

Part 2 County Legislative Body

17-53-201 General powers, duties, and functions of county legislative body.

- (1) Except as expressly provided otherwise in statute, each county legislative body shall exercise all legislative powers, have all legislative duties, and perform all legislative functions of the county, including those enumerated in this part.
- (2) A county legislative body may take any action required by law and necessary to the full discharge of its duties, even though the action is not expressly authorized by statute.

Amended by Chapter 241, 2001 General Session

17-53-202 Eligibility -- Election.

Each member of a county legislative body shall:

- (1) be a registered voter of the county which the member represents; and
- (2) have been a registered voter for at least one year immediately preceding the member's election.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-203 Chair -- Oaths -- Quorum.

- (1) Each county legislative body shall elect one of their number chair and may elect a vice chair.
- (2)
 - (a) The chair shall preside at all meetings of the county legislative body, and in case of the chair's absence or inability to act, the vice chair, if there is one, shall preside.
 - (b) If both the chair and vice chair, if there is one, are absent or unable to act, the members present shall, by an order entered in their minutes, select one of their number to act as chair temporarily.
- (3) Any member of the county legislative body may administer oaths to any person when necessary in the performance of official duties.
- (4) Not less than a majority of members shall constitute a quorum for the transaction of business, and no act of the county legislative body shall be valid or binding unless a majority of members present when a quorum is present concurs therein.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-204 Meetings -- At county seat -- Exception.

- (1)
 - (a) The county legislative body shall provide by ordinance for the holding of regular meetings of the county legislative body.
 - (b) The county legislative body may cancel a regular meeting as the county legislative body considers appropriate.
- (2)
 - (a) Except as provided in Subsection (2)(b), each regular meeting of the county legislative body shall be held at the county seat.
 - (b) If approved by a vote of the county legislative body, a county legislative body may hold an occasional meeting outside the county seat as the public business requires.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-205 Special meetings -- How called -- Business limited.

- (1) If the business of the county requires a special meeting of the legislative body, such meeting may be ordered by a majority of the legislative body or by the chair.
- (2) Each order calling a special meeting shall:
 - (a) be signed by the members or chair calling the meeting;
 - (b) be entered in the minutes of the legislative body; and
 - (c) specify the business to be transacted at the meeting.
- (3) No business other than that specified in the order may be transacted at a special meeting unless all members of the county legislative body are present and give their consent.
- (4) Except as otherwise provided by county ordinance, the county clerk shall give five days notice of each special meeting to each member of a county legislative body that does not join in the order calling the meeting.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-206 Meetings to comply with open meetings law -- Records and minutes -- Compelling attendance at meetings of legislative body.

- (1) As used in this section, "rules of order and procedure" means a set of rules that govern and prescribe in a public meeting:
 - (a) parliamentary order and procedure;
 - (b) ethical behavior; and
 - (c) civil discourse.
- (2) Each meeting of the county legislative body shall comply with Title 52, Chapter 4, Open and Public Meetings Act.
- (3)
 - (a) Subject to Subsection (3)(b), a county legislative body shall:
 - (i) adopt rules of order and procedure to govern a public meeting of the legislative body;
 - (ii) conduct a public meeting in accordance with the rules of order and procedure described in Subsection (3)(a)(i); and
 - (iii) make the rules of order and procedure described in Subsection (3)(a)(i) available to the public:
 - (A) at each meeting of the county legislative body; and
 - (B) on the county's public website, if available.
 - (b) Subsection (3)(a) does not affect a county legislative body's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.
- (4) The chair and clerk of the county legislative body shall sign the records and minutes of the county legislative body.
- (5) The legislative body of a county may compel the attendance of its own members at its meetings and provide penalties it considers necessary for the failure to comply with an exercise of the authority to compel attendance.

Amended by Chapter 107, 2011 General Session

17-53-206.5 Expulsion of members prohibited -- Exception for disorderly conduct.

- (1) Except as provided in Subsection (2), the governing body may not expel a member of the governing body from an open public meeting or prohibit the member from attending an open public meeting.
- (2) Except as provided in Subsection (3), following a two-thirds vote of the members of the governing body, the governing body may fine or expel a member of the governing body for:
 - (a) disorderly conduct at the open public meeting;
 - (b) a member's direct or indirect financial conflict of interest regarding an issue discussed at or action proposed to be taken at the open public meeting; or
 - (c) a commission of a crime during the open public meeting.
- (3) A governing body may adopt rules or ordinances that expand the reasons or establish more restrictive procedures for the expulsion of a member from a public meeting.

Enacted by Chapter 196, 2015 General Session

17-53-207 Rules and regulations governing legislative body and transaction of business.

The county legislative body may make and enforce such rules and regulations for the government of itself, the preservation of order, and the transaction of business as may be necessary.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-208 Ordinances -- Effective dates -- Publication -- Adoption of ordinances printed in book form.

- (1) The enacting clause of all ordinances of the county legislative body shall be as follows: "The County Legislative Body of _____ County ordains as follows:".
- (2) Every ordinance shall be signed by the chair of the county legislative body and attested by the clerk. On the passage of all ordinances the votes of the several members of the county legislative body shall be entered on the minutes, and all ordinances shall be entered at length in the ordinance book.
- (3)
 - (a) No ordinance passed by the county legislative body may take effect within less than 15 days after its passage.
 - (b) The legislative body of each county adopting an ordinance shall, before the ordinance may take effect:
 - (i) deposit a copy of the ordinance in the office of the county clerk; and
 - (ii)
 - (A) publish a short summary of the ordinance, together with a statement that a complete copy of the ordinance is available at the county clerk's office and with the name of the members voting for and against the ordinance:
 - (I) for at least one publication in:
 - (Aa) a newspaper published in and having general circulation in the county, if there is one; or
 - (Bb) if there is none published in the county, in a newspaper of general circulation within the county; and
 - (II) as required in Section 45-1-101; or
 - (B) post a complete copy of the ordinance in nine public places within the county.
- (4) Any ordinance printed by authority of the county legislative body in book form or electronic media, or any general revision of county ordinances printed in book form or electronic media,

may be adopted by an ordinance making reference to the printed ordinance or revision if a copy of the ordinance or revision is filed in the office of the county clerk at the time of adoption for use and examination by the public.

- (5) Ordinances establishing rules and regulations, printed as a code in book form or electronic media, for the construction of buildings, the installation of plumbing, the installation of electric wiring, or other related or similar work may be adopted by reference to the code book if a copy of the code book is filed in the office of the county clerk at the time of the adoption of the ordinance for use and examination by the public.
- (6) Ordinances that in the opinion of the county legislative body are necessary for the immediate preservation of the peace, health, or safety of the county and the county's inhabitants may, if so provided in the ordinance, take effect immediately upon publication in one issue of a newspaper published in and having general circulation in the county, if there is one, and if there is none published in the county, then immediately after posting at the courthouse door.
- (7) An ordinance may take effect at a later date than provided in this section, if the ordinance so provides.
- (8) An order entered in the minutes of the county legislative body that an ordinance has been duly published or posted shall be prima facie proof of the publication or posting.

Amended by Chapter 388, 2009 General Session

17-53-209 Records to be kept.

The legislative body of each county shall cause to be kept:

- (1) a minute record, in which shall be recorded all orders and decisions made by the county legislative body and the daily proceedings had at all regular and special meetings;
- (2) an allowance record, in which shall be recorded all orders for the allowance of money from the county treasury, to whom made and on what account, dating, numbering, and indexing the same through each year;
- (3) a road record, containing all proceedings and adjudications relating to the establishment, maintenance, charge, and discontinuance of roads and road districts, and all contracts and other matters pertaining thereto;
- (4) a franchise record, containing all franchises granted by the board, for what purpose, the length of time, and to whom granted, the amount of bond and license tax required or other consideration to be paid;
- (5) an ordinance record, in which shall be entered all ordinances or laws duly passed by the county legislative body; and
- (6) a warrant record, to be kept by the county auditor, in which shall be entered in the order of drawing all warrants drawn on the treasurer, with their number and reference to the order on the minute record, with date, amount, on what account, and the name of the payee.

Amended by Chapter 297, 2011 General Session

17-53-210 Dividing county into precincts and districts.

A county legislative body may divide the county into precincts, districts, or other entities as permitted or required by law, and may change them and create others as convenience requires.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-211 Fees for services -- Exceptions.

The legislative body of each county shall adopt an ordinance establishing fees for services provided by each county officer, except:

- (1) fees for the recorder, sheriff, and county constables; and
- (2) fees established by statute.

Enacted by Chapter 133, 2000 General Session

17-53-212 Examination and audit of accounts.

- (1) A county legislative body may examine and audit the accounts of all officers having the care, management, collection, or disbursement of money belonging to the county or appropriated by law or otherwise for its use and benefit.
- (2) Nothing in this section may be construed to affect a county auditor's authority under Chapter 19a, County Auditor.

Amended by Chapter 17, 2012 General Session

17-53-213 Special funds.

A county legislative body may establish a salary fund and such other county funds as it considers necessary for the proper transaction of the business of the county, and may transfer money from one fund to another as the public interest requires, except as otherwise specifically provided in statute.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-214 Seal for county.

The legislative body of each county shall:

- (1) adopt a seal for the county, the impression of which shall contain the words "State of Utah, County of _____"; and
- (2) file an impression of the seal in the office of the county clerk and with the Division of Archives.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-215 Seal for clerk of district court.

If a county provides clerk services to that county's district court, the legislative body of the county shall:

- (1) provide a seal for the clerk of the district court of the county, the impression of which shall contain the words "District Court, State of Utah," together with the name of the county; and
- (2) file an impression of the seal in the office of the county clerk and with the Division of Archives.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-216 Business license fees and taxes -- Application information to be transmitted to the county assessor.

- (1) For the purpose of this section, "business" means any enterprise carried on for the purpose of gain or economic profit, except that the acts of employees rendering services to employers are not included in this definition.
- (2) The legislative body of a county may by ordinance provide for the licensing of businesses within the unincorporated areas of the county for the purpose of regulation and revenue.

- (3) All license fees and taxes shall be uniform in respect to the class upon which they are imposed.
- (4) The county business licensing agency shall transmit the information from each approved business license application to the county assessor within 60 days following the approval of the application.
- (5) This section may not be construed to enhance, diminish, or otherwise alter the taxing power of counties existing prior to the effective date of Laws of Utah 1988, Chapter 144.

Amended by Chapter 250, 2008 General Session

17-53-217 Commanding services of sheriff.

A county legislative body may direct the sheriff to serve notices, subpoenas, citations, or other process issued by the legislative body, and to attend in person or by deputy all meetings of the legislative body to preserve order.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-218 Duties as board of equalization.

The legislative body of each county shall perform such duties as a county board of equalization as are provided by law.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-219 Auditor statement of county debt.

The legislative body of each county shall have prepared by the auditor under its direction prior to the annual meeting for levying taxes a statement showing the indebtedness of the county, funded and floating, stating the amount of each class and the rate of interest borne by such indebtedness or any part of it.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-220 Taxation for county purposes.

A county legislative body may levy taxes upon the taxable property within the county for all county purposes.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-221 Tax for care, relief, and burial of indigents.

- (1) A county legislative body may, if it considers it necessary and expedient so to do, annually at its session at which the annual tax levy for county purposes is fixed and levied, assess and levy a tax for:
 - (a) the care, maintenance, and relief of the indigent sick or dependent poor persons having a lawful settlement in the county;
 - (b) the temporary relief of indigent persons not having a lawful settlement in the county temporarily residing therein, and for the burial of such indigent persons who die within the county;
 - (c) the erection and maintenance of hospitals, infirmaries, and farms in connection with Subsections (1)(a) and (b);

- (d) the employment of a superintendent for such county hospitals and infirmaries, and any other necessary help in them; and
 - (e) the salary of the county physician for attending the indigent sick or dependent poor and other duties as provided by law.
- (2) The taxes authorized under Subsection (1) shall be assessed, levied, and collected in the same manner as other county taxes are assessed, levied, and collected.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-222 Tax for exhibits encouraging trade.

A county legislative body may levy a special tax on the taxable property within the county for the purpose of creating a fund to be used for collecting, preparing, and maintaining an exhibit of the products and industries of the county at any domestic or foreign exposition, fair, or livestock show for the purpose of encouraging immigration and increasing trade in the products of the state and for the purpose of maintaining, conducting, and furnishing facilities for livestock or other exhibitions or for the purpose of promoting and making water surveys, collecting data relating to the supply, distribution and use of water or the necessity for drainage or other reclamation work and the compilation of data or information to encourage the conservation of water for the reclamation of lands within the county or counties of the state either by the county or through the instrumentality of a corporation not for pecuniary profit, organized for that purpose.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-223 Ordinances -- Power to enact -- Penalty for violation.

- (1) A county legislative body may:
- (a) pass all ordinances and rules and make all regulations, not repugnant to law, necessary for carrying into effect or discharging the powers and duties conferred by this title, and as are necessary and proper to provide for the safety, and preserve the health, promote the prosperity, improve the morals, peace, and good order, comfort, and convenience of the county and its inhabitants, and for the protection of property in the county;
 - (b) enforce obedience to ordinances with fines or penalties as the county legislative body considers proper; and
 - (c) pass ordinances to control air pollution.
- (2) Punishment imposed under Subsection (1)(b) shall be by fine, not to exceed the maximum fine for a class B misdemeanor under Section 76-3-301, imprisonment, or by both fine and imprisonment.
- (3)
- (a) Except as specifically authorized by statute, the county legislative body may not impose a civil penalty for the violation of a county traffic ordinance.
 - (b) Subsection (3)(a) does not apply to an ordinance regulating the parking of vehicles on a highway.

Renumbered and Amended by Chapter 133, 2000 General Session
Amended by Chapter 323, 2000 General Session

17-53-224 Rewards for information -- Law enforcement -- Protection of county property.

- (1)

- (a) A county legislative body may appropriate funds from the county treasury for the offering and payment of rewards for information which directly assists in the enforcement of law and protection of county property.
 - (b) The offering and payment of rewards shall be made under conditions and limitations as established by the county legislative body.
- (2) With the prior approval of the county legislative body, any county officer or agency may offer rewards to the same extent and for the same purposes authorized by Subsection (1).

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-225 County legislative body may adopt Utah Procurement Code -- Retention of records.

- (1) A county legislative body 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) Whenever any county is required by law to receive bids for purchases, construction, repairs, or any other purpose requiring the expenditure of funds, that county shall keep on file all bids received, together with proof of advertisement by publication or otherwise, for:
 - (a) at least three years following the letting of any contract pursuant to those bids; or
 - (b) three years following the first advertisement for the bids, if all bids pursuant to that advertisement are rejected.

Amended by Chapter 347, 2012 General Session

17-53-226 Investigation by legislative body -- Witnesses -- Hearings.

- (1) A county legislative body may investigate any matter pertaining to the county or its business or affairs or any county officer, and may require the attendance of witnesses and take evidence in its investigations.
- (2) At such investigations, any member of the county legislative body may administer oaths to witnesses.
- (3) If the county legislative body appoints a member of its body a committee upon any subject or matter and confers upon that member power to hear or take evidence, such committee shall have the same powers in the premises as the county legislative body itself.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-227 Breach of duty by county legislative body member -- Penalty.

A member of a county legislative body who, without just cause, refuses or neglects to perform a duty imposed upon the member or willfully violates any law governing the member as a member of the county legislative body, or who, as a county legislative body member, willfully, fraudulently, or corruptly attempts to perform an act unauthorized by law shall, in addition to the penalty provided in the criminal code:

- (1) forfeit to the county \$500 for every such act, to be recovered on the member's official bond; and
- (2) be further liable on the member's official bond to any person injured by the act for all damages sustained.

Renumbered and Amended by Chapter 133, 2000 General Session

17-53-228 Administrative hearings and procedures.

- (1) A county may adopt an ordinance establishing an administrative hearing process to review and decide matters relating to the violation, enforcement, or administration of a county civil ordinance, including an ordinance related to the following:
 - (a) a building code;
 - (b) planning and zoning;
 - (c) animal control;
 - (d) licensing;
 - (e) health and safety;
 - (f) county employment; or
 - (g) sanitation.
- (2) An ordinance adopted in accordance with Subsection (1) shall provide appropriate due process protections for a party participating in an administrative hearing.
- (3) An administrative hearing held in accordance with an ordinance described in Subsection (1) may be conducted by an administrative law judge.
- (4) A county may not impose a civil penalty and adjudication for the violation of a county moving traffic ordinance.

Enacted by Chapter 133, 2013 General Session