

Chapter 7
Miscellaneous Powers of Cities and Towns

Part 2
Local Boards of Health

10-7-3 Participation in and cooperation with local health department -- Adoption of ordinances.

Each municipality shall participate in and cooperate with the local health department operating in the county in which the municipality is located. The municipality shall cooperate with the board of health of the local health department in the adoption of ordinances necessary for the protection of public health.

Amended by Chapter 249, 2002 General Session

Part 3
Water, Lighting, and Sewers

10-7-4 Water supply -- Acquisition -- Condemnation -- Protest -- Special election -- Determination of just compensation.

- (1) The board of commissioners, city council or board of trustees of any city or town may acquire, purchase or lease all or any part of any water, waterworks system, water supply or property connected therewith, and whenever the governing body of a city or town shall deem it necessary for the public good such city or town may bring condemnation proceedings to acquire the same; provided, that if within 30 days after the passage and publication of a resolution or ordinance for the purchase or lease or condemnation herein provided for one-third of the resident taxpayers of the city or town, as shown by the assessment roll, shall protest against the purchase, lease or condemnation proceedings contemplated, such proposed purchase, lease or condemnation shall be referred to a special election, and if confirmed by a majority vote thereat, shall take effect; otherwise it shall be void.
- (2) In all condemnation proceedings the value of land affected by the taking shall be considered in connection with the water or water rights taken for the purpose of supplying the city or town or the inhabitants thereof with water.
- (3) In determining just compensation in a condemnation proceeding under this section in a municipality located in a county of the first class where a determination of market value of what is proposed to be taken is impractical because there is no meaningful market for what is proposed to be taken, the value shall be:
 - (a) presumed to be the amount the owner paid to acquire ownership of what is proposed to be taken, as adjusted by a change in value due to post-acquisition deterioration and any other factor reasonably and equitably bearing on the value of what is proposed to be taken; and
 - (b) determined by applying equitable considerations including:
 - (i) whether the owner will be unjustly enriched;
 - (ii) whether the owner acquired the property by exaction or similar method; and
 - (iii) the extent to which the consideration the owner provided in acquiring the property consists of an obligation to maintain the property and whether that obligation will be assumed by the municipality because of the condemnation.

- (4) This section may not be construed to provide the basis for a municipality's condemnation of a political subdivision of the state or of the political subdivision's property or holdings.

Amended by Chapter 378, 2010 General Session

10-7-5 Limitations on lease or purchase.

It is not lawful for any city or town to lease or purchase any part of such waterworks less than the whole, or to lease the same, unless the contract therefor shall provide that the city or town shall have control thereof and that the net revenues therefrom shall be divided proportionately to the interests of the parties thereto; said contract shall also provide a list of water rates to be enforced during the term of such contract.

Amended by Chapter 378, 2010 General Session

10-7-6 Contracts for lighting public buildings, streets, and alleys.

The board of commissioners, city council, or the board of trustees may enter into a contract on behalf of the city or town for the lighting of its public buildings, streets, alleys, and other public places for a period of time that the board of commissioners, city council, or board of trustees may consider advisable.

Amended by Chapter 105, 2012 General Session

10-7-7 Bond issues for water, light, and sewers.

- (1) A city of the first or second class may incur an indebtedness, not exceeding in the aggregate with all other indebtedness 8% of the value of the taxable property in the city, for the purpose of supplying the city with water, artificial light, or sewers, when the works for supplying the water, light, and sewers are owned and controlled by the city.
- (2) A city of the third, fourth, or fifth class or a town may become indebted to an amount not exceeding in the aggregate with all other indebtedness 12% of the value of the taxable property in the city or town for the purpose of supplying the city or town with water, artificial light, or sewers, when the works for supplying the water, light, and sewers are owned and controlled by the city or town.

Amended by Chapter 292, 2003 General Session

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

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. 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.

Amended by Chapter 105, 2005 General Session

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

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. 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. 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. Such bonds may be either serial or term bonds.

Amended by Chapter 2, 1953 Special Session 1

Amended by Chapter 2, 1953 Special Session 1

10-7-10.5 Authority to require written application for water or sewer service and to terminate service for failure to pay -- Limitations.

(1) A municipality that owns or controls a system for furnishing water or for providing sewer service may:

- (a) before furnishing water or providing sewer service to a property, require the property owner or an authorized agent to submit a written application, signed by the owner or an authorized agent, agreeing to pay for all water furnished or sewer service provided to the property, respectively, whether occupied by the owner or by a tenant or other occupant, according to the ordinances, rules, and regulations adopted by the municipality; and
- (b) if an owner fails to pay for water furnished or sewer service provided to the owner's property, discontinue furnishing water or providing sewer service to the property, respectively, until all amounts for water furnished or sewer service provided, respectively, are paid, subject to Subsection (2).

- (2)
- (a) A municipality may not use an owner's failure to pay for water furnished or sewer service provided to the owner's property as a basis for not furnishing water or providing sewer service to the property after ownership of the property is transferred to a subsequent owner.
 - (b) A municipality may not require an owner to pay for water that was furnished or sewer service that was provided to the property before the owner's ownership.

Amended by Chapter 316, 2004 General Session

10-7-12 Scarcity of water -- Limitation on use.

In the event of scarcity of water the mayor of any city or the president of the board of trustees of any town may, by proclamation, limit the use of water for any purpose other than domestic purposes to such extent as may be required for the public good in the judgment of the board of commissioners or city council of any city or the board of trustees of any town.

No Change Since 1953

10-7-13 Right of entry on premises of water user.

All authorized persons connected with the waterworks of any city or town shall have the right to enter upon any premises furnished with water by such city or town to examine the apparatus, the amount of water used and the manner of use, and to make all necessary shutoffs for vacancy, delinquency or violation of the ordinances, rules or regulations enacted or adopted by such city or town.

No Change Since 1953

10-7-14 Rules and regulations for use of water.

Every city and town may enact ordinances, rules and regulations for the management and conduct of the waterworks system owned or controlled by it.

No Change Since 1953

10-7-14.1 Declaration of public policy.

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. 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.

Amended by Chapter 3, 1953 Special Session 1

Amended by Chapter 3, 1953 Special Session 1

10-7-14.2 Special tax -- Grant of power to levy.

There is granted to the municipalities of the state not in an improvement district created for the purpose of establishing and maintaining a sewage collection, treatment, or disposal system or a system for the supply, treatment, or distribution of water pursuant to the provisions of Title 17B, Chapter 2a, Part 4, Improvement District Act, in addition to all other rights of assessment, the right to levy a tax annually not to exceed .0008 per dollar of taxable value of taxable property in the municipality. The money raised by the levy shall be placed in a special fund and used only for the purpose of financing the construction of facilities to purify the drinking water of the municipality and the construction of facilities for the treatment and disposal of the sewage of the municipality, or to pay principal and interest on bonds issued for the construction of facilities if construction has actually commenced subsequent to the enactment of this statute. The municipality may accumulate from year to year and reserve in the special fund the money raised for this purpose. The levy shall be made and collected in the same manner as other property taxes are levied and collected by municipalities.

Amended by Chapter 329, 2007 General Session

10-7-14.3 Time limit for cities of first class.

In cities of the first class the authority to levy an additional .0008 per dollar of taxable value of taxable property above the overall limitation provided by Section 10-6-133 shall be limited to a period of 10 years from the date of the first levy.

Amended by Chapter 22, 1989 General Session

**Part 4
Sale or Lease of Power Plants**

10-7-15 Sale or lease of electrical generation and distribution system -- Appraisal and vote required -- Manner of conducting the election.

- (1)
- (a) Before selling or leasing in their entirety the works and plant constructed, purchased, or used by the municipality for the purpose of generating or distributing electrical energy for light, heat, or power purposes, the municipal legislative body shall:
 - (i) cause an appraisal of the property proposed to be sold or leased to be made under the supervision of three resident taxpayers of the municipality, to be appointed by the municipal legislative body; and
 - (ii) provide for submitting to the registered voters of the municipality the question of the sale or lease of the property, at the next general election or at a special election called for that purpose.
 - (b) The value of the property determined in an appraisal under Subsection (1)(a)(i) shall include all items that the municipal legislative body determines to add value to or subtract value from the property.
- (2)
- (a) Subject to Subsection (2)(b), each election under Subsection (1)(a)(ii) shall be called and conducted in the same manner as provided by statute for the issue of bonds in Section 10-7-8, the necessary changes in the form of the ballot being made.
 - (b) Each notice of election required under Section 11-14-202 for an election held under Subsection (1)(a)(ii) shall include:
 - (i) a summary of the appraisal made under Subsection (1)(a)(i), including the amount of the appraisal; and
 - (ii) the name of each bidder who submitted a bid that was opened and considered under Section 10-7-17 and the amount of each bid.
- (3) In the process of selling or leasing in their entirety the municipality's electrical works and plant, a municipal legislative body may take whatever action it considers appropriate and in the sequence it considers appropriate, subject to the requirements of this section and Sections 10-7-16 and 10-7-17.

Amended by Chapter 105, 2005 General Session

10-7-16 Call for bids -- Notice -- Contents.

- (1)
 - (a) Before holding an election under Subsection 10-7-15(1)(a)(ii), the municipal legislative body shall open to bid the sale or lease of the property mentioned in Section 10-7-15.
 - (b) The municipal legislative body shall cause notice of the bid process to be given by publication for at least three consecutive weeks:
 - (i) in a newspaper published or having general circulation in the city or town; and
 - (ii) as required in Section 45-1-101.
 - (c) The notice described in Subsection (1) shall:
 - (i) give a general description of the property to be sold or leased;
 - (ii) specify the time when sealed bids for the property, or for a lease on the property, will be received; and
 - (iii) specify the time when and the place where the bids will be opened.
- (2)
 - (a) As used in this section and in Section 10-7-17, "responsible bidder" means an entity with a proven history of successful operation of an electrical generation and distribution system, or an equivalent proven history.
 - (b) Subject to Subsection (2)(c), a municipal legislative body may receive or refuse to receive any bid submitted for the sale or lease of the electrical works and plant.
 - (c) A municipal legislative body may not receive a bid unless the municipal legislative body determines that the bid is submitted by a responsible bidder.

Amended by Chapter 388, 2009 General Session

10-7-17 Opening of bids -- Amount to equal or exceed appraised value and amount of outstanding indebtedness.

At the time and place mentioned in the notice under Section 10-7-16, all bids received by the municipal legislative body for the property sought to be sold or leased shall be opened and considered, and the municipal legislative body shall, subject to approval of voters at an election held under Section 10-7-15, accept the bid of the highest responsible bidder, as defined in Section 10-7-16, if the bid price:

- (1)
 - (a) is for an amount equal to or exceeding the appraised value of the property to be sold, as determined under Subsection 10-7-15(1); or
 - (b) in the judgment of the municipal legislative body, is an adequate price for the property; and
- (2) equals or exceeds the total principal and interest on any outstanding bonds and other indebtedness issued for the purpose of constructing the works or plant.

Amended by Chapter 90, 2002 General Session

10-7-18 Disposition of money received.

- (1) All money received from the sale of property under Sections 10-7-15 through 10-7-17 shall be kept in a separate fund, and may not be expended, or mixed with other funds of the city or town, until all bonds and other indebtedness issued for the purchase or construction of the plant or works, together with accumulated interest thereon, have first been paid.
- (2) If the property sold brings an amount in excess of the outstanding bonds and other indebtedness issued for the purchase or construction of the property sold, the excess shall be deposited in a bank in this state under direction of the municipal legislative body, and may not thereafter be expended except for some municipal purpose by authority given by the registered

voters of the city or town at a general or special election called and conducted in the manner set forth in Sections 10-7-7 and 10-7-8.

Amended by Chapter 378, 2010 General Session

Part 5 Gifts to Railroads

10-7-19 Election to authorize -- Notice -- Ballots.

- (1) The board of commissioners or city council of any city or the board of trustees of any incorporated town is authorized to aid and encourage the building of railroads by granting to any railroad company for depot or other railroad purposes real property of such city or incorporated town, not necessary for municipal or public purposes, upon such limitations and conditions as the board of commissioners, council or board of trustees may prescribe; provided, however, that no such grant shall be made to any railroad company unless the question of making it has been submitted to the qualified electors of the city or town at the next municipal election, or special election to be called for that purpose by the board of commissioners, city council or town board.
- (2) If the question is submitted at a special election, it shall be held as nearly as practicable in conformity with the general election laws of the state.
- (3) Notice of an election described in Subsection (2) shall be given by publication:
 - (a)
 - (i) in a newspaper published or having general circulation in the city or town once a week for four weeks prior to the election; or
 - (ii) if there is not a newspaper as described in Subsection (3)(a)(i), then by posting notices; and
 - (b) in accordance with Section 45-1-101 for four weeks prior to the election.
- (4) The board of commissioners, city council or town board shall cause ballots to be printed and furnished to the qualified electors, which shall read: "For the proposed grant for depot or other railroad purposes: Yes. No."
- (5) If a majority of the qualified electors voting thereon shall have voted in favor of such grant, the board of commissioners, city council or town board shall then proceed to convey the property to the railroad company.

Amended by Chapter 388, 2009 General Session

Part 6 Contracts for Public Improvements

10-7-20.5 Restrictions on municipality procurement of architect-engineer services.

- (1) As used in this section, "architect-engineer services" means those professional services within the scope of the practice of architecture as defined in Section 58-3a-102, or professional engineering as defined in Section 58-22-102.
- (2) When a municipality elects to obtain architect or engineering services by using a competitive procurement process and has provided public notice of its competitive procurement process:

- (a) a higher education entity, or any part of one, may not submit a proposal in response to the municipality's competitive procurement process; and
- (b) the municipality may not award a contract to perform the architect or engineering services solicited in the competitive procurement process to a higher education entity or any part of one.

Enacted by Chapter 21, 2000 General Session

Part 7

Levy of Special Taxes by Cities and Towns

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) 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. 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.

Amended by Chapter 27, 1969 General Session

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

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. 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. 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.

No Change Since 1953

10-7-29 Railway companies to repave streets.

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. 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. 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. 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. 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. 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. 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.

No Change Since 1953

10-7-30 Failure to pay for repairs -- Lien on company's property.

In the event of the refusal of any such company to pave, repave or repair as required herein when so directed, upon the paving or repaving of any street upon which its track is laid, the municipality shall have power to pave, repave or repair the same, and the cost and expense of such paving, repaving or repairing may be collected by levy and sale of any property of such company in the same manner as special taxes are now or may be collected. Special taxes for the purpose of paying the cost of any such paving or repaving, macadamizing or repairing of any such railway may be levied upon the track, including the ties, iron, roadbed, right of way, sidetracks and appurtenances, and buildings and real estate belonging to any such company and used for the purpose of such railway business all as one property, or upon such parts of such track, appurtenances and property as may be within the district paved, repaved, macadamized or repaired, and shall be a lien upon the property levied upon from the time of the levy until satisfied. No mortgage, conveyance, pledge, transfer or encumbrance of any such property or of any rolling stock or personal property of any such company, created or suffered by it after the time when any street or part thereof upon which any railway shall have been laid shall have been ordered paved, repaved, macadamized or repaired shall be made or suffered except subject to the lien of such special taxes, if such levy is in contemplation.

No Change Since 1953

10-7-31 Sale of property to satisfy claims for special taxes.

The city treasurer shall have the power and authority to seize any personal property belonging to any such company for the satisfaction of any such special taxes when delinquent, and to sell the same upon advertisement and in the same manner as constables are now or may be authorized to sell personal property upon execution; but failure so to do shall in no wise affect or impair the lien of the tax or any proceeding allowed by law for the enforcement thereof. The railroad track or any other property upon which such special taxes shall be levied, or so much thereof as may be necessary, may be sold for the payment of such special taxes in the same manner and with the same effect as real estate upon which special taxes are levied may be sold.

No Change Since 1953

10-7-32 Actions to recover taxes.

It shall also be competent for any municipality to bring a civil action against any party owning or operating any such railway liable to pay such taxes to recover the amount thereof, or any part thereof, delinquent and unpaid, in any court having jurisdiction of the amount, and obtain judgment and have execution therefor, and no property, real or personal, shall be exempt from any such execution; provided, that real estate may not be levied upon by execution except by execution out of the district court on judgment therein, or transcript of judgment filed therein, as is now or hereafter may be provided by law. No defense shall be allowed in any such civil action except such as goes to the groundwork, equity and justice of the tax, and the burden of proof shall rest upon the party assailing the tax. In case part of such special tax shall be shown to be invalid, unjust or inequitable, judgment shall be rendered for such amount as is just and equitable.

Amended by Chapter 378, 2010 General Session

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

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. Such application shall be made at or before the final levy of such taxes.

No Change Since 1953

Part 11
Actions for Violations of Ordinances

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

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. 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.

Amended by Chapter 59, 1990 General Session

10-7-66 Fines and forfeitures to be paid to treasurer -- Exceptions.

Except where otherwise provided by law in relation to fines, fees, and forfeitures imposed or received by district courts, all fines and forfeitures for the violation of ordinances shall be paid into the treasury of the corporation at such times and in such manner as may be prescribed by ordinance.

Amended by Chapter 198, 1996 General Session

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

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. 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.

No Change Since 1953

10-7-68 Service of process and arrests.

Any peace officer may serve any process or make any arrest authorized to be made by any city or town officer.

No Change Since 1953

10-7-69 Corporations may be complained against.

A corporation violating any of the provisions of a city or town ordinance may be complained against the same as a natural person.

No Change Since 1953

10-7-70 Corporate violation -- Summons -- Forms.

Whenever complaint is made against a corporation for violation of a city or town ordinance summons shall be issued thereon substantially in the following form:

State of Utah,

County of _____

In the _____ court, in and for the city (or town) of _____, county of _____
_____ city, (or town) _____

vs. _____

SUMMONS.

The state of Utah, to (naming the corporation):

You are hereby summoned to be and appear before the above entitled court at the courtroom thereof on the _____ day of _____ at the hour of _____ o'clock
____m., then and there to answer a charge made against you upon the complaint of _____ for
(designating the offense in general terms), a copy of which complaint is hereto attached.

_____(month\day\year).

Witness:

The Honorable

Judge of said court.

Clerk

By

Deputy Clerk.

In courts having a clerk the summons, with a copy of the complaint attached, shall be signed by the clerk thereof, and in courts having no clerk the summons shall be signed by the judge or justice thereof.

Amended by Chapter 75, 2000 General Session

10-7-71 Corporate violation -- Summons -- Time and manner of service.

The summons and copy of complaint shall be served at least 24 hours before the hour of appearance fixed therein by delivering to and leaving a copy thereof with the president or other head of the corporation, or the secretary, the cashier, or the managing or process agent thereof, and by showing to him the original summons.

Amended by Chapter 378, 2010 General Session

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

At the time appointed in the summons, the corporation shall appear by agent or attorney and plead thereto the same as a natural person. 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.

Amended by Chapter 378, 2010 General Session

10-7-73 Corporate violation -- Hearing -- Penalty imposed to be a fine.

After the plea of the corporation is entered the court shall fix a time for the hearing of the cause, and thereafter the proceedings therein shall be the same as in the cases of natural persons charged with violating a city or town ordinance, except that in cases of conviction the penalty imposed in all instances shall be by way of fine.

Amended by Chapter 378, 2010 General Session

10-7-74 Execution on judgment against corporation.

Whenever a fine and costs, either or both, shall be imposed upon a corporation upon conviction for a violation of a city or town ordinance, judgment therefor may be collected on execution issued out of the court in the same manner as an execution in a civil action.

No Change Since 1953

10-7-76 Payment of witness fees and mileage.

Whenever a criminal action arising out of the violation of a city or town ordinance is tried on appeal, the per diems and mileage of witnesses for the prosecution shall be paid out of the treasury of the city or town in which such action originated.

No Change Since 1953

Part 13 City Resources

10-7-79 Power of board of city commissioners or council to provide for development of resources.

The boards of city commissioners or city councils of the respective cities within the state are authorized and empowered to provide for the development of the city's mineral, water, manpower, industrial and other resources.

Enacted by Chapter 16, 1965 General Session

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

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. 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. Each of the other members of the committee shall be a resident of the city. The term of appointed members of the committee shall be two years and until their respective successors have been appointed. 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. 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.

Enacted by Chapter 16, 1965 General Session

10-7-81 Development committee -- Election of officers -- Employment of executive director.

The city resource development committee may elect such officers from its members as it may deem advisable and may, with consent and approval of the board of city commissioners or council, employ an executive director for the committee.

Enacted by Chapter 16, 1965 General Session

10-7-82 Development committee -- Functions.

It shall be the function of the city resource development committee to assist in the development of the city's mineral, water, manpower, industrial and other resources, and to make such recommendations to the board of city commissioners or council for resource development programs as it may deem advisable.

Enacted by Chapter 16, 1965 General Session

10-7-83 Power of board of city commissioners or council to contract with other authorities.

The board of city commissioners or council may co-operate with and enter into contracts with other municipalities, local communities and counties for the purpose of promoting the development of the economic resources of their respective areas.

Enacted by Chapter 16, 1965 General Session

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 act.

Enacted by Chapter 16, 1965 General Session

10-7-85 Support of the arts.

The governing body of any municipality may provide for and appropriate funds for the support of the arts, including music, dance, theatre, crafts and visual, folk and literary art, for the purpose of enriching the lives of its residents and may establish guidelines for the support of the arts.

Amended by Chapter 378, 2010 General Session

10-7-86 Municipality may adopt Utah Procurement Code -- Hiring of professional architect, engineer, or surveyor.

- (1) The governing body of any municipality may adopt any or all of the provisions of Title 63G, Chapter 6a, Utah Procurement Code, or the rules promulgated pursuant to that code.
- (2) Notwithstanding Subsection (1), the governing body of each municipality that engages the services of a professional architect, engineer, or surveyor and considers more than one such professional for the engagement:
 - (a) shall consider, as a minimum, in the selection process:
 - (i) the qualifications, experience, and background of each firm submitting a proposal;
 - (ii) the specific individuals assigned to the project and the time commitments of each to the project; and
 - (iii) the project schedule and the approach to the project that the firm will take; and
 - (b) may engage the services of a professional architect, engineer, or surveyor based on the criteria under Subsection (2)(a) rather than solely on lowest cost.

Amended by Chapter 347, 2012 General Session