

WEST BOUNTIFUL CITY

ORDINANCE #492-24

AN ORDINANCE ENACTING TITLE 9.05 OF WEST BOUNTIFUL MUNICIPAL CODE RELATED TO LOCAL EMERGENCIES

WHEREAS, Utah Code Annotated §53-2a-208 authorizes, under certain circumstances, the mayor to declare by proclamation a state of emergency; and

WHEREAS, the City Council has the authority to adopt this ordinance pursuant to Utah Code Annotated 10-3-702, and hereby exercises its legislative powers in so doing; and

WHEREAS, these amendments will protect and improve the health, safety, and welfare of the residents and visitors of West Bountiful:

NOW THEREFORE, BE IT ORDAINED by the City Council of West Bountiful that that the West Bountiful Municipal Code Title 9.05 be enacted as shown in exhibit A.

The provisions of the code shall be severable, and if any provision thereof, or the application of such provision under any circumstance is held invalid, it shall not affect any other provisions of this code or the application in a different circumstance.

This ordinance shall become effective upon signing and posting.

ADOPTED August 20th, 2024.

By:


Kenneth Romney, Mayor

Voting by the City Council:	Aye	Nay
Council member Ahlstrom	☒	☐
Council member Butterfield	☒	☐
Council member Enquist	☒	☐
Council member Nielsen	☒	☐
Council member Preece	☒	☐

ATTEST:


Remington Whiting, Recorder



SECTION: LOCAL EMERGENCIES

9.05.010: Proclamation

9.05.020: Effectiveness and Continuation or Renewal of Local Emergency

9.05.030: Powers in a Local Emergency

9.05.040: Emergency Interim Succession

9.05.050: Determination of Unavailability

9.05.060: Effective Date, Filing, and Public Notice

9.05.070: Temporary Emergency Location for the Principal Office

9.05.080: Penalty for Violation of Emergency Proclamation, Rule or Order

9.05.090: Severability

9.05.010: PROCLAMATION:

A. The mayor (or the mayor's emergency interim successor) may declare a local emergency by proclamation in accordance with *Utah Code Ann.* § 53-2a-208. The proclamation shall state: (1) the nature of the local emergency; (2) the area or areas of the city that are affected or threatened; and (3) the conditions which caused the local emergency.

B. If the mayor is not personally present to sign the proclamation of local emergency and the mayor orally or by electronic message directs another person to sign the proclamation on the mayor's behalf, such person shall sign the proclamation with the mayor's name followed with the notation "By Direction of the Mayor" and the other person's signature and printed name.

9.05.020: EFFECTIVENESS AND CONTINUATION OR RENEWAL OF LOCAL EMERGENCY:

A proclamation of local emergency is effective upon signature and continues in effect until it expires by its terms or is rescinded, continued, or renewed. A proclamation of local emergency shall not be adopted, continued, or renewed for a period in excess of thirty (30) days except by resolution of the city council. Any proclamation or resolution adopting, rescinding, continuing, or renewing a local emergency shall be filed promptly with the city recorder. Public notice shall be given by the best practicable means under the circumstances.

9.05.030: POWERS IN A LOCAL EMERGENCY:

In conjunction with a proclamation of local emergency and while a proclamation of local emergency is in effect, the mayor (or the mayor's emergency interim successor) may exercise the following powers by proclamation:

A. Issue such orders as are imminently necessary for the protection of life and property, including those authorized in state code;

B. Utilize all available resources of the city as reasonably necessary to manage the local emergency;

C. Employ measures and give direction to local officers and agencies which are reasonable and necessary to secure compliance;

D. If necessary for the preservation of life, order the evacuation of people from any stricken or threatened part of the city; provided, that if the mayor or his or her emergency interim successor is unavailable, the police chief (or the police chief's emergency interim successor)

may issue an urgent order for evacuation, if the evacuation is necessary for the preservation of life and does not exceed thirty-six (36) hours. Once the mayor (or the mayor's emergency interim successor) becomes available, the mayor (or the mayor's emergency interim successor) may ratify, modify or revoke the order given by the police chief (or the chief's emergency interim successor);

E. Control ingress and egress to and from any part of the city, including controlling the movement of persons within an emergency or disaster area and ordering the occupancy or evacuation of premises in such area;

F. Clear or remove debris or wreckage that is an immediate threat to public health, public safety, or private property;

G. Invoke the provisions of any mutual aid agreements entered into by the city;

H. Request assistance of political subdivisions participating in the statewide mutual aid system, pursuant to the statewide mutual aid act, *Utah Code Ann.* §§ 53-2-501 to 53-2-510 or any successor provisions;

I. Adopt a curfew upon all or any portion of the city requiring all persons in designated curfew areas to forthwith remove themselves from the public streets, alleys, parks or other public places during the specified times; provided, however, that physicians, nurses and ambulance operators performing medical services, utility personnel performing essential public services, firefighters, and city authorized or requested law enforcement officers and personnel may be exempted from such curfew;

J. Close any business establishment anywhere within the city for the period of the emergency, which businesses may include those selling or dispensing intoxicating liquors or beer; gasoline or other flammable liquids or combustible products; or other products creating a potential of personal harm or property damage, except as prohibited by Utah state code with respect to firearms and ammunition;

K. Close all social clubs or taverns or portions thereof where the consumption of intoxicating liquor and/or beer is permitted;

L. Discontinue the sale of intoxicating liquor and/or beer;

M. Designate any public street, thoroughfare, alley, park or vehicle parking areas closed to motor, bicycle, and pedestrian traffic;

N. Call upon regular and auxiliary fire or law enforcement agencies and organizations, within or outside of the city, to assist in preserving and keeping the peace within the city;

O. Suspend temporarily specific provisions of city ordinances, policies, or executive orders, during the local emergency if, but only to the extent that, compliance with such provisions would prevent, hinder, or delay action necessary to cope with the local emergency, subject to superior state and federal constitutions, laws, or regulations.

9.05.040: EMERGENCY INTERIM SUCCESSION:

Notwithstanding any other provision of law, if the mayor is unavailable, an emergency interim successor shall exercise the powers and duties of the mayor according to the order of succession designated by the mayor. If the mayor or any other city government officer has not designated an emergency interim successor, the order of succession shall be: (a) the mayor, (b) the mayor *pro tempore*, (c) the city administrator, and (d) the police chief. An emergency interim successor shall exercise the powers of the mayor only until the mayor or a person earlier in the

order of succession is no longer unavailable. If any other city official is unavailable, an emergency interim successor shall exercise such official's powers as provided in state law.

9.05.050: DETERMINATION OF UNAVAILABILITY:

A. In the event of a dispute as to whether the mayor is unavailable for purposes of this chapter, a determination shall be made by the city attorney (or the city attorney's emergency interim successor). In the case of all other executive branch officials for whom emergency interim successors have been designated, the determination of unavailability in the case of dispute shall be made by the mayor (or the mayor's emergency interim successor). The decision by the mayor or the city attorney or their emergency interim successors, as the case may be, shall be final. A determination of unavailability shall be promptly filed with the city recorder.

B. All other factual disputes arising under this chapter concerning an executive branch official shall be adjudicated by the mayor (or the mayor's emergency interim successor) except those factual disputes concerning the mayor (or the mayor's emergency interim successor), which shall be adjudicated by the city attorney (or the city attorney's emergency interim successor). The decision by the mayor or the city attorney or their emergency interim successors, as the case may be, shall be final. Any such decision shall be promptly filed with the city recorder.

9.05.060: EFFECTIVE DATE, FILING, AND PUBLIC NOTICE:

All orders, rules and regulations promulgated under section 9.05.030 shall become effective immediately upon filing with the city recorder. Public notice shall be given by the best practicable means available under the circumstances.

9.05.070: TEMPORARY EMERGENCY LOCATION FOR THE PRINCIPAL OFFICE:

A. Whenever, due to emergency resulting from the effects or imminent threat of a disaster, it becomes imprudent, inexpedient, or impossible to conduct the affairs of the city government or any individual office, department, division, or public body of city government at its current principal office or place of governance, the mayor (or the mayor's emergency interim successor) may, by proclamation declare an emergency temporary location for the principal office of such office or place of governance, department, division or public body, either within or without the jurisdiction of the city, but within the State of Utah.

B. Any proclamation of temporary emergency location of the principal office of the city council shall remain in effect until such time as a new location is established by the city council.

C. During the time that any proclamation of temporary emergency location of the principal office or place of governance remains in effect, all official acts required by law to be performed at the principal office or place of governance by any official or authority of the city, including the convening and meeting of the city council in regular, extraordinary, emergency, or special session, shall be as valid and binding as when performed at the normal location of the principal office or place of governance.

9.05.080: PENALTY FOR VIOLATION OF EMERGENCY PROCLAMATION, RULE, OR ORDER:

The violation of a proclamation declaring a local emergency, a subsequent proclamation exercising emergency powers, or any order or rule issued pursuant to this chapter, or an order or directive given by police, fire or other emergency services personnel pursuant to authority resulting from this chapter is a class B misdemeanor and punishable as provided by WBM § 1.16.010 or any successor provision.

9.05.090: Severability:

The provisions of the code shall be severable, and if any provision thereof, or the application of such provision under any circumstance is held invalid, it shall not affect any other provisions of this code or the application in a different circumstance.

**CERTIFICATE OF PASSAGE
AND POSTING ORDINANCE**

*I, the duly appointed and acting recorder for the City of West Bountiful,
do hereby certify that the foregoing Ordinance No. 492-24 was duly
passed and posted on the Utah Public Notice Website, the City Website,
and at West Bountiful City Hall on August 21st, 2024.*


Remington Whiting, City Recorder

DATE: 08/21/24