

CITY FORMS OF GOVERNMENT

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: **Blake D. Chard**

AN ACT RELATING TO CITIES AND TOWNS; PROVIDING THAT A CHANGE IN A MUNICIPALITY'S CLASS DOES NOT AFFECT ITS FORM OF GOVERNMENT; AND MAKING TECHNICAL CORRECTIONS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**10-2-303**, as last amended by Chapter 92, Laws of Utah 1987

**10-3-103**, as enacted by Chapter 48, Laws of Utah 1977

**10-3-104**, as enacted by Chapter 48, Laws of Utah 1977

**10-3-105**, as last amended by Chapter 278, Laws of Utah 1997

**10-3-106**, as enacted by Chapter 48, Laws of Utah 1977

REPEALS:

**10-2-304**, as enacted by Chapter 48, Laws of Utah 1977

**10-2-305**, as enacted by Chapter 48, Laws of Utah 1977

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

Section 1. Section **10-2-303** is amended to read:

**10-2-303. Effect of change in class.**

[Whenever] (1) If a municipality changes from one class to another [class]:

(a) all property, property rights, and other rights [~~of every kind which~~] that belonged to or were vested in the municipality at the time of the change shall belong to and be vested in it after the change[~~. No~~];

(b) no contract, claim, or right of the municipality or demand or liability against it shall be altered or affected in any way by the change[~~. The~~];

(c) each ordinance, order, and resolution in force in the municipality when it changes classes shall, to the extent that it is not inconsistent with law, not be affected by the change and shall remain in effect until repealed or amended;

(d) the change shall not affect the identity of the municipality;

(e) each municipal officer in office at the time of the change shall continue as an officer until that officer's term expires and a successor is duly elected and qualified; and

(f) notwithstanding Sections 10-3-103, 10-3-104, and 10-3-105, the municipality maintains after the change in class the same form of government that it had immediately before the change.

(2) (a) A change [shall] in class does not [have any effect on or in any] affect an action at law, prosecution, business, or work of the municipality changing classes, and proceedings shall continue and may be conducted and proceed as if no change in [classification of the municipality] class had [taken place] occurred. [However, when a different remedy is given by]

(b) Notwithstanding Subsection (2)(a), if the law [and is] applicable to [any] a municipality under the new class provides the municipality a different remedy with respect to a right [which the municipality] that it possessed at the time of the change [in classification], the remedy shall be cumulative to the remedy applicable before the change[, and may be so used] in class.

Section 2. Section **10-3-103** is amended to read:

**10-3-103. Governing body in cities of the first class.**

[The] Except as provided under Subsection 10-2-303(1)(f), the governing body of [cities] each city of the first class that has not adopted an optional form of government under Part 12, Alternative Forms of Municipal Government Act, shall be a commission of five members of which one shall be the mayor and the remaining four shall be commissioners.

Section 3. Section **10-3-104** is amended to read:

**10-3-104. Governing body in cities of the second class.**

[The] Except as provided under Subsection 10-2-303(1)(f), the governing body of [cities] each city of the second class that has not adopted an optional form of government under Part 12, Alternative Forms of Municipal Government Act, shall be a commission of three members of which one shall be the mayor and the remaining two shall be commissioners.

Section 4. Section **10-3-105** is amended to read:

**10-3-105. Governing body in cities of the third class.**

[The] Except as provided under Subsection 10-2-303(1)(f), the governing body of [cities]

each city of the third class that has not adopted an optional form of government under Part 12, Alternative Forms of Municipal Government Act, shall be a council composed of six members, one of whom shall be the mayor and the remaining five shall be council members.

Section 5. Section **10-3-106** is amended to read:

**10-3-106. Governing body in towns.**

The governing body of [a] each town that has not adopted an optional form of government under Part 12, Alternative Forms of Municipal Government Act, shall be a council of five persons one of whom shall be the mayor and the remaining four shall be councilmen.

Section 6. **Repealer.**

This act repeals:

Section **10-2-304, Ordinances to continue in force -- No change in identity.**

Section **10-2-305, Change of classes -- Officers.**