorporated under any previous act of the United  
 129    States or of the State of Utah shall be treated as properly incorporated under [this-aet] Laws of  
 130    Utah 1977, Chapter 48.

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

132        **10-1-108 . Cumulative powers -- Powers not in derogation of state agencies.**

133 (1) The provisions of this [~~act or any other act not expressly repealed by Section~~  
 134 ~~10-1-114~~] title or any other act not expressly repealed by Laws of Utah 1977, Chapter 48,  
 135 Section 1, shall be considered as an alternative or additional power and not as a  
 136 limitation on any other power granted to or possessed by municipalities.[-]

137 (2) The provisions of this [~~act~~] title may not be considered as impairing, altering, modifying  
 138 or repealing any of the jurisdiction or powers possessed by any department, division,  
 139 commission, board, or office of state government.

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

141 **10-1-109 . Saving clause.**

142 (1) The repeal of the titles, chapters, and sections specified in [~~Section 10-1-114~~] Laws  
 143 of Utah 1977, Chapter 48, Section 1, do not:

144 [(1)] (a) affect suits pending or rights existing immediately [~~prior to the effective date of~~  
 145 ~~this act~~] before July 1, 1977;

146 [(2)] (b) impair, avoid, or affect any grant or conveyance made or right acquired or cause  
 147 of action now existing under any repealed act or amendment thereto; or

148 [(3)] (c) affect or impair the validity of any bonds or other obligation issued or sold prior  
 149 to [~~the effective date of this act.~~] July 1, 1977.

150 (2) The repeal of any validating act or part thereof does not avoid the effect of the  
 151 validation.[-]

152 (3) No act repealed by [~~Section 10-1-114~~] Laws of Utah 1977, Chapter 48, Section 1, shall  
 153 repeal any act or part thereof which embraces the same or similar subject matter as the  
 154 act repealed.

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

156 **10-1-111 . Existing indebtedness.**

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

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

163 **10-1-113 . Severability clause.**

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

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

167           **10-2-603 . Plan of consolidation.**

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

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

179           **10-2-605 . Effect of plan of consolidation.**

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

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

195           **10-2-606 . Public hearings.**

- 196    (1) The governing body of each municipality in its plan for consolidation shall set a  
 197           time and place for a public hearing or public hearings which shall be held at least 10  
 198           days after the plan of consolidation and the dates of the public hearing have been  
 199           submitted to the county legislative bodies.[-]
- 200    (2) The public hearing may be held jointly or separately by the governing bodies of each

201 municipality to be consolidated.[-]

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

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

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

206 **10-2-612 . New municipality -- Ownership of property -- Indebtedness of original**  
207 **municipalities.**

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

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

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

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

220 **10-2-613 . Governing body until next election.**

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

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

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

228 **10-2-614 . Ordinances, resolutions, and orders.**

229 (1) All ordinances, resolutions and orders, in force in any of the municipalities when it  
230 is consolidated, shall remain in full force and effect within the respective areas of the  
231 municipalities which existed prior to consolidation insofar as the ordinances, resolutions  
232 and orders are not repugnant to law, until repealed or amended, but may not in any case  
233 exceed three years.[-]

234 (2) The governing body of the new municipality shall as soon as possible adopt new

235 ordinances, resolutions and orders for the uniform governance of the new municipality.

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

237 **10-2-705 . Judgment -- Determination of claims.**

238 (1) The vote shall be taken and canvassed in the same manner as in other municipal  
239 elections, and return thereof made to the district court.[-]

240 (2) If the district court finds that a majority of the votes cast favored dissolution, a judgment  
241 shall be entered approving the dissolution of the municipality and, upon dissolution, the  
242 corporate powers of such municipality shall cease, and the court shall cause notice to be  
243 given in a manner to be prescribed by it, requiring all claims against the municipality to  
244 be filed in the court within a time fixed in the notice, not exceeding six months, and all  
245 claims not so filed shall be forever barred.[-]

246 (3) At the expiration of the time so fixed the court shall adjudicate claims so filed, which  
247 shall be treated as denied, and any citizen of the municipality at the time the vote was  
248 taken may appear and defend against any claim so filed, or the court may in its  
249 discretion appoint some person for that purpose.

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

251 **10-2-706 . Taxes to meet municipal obligations.**

252 (1) The court shall have power to wind down the affairs of the municipality, to dispose  
253 of its property as provided by law, and to make provisions for the payment of all  
254 indebtedness thereof and for the performance of its contracts and obligations, and shall  
255 order such taxes levied from time to time as may be requisite therefore, which the  
256 county legislative body shall levy against the property within the municipality.[-]

257 (2) The taxes shall be collected by the county treasurer in the manner for collecting other  
258 property taxes and shall be paid out under the orders of the court, and the surplus, if any,  
259 shall be paid into the school fund for the district in which the taxes were levied.[-]

260 (3) All municipal property remaining after the winding down of the affairs of the  
261 municipality, shall be transferred to the board of education of such school district, which  
262 board hereby is empowered to enforce all claims for the same and to have the use of all  
263 property so vesting.

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

265 **10-2-707 . Disposition of records.**

266 (1) The books, documents, records, papers, and seal of any dissolved municipality  
267 shall be deposited with the county clerk for safekeeping and reference.[-]

268 (2) All court records of justice court judges shall be deposited with a justice court judge of



269 the county to be designated by the court, and other records with the district court.[-]

270 (3) The courts respectively have authority to execute and complete all unfinished business  
271 standing on the same.

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

273 **10-3-603 . Public records.**

274 (1) The governing body of each municipality shall keep a journal of its proceedings.[-]

275 (2) The books, records, accounts and documents of each municipality shall be kept at the  
276 office of the recorder and approved copies shall be open and available to the public  
277 during regular business hours for examination and copying.[-]

278 (3) The governing body may by resolution establish reasonable charges for providing  
279 copies of its public records to individuals, except when by law the municipality must  
280 provide the records without cost to the public.

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

282 **10-3-604 . Annual examination of municipal finances -- Publication of results.**

283 (1) At the end of each fiscal year, the governing body of each city of the first and  
284 second class shall cause a full and complete examination of all books and accounts of  
285 the city to be made by certified public accountants, and shall publish the results of the  
286 examination and a detailed and itemized statement of all receipts and disbursements of  
287 the city in a summary of their proceedings and expenses during the fiscal year.[-]

288 (2) The city shall then provide printed copies to the newspapers of the city and to the city  
289 recorder who shall provide one copy of it to any person on request.

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

291 **10-3-608 . Rules of conduct for the public.**

292 (1) The governing body on a two-thirds vote may expel any person who is disorderly  
293 during the meeting of the governing body.[-]

294 (2) This section or any action taken by the governing body pursuant hereto does not  
295 preclude prosecution under any other provision of law.

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

297 **10-3-610 . Requiring attendance of witnesses, production of evidence.**

298 (1) The governing body of each municipality may require the attendance of any person  
299 to give testimony or produce records, documents or things for inspection, copying or  
300 examination necessary or useful for the governance of the municipality.[-]

301 (2) The governing body may by ordinance establish its own procedures for issuing  
302 subpoenas to require attendance and production under this section or it may issue

303 subpoenas in its own name in the same manner as is provided in the Utah Rules of Civil  
304 Procedure.

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

306 **10-3-702 . Extent of power exercised by ordinance.**

307 (1) The governing body may pass any ordinance to regulate, require, prohibit, govern,  
308 control or supervise any activity, business, conduct or condition authorized by this [aet]  
309 title or any other provision of law.[-]

310 (2) An officer of the municipality may not be convicted of a criminal offense where he  
311 relied on or enforced an ordinance he reasonably believed to be a valid ordinance.[-]

312 (3) It shall be a defense to any action for punitive damages that the official acted in good  
313 faith in enforcing an ordinance or that he enforced an ordinance on advice of legal  
314 counsel.

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

316 **10-3-705 . Requirements as to form -- Effective date.**

317 (1) Ordinances passed or enacted by the governing body shall be signed by the mayor,  
318 or if he is absent, by the mayor pro tempore, or by a quorum of the governing body, and  
319 shall be recorded before taking effect.[-]

320 (2) No ordinance shall be void or unlawful by reason of its failure to conform to the  
321 provisions of Subsection 10-3-704(1), (2), (3) or (4).[-]

322 (3) Ordinances which do not have an effective date shall become effective 20 days after  
323 publication or posting, or 30 days after final passage by the governing body, whichever  
324 is sooner.

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

326 **10-3-706 . Revision of ordinances.**

327 (1) The governing body by resolution may authorize and direct the mayor to appoint,  
328 with the advice and consent of the governing body, one or more persons to prepare and  
329 submit to the governing body a compilation, revision or codification of municipal  
330 ordinances.[-]

331 (2) The compensation for the service shall be fixed by resolution of the governing body and  
332 paid out of the municipal treasury.

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

334 **10-3-709 . Repeal of conflicting provisions -- Title.**

335 (1) Such revision shall be by one ordinance embracing all ordinances of a general and  
336 permanent character preserved as changed or added to and perfected by the revision,

337 codification and compilation and shall be a repeal of all ordinances in conflict with the  
 338 revision, codification and compilation, but all ordinances then enforced shall continue in  
 339 force after the revision, codification and compilation for the purpose of all rights  
 340 acquired, fines, penalties and forfeitures and liabilities incurred and actions therefor.[-]

341 (2) The only title necessary for such ordinance shall be "an ordinance revising, codifying  
 342 and compiling the general ordinances of the city or town of \_\_\_\_ (inserting the name of  
 343 the municipality)."

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

345 **10-3-710 . Publication in book, pamphlet or looseleaf form -- State statutes.**

346 (1) Ordinances revised, codified, compiled and published in book, pamphlet or  
 347 looseleaf form by authority of the governing body need not be printed or published in  
 348 any other manner, except that the ordinance adopting the revision, codification or  
 349 compilation shall be published or posted in the manner provided by law. Provisions of  
 350 state law may be adopted by reference.[-]

351 (2) Any changes necessary to conform those state laws with municipal ordinance shall be  
 352 noted.

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

354 **10-3-713 . Recording, numbering, and certification of passage.**

355 (1) The municipal recorder shall record, in a book used exclusively for that purpose, all  
 356 ordinances passed by the governing body.[-]

357 (2) The recorder shall give each ordinance a number, if the governing body has not already  
 358 so done.[-]

359 (3) Immediately following each ordinance, or codification of ordinances, the recorder shall  
 360 make or cause to be made a certificate stating the date of passage and of the date of  
 361 publication or posting, as required.[-]

362 (4) The record and memorandum, or a certified copy thereof, shall be prima facie evidence  
 363 of the contents, passage, and publication or posting of the ordinance or codification.

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

365 **10-3-716 . Fines and forfeitures -- Disposition.**

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

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

369 (3) The retention or use of any fine, penalty, or forfeiture by any person for personal use or  
 370 benefit constitutes a class B misdemeanor, except that if the amount or amounts exceed

371 \$1,000 the offense is a class A misdemeanor as defined in the Utah Criminal Code.

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

373 **10-3-828 . Oath -- Filing.**

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

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

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

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

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

381 **10-3-903 . City engineer -- Custodian of records of public improvements.**

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

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

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

388 **10-3-904 . Books and supplies -- Recording -- Filing -- Inspection.**

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

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

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

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

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

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

401 **10-3-917 . Engineer in a city of the third, fourth, or fifth class or town.**

402 (1) The governing body of a city of the third, fourth, or fifth class or a town may by  
403 ordinance establish the office of municipal engineer and prescribe the duties and  
404 obligations for that office which are consistent with the duties and obligations of the city

405 engineer in cities of the first and second class.[-]

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

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

411 **10-3-1004 . Qualifications of commissioners -- Salary -- Removal.**

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

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

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

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

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

423 **10-3-1005 . Organization of commission -- Secretary -- Offices.**

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

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

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

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

433 **10-3-1006 . Rules and regulations -- Printing and distribution.**

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

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

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

439 **10-3-1007 . Examinations.**

- 440 (1) All applicants for employment in the classified civil service shall be subject to  
441 examination, which shall be public, competitive and free.[-]
- 442 (2) Examinations shall be held at such times and places as the civil service commission  
443 shall from time to time determine, and shall be for the purpose of determining the  
444 qualifications of applicants for positions.[-]
- 445 (3) Examinations shall be practical and shall fairly test the fitness in every respect of the  
446 persons examined to discharge the duties of the positions to which they seek to be  
447 appointed, and shall include tests of physical qualifications and health.

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

449 **10-3-1008 . Appointments from civil service list -- Probation period.**

- 450 (1) In all cases the appointing power shall notify the civil service commission of each  
451 separate position to be filled, and shall fill such place by the appointment of one of the  
452 persons certified by the commission therefor.[-]
- 453 (2) Such appointment shall be on probation, and of a character and for a period to be  
454 prescribed by the civil service commission.

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

456 **10-3-1010 . Promotions -- Basis -- Certification of applicants.**

- 457 (1) The civil service commission shall provide for promotion in the classified civil  
458 service on the basis of ascertained merit, seniority in service and standing obtained by  
459 competitive examination, and shall provide, in all cases where practicable, that  
460 vacancies shall be filled by promotion from the members of the next lower rank as  
461 submit themselves for the examination and promotion.[-]
- 462 (2) The civil service commission shall certify to the appointing power the names of not  
463 more than five applicants having the highest rating for each promotion.

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

465 **10-3-1012.5 . Appeal to Court of Appeals -- Scope of review.**

- 466 (1) Any final action or order of the commission may be appealed to the Court of  
467 Appeals for review.[-]
- 468 (2) The notice of appeal shall be filed within 30 days of the issuance of the final action or  
469 order of the commission.[-]
- 470 (3) The review by Court of Appeals shall be on the record of the commission and shall be  
471 for the purpose of determining if the commission has abused its discretion or exceeded  
472 its authority.

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

474 **10-3-1104 . Library personnel -- Monthly wage deductions and matching sums --**

475 **Time of inclusion.**

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

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

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

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

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

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

500 **10-3-1107 . Cost of living adjustment -- Price index used.**

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

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

507 pension occurred.

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

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

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

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

516 **10-5-127 . Signing of checks -- Determination of sufficiency of account.**

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

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

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

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

524 **10-5-128 . Deposit of town funds -- Commingling with personal funds prohibited**  
525 **-- Suspension from office for unauthorized use or profit from town funds.**

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

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

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

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

533 **10-6-102 . Legislative intent -- Purpose of chapter.**

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

536 (2) It is the purpose of this chapter to enable cities to make financial plans for both current  
537 and capital expenditures, to insure that their executive staffs administer their respective  
538 functions in accordance with adopted budgets, to provide the public and investors with  
539 information about the financial policies and administration of cities, to provide for the  
540 optional use of performance budgeting and related accounting and reporting procedures,



541 and to enable larger cities to evaluate and measure operating performance and provide  
542 data comparable with other cities.

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

544 **10-6-107 . Uniform accounting system.**

545 (1) The accounting records of cities shall be established and maintained, and financial  
546 statements prepared from those records in conformance with generally accepted  
547 accounting principles promulgated from time to time by authoritative bodies in the  
548 United States.[-]

549 (2) The state auditor shall prescribe in the Uniform Accounting Manual for Utah Cities a  
550 uniform system of accounting that conforms to generally accepted accounting principles.[-]

551 (3) The state auditor shall maintain the manual so that it reflects current generally accepted  
552 accounting principles.

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

554 **10-6-114 . Budget -- Public hearing on tentatively adopted budget.**

555 (1) At the time and place advertised, or at any time and place to which the public  
556 hearing may be adjourned, the governing body shall hold a public hearing on the  
557 budgets tentatively adopted.[-]

558 (2) All interested persons in attendance shall be given an opportunity to be heard, for or  
559 against, the estimates of revenue and expenditures or any item thereof in the tentative  
560 budget of any fund.

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

562 **10-6-115 . Budget -- Continuing authority of governing body.**

563 (1) After the conclusion of the public hearing, the governing body may continue to  
564 review any tentative budget and may insert such new items or may increase or decrease  
565 items of expenditure that were the proper subject of consideration at the public hearing,  
566 except there shall be no decrease in the amount appropriated for debt retirement and  
567 interest or reduction of any existing deficits, as provided by Section 10-6-117.[-]

568 (2) It shall also increase or decrease the total anticipated revenue to equal the net change in  
569 proposed expenditures in the budget of each fund.

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

571 **10-6-119 . Budgets in effect for budget period -- Amendment -- Filing for public  
572 inspection.**

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

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

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

578 **10-6-123 . Expenditures or encumbrances in excess of appropriations prohibited**

579 **-- Processing claims.**

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

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

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

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

588 **10-6-126 . Reduction of total budget appropriation of department by resolution --**

589 **Notice to governing body.**

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

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

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

598 **10-6-128 . Amendment and increase of individual fund budgets.**

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

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

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

607 **10-6-136 . Increase in appropriations for operating and capital budget funds --**

608 **Notice.**

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

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

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

617 **10-6-143 . City treasurer or deputy -- Duties with respect to issuance of checks.**

618 (1) The treasurer, or in his absence a deputy treasurer appointed by the governing  
 619 body, shall sign all checks prepared by the auditor or recorder.[-]

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

623 (3) The governing body may also designate a person, other than the city auditor or the city  
 624 recorder, to countersign checks.

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

626 **10-6-144 . City treasurer -- Warrants -- Order of payment.**

627 (1) In the absence of appropriate money, as set forth in Section 10-6-140, the treasurer  
 628 shall pay all warrants in the order in which presented and as money becomes available  
 629 for payment thereof in the appropriate funds of the city.[-]

630 (2) The treasurer shall note upon the back of each warrant presented the date of presentation  
 631 and the date of payment.

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

633 **10-6-145 . City treasurer -- Special assessments -- Application of proceeds.**

634 (1) All money received by the treasurer on any special assessment shall be applied to  
 635 the payment of the improvement for which the assessment was made.[-]

636 (2) The money shall be used for the payment of interest and principal on bonds or other  
 637 indebtedness issued in settlement thereof, and shall be used for no other purpose  
 638 whatever, except as otherwise provided in Section 10-6-131.

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

640 **10-6-146 . City treasurer -- Deposit of city funds -- Commingling with personal**  
 641 **funds unlawful -- Suspension from office.**

642 (1) The treasurer shall promptly deposit all city funds in the appropriate bank accounts

643 of the city.[-]

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

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

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

649 **10-7-8 . Resolution on bond issue -- Election as provided by Local Government**  
650 **Bonding Act.**

651 (1) When the board of commissioners, city council or the town board of trustees of any  
652 city or town shall have decided that incurring such bonded indebtedness is advisable, it  
653 shall by resolution specify the purpose for which the indebtedness is to be created and  
654 the amount of bonds which it is proposed to issue, and shall provide for submitting the  
655 question of the issue of such bonds to the qualified electors of the city or town at the  
656 next general election, or at a special election to be called for that purpose by the board of  
657 commissioners, city council or board of trustees in such manner and subject to such  
658 conditions as is provided in Title 11, Chapter 14, Local Government Bonding Act.[-]

659 (2) This section does not require an election for the issuance of refunding bonds or other  
660 bonds not required by the Constitution to be voted at an election.

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

662 **10-7-9 . Sale of bonds -- Amount -- Tax levy to pay interest -- Utility rates --**  
663 **Sinking fund -- Serial or term bonds.**

664 (1) The board of commissioners, city council or board of trustees as the case may be  
665 shall provide by ordinance for the issuance and disposal of such bonds; provided, that no  
666 such bonds shall be sold for less than their face value.[-]

667 (2) The board of commissioners, city council or board of trustees shall annually levy on all  
668 taxable property within the boundaries of the issuer a sufficient tax to pay the interest on  
669 such indebtedness as it falls due, and also to constitute a sinking fund for the payment of  
670 the principal thereof within the time for which such bonds are issued which levy shall be  
671 made without regard to any statutory limitation on the taxing power of such issuer which  
672 may now exist or, unless an express contrary provision appears in the statute, which may  
673 hereafter be enacted by the legislature; provided, that whenever bonds shall have been  
674 issued for the purpose of supplying any city or town with artificial light, water or other  
675 public utility the rates or charges for the service of the system or plant so constructed  
676 may be made sufficient to meet such payments, in addition to operating and maintenance

677 expenses, and taxes shall be levied to meet any deficiencies.[-]

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

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

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

682 **10-7-14.1 . Declaration of public policy.**

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

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

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

697 **10-7-26 . Streets and alleys used by railway companies.**

698 (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  
699 10-7-33, the terms "railway company" or "street railway company" means any company  
700 which owns or operates railway tracks on, along or across a street or alley in any city or  
701 town.

702 (2)(a) Nothing contained in this section or in the sections referred to in Subsection (1)  
703 shall be construed to exempt any railway company from keeping every portion of  
704 every street and alley used by it and upon or across which tracks shall be constructed  
705 at or near the grade of such streets in good and safe condition for public travel, but it  
706 shall keep the same planked, paved, macadamized or otherwise in such condition for  
707 public travel as the governing body of the city or town may from time to time direct,  
708 keeping the plank, pavement or other surface of the street or alley level with the top  
709 of the rails of the track.[-]

710 (b) The portions of the streets or alleys to be so kept and maintained by all such railway

711 companies shall include all the space between their different rails and tracks and also  
712 a space outside of the outer rail of each outside track of at least two feet in width, and  
713 the tracks herein referred to shall include not only the main tracks but also all  
714 sidetracks, crossings and turnouts constructed for the use of such railways.

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

716 **10-7-27 . Street railway companies to restore streets.**

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

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

734 **10-7-29 . Railway companies to repave streets.**

- 735 (1) All railway companies shall be required to pave or repave at their own cost all the  
736 space between their different rails and tracks and also a space two feet wide outside of  
737 the outer rails of the outside tracks in any city or town, including all sidetracks,  
738 crossings and turnouts used by such companies.[-]
- 739 (2) Where two or more companies occupy the same street or alley with separate tracks each  
740 company shall be responsible for its proportion of the surface of the street or alley  
741 occupied by all the parallel tracks as herein required.[-]
- 742 (3) Such paving or repaving by such railway companies shall be done at the same time and  
743 shall be of the same material and character as the paving or repaving of the streets or  
744 alleys upon which the track or tracks are located, unless other material is specially

745 ordered by the municipality.[-]

746 (4) Such railway companies shall be required to keep that portion of the street which they  
747 are herein required to pave or repave in good and proper repair, using for that purpose  
748 the same material as the street upon which the track or tracks are laid at the point of  
749 repair or such other material as the governing body of the city may require and order;  
750 and as streets are hereafter paved or repaved street railway companies shall be required  
751 to lay in the best approved manner a rail to be approved by the governing body of the  
752 city.[-]

753 (5) The tracks of all railway companies when located upon the streets or avenues of a city  
754 or town shall be kept in repair and safe in all respects for the use of the traveling public,  
755 and such companies shall be liable for all damages resulting by reason of neglect to keep  
756 such tracks in repair, or for obstructing the streets.[-]

757 (6) For injuries to persons or property arising from the failure of any such company to keep  
758 its tracks in proper repair and free from obstructions such company shall be liable and  
759 the city or town shall be exempt from liability.[-]

760 (7) The word "railway companies" as used in this section shall be taken to mean and  
761 include any persons, companies, corporations or associations owning or operating any  
762 street or other railway in any city or town.

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

764 **10-7-33 . Delinquent taxes -- Installment payments -- Election and waiver.**

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

770 (2) Such application shall be made at or before the final levy of such taxes.

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

772 **10-7-65 . Party plaintiff -- Successive actions permitted.**

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

776 (2) No prosecution, recovery, or acquittal for the violation of any such ordinance shall  
777 constitute a defense to any other prosecution of the same person for any other violation  
778 of any such ordinance although the different causes of action existed at the same time

779 and if united would not have exceeded the jurisdiction of a justice court judge.

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

781 **10-7-67 . Pleading -- Reference to ordinance -- Judgment enforced by**  
782 **imprisonment.**

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

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

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

791 **10-7-72 . Appearance by agent of corporation -- Bench warrant for default.**

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

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

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

798 **10-7-80 . Development committee -- Appointment of members -- Terms,**  
799 **compensation and expenses, vacancies and removal of members.**

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

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

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

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

808 (5) The members of the committee shall serve as such without compensation, except that  
809 the board of city commissioners or council may provide for reimbursement of the  
810 members of the committee for actual expenses incurred, upon presentation of proper  
811 receipts and vouchers.[-]

812 (6) The board of city commissioners or council shall provide for the filling of vacancies in



813 the membership of the committee and for the removal of a member for nonperformance  
814 of duty or misconduct.

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

816 **10-7-84 . Expenditure of city funds authorized.**

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

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

820 **10-8-92 . Joint board -- Membership -- Powers.**

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

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

827 **10-8-93 . Control of funds and disbursements -- Auditing of accounts by county**  
828 **auditor -- Transfer of county tax funds to board to cover deficiencies.**

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

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

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

840 **10-9a-514 . Manufactured homes.**

841 (1)(a) For purposes of this section, a manufactured home is the same as defined in  
842 Section 15A-1-302, except that the manufactured home shall be attached to a  
843 permanent foundation in accordance with plans providing for vertical loads, uplift,  
844 and lateral forces and frost protection in compliance with the applicable building  
845 code.[-]

846 (b) All appendages, including carports, garages, storage buildings, additions, or

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

852 (3) A municipality may not:

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

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

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

859 **10-15-2 . Legislative findings and purposes.**

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

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

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

867 **10-15-3 . Definitions.**

868 As used in this chapter:

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

874 (ii) If any portion of a pedestrian mall terminates on a street at a place thereon other  
 875 than at a place of intersection with a public street or highway open to vehicular  
 876 traffic, such intersecting street shall also include that portion of any street which  
 877 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  
912 proceeds of assessments levied on property benefited by any such improvements, or  
913 from the proceeds of special improvement warrants or bonds, the whole or any portion  
914 of the costs of acquisition, construction, and maintenance of such improvements in

915 accordance with the provisions of Title 11, Chapter 42, Assessment Area Act, relating to  
916 special improvement assessments; and

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

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

920 **10-15-5 . Powers of acquisition and improvement.**

921 (1) The legislative body of the municipalities shall also have the power to acquire by  
922 gift, purchase, eminent domain, or otherwise, land, real property or rights of way which  
923 shall become part of the municipal street established as a pedestrian mall, or which shall  
924 otherwise be used by the municipality as a part of, or for purposes connected with, a  
925 pedestrian mall, and such lands, real property or rights of way may be improved in the  
926 same manner as municipal streets may be improved.[-]

927 (2) The legislative body shall also have the power to make such improvements on mall  
928 intersections and intersecting streets or upon facilities acquired for parking and other  
929 related purposes where such improvements are necessary or convenient to the operation  
930 of the mall.[-]

931 (3) The acquisitions and improvements authorized by this section shall be deemed  
932 "improvements."

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

934 **10-15-6 . Public hearing -- Finance requirements.**

935 (1) The designation of any street as a "mall" shall be by ordinance passed and  
936 published after full investigation and ample public hearing into the necessity and  
937 advisability of the creation of a mall.[-]

938 (2) The ordinance shall designate the manner in which the project is to be financed, and, if  
939 financed by levy of special taxes or special improvement warrants or bonds, shall be in  
940 accordance with the provisions of Title 11, Chapter 42, Assessment Area Act.

941 Section 77. **Repealer.**

942 This bill repeals:

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

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

945 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.