

Part 1

General Provisions

10-3b-101 Title.

This chapter is known as "Forms of Municipal Government."

Enacted by Chapter 19, 2008 General Session

10-3b-102 Definitions.

As used in this chapter:

- (1) "Council-mayor form of government" means the form of municipal government that:
 - (a)
 - (i) is provided for in Laws of Utah 1977, Chapter 48;
 - (ii) may not be adopted without voter approval; and
 - (iii) consists of two separate, independent, and equal branches of municipal government; and
 - (b) on and after May 5, 2008, is described in Part 2, Council-Mayor Form of Municipal Government.
- (2) "Five-member council form of government" means the form of municipal government described in Part 4, Five-Member Council Form of Municipal Government.
- (3) "Six-member council form of government" means the form of municipal government described in Part 3, Six-Member Council Form of Municipal Government.

Amended by Chapter 438, 2024 General Session

10-3b-103 Forms of municipal government -- Form of government for towns -- Former council-manager form.

- (1) A municipality operating on May 4, 2008, under the council-mayor form of government:
 - (a) shall, on and after May 5, 2008:
 - (i) operate under a council-mayor form of government, as defined in Section 10-3b-102; and
 - (ii) be subject to:
 - (A) this part;
 - (B) Part 2, Council-Mayor Form of Municipal Government;
 - (C) Part 6, Changing to Another Form of Municipal Government; and
 - (D) except as provided in Subsection (1)(b), other applicable provisions of this title; and
 - (b) is not subject to:
 - (i) Part 3, Six-Member Council Form of Municipal Government; or
 - (ii) Part 4, Five-Member Council Form of Municipal Government.
- (2) A municipality operating on May 4, 2008 under a form of government known under the law then in effect as the six-member council form:
 - (a) shall, on and after May 5, 2008, and whether or not the council has adopted an ordinance appointing a manager for the municipality:
 - (i) operate under a six-member council form of government, as defined in Section 10-3b-102;
 - (ii) be subject to:
 - (A) this part;
 - (B) Part 3, Six-Member Council Form of Municipal Government;
 - (C) Part 6, Changing to Another Form of Municipal Government; and
 - (D) except as provided in Subsection (2)(b), other applicable provisions of this title; and

- (b) is not subject to:
 - (i) Part 2, Council-Mayor Form of Municipal Government; or
 - (ii) Part 4, Five-Member Council Form of Municipal Government.
- (3) A municipality operating on May 4, 2008, under a form of government known under the law then in effect as the five-member council form:
 - (a) shall, on and after May 5, 2008:
 - (i) operate under a five-member council form of government, as defined in Section 10-3b-102;
 - (ii) be subject to:
 - (A) this part;
 - (B) Part 4, Five-Member Council Form of Municipal Government;
 - (C) Part 6, Changing to Another Form of Municipal Government; and
 - (D) except as provided in Subsection (3)(b), other applicable provisions of this title; and
 - (b) is not subject to:
 - (i) Part 2, Council-Mayor Form of Municipal Government; or
 - (ii) Part 3, Six-Member Council Form of Municipal Government.
- (4) Subject to Subsection (5), each municipality incorporated on or after May 5, 2008, shall operate under:
 - (a) the council-mayor form of government, with a five-member council;
 - (b) the council-mayor form of government, with a seven-member council;
 - (c) the six-member council form of government; or
 - (d) the five-member council form of government.
- (5) Each town shall operate under a five-member council form of government unless:
 - (a) before May 5, 2008, the town has changed to another form of municipal government; or
 - (b) on or after May 5, 2008, the town changes its form of government as provided in Part 6, Changing to Another Form of Municipal Government.
- (6)
 - (a) As used in this Subsection (6), "council-manager form of government" means the form of municipal government:
 - (i) provided for in Laws of Utah 1977, Chapter 48;
 - (ii) that cannot be adopted without voter approval; and
 - (iii) that provides for, subject to Subsections (7) and (8), an appointed manager with duties and responsibilities established in Laws of Utah 1977, Chapter 48.
 - (b) A municipality operating on May 4, 2008, under the council-manager form of government:
 - (i) shall:
 - (A) continue to operate, on and after May 5, 2008, under the council-manager form of government according to the applicable provisions of Laws of Utah 1977, Chapter 48; and
 - (B) be subject to:
 - (I) this Subsection (6) and other applicable provisions of this part;
 - (II) Part 6, Changing to Another Form of Municipal Government; and
 - (III) except as provided in Subsection (7)(b)(ii), other applicable provisions of this title; and
 - (ii) is not subject to:
 - (A) Part 2, Council-Mayor Form of Municipal Government;
 - (B) Part 3, Six-Member Council Form of Municipal Government; or
 - (C) Part 4, Five-Member Council Form of Municipal Government.
- (7)
 - (a) As used in this Subsection (7), "interim vacancy period" means the period of time that:

- (i) begins on the day on which a municipal general election described in Section 10-3-201 is held to elect a council member; and
 - (ii) ends on the day on which the council member-elect begins the council member's term.
- (b)
- (i) The council may not appoint a manager during an interim vacancy period.
 - (ii) Notwithstanding Subsection (7)(b)(i):
 - (A) the council may appoint an interim manager during an interim vacancy period; and
 - (B) the interim manager's term shall expire once a new manager is appointed by the new administration after the interim vacancy period has ended.
- (c) Subsection (7)(b) does not apply if all the council members who held office on the day of the municipal general election whose term of office was vacant for the election are re-elected to the council for the following term.
- (8) A council that appoints a manager in accordance with this section may not, on or after May 10, 2011, enter into an employment contract that contains an automatic renewal provision with the manager.
- (9) Nothing in this section may be construed to prevent or limit a municipality operating under any form of municipal government from changing to another form of government as provided in Part 6, Changing to Another Form of Municipal Government.

Amended by Chapter 438, 2024 General Session

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

- (1) Except as provided in Subsection (2), the mayor in a municipality operating under a six-member council form of government or a five-member council form of government:
- (a) is the chief executive officer of the municipality to whom all employees of the municipality report;
 - (b) shall:
 - (i) keep the peace and enforce the laws of the municipality;
 - (ii) ensure that all applicable statutes and municipal ordinances and resolutions are faithfully executed and observed;
 - (iii) if the mayor remits a fine or forfeiture under Subsection (1)(c)(ii), report the remittance to the council at the council's next meeting after the remittance;
 - (iv) perform all duties prescribed by statute or municipal ordinance or resolution;
 - (v) report to the council the condition and needs of the municipality; and
 - (vi) report to the council any release granted under Subsection (1)(c)(iv); and
 - (c) may:
 - (i) recommend for council consideration any measure that the mayor considers to be in the best interests of the municipality;
 - (ii) remit fines and forfeitures;
 - (iii) if necessary, call on residents of the municipality over the age of 21 years to assist in enforcing the laws of the state and ordinances of the municipality;
 - (iv) release a person imprisoned for a violation of a municipal ordinance;
 - (v) with the council's advice and consent:
 - (A) assign or appoint a member of the council to administer one or more departments of the municipality; and
 - (B) appoint a person to fill:
 - (I) a municipal office; or

- (II) a vacancy on a commission or committee of the municipality; and
- (vi) at any reasonable time, examine and inspect the official books, papers, records, or documents of:
 - (A) the municipality; or
 - (B) any officer, employee, or agency of the municipality.
- (2) The powers and duties in Subsection (1) are subject to:
 - (a) municipal ordinances in effect on May 4, 2008 modifying the powers and duties of the mayor; and
 - (b) the council's authority to limit or expand the mayor's powers and duties under:
 - (i) Subsection 10-3b-303(2)(a), for a municipality operating under the six-member council form of government; and
 - (ii) Subsection 10-3b-403(2)(a), for a municipality operating under the five-member council form of government.

Enacted by Chapter 19, 2008 General Session

10-3b-105 Municipal council in six-member council and five-member council forms of government.

In a municipality operating under a six-member council form of government or a five-member council form of government, the council:

- (1) is the legislative body of the municipality and exercises the legislative powers and performs the legislative duties and functions of the municipality; and
- (2) may:
 - (a) adopt rules and regulations, not inconsistent with statute, for the efficient administration, organization, operation, conduct, and business of the municipality;
 - (b) prescribe by resolution additional duties, powers, and responsibilities for any elected or appointed municipal official, unless prohibited by statute;
 - (c) require by ordinance that any or all appointed officers reside in the municipality;
 - (d) create any office that the council considers necessary for the government of the municipality;
 - (e) provide for filling a vacancy in an elective or appointive office;
 - (f) take any action allowed under Section 10-8-84; and
 - (g) perform any function specifically provided for by statute or necessarily implied by law.

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