

PARK CITY MUNICIPAL CODE
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TITLE 2 - ADMINISTRATION

CHAPTER 1 - IN GENERAL

2- 1- 1. NAME.

The municipal corporation heretofore existing as a city in the County of Summit, State of Utah by Park City Municipal Charter adopted on March 1, 1884, was thereby organized and incorporated into a city by the name of Park City Municipal Corporation, and known as the City of Park City shall remain and continue as a body politic and corporate with perpetual succession; shall own, possess and hold all property, real and personal heretofore owned, possessed and held by said Park City; shall assume, manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities and acquire all benefits, and shall assume and pay all bonds, obligations, and indebtedness of said Park City; by the name of "Park City, a municipal corporation" may sue and defend, plead and be impleaded, in all courts and places, and in all matters and proceedings; may have and use a common seal and alter the same at pleasure.

The term "City" hereinafter referenced in this Code shall be the same as Park City.

(Amended by Ord. No. 09-24)

2- 1- 2. FISCAL YEAR.

The commencement of the fiscal year of this City shall be the 1st day of July. The fiscal year is hereby fixed as the 1st day of July through and including the 30th day of June of the following year.

CHAPTER 2 - MUNICIPAL GOVERNMENT

2- 2- 1. FORM OF GOVERNMENT.

The powers of City government shall be vested in a City Council to be composed of six (6) Council members, one of which is the Mayor. The City Council shall exercise and discharge all the rights, privileges, powers and authority granted to municipal corporations and to cities by the constitution and general laws of this state, together with all the implied powers necessary to carry into execution all the powers granted. All Council members and the Mayor shall be nominated and elected at large from the entire City.

(Amended by Ord. No. 09-24)

2- 2- 2. TERMS OF OFFICE.

The terms of office for Council members shall be four (4) year staggered terms. The City shall hold municipal elections every two years, on odd numbered years pursuant to state code, with elections for the offices of Mayor and two (2) Council members alternating with elections of the offices of three (3) Council members.

(Amended by Ord. No. 09-24)

2- 2- 3. THE MAYOR.

The Mayor shall be the chief executive of the City and shall preside at all meetings of the City Council and shall exercise such powers and perform such other duties as are

or may be conferred and imposed upon him or her by this ordinance and by the general laws of this state. He or she shall not vote at Council meetings except:

- (A) In the case of a tie vote of the City Council;
- (B) For or against the appointment or dismissal of a City Manager;
- (C) For or against an ordinance that enlarges or restricts the Mayor's powers; or
- (D) Pursuant to state code.

He or she shall from time to time give the City Council information concerning the affairs of the City and shall recommend for their consideration such measures as he or she may deem expedient. He or she shall be recognized as the head of the City government for all ceremonial and legal purposes, and he or she shall execute and authenticate legal instruments requiring his signature as such official.

(Amended by Ord. No. 09-24)

2- 2- 4. THE CITY COUNCIL.

The City Council shall be the legislative and governing body of the City and shall exercise all powers conferred upon or possessed by the City and shall adopt such laws, ordinances and resolutions as it shall deem proper.

(Amended by Ord. No. 09-24)

2- 2- 5. QUALIFICATIONS.

(A) A person, at the time of filing a declaration of candidacy or submittal of nomination petition shall:

(1) have been a resident of the City for at least 365 consecutive days immediately before the date of the election, or a resident of a recently annexed area of the City for at least 365 days before the date of the election; and

(2) be a registered voter of the City.

(B) Each City Council member of the City shall maintain residency within the incorporated boundaries of the City during their term of office.

(C) If a City Council member is absent from the City any time during their term of office for a continuous period of more than sixty (60) days without the consent of the City Council, their office is automatically vacant.

(Amended by Ord. No. 09-24)

2- 2- 6. UTAH MUNICIPAL ELECTION LAWS ADOPTED.

City elections shall be governed by the Utah Municipal Election laws as now existing or hereafter amended or modified except as otherwise provided by this code, or by ordinance hereafter enacted.

2- 2- 7. ELECTED OFFICIALS COMPENSATION.

The compensation for elected and statutory officials of Park City shall be established by the City Council by ordinance, typically at the time of adoption of the City budget adopting compensation or compensation schedules enacted after public hearing, or at any time deemed appropriate by the City Council, and said compensation is hereby adopted and incorporated herein by reference. The Mayor and City Council members shall have no other compensated employment with the City, unless approved by the City Attorney and City Manager for temporary service in the event of an emergency, special event, or extraordinary employee need.

(Amended by Ord. No. 09-24)

2- 2- 8. MAYOR PRO TEMPORE.

The position of Mayor Pro Tempore shall be filled by a member of the City Council elected by the Council by majority vote.

(A) **DUTIES.** The Mayor Pro Tempore shall have and exercise all powers and duties of the elected Mayor as prescribed by Utah statutes and the ordinances of Park City in all cases where the elected Mayor is absent, disabled, disqualified, or refuses to act.

(B) **ELECTION, TERM OF OFFICE.** An election shall be held among the City Council for the purpose of electing Council member(s) to the office of Mayor Pro Tempore at their first regularly scheduled meeting each calendar year. The City

Council may elect more than one (1) member to serve terms of one year or less according to a stated sequence and period. The person(s) elected by and from the City Council shall serve for a term as determined by the City Council, which shall not exceed one (1) year, provided that the last elected shall continue to serve until a successor is elected. The Mayor Pro Tempore shall be vested with the authority of the Mayor only upon the absence, disqualification, or refusal to act of the Mayor. Such authority shall be limited for the meeting or that purpose, and noted in the minutes of any such meeting in which authority is exercised. In no event may the Mayor Pro Tempore serve beyond the end of his term in office as a member of the City Council.

(C) **ABSENCE OF MAYOR PRO TEMPORE.** In the event of the absence, disqualification, refusal to act, or disability of the person elected to serve as Mayor Pro Tempore, the City Council may elect a member of the City Council to serve as Mayor Pro Tempore for that meeting or that purpose, and note the election in the minutes of the meeting in which the election occurred.

(D) **VOTING.** The City Council member elected to serve as Mayor Pro Tempore shall, at all times, be entitled to cast his or her vote as a member of the Council, including those occasions on which he or she is acting as Mayor. The Mayor Pro Tempore shall not be entitled to cast more than one vote on any matter before the City Council by reason of serving as Mayor. The Mayor Pro Tempore shall not cast a second

vote as Mayor to break a tie vote among Council members.

(Amended by Ord. No. 09-24)

2- 2- 9. MAYOR AND CITY COUNCIL VACANCIES.

All City Council member vacancies shall be filled as provided in U.C.A. §20A-1-510, as now existing or hereinafter amended. An elected official shall continue to hold his or her office until his or her successor is duly qualified. An elective office shall become vacant whenever any officer is removed from office pursuant to U.C.A. Section §10-3-1310, becomes incapacitated, resigns, ceases to be a resident of the City or is convicted of a felony.

If a vacancy occurs in the office of Mayor, the Mayor Pro Tempore shall act as Mayor until a successor is appointed in the manner set forth by U.C.A. §20A-1-510, as amended.

(Amended by Ord. No. 09-24)

2- 2-10. OATH OF OFFICE.

All officers of the City, whether elected or appointed, before entering the duties of their respective offices, shall take, subscribe, and file the constitutional oath of office. All oaths of office shall be filed with the City Recorder.

The oath of office required under this part shall be administered by any judge, notary public, or by the recorder of the municipality. Elected officials shall take their oath of office at 12:00 noon on the first

Monday in January following their election or as soon thereafter as practical. Appointed officers shall take their oath at any time before entering the duties of their office.

(Amended by Ord. No. 09-24)

CHAPTER 3 – CITY COUNCIL PROCEDURE

2- 3- 1. RULES OF PROCEDURE.

Except as otherwise provided by law, the City Council may establish its own rules of procedures for the proper conduct of its meetings.

(Amended by Ord. No. 09-24)

2- 3- 2. MEETINGS.

(A) **REGULAR MEETINGS.** The City Council shall, by ordinance adopted at the beginning of the year, prescribe an annual meeting schedule with at least one regular meeting each month.

(B) **SPECIAL MEETINGS.**

(1) If at any time the business of the City requires a special meeting of the City Council, such meeting may be ordered by the Mayor or any two (2) members of the City Council. The order shall be entered in the minutes of the City Council. The order shall provide at least three (3) hours notice of the special meeting and notice thereof shall be served by the City Recorder or Clerk on each member of the City Council who did not sign the order by delivering the notice personally or by leaving it at the Council member's place of residence. The personal appearance by a member of any specially called meeting constitutes a waiver of the notice required in this section.

(2) No business shall be transacted at any special meeting of the City Council unless it has been stated in the notice of such meeting. Any business which may lawfully come before a regular meeting may be transacted at a special meeting.

(3) **RECONSIDERATION.**

Any action taken by the City Council shall not be reconsidered or rescinded at any special meeting unless the number of members of the City Council present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

(C) **ELECTRONIC MEETINGS.** The City Council may convene and conduct an electronic meeting in accordance with U.C.A. §52-4-207, as amended.

(Amended by Ord. No. 09-24)

2- 3- 3. PUBLIC NOTICE OF MEETINGS; EMERGENCY MEETINGS.

(A) The City shall give not less than 24 hours public notice of each meeting including the meeting agenda, date, time and place.

(B) Public notice of meetings shall be satisfied by posting written notice at the principal office of the City Council; providing notice to at least one (1) newspaper of general circulation within the City, and all other media agencies that made

a periodic written request to receive notice; and posting public notice of its meetings on the Internet.

(C) In addition to the above noticing requirements, the City Council may use electronic means to provide and issue meeting notice.

(D) The notice requirement may be disregarded if because of unforeseen circumstances it is necessary for the City Council to hold an emergency meeting to consider matters of an emergency or urgent nature; and the best notice practicable is given.

(E) An emergency meeting of the City Council may not be held unless an attempt has been made to notify all of its members; and at least the Mayor and two other members approve holding the meeting.

(F) A public notice that is required to include an agenda shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic shall be listed under an agenda item on the meeting agenda.

(G) Individual agenda matters and/or public hearings coming before the City Council may have code or state regulation for specific legal notice requirements, and which may vary depending on the particular action that must be adhered to before a public hearing may be held or City Council takes action.

(Amended by Ord. No. 09-24)

**2- 3- 4. QUORUM:
ADJOURNMENT OF MEETING.**

No action of the City Council shall be official or of any effect except when a quorum of the members are present. Fewer than a quorum may adjourn from time to time. The number of members of the City Council necessary to establish a quorum is three (3) or more.

(Amended by Ord. No. 09-24)

**2- 3- 5. MEETINGS TO BE
PUBLIC.**

(A) All meetings and business of the City Council shall be conducted only in open meeting and in compliance with the provisions of U.C.A. Title 52, Chapter 4, Open and Public Meetings Act.

(B) With the exception of an emergency meeting, the City Council may not consider a topic in an open meeting that is not:

- (1) listed under an agenda item that provides reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic must be listed under an agenda item on the meeting agenda; and
- (2) included with the advanced public notice in accordance with this section.
- (3) A topic not listed on the open meeting agenda that is raised during an open meeting may be discussed

but no final action may be taken by the public body during that meeting.

(C) (1) A meeting that is open to the public includes a workshop or an executive session of a public body in which a quorum is present, unless closed in accordance with this chapter.

(2) A workshop or an executive session of a public body in which a quorum is present that is held on the same day as a regularly scheduled public meeting of the public body may only be held at the location where the public body is holding the regularly scheduled public meeting unless:

- (a) the workshop or executive session is held at the location where the public body holds its regularly scheduled public meetings but, for that day, the regularly scheduled public meeting is being held at a different location;
- (b) any of the meetings held on the same day is a site visit or a traveling tour and in accordance with this chapter, public notice is given;
- (c) the workshop or executive session is an electronic meeting conducted according to the requirements

of U.C.A. §52-4-207, as amended; or

(d) it is not practicable to conduct the workshop or executive session at the regular location of the public body's open meetings due to an emergency or extraordinary circumstances.

(Amended by Ord. No. 09-24)

2- 3- 6. CLOSED MEETINGS.

A closed meeting may be held pursuant to state code U.C.A. §52-4-202, §52-4-204, §52-4-205, and §52-4-206, as amended.

(A) CLOSED MEETING HELD UPON VOTE OF MEMBERS – BUSINESS – REASONS FOR MEETING RECORDED.

(1) A closed meeting may be held:

(a) if a quorum is present; and

(b) if two-thirds of the members of the public body present at an open meeting for which public notice is given vote to approve closing the meeting.

(2) A closed meeting is not allowed unless each matter discussed in the closed meeting is permitted under Section (B) pursuant to U.C.A.

§52-4-205.

(3) An ordinance, resolution, rule, regulation, contract, or appointment may not be approved at a closed meeting.

(4) The following information shall be publicly announced and entered on the minutes of the open meeting at which the closed meeting was approved:

(a) the reason or reasons for holding the closed meeting;

(b) the location where the closed meeting will be held; and

(c) the vote by name, of each member of the public body, either for or against the motion to hold the closed meeting.

(5) Nothing in this chapter shall be construed to require any meeting to be closed to the public.

(B) PPURPOSES OF CLOSED MEETINGS.

(1) A closed meeting may only be held for:

(a) discussion of the character, professional competence, or physical or mental health of an

individual;

(b) strategy sessions to discuss collective bargaining;

(c) strategy sessions to discuss pending or reasonably imminent litigation;

(d) strategy sessions to discuss the purchase, exchange, or lease of real property if public discussion of the transaction would:

(i) disclose the appraisal or estimated value of the property under consideration; or

(ii) prevent the public body from completing the transaction on the best possible terms.

(e) strategy sessions to discuss the sale of real property, if:

(i) public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration; or prevent the public body from completing the transaction on the

best possible terms;

(ii) the public body previously gave public notice that the property would be officered for sale; and

(iii) the terms of the sale are publicly disclosed before the public body approves the sale.

(f) discussion regarding deployment of security personnel, devices, or systems; and

(g) investigative proceedings regarding allegations of criminal misconduct.

(2) The City Council may not interview a person applying to fill an elected position in a closed meeting.

(C) RECORD OF CLOSED MEETINGS.

(1) The City Council shall make a recording of the closed portion of the meeting; and may keep detailed written minutes that disclose the content of the closed portion of the meeting.

(2) A recording of a closed meeting shall be complete and unedited from the commencement of

the closed meeting through adjournment of the closed meeting.

(3) The recording and any minutes of a closed meeting shall include the date, time, and place of the meeting; the names of members present and absent; and the names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.

(4) Minutes or recordings of a closed meeting that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirements.

(5) Both a recording and written minutes of closed meetings are protected records under Title 63, Chapter 2, Government Records Access and Management Act, except that the records may be disclosed under a court order only as provided under U.C.A. §52-4-304, Action Challenging Closed Meeting.

(6) **EXCEPTION.** If the City Council closes a meeting exclusively for the purposes of discussion of the character, professional competence, or physical or mental health of an individual, or discussion regarding deployment of security personnel, devices or systems, the provision of this section does not apply, and the person presiding shall sign a sworn

statement affirming the sole purpose for closing the meeting.

(Created by Ord. No. 09-24)

2- 3- 7. CITY COUNCIL ACTS.

The City Council may pass all ordinances and rules, and make all regulations within the scope of law that are necessary and proper to provide for the health, safety and welfare of the inhabitants and the protection of property in the City. The City Council may enforce obedience to the ordinance by the imposition of fines or penalties in accordance with U.C.A. §10-3-703.

(A) ORDINANCES.

(1) The City Council shall exercise its legislative powers through ordinances. The City Council may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by U.C.A. Title 10 or any other provision of law.

(2) In addition, every act making an appropriation, creating an indebtedness, authorizing borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property shall be by ordinance. Ordinances making appropriations shall be confined to the subject of appropriation.

(3) ORDINANCE FORM.

Every ordinance shall substantially contain the order and form outlined in U.C.A. §10-3-704, as amended. Ordinances shall be signed by the Mayor, or if he or she is absent, by the Mayor Pro Tem, or by a quorum of the City Council.

(4) EFFECTIVE DATE.

Ordinances shall become effective twenty (20) days after publication or thirty (30) days after final passage by the City Council, whichever is closer to the date of final passage, but ordinances may become effective at an earlier or later date after publication if so provided in the ordinance.

(5) LEGAL NOTICE. All ordinances shall be published and posted pursuant to U.C.A. §10-3-711, as amended, and recorded, numbered and certified pursuant to U.C.A. §10-3-713, as amended.

(6) DISPOSITION. A true copy of every ordinance, as adopted by City Council, shall be numbered and recorded in the official records of the City. Its adoption and publication shall be authenticated by the signature of the Mayor, or Mayor Pro Tem, and the City Recorder, and by the certificate of publication, if publication is required.

(7) CERTIFICATION. Immediately following adoption of each ordinance, the City Recorder

shall make or cause to be made a certificate stating the date of passage and date of publication or posting, as required. The record and memorandum, or a certified copy thereof, shall be prima facie evidence of the contents, passage, and publication or posting of the ordinance or codification.

(8) CODIFICATION. The City Council may cause the ordinances to be codified and arranged in such order as the City Council may decide, and thereafter maintained in current form.

(B) RESOLUTIONS. Unless otherwise required by law, the City Council may exercise all administrative powers by resolution, include, but not limited to, establishing rates, fees charged for municipal services, personnel policies and guidelines, and regulating the use and operation of municipal property.

(C) APPROPRIATIONS – ACQUISITION AND DISPOSAL OF PROPERTY, AUTHORITY AND PROCEDURE. The City Council may make such actions, subject to U.C.A. Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities and U.C.A. §10-8-2, including the following:

Appropriations of funds for corporate purposes that in the judgment of the City Council provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or convenience of the City's residents; make payment of debts and

expenses; purchase, hold, sell, lease, convey, improve, protect, dispose of, and/or acquire by eminent domain real and personal property for the benefit of the City; provide for necessary local public services within the City; provide for public utilities.

(Amended by Ord. No. 09-24)

2- 3- 8. VOTING.

(A) A roll call vote shall be taken and recorded for all ordinances, resolutions and any action which would create a liability against the City and in any other case at the request of any member of the City by a “yes” or a “no” vote.

(B) No member of the City Council shall vote on any question in which he or she has substantial interest in as defined in Title 3, Chapter 2 of this code, other than the common public interest, or on any question concerning his or her own conduct.

(C) Each City Council member present shall vote when called upon unless abstains by reason of and in accordance with Title 3, Chapter 2 of this code.

(D) Any member refusing to vote except when not so required by this Chapter shall be guilty of misconduct in office.

(E) Any Council member acting as Mayor Pro Tempore shall not lose his or her vote by virtue of conducting the meeting as Mayor Pro Tempore.

(Amended by Ord. No. 09-24)

2- 3- 9. PROCEDURE FOR ORDINANCE ENACTMENT.

The procedure for enactment of ordinances making general modification of existing ordinances, and ordinances adopting standards codes, shall be as follows:

(A) The ordinance shall be introduced at any regular meeting of the City Council by the Mayor, City Manager, or any City Council member.

(B) The ordinance shall be read in full, or in cases where copies of the ordinance are available to the City Council and to those persons in attendance at said City Council meeting, said ordinance may be read by title only.

(C) After the reading of the proposed ordinance or its title and any discussion thereon, the ordinance shall be adopted or rejected by a majority vote of the City Council members present unless the ordinance removes or reinstates to the Mayor a power, duty, or function provided in U.C.A. §10-3b-104. If the ordinance affects the Mayor’s power under U.C.A. §10-3b-104, the Mayor and a majority of all other Council members, or all Council members except the Mayor must vote to adopt the ordinance if it is to pass.

(D) If a public hearing is required before consideration of an ordinance, action may be taken at the same meeting as the public hearing.

(E) Public notice of the time and place of City Council consideration of all ordinances

shall be given in the same manner as notice for all City Council meetings or as otherwise directed by statute or ordinance.

(F) Upon adoption, ordinances shall take effect on their stated effective date, or upon publication if required by U.C.A. §10-3-711.

(G) Whenever an ordinance shall be published by reference or by title, the publication shall contain a summary of the subject matter of said ordinance and shall contain a notice to the public that copies of the ordinance are available at the office of the City Recorder. The publication of any ordinance by reference or by title as provided herein must set forth in full any penalty clause contained in said ordinance.

(Amended by Ord. No. 09-24)

2- 3- 10. CODE ADOPTION BY REFERENCE.

Standard codes, promulgated by the federal government, the State of Utah, or by any agency of either of them, or by any municipality within the State of Utah, or by recognized trade or professional organizations, or amendments or revisions thereof, may be adopted by reference, provided the publication of the ordinance adopting any said code shall advise that copies are available for inspection at the office of the City Recorder or other department as designated and approved by City Council.

(Amended by Ord. No. 09-24)

2- 3-11. REVIEW OF DISPOSALS OF SIGNIFICANT PARCELS OF REAL PROPERTY.

The City Council shall review all proposals for disposals of significant parcels of real property. Prior to the proposed disposition, the City Council shall provide at least fourteen (14) days reasonable notice before the opportunity for public comment on the proposed disposition. After such reasonable notice and public comment, the City Council may take action on the proposed disposition.

(A) “Dispose of” shall mean to transfer control of City-owned property to another by any means, including sale, lease, or other type of conveyance of such property.

(B) “Reasonable notice” shall mean posting on or about the property in a conspicuous location and publication in a newspaper having general circulation in Park City.

(C) “Significant parcel of real property” shall mean a parcel of real property owned by the City with an appraised value equal to or greater than Two Hundred Fifty Thousand Dollars (\$250,000) or a lease valued at equal to or greater than Fifty Thousand Dollars (\$50,000) annum.

(Amended by Ord. No. 03-20)

**CHAPTER 4 - CITY
ADMINISTRATION****2- 4- 1. CITY MANAGER.**

The City Manager shall be the chief administrative officer of the City. The Mayor, with the advice and consent of the City Council, shall appoint a City Manager within a reasonable time whenever a vacancy exists in such position. Such appointment shall be without definite term and shall be at a salary to be fixed by City Council. The City Manager shall be appointed without regard to any consideration other than his or her fitness, competency, training and experience as a City Manager. At the time of his or her appointment, he or she need not be a resident of the City or state, but during tenure of office he or she shall reside within the City except at the discretion of the City Council. No member of the City Council nor the Mayor shall be appointed manager during the term for which he or she shall have been elected, nor within one (1) year after the expiration of his or her term.

(Amended by Ord. No. 09-24)

2- 4- 2. ACTING MANAGER.

The City Manager, with the advice and consent of the Mayor, may appoint an acting City Manager during the period of vacancy in the office or during the absence or disability of the City Manager. Such acting manager shall, while he or she is in such office, have all the responsibilities, duties, functions and authority of the City Manager.

(Amended by Ord. No. 09-24)

2- 4- 3. POWERS AND DUTIES.

The City Manager shall be responsible and under the control and supervision of the Mayor and the City Council for the proper administration of all affairs of the City placed in his or her charge, and to that end, he or she shall have the power and duty and be required to:

- (A) Be responsible for the enforcement of the laws and ordinances of the City;
- (B) Appoint, hire, suspend, transfer and remove all non-elective City employees excepting the City Attorney;
- (C) Appoint, with advice and consent of the City Council, a qualified person to each of the offices of recorder and treasurer; create other offices as may be deemed necessary for the good government of the City; and appoint, regulate and prescribe the powers and duties of all other employees of the City, except as provided by law or by ordinance;
- (D) Serve as or appoint with the advice and consent of the City Council a budget officer for the purpose of complying with the requirements of the Uniform Fiscal Procedures Act for Utah Cities, U.C.A. §10-6, as amended;
- (E) Cause a proposed budget to be prepared annually and submitted to the Mayor and City Council and be responsible for the administration of the budget after its

adoption, said budget to be construed as financial estimate only;

(F) Prepare and submit to the City Council as of the end of the fiscal year a complete report on finances and administrative activities of the City for the preceding year, and upon request of the Mayor or City Council make written or verbal reports at any time concerning the affairs of the City under his supervision;

(G) Keep the Mayor and the City Council advised of the financial condition and future needs of the City and make such recommendations to the Mayor or Council for adoption as he or she may deem necessary or expedient;

(H) Exercise supervision and control over all executive and administrative departments, excepting legal, and recommend to the Mayor and City Council any proposal he or she thinks advisable to establish, consolidate or abolish administrative departments;

(I) Be responsible for the enforcement of all terms and conditions imposed in favor of the City in any contract or public utility franchise, and upon knowledge of any violation thereof, report the same to the Mayor and City Council for such action and proceedings as may be necessary to enforce the same;

(J) Attend City Council meetings and participate in discussions with the Mayor and City Council in an advisory capacity;

(K) Provide for engineering, architectural, maintenance and construction services required by the City; and

(L) Declare a local emergency by proclamation for less than thirty (30) days unless approved by the City Council and take disaster or emergency related actions as authorized by U.C.A. §63K-4-103, the Disaster Response and Recovery Act, as amended, and the City's Emergency Response Plan; and

(M) Perform such other duties as may be prescribed by ordinance or required of him or her by the Mayor and City Council which are not inconsistent with the laws of the state.

(Amended by Ord. No. 09-24)

2- 4- 4. REMOVAL OF MANAGER.

The City Council, including the Mayor, may by majority vote, remove the City Manager from his or her office. Upon such termination, the City Council may, in their discretion, provide termination pay.

(Amended by Ord. No. 09-24)

2- 4- 5. RELATIONSHIP OF CITY COUNCIL TO ADMINISTRATIVE SERVICE.

Neither the City Council, its members, the Mayor, nor any City Council committee shall dictate the appointment by the City Manager of any person to office except as otherwise provided in this Code or in any

way interfere with the City Manager or other City officer to prevent him or her from exercising his or her judgment in the appointment or employment of officers and employees in the administrative service. Except for the purpose of inquiry, the City Council, its members, the Mayor and any City Council committee shall deal with the administrative service solely through the City Manager, and neither the City Council, its members, the Mayor, nor any City Council committee thereof shall give orders to any of the subordinates of the City Manager.

(Amended by Ord. No. 09-24)

2- 4- 6. CITY RECORDER.

The City Manager, with the approval of the Mayor and City Council, shall appoint a City Recorder who shall be custodian of the City seal and who shall keep a journal of City Council proceedings. The City Recorder shall maintain all ordinances, motions and resolutions. He or she shall have power to administer oaths and take acknowledgments under seal of the City and shall perform such other duties as required by this code, the City Council, or the City Manager. The City Manager may also appoint a deputy or deputies who shall serve under the supervision of the City Recorder and shall have authority to act in the absence of the City Recorder. The City Recorder may not also serve as the City Treasurer.

(Amended by Ord. No. 09-24)

2- 4- 7. CITY TREASURER.

There shall be a City Treasurer who shall be appointed by the City Manager, with approval of the Mayor and City Council, to serve at the pleasure of the City Manager. The City Manager may also appoint a deputy or deputies to serve under the supervision of the City Treasurer who shall have authority to act in the absence of the City Treasurer. The City Treasurer may not serve as the City Recorder.

(A) **DUTIES AND POWERS OF THE CITY TREASURER.** The City Treasurer shall keep and supervise all accounts, receive and have custody of all monies of the City, collect special City fees and taxes, water utility fees and charges, issue licenses and collect fees therefore, make and keep public records of the City not specifically entrusted to any other department by this code or by ordinance; and perform such other duties pertaining to the department of finance as required by this code, the City Council or City Manager.

(Amended by Ord. No. 09-24)

2- 4- 8. DEPARTMENTS CREATED.

The administrative functions of the City shall be performed by the departments existing at the time this Code is adopted and such other departments as may be hereafter established by ordinance. The City Council may, by ordinance, consolidate or merge any of the said departments, whether set forth in this code or created by ordinance. For any temporary reorganization pursuant to 3.4 of the Personnel Policy and Procedures Manual, as amended, the City Manager may

not permanently add or reclassify any position above Exempt Grade 7 that is not currently approved in the budget without prior City Council approval.

(Amended by Ord. No. 09-24)

2- 4- 9. BONDING OF CITY OFFICIALS.

The City Treasurer and all other officers and employees required to do so, before entering upon the duties of their respective offices, shall give a good and sufficient surety company bond to the City, duly approved by the City Attorney, and conditioned upon the faithful performance and discharge of their respective duties, and for proper application and payment of all money or property coming into their hands by virtue of their offices in an amount established by the City Council by resolution and not less than that established by the state Money Management Council.

(Section Renumbered by Ord. No. 09-24)

2- 4-10. CITY ATTORNEY.

The Mayor, with the advice and consent of the Council, shall appoint a City Attorney to serve at the pleasure of the Mayor and Council. The City Attorney shall be an attorney at law, and must, during his tenure, be duly admitted to the practice of law in Utah. The City Attorney shall be the legal representative of the City and he or she shall advise the Mayor, City Council and City officials in matters relating to their official powers and duties and perform such other duties as the Mayor and City Council may

prescribe by ordinance, resolution or otherwise. The Mayor, with the advice and consent of the City Council, may provide the City Attorney such assistance as the City Council may deem necessary, and may, on its own motion or upon request of the City Attorney in special cases, employ special counsel to serve under the direction of the City Attorney. The Mayor, with the advice and consent of the City Council, shall establish compensation for the City Attorney and special counsel.

(A) **ATTORNEY DUTIES – CITY PROSECUTOR**. An attorney assigned as public prosecutor for the City:

- (1) may prosecute violations of City ordinances;
- (2) may prosecute, under state law, infractions and misdemeanors occurring within the boundaries of the City;
- (3) has the same powers in respect to violations as are exercised by a county attorney or district attorney, except that the City public prosecutor's authority to grant immunity shall be limited to:
 - (a) granting transactional immunity for violations of City ordinances; and
 - (b) granting transactional immunity under state law for infractions and misdemeanors occurring within the boundaries of the City.

(4) shall represent the interests of the state or the City in the appeal of any matter prosecuted in any trial court by the City prosecutor; and

(5) may cooperate with the office of the Attorney General during investigations.

(Amended by Ord. No. 09-24)

2- 4-11. CITY ENGINEER.

There is hereby created and established the office of City Engineer for the purpose of providing the necessary engineering services required by the City. The City Engineer shall be appointed by the City Manager and shall be an employee of the City. The City Engineer shall be appointed on the basis of his or her administrative and technical qualifications with special reference to his or her actual experience in and his or her knowledge of the functions and duties of his or her office as set forth in this article.

(Amended by Ord. No. 09-24)

**2- 4-12. CHIEF OF POLICE;
POLICE DEPARTMENT.**

The Police Department of the City shall consist of the City Marshal, hereafter designated as "Chief of Police" and other police officers as may be duly authorized by the City Council. The Chief of Police shall be appointed by the City Manager pursuant to the laws of the State of Utah and shall be an employee of the City.

(A) **AUTHORITY.** It shall be the duty of the members of the police department to enforce all the laws of the City and all statutes of the state applicable thereto, to preserve order and prevent infractions of the law and arrest violators thereof, to serve and execute any process directed to the Chief of Police, and to perform any police service which the Chief might lawfully do.

(B) **RULES AND REGULATIONS.** The Chief of Police may prescribe such rules and regulations as he or she shall deem advisable. Such rules shall be approved by the City Manager and shall be binding on all members of the police department. Such rules and regulations may cover the conduct of the members, uniforms and equipment to be worn or carried, assignments, hours of service, and all other similar matters necessary or desirable for the better efficiency of the equipment.

(C) **AUTHORITY OF MAYOR TO MAKE APPOINTMENTS OF SPECIAL POLICE FOR CERTAIN PUPOSES.** The Mayor may upon any emergency, riot, pestilence, invasion, or at any time he or she shall deem necessary for the peace, good order or health of the City, order the Chief of Police to appoint special policemen for a specified time.

(Amended by Ord. No. 09-24)

2- 4-13. BOARD OF APPEALS .

There is hereby created a Board of Appeals consisting of three (3) members who are qualified by experience and training to pass

upon matters pertaining to building construction.

(A) The Chief Building Official shall be an ex officio member and shall act as Secretary of the Board. The Board of Appeals shall be appointed by the City Council, and hold office at their pleasure.

(B) The Board shall adopt reasonable rules and regulations for conducting its investigations and its decisions and findings shall be in writing to the Chief Building Official with duplicate copies to the appellant.

(C) A copy of all rules and regulations adopted by the Board shall be delivered to the Chief Building Official who will make them available to the public without cost.

(D) The Board shall hear all appeals filed according to the International Building Code, Chapter Five of the Code for the Abatement of Dangerous Buildings and Chapter Twelve of the Uniform Housing Code.

(E) Any appeal made to the Board pursuant to the International Building Code shall be within thirty (30) days of approval or denial of the permit. The time of appeal for actions under the Code for the Abatement of Dangerous Buildings and the Uniform Housing Code shall be as specified in each of those respective codes, but in no instance longer than thirty (30) days.

(Amended by Ord. No. 09-24)

2- 4-14. RECREATION ADVISORY BOARD.

There is hereby created a Recreation Advisory Board. The Board shall consist of up to seven (7) members, and one additional representative from the City Council who is a non-voting member. Members shall be residents of Park City and shall serve without compensation.

(A) TERM OF SERVICE, REMOVAL AND VACANCIES.

Members of the Recreation Advisory Board shall be appointed by the Mayor with the advice and consent of the City Council. Each board member shall serve a term of three (3) years, but shall serve until their successor is appointed. Initially, two (2) appointments each shall be made for one (1) and two (2) year terms, and three (3) appointments shall be made for three year terms. Annually thereafter, appointments shall be for three (3) year terms. Board members shall serve not more than two (2) full terms in succession, however, the initial one (1) year term holders may seek two (2) additional terms. The Council shall appoint one of its members to serve as the non-voting member for a term not to exceed the member's City Council term of office. The City Council may rotate its appointed member at any time. The terms shall begin on July 1 and end on June 30 of each year.

Any board member who is absent from two (2) consecutive regularly scheduled meetings, or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or be removed for cause by the

Council. Vacancies in the Board occasioned by removals, resignations, or otherwise, shall be filled for the unexpired term in the same manner as the original appointments. Ex-officio members may include a staff member or representative from public agencies, community organizations, or public at large. Ex-officio members serve at the invitation of the Council and have no vote.

(B) **OFFICERS AND THEIR**

DUTIES. At its first meeting, and annually thereafter, the Board shall elect a Chairman, Vice-Chairman and any additional officers as necessary. The Chairman shall preside at all meetings, appoint all committees with the concurrence of the Board, call special meetings, and generally perform the duties of a presiding officer. The Chairman shall have the right to vote. The Vice-Chairman or a Board member designated by the Chairman shall preside when the Chairman is absent. The agenda for meeting shall be prepared by the Recreation Manager and the Chairman.

(C) **PURPOSE AND DUTIES OF**

THE BOARD. The purpose and duties of the Park City Recreation Board are as follows:

- (1) To advise the City Council and staff on parks and recreation policy as requested by the City Council.
- (2) To support and promote the policies and programs of the Library and Recreation Department.

(3) To advise and support staff on staff recommended budget priorities concerning parks and recreation projects and programs.

(4) To serve as liaison between the community and public agencies on parks and recreation issues within Park City.

(6) To stimulate and initiate community involvement and support for City Council annual and long term goals and priorities, and all parks, recreation and beautification projects and programs.

(D) **MEETINGS AND**

PROCEDURES. The Board may adopt rules and regulations not inconsistent with the law applicable to public bodies for governing of its meeting. Special meetings may be called at the request of the Recreation Manager or Chairman of the Board. A quorum for the transaction of business shall be a simple majority of the Board members. When vacancies occur, a simple majority of the remaining Board members shall constitute a quorum. Minutes shall be kept at all meetings. Closed meetings may only be held for purposes authorized by U.C. A. 52-4-5, as amended.

(E) **COMMITTEES.** Special committees for the study of particular issues may be appointed by the Chairman, with the advice and consent of the Mayor and City Council, to serve until they have completed the work for which they were appointed.

Each committee shall meet goals and objectives, as delineated by the Chairman, with the advice and consent of the Mayor and City Council. Recommendations of committees may be given directly to the City Council. The Chairman of the Recreation Advisory Board shall appoint a chairman for each committee. Nothing herein shall prevent the City Council from directly appointing special committees, which may include Recreation Advisory Board members.

(Amended by Ord. Nos. 99-50; 03-06; 03-09; 09-24)

2- 4-15. LIBRARY BOARD.

There is hereby created a Library Board of Directors to be appointed by the City Council and chosen from Park City residents. The Board of Directors shall consist of not less than five (5) members and not more than nine (9) members. Not more than one (1) member of the governing body shall be, at any one time, a member of such Board. Directors shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from library funds.

(A) **TERMS - ELECTION OF OFFICERS - REMOVAL - VACANCIES.** Directors shall be appointed for three (3) year terms, but shall serve until their successors are appointed. Initially, appointments shall be made for one (1), two (2) and three (3) year terms. Annually thereafter, the governing body shall, before the first day of July each year, appoint

directors for three (3) year terms to take the place of the retiring Directors. Directors shall serve not more than two (2) full terms in succession. Following such appointments, the Directors shall meet and elect a Chairman and such other officers, as they deem necessary for one (1) year terms. Any Director absent from two (2) consecutive regularly scheduled meetings or a total of four (4) regularly scheduled meetings per calendar year may be called before the City Council and asked to resign or be removed for cause. Vacancies in the Board of Directors occasioned by removals, resignations or otherwise shall be filled for the unexpired term in the same manner as original appointments.

(B) **POWERS AND AUTHORITY OF THE BOARD.** The Library Board of Directors may with the approval of the governing body have control of the expenditure of the Library Account, of construction, lease or sale of Library buildings and land, and of the operation of the Library. The Board shall be responsible for the maintenance and care of the Library and shall establish policies for its operation.

(C) **RULES AND REGULATIONS.** The Library Board of Directors shall make, amend and revoke rules and regulations, not inconsistent with the law, for the governing of the library. The library shall be free to the use of the inhabitants of Park city, subject to the rules and regulations adopted by the Board. The Board may exclude from the use of the Library any and all persons who shall willfully violate such rules. The Board may extend the privileges and use of the Library to persons residing outside of the City upon

such terms and conditions as it may prescribe by its regulations.

(D) **ANNUAL REPORTS.** The Library Board of Directors shall make an annual report to the governing body of the City on the condition and operation of the library, including a financial statement. Such report may be in the form of budget documents submitted each year to the City Council. The Directors shall also provide for the keeping of such records as shall be required by the Utah State Library in its request for an annual report from the public libraries, and shall submit such an annual report to the State Library.

(E) **PERSONNEL.** The Library Board of Directors shall appoint a competent person as Librarian to have immediate charge of the Library with such duties and compensation for his/her services as it shall fix and determine. The Librarian shall act as the executive officer for the Library Board. The Board shall appoint, upon the recommendation of the Librarian, other personnel as needed. The Board may delegate the authority of this section to the City Manager and provide for the inclusion of Library personnel in the City personnel system pursuant to U.C.A. Section 10-3-1104, or any successor provision.

(F) **DONATIONS.** Any person desiring to make donations of money, personal property, or real estate for the benefit of the Library shall have the right to vest the title to the money, personal property or real estate so donated, in trust for the benefit of the Library. All monetary donations shall be held in the City treasury

to the credit of the Library account, and may not be used for any purpose except that of the Library. These funds shall be drawn upon by the authorized officers of the City only upon presentation of the properly authenticated vouchers or purchase order of the Board.

(G) **CONSOLIDATION.** The Board of Directors may cooperate, merge, or consolidate with County Libraries, Boards of Education, governing boards of other educational institutions, Library agencies and political subdivisions to provide Library services. When the City Library consolidates with a County Library, the Board shall convey all assets and trust funds to the County Library Board of Directors and the City Library shall cease operation.

(Amended by Ord. Nos. 99-50; 09-24)

CHAPTER 5 - COMPLAINTS AGAINST CITY OFFICERS

2- 5- 1. CHARGES AND SPECIFICATIONS.

Except as otherwise provided by this Code or by the laws of the state, whenever a complaint shall be made to the City Council of this City against any City officer, it shall be the duty of the City Council to vote on the question as to whether there shall be charges preferred against the party or parties complained against, and if the City Council shall decide by vote that charges shall be preferred, it shall fix the time and place of trial, and it shall be the duty of the City Attorney to draft and prepare such charges and specifications in writing and after the same are signed by the person or persons making the complaint, it shall be the duty of the City Attorney to deliver a copy of such charges and specifications to the Chief of Police, or any other police officer, who shall serve such copy on the person complained against. A notice of the time and place of trial shall also be served with such charges and specifications, which notice, as well as the copy of the charges and specifications shall be served at least fifteen (15) days before the time set for trial.

2- 5- 2. EVIDENCE.

Whenever a complaint is made against a City officer as provided in Section 2-5-1, the Mayor and the members of the City Council shall vote on the question as to whether they shall hear the evidence submitted for and against the accused, which evidence shall be given under oath, and the Mayor or

presiding officer of the City Council shall have the right to decide all questions relating to the admissibility or inadmissibility of such evidence.

2- 5- 3. REMOVAL, SUSPENSION, REPRIMAND.

When a complaint is made against a City officer as provided in Section 2-5-1, the Council, after hearing all the testimony produced, shall proceed to vote upon the question as to whether the person complained against is guilty or not guilty of the charges and specifications so alleged, and if the City Council shall vote that such person is guilty, an open vote shall then be taken as to the character of punishment to be inflicted upon the accused. The question shall be put: "Shall the accused be removed from office?" If a majority of all the members elected to the City Council shall vote for such removal, the accused shall be removed from office and the removal shall relate back to the suspension of the officer from duty. If such majority shall fail to vote for removal, then the City Council shall vote successively upon the question of suspension or reprimand of the accused. If suspension be agreed upon, the time of such suspension shall be fixed, and no officer while under a suspension voted by the City Council, shall draw any pay whatever from the City for the period he shall be so under suspension.

CHAPTER 6 - EMPLOYEE BENEFITS AND REGULATIONS

(Created by Ord. No. 99-48)

2- 6- 1. POLICIES AND PROCEDURES.

The City Council may establish compensation schedules, employee benefits, rules, disciplinary policies and all other employee policies and procedures by Ordinance as it deems appropriate.

(Amended by Ord. No.14-31)

2- 6- 2. EMPLOYEE TRANSFER AND DISCHARGE BOARD.

(A) **EMPLOYEE TRANSFER AND DISCHARGE HEARING OFFICER.** In all cases where any employee, except those employees set forth in Utah code Ann. § 10-3-1105(2), is discharged, suspended for more than two days without pay, or involuntarily transferred from one position to another with less remuneration for any disciplinary reason, the employee shall have the right to appeal such action to a Hearing Officer in accordance with Utah Code Ann. §§ 10-3-1105 and 10-3-1106.

(B) **APPOINTMENT, QUALIFICATIONS AND DISQUALIFICATION OF HEARING OFFICER.** The Hearing Officer shall be a member of the Utah State Bar in good standing, who is appointed by the Mayor, with the advice and consent of the City Council. The Hearing officer shall serve for a period of one year as set forth in the resolution consenting to the appointment. The Hearing Officer shall have no personal, financial, or other conflict of interest in the matter for which the hearing is being held. The Hearing Officer is subject to

disqualification for bias, prejudice, interest, or any other reason for which a judge may be disqualified in a court of law. The policy for disqualification and replacement shall be approved by the Hearing Officer.

(Amended by Ord. Nos. 09-24, 13-28)