



## SYRACUSE CITY

### Syracuse City Council Work Session Agenda

**October 22, 2024 – 6:00 p.m.**

In-Person Location: Syracuse City Hall, 1979 W. 1900 S.

Electronic Via [Zoom](#)

Connect via telephone: +1-301-715-8592 US, meeting ID: 862 4088 9411

Streamed on Syracuse City [YouTube Channel](#)

- a. Meeting called to order.
- b. Public Comment: This is an opportunity to address the Council regarding your concerns or ideas. Please limit your comments to three minutes. *(Individuals wishing to provide public comment may do so via email to City Recorder Cassie Brown, [cassieb@syracuseut.gov](mailto:cassieb@syracuseut.gov), by 4:00 p.m. on October 22, 2024. Comments submitted by the deadline will be read for the record of the meeting.)*
- c. Continued review/discussion of Syracuse City code enforcement strategy. (20 min.)
- d. Review proposed amendments to Syracuse Municipal Code Title 6, Chapter 40 – Noise Ordinance. (15 min.)
- e. Discussion regarding acquisition of Utah Department of Transportation (UDOT) properties. (10 min.)
- f. Discussion regarding Dog Park rules and regulations. (15 min.)
- g. Report on annual fraud risk assessment. (10 min.)
- h. Discussion of proposal to declare four Police Department vehicles as surplus property. (10 min.)
- i. Discussion regarding proposed amendments to the Syracuse Municipal Code related to the creation of the Assistant City Manager position. (10 min.)
- j. Discussion regarding coordination of rapid responses to legislative issues during the 2025 Utah Legislative Session. (10 min.)
- k. Adjourn.

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In compliance with the Americans Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the City Offices at 801-825-1477 at least 48 hours in advance of the meeting.

#### **CERTIFICATE OF POSTING**

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Syracuse City limits on this 17<sup>th</sup> day of October 2024 at Syracuse City Hall on the City Hall Notice Board and at <http://www.syracuseut.gov/>. A copy was also provided to the Standard-Examiner on October 17, 2024.

CASSIE Z. BROWN, MMC  
SYRACUSE CITY RECORDER



# CITY COUNCIL AGENDA

October 22, 2024

## Agenda item "c"

## Review of Code Enforcement Strategy-Continued

### *Summary*

The City Council discussed issues surrounding code enforcement during the September 24 meeting. The item was continued for additional discussion. The following list details various discussion points related to code enforcement strategy for consideration:

-Civil Citations: The city's code enforcement strategy up to this point has been very 'patient' with land owners. Various phone calls, follow up visits, and warnings are allowed with each case. The only citations being issued currently are for winter parking or parking by the high school. Council discussed making a standard practice of issuing fines and citations. A standard civil citation process already exists in chapter 6.05 Code Enforcement. The ordinance describes a notice of violation process with a minimum 10 day warning period after which a civil penalty will be imposed. Parking violations are subject to a different process as described in 11.20 Traffic Code which basically says to write a civil citation without a waiting period.

-Abatement: The city budgets annually for code enforcement abatement. This year the city has budgeted \$3,000. In recent years, this budget has gone unused. Some concern was expressed about using abatement often because the abatement bill goes unpaid for a full year or more until annual property taxes and liens on property are collected by the county and redistributed back to the city. Abatement is also costly, and if used frequently could quickly exceed the budgeted amount in only 3-4 properties. However, abatement is a tool in the city's tool belt to force property owners to take care of their maintenance responsibilities.

-Scope of code enforcement officer: It was discussed that the code enforcement officer has hundreds of open cases assigned to her. Instead of hiring another code enforcement officer, it may be worth considering re-assigning parking complaints to the police department. The majority of parking issues assigned to code enforcement were for resident's recreational trailers parked on the street for over 24 hours. To respond to such complaints, license plate numbers need to be looked up to find the registered owner, which only police have the ability to do. Also, many of these parking issues arise after hours which our code enforcement officer only works standard work hours. Most parking issues are found in chapter 11 and most code enforcement issues are found in chapter 6.

-Software: A review into the open cases assigned to code enforcement in See Click Fix software discovered a few issues. There were many cases that were submitted that the code enforcement officer was not aware of because of the way her notification and view settings were set. Also, while using a laptop in the field, some data entry was lost due to portable Wi-Fi reception issues. Both issues have since been corrected and all cases are now visible and being dealt with. Also, admin credentials were expanded to additional team members in the CED department. One issue with our current software is that it only tracks communication with the complainant but does not track communications or citations with property owners.

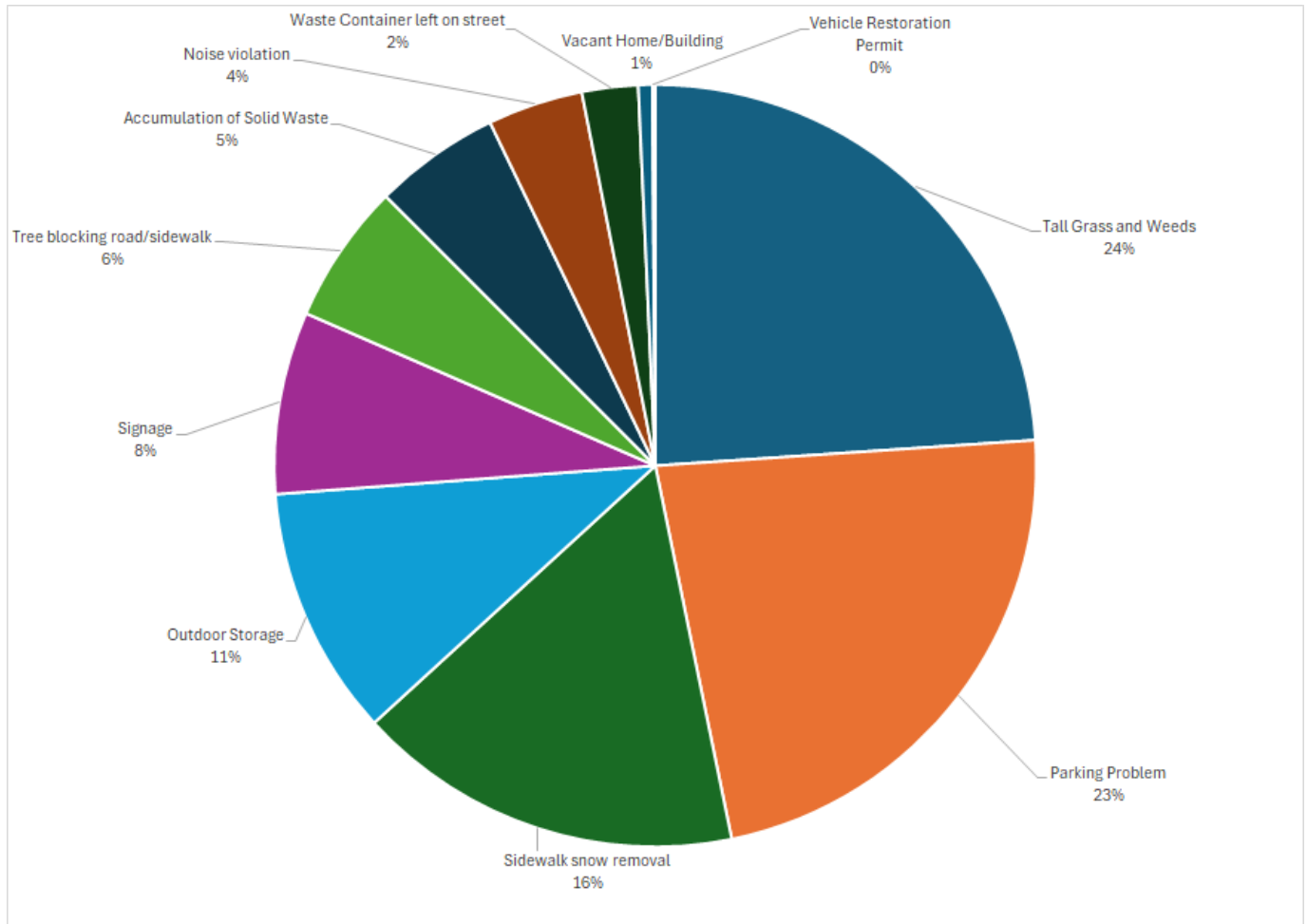
- hone Two months ago, there was only one person on the code enforcement phone tree. The voice mailbox was filling up daily and the code enforcement officer was struggling to keep up with the rate of phone calls while also responding to cases in the field. We have expanded the phone tree to ring additional team members in the field. The full mailbox issue has been corrected.

- Public Education Many residents do not use the city's on-line case reporting system and complainants want to call code enforcement directly to explain a problem which can take a lot of time. The city could launch an educational campaign about how to submit complaints on-line. Also, all city employees could be trained on how to submit complaints from phone calls to the system rather than forwarding calls and giving out phone numbers. Also, we could do a campaign educating residents about common code violations. Top code violations are weeds, sidewalk snow shoveling, and trailer parking.

Purpose of discussion

To continue discussion and review of the code enforcement program. Decide if amendments to city ordinances are needed, re-assignment of primary code enforcement responsibilities to different departments, changes or supplementation in software, or if additional budget should be dedicated towards abatement.

Types of Code Enforcement cases from January 1 to September 30, 2019



## Chapter 6.05

# ADMINISTRATIVE IMPOSITION OF CIVIL PENALTIES

Sections:

**6.05.010 Legislative declaration.**

**6.05.020 Purpose – Applicability of title.**

**6.05.030 Definitions.**

**6.05.040 Notice of violation.**

**6.05.050 Failure to comply.**

**6.05.060 Daily violations.**

**6.05.070 Reoccurring violations.**

**6.05.080 Multiple violations.**

**6.05.090 Payment.**

**6.05.100 Extensions of time.**

**6.05.110 Appeals.**

**6.05.120 Hearing Officer.**

**6.05.130 Collection.**

**6.05.140 Collection action not relief of correction responsibility.**

**6.05.150 Assistance of Syracuse City Police Department.**

**6.05.010 Legislative declaration.**

The City Council of Syracuse City finds that public nuisances exist in the City in the operation of certain commercial establishments and the use, alteration, maintenance or operation of residential, commercial, and industrial properties, in flagrant violation of the ordinances of the City or the laws of the state of Utah. All of these interfere with the interest of the public in property values, public health, safety, and welfare, and the quality of life and community environment. The Council further finds that

the continued occurrence of such activities and violations is detrimental to the health, safety, and welfare of the people of the City and the businesses thereof. It is the purpose of the Council to create a standardized procedure for securing legal and equitable remedies in the civil courts relating to the subject matter encompassed by this law, without prejudice to the use of other remedies or procedures available under existing and subsequently enacted statutes or ordinances, and to strengthen existing laws on the subject. [Ord. 10-09 § 1 (Exh. A); Ord. 10-06 § 1 (Exh. A); Code 1971 § 6-1-1.]

#### **6.05.020 Purpose – Applicability of title.**

The purpose of this title is to provide a standardized procedure for the administrative imposition of certain civil penalties authorized under various sections, articles, chapters, or titles of this code and to encourage the correction of code violations without resort to the criminal courts. [Ord. 10-09 § 1 (Exh. A); Ord. 10-06 § 1 (Exh. A); Code 1971 § 6-1-2.]

#### **6.05.030 Definitions.**

The following terms, as used in this title, are defined as follows:

“Abate” or “abatement” means to repair, replace, rehabilitate, remove, destroy, demolish, correct, or otherwise remedy a condition that constitutes a public nuisance.

“Civil citation” or “citation” means a written notice, issued by an Enforcement Officer to a responsible party, that a violation of this code has occurred and that a civil penalty has been assessed.

“Closing” or “closing order” means a court order prohibiting use or occupancy of premises or property, except as reasonably necessary for the performance of maintenance or abatement work in accordance with City ordinances.

“Date of notice” means:

- (1) The date of personal delivery of any notice or civil citation to the responsible party; or
- (2) Five days after any notice or civil citation is mailed via first class mail, postage prepaid, to the:
  - (a) Owner of the real property that is subject of the notice or citation at the last known address as shown on the records of the Davis County assessor, as evidenced in the records maintained in the Davis County recorder’s office;
  - (b) Occupant of the real property that is subject of the notice or citation at the address of the property in violation, unless another address for such occupant is shown on the records of

the Davis County assessor's office, as evidenced in the records maintained in the Davis County recorder's office; or

(c) The date that a notice or civil citation is affixed to a vehicle found in violation or mailed via first class mail, postage prepaid, to the registered owner of such vehicle at the address as shown in the registration records of the state of Utah.

"Enforcement Officer" means an officer, employee, or other person authorized to issue any notice of code violation or civil citation.

"Habitual nuisance" means any premises or property located within the City:

(1) Where there have occurred two or more convictions of a public nuisance related offense on the part of the lessees, owners, operators, or occupants within the period of one year prior to the commencement of an action under this title.

(2) Where there have occurred three or more violations of a public nuisance related offense on the part of the lessees, owners, operators or occupants within the period of one year prior to the commencement of an action under this title.

"Hearing Officer" means any Hearing Officer appointed by the Mayor, with the advice and consent of the City Council.

"Junk or salvage material" means discarded or waste material; rubbish, trash; a collection of miscellaneous items of little value.

"Litter" means rubbish carelessly dropped or left about.

"Notice of violation" or "notice of code violation" (also known as "notice and order" or "warning notice") means a written notice, issued by an Enforcement Officer to a responsible party, that a violation of this code has occurred.

"Notice to abate" means a written notice to abate or otherwise correct a public nuisance as defined herein.

"Personal delivery" means hand delivery to the responsible party, or leaving the notice at the responsible party's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein.

“Premises” means a building or structure, or the premises on which a building or structure is located, or undeveloped land.

“Property” means a lot, parcel, or plot of ground, whether occupied or not.

“Responsible party” means any person liable for a violation or civil penalty under the applicable provisions of this code.

“Utah Code” means Utah Code Annotated 1953, as amended.

“Warning period” means 10 days after the date of notice, unless a greater period of time is given by the Enforcement Officer. If the notice of violation is delivered by first class mail, the time for correction listed in such notice shall include the additional five days required for delivery. [Ord. 10-09 § 1 (Exh. A); Ord. 10-06 § 1 (Exh. A); Code 1971 § 6-1-3.]

#### **6.05.040 Notice of violation.**

If an Enforcement Officer finds that a violation exists within the City, the Enforcement Officer may provide a notice of violation to the responsible party. The notice of violation shall indicate the nature of the violation, the action necessary to correct it, the warning period established before imposition of civil penalties, and the civil penalty amount for failure to correct the violation within the established warning period. The notice shall also include photographs of the actual violation existing on the property. The date of notice applicable to such notice shall serve to start the warning period. [Ord. 10-09 § 1 (Exh. A); Ord. 10-06 § 1 (Exh. A); Code 1971 § 6-1-4.]

#### **6.05.050 Failure to comply.**

If a violation within the City remains uncorrected after expiration of the warning period, the responsible party shall be liable for the civil penalties imposed under such title, chapter, article, or section of this code. Such penalty shall be assessed by the issuance of a citation by the Enforcement Officer. Any penalty assessed herein shall be in addition to such other penalties as may be provided in this code. [Ord. 10-09 § 1 (Exh. A); Ord. 10-06 § 1 (Exh. A); Code 1971 § 6-1-5.]

#### **6.05.060 Daily violations.**

Each day a violation remains uncorrected after expiration of the warning period shall give rise to a separate civil penalty. The City may combine any action to recover daily penalties with any other civil penalty regarding the same property or person. No civil citation shall be issued for a daily violation that occurs in conjunction with another criminal violation as part of a single criminal episode that will be prosecuted in a criminal proceeding. [Ord. 10-09 § 1 (Exh. A); Ord. 10-06 § 1 (Exh. A); Code 1971 § 6-1-6.]



**6.05.070 Reoccurring violations.**

If a violation is corrected but reoccurs on or related to the same property within two years following the imposition of any civil penalty and the violation is committed by the same person, after expiration of a new warning period such violation shall subject that person to the applicable maximum penalty. [Ord. 10-09 § 1 (Exh. A); Ord. 10-06 § 1 (Exh. A); Code 1971 § 6-1-7.]

**6.05.080 Multiple violations.**

If a notice of violation describes more than one violation on or related to the same property, only the highest civil penalty shall be applicable for daily violations. [Ord. 10-09 § 1 (Exh. A); Ord. 10-06 § 1 (Exh. A); Code 1971 § 6-1-8.]

**6.05.090 Payment.**

Any person issued a civil citation shall, within 20 days of the date of the notice, pay the civil penalty unless a written request for a hearing is filed pursuant to SCC [6.20.010](#). [Ord. 10-09 § 1 (Exh. A); Ord. 10-06 § 1 (Exh. A); Code 1971 § 6-1-9.]

**6.05.100 Extensions of time.**

Upon receipt of a written application from any person who may be subject to future civil penalties under the provisions of this chapter and by agreement of such person to comply with the notice if allowed additional time, the Enforcement Officer may grant an extended warning period, if the officer determines that good cause exists for such extended warning period and the extension will not seriously threaten the effective enforcement of the applicable title, chapter, article, or section of this code, nor pose an imminent danger to the public health, safety, or welfare. The City Council may adopt written guidelines for the granting of extensions under this section. The grant of an extension shall not restrict the power of the Building Official to require vacation of premises, nor restrict the enforcement of other code violations. [Ord. 10-09 § 1 (Exh. A); Ord. 10-06 § 1 (Exh. A); Code 1971 § 6-1-10.]

**6.05.110 Appeals.**

(A) Any person having received a notice of violation or a civil citation may appeal the notice or citation by filing a written notice of appeal with the City Recorder within 10 calendar days of the notice or citation. The appeal hearing shall be before a Hearing Officer. Hearings shall be conducted as provided in Chapter [6.20](#) SCC. All notices of appeal shall be accompanied by a copy of the notice of violation or citation and by a filing fee established by the City's fee schedule.

(B) Notification of Enforcement Officer. Upon receipt of an appeal, the City Recorder shall immediately notify the Enforcement Officer.

(C) Burden of Proof. The burden to prove any defense shall be upon the person raising such defense.

(D) Applicable Defenses. The Hearing Officer may dismiss the notice and release the person from liability if any of the following defenses are applicable:

- (1) Notice was not served in compliance with the provisions of this chapter;
- (2) The violation was corrected within the warning period;
- (3) It is determined that no violation of the ordinance existed under the notice or civil citation; or
- (4) At the time of the notice or civil citation, compliance would have violated the criminal laws of the state.

(E) Mitigating Circumstances. If the Hearing Officer finds that a violation did occur, but that mitigating circumstances did exist, the penalty may be reduced after the violation is corrected. Mitigating circumstances may include:

- (1) If a change of the actual ownership of the subject property was recorded with the Davis County Recorder's Office after the notice of violation was issued and the new owner is not related by blood, marriage, or common ownership to the prior owner;
- (2) If the violation or inability to cure was caused by a force majeure event such as war, act of nature, strike, or civil disturbance;
- (3) Compliance with the notice would have presented an imminent and irreparable injury to persons or property; or
- (4) Such other mitigating circumstances as may be approved by the Hearing Officer.

(F) Correction After Expiration of Warning Period Not a Defense. It shall not be a defense that the responsible party corrected the violation after the expiration of the warning period.

(G) Agreement for Delayed or Periodic Payments. If the Hearing Officer finds that the violation occurred and no applicable defense applies, the City may, in the interest of justice, enter into an agreement for the delayed or periodic payment of the applicable penalties. In the absence of an agreement for delayed or periodic payments, any civil penalty upheld or reduced by the Hearing Officer shall be paid within 20 days of the date of the Hearing Officer's written decision.

(H) *Repealed by Ord. 23-12.*

(I) Appeal to District Court. Any person adversely affected by the decision of the Hearing Officer may petition the district court for review of the administrative determination pursuant to Section [10-3-703.7](#)(5), Utah Code Annotated 1953, or its successor provision. [Ord. 23-12 § 1 (Exh. A); Ord. 10-09 § 1 (Exh. A); Ord. 10-06 § 1 (Exh. A); Code 1971 § 6-1-11.]

#### **6.05.120 Hearing Officer.**

A Hearing Officer shall conduct requested appeals hearings in accordance with standards and procedures established in SCC [6.05.110](#) and Chapter [6.20](#) SCC.

(A) Selection of Hearing Officer. The Mayor shall appoint an individual or individuals to fill this position, subject to the advice and consent of the City Council.

(B) Compensation. The Hearing Officer shall be compensated for their services on a per-hearing basis, as established by resolution of the City Council.

(C) Scheduling of Hearings. Hearings shall be established on a monthly basis by the Hearing Officer in coordination with the Community Development Department. Hearings shall occur on the same date and time of the month (i.e., first Wednesday of every month at 5:00 p.m.). All requested hearings shall be scheduled in accordance with this calendar, as established by the Hearing Officer and Community Development Department. [Ord. 10-09 § 1 (Exh. A); Code 1971 § 6-1-12.]

#### **6.05.130 Collection.**

If a civil penalty imposed pursuant to this chapter remains unpaid, the City may use such lawful means as are available to collect such penalty, including costs and attorney's fees. [Ord. 10-09 § 1 (Exh. A); Ord. 10-06 § 1 (Exh. A); Code 1971 § 6-1-13.]

#### **6.05.140 Collection action not relief of correction responsibility.**

Commencement of any collection action shall not relieve the responsibility of any person to cure any violation if still uncorrected. [Ord. 10-09 § 1 (Exh. A); Ord. 10-06 § 1 (Exh. A); Code 1971 § 6-1-14.]

#### **6.05.150 Assistance of Syracuse City Police Department.**

The Syracuse City Police Department shall, upon the request of the Code Enforcement Officer, assist in the enforcement of any order issued pursuant to this chapter. [Ord. 10-09 § 1 (Exh. A); Ord. 10-06 § 1 (Exh. A); Code 1971 § 6-1-15.]

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The Syracuse City Code is current through Ordinance 24-22, passed September 10, 2024.

Disclaimer: The city clerk's office has the official version of the Syracuse City Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://syracuseut.gov/>

City Telephone: (801) 614-9633

Codification services provided by [General Code](#)



# COUNCIL AGENDA

October 22, 2024

Submitted by Colin Winchester

## **Agenda Item “d”      Proposed Amendments to Noise Ordinance SMC Title 6, Chapter 40**

### ***Factual Summation***

- The Council discussed the noise ordinance in its September 24 work meeting and directed staff to propose amendments to the existing noise ordinance.
- The proposed amendments are attached.
- There are a few yellow highlighted areas in the attached proposal for which staff seeks additional input/guidance from the Council.

### ***Discussion Goals***

Discuss the proposed amendments to the noise ordinance, provide additional input/guidance to staff, and determine whether to move the proposed amendments forward to the next available business meeting.

## Chapter 6.40 NOISE

### Sections:

|          |                                                     |
|----------|-----------------------------------------------------|
| 6.40.010 | Noise regulations – Intent.                         |
| 6.40.020 | Definitions.                                        |
| 6.40.030 | Specific noise prohibitions during specific hours.  |
| 6.40.040 | Use district noise levels.                          |
| 6.40.050 | Sound level measurement.                            |
| 6.40.060 | Exemptions.                                         |
| 6.40.070 | Noises governed by other laws.                      |
| 6.40.080 | Permits.                                            |
| 6.40.090 | <del>Punishment</del> Criminal Violation – Penalty. |
| 6.40.100 | Civil Violation – Penalty.                          |

#### 6.40.010 Noise regulations – Intent.

To preserve the tranquility, health and welfare of the community, the City has enacted this chapter. The intent of this chapter is to balance the generation of sounds that are necessary and routine against disturbances of the convenience and comfort of nearby individuals. It is also intended to prevent the generation of noises that are nuisances to the community, whether due to their intensity or longevity.

#### 6.40.020 Definitions.

As used in this chapter:

- (A) “A-weighted sound pressure level,” notated as “dB(A),” means the sound pressure level as measured with a sound level meter using the A-weighted network.
- (B) “Agricultural operations” means the cultivation of crops and husbandry and keeping of farm animals, including the operation of equipment essential to those operations.
- (C) “Continuous sound” means any sound that exists, essentially without interruption, for a period of 10-five minutes or more.
- (D) “Cyclically varying noise” means any sound that varies in sound level so that the same level is obtained repetitively at reasonably uniform intervals of time.
- (E) “Decibel” means the logarithmic and dimensionless unit of measure often used in describing the amplitude of sound.

(F) “Dynamic braking device” means a device used primarily on trucks for the conversion of an engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes, commonly referred to as a ~~“Jacob’s brake”~~ Jacob’s Engine Brake or Jake Brake.

(G) “Emergency work” means work required to restore property to a safe condition following a public calamity, to repair critical utility infrastructure, or to protect persons or property from imminent exposure to danger.

(H) “Emergency vehicle” means a motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.

(I) “Impulsive noise” means ~~a noise containing excursions usually less than one second or sound pressure level using fast meter characteristics~~ noise characterized by brief bursts (usually less than one second in duration) of sound pressure which exceed the sound pressure of the ambient environment by more than 10 dB(A).

(J) “Noise disturbance” means any sound that annoys or disturbs a reasonable person with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace or safety of another person.

(K) “Noise” means any sound that is unwanted by another person.

(L) “Plainly audible noise” means any noise for which the information content of that noise is unambiguously transferred to the listener, including, but not limited to, the understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.

(M) “Property boundary” means the imaginary line at the ground surface and its vertical extension that separates the real property owned by one person from that owned by another person.

(N) “Repetitive impulsive noise” means any noise that is composed of impulsive noises that are repeated at sufficiently slow rates such that the sound level meter set at “fast” meter characteristic will show changes in sound pressure level greater than 10 dB(A).

(O) “Sound” means a temporal and spatial oscillation in pressure, or other physical quantity with interval forces that causes compression and rarefaction of the medium, and that propagates at finite speed to distant points.

(P) “Sound level meter” means an instrument, approved for use by the City, that measures sound pressure levels.

(Q) "Sound pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space due to sound.

(R) "Sound pressure level" means 20 times the logarithm to the base 10 of the ratio of the root mean squared (RMS) sound pressure to the reference pressure, which shall be 20 micropascals, and abbreviated LP or SPL.

(S) "Stationary noise source" means any device, fixed or movable, that is located or used on property other than a public right-of-way.

#### **6.40.030 Specific noise prohibitions during specific hours.**

The following acts are in violation of this chapter if they occur between the hours of 10:00 p.m. and 7:00 a.m. and are plainly audible at the property boundary of the source. On Friday or Saturday evenings, the hours shall begin at 11:00 p.m. A permit or waiver may be obtained to allow relief from the noise restrictions in this chapter, as provided in ~~SCC~~SMC 6.40.080.

(A) Horns and Signaling Devices. The sounding of any horn or signaling device on any truck, automobile, motorcycle or other vehicle, except as a danger warning signal as provided in the motor vehicle code of the State of Utah, or the sounding of any such signaling device for an unnecessary and unreasonable period of time.

(B) Amplified Sound. The use or operation of a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound vehicle for the purposes of commercial advertising, giving instructions, directions, talks, addresses, lectures, or the transmission of music or entertainment to any person or assemblage of persons.

(C) Loading Operations. Loading, unloading, opening or otherwise handling boxes, crates, containers, garbage containers or other objects or materials. If loading operations are greater than 200 feet from a residential use, then loading operations may begin at 6:00 a.m.

(D) Construction Work. Operating, or causing to be used or operated, any equipment, machinery or vehicle used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys or appurtenances thereto, unless otherwise provided for by law.

(1) Construction work may begin at 6:00 a.m.;

(2) Construction operation may not exceed the sound level limits for an industrial zone;

(3) ~~Construction on state road projects are subject to the exceptions provided in Section 72-6-112.5(3), Utah Code Annotated 1953, as amended; Certain state transportation projects are exempt from this subsection as provided in Utah Code Section 72-6-112.5; and~~



(4) Exceptions to this subsection may be authorized by the Public Works Director for roadway or infrastructure construction during the nighttime, in order to minimize impacts, or to increase safety to the general public, businesses, and construction workers. Measures shall be identified by the Director to minimize noise levels, their duration, and their placement, particularly considering the proximity of construction to homes.

(E) Domestic Power Equipment. Operating or permitting to be operated any power equipment rated five horsepower or greater, used for home or building repair, grounds maintenance, or residential power generation, including, but not limited to, power saws, sanders, ~~lawn mowers~~ lawnmowers, garden equipment, snow removal equipment, or any power equipment which emits a sound pressure level in excess of 74 dB(A) measured at a distance of 50 feet.

(1) Snow removal equipment may be used beginning at 5:00 a.m. on mornings following snow accumulations.

(2) Use of residential power generator equipment during a power outage shall not constitute a violation of this chapter, so long as the sound pressure level does not exceed 80 dB(A), measured at a distance of 50 feet.

(F) Commercial Power Equipment. Operating, or permitting to be operated, any power equipment, except construction equipment used for construction activities, rated more than five horsepower including, but not limited to, chain saws, pavement breakers, chippers or powered hand tools, if such equipment emits a sound pressure level in excess of 82 dB(A) measured at a distance of 50 feet from the source.

(G) Powered Model Mechanical Devices. Flying a model aircraft, car, boat, drone, or other such device powered by an internal combustion engine, whether tethered or not, or the firing or the operation of model rocket vehicles or other similar noise-producing devices.

(H) Garbage Trucks and Compactors. The operation or use of a garbage truck or refuse compacting vehicle that creates a sound pressure level in excess of 74 dB(A) at 50 feet, except that garbage collection may begin at 6:00 a.m.

(I) Bells and Alarms. Sounding, operating or permitting the sounding or operation of an electronically amplified signal from any burglar alarm, bell, chime or clock for longer than five minutes in any hour.

(J) Fixed Siren, Whistles and Horns. Sounding or causing the sounding of any whistle, horn or siren as a signal for commencing or suspending work or for any other purpose except as a sound signal of imminent danger, for longer than five minutes in any hour.

(K) All-Terrain Vehicles and Snowmobiles. Operating an all-terrain vehicle or snowmobile, except as necessary for active agricultural operations in the A-1 or R-1 zones. In no event may an all-terrain vehicle or snowmobile produce sound exceeding 82 dB(A) at 50 feet from the source.

#### 6.40.040 Use district noise levels.

(A) For purposes of this section, “offensive sound” means any sound that exceeds the limits set forth in subsection (B) at least three times in a five-minute period.

(A-B) It shall be a violation of ~~these rules and regulations this chapter~~ for any person to operate or permit the operation of any stationary source of continuous or offensive sound that exceeds the limits set forth for the following zones when measured at the boundary or at any point within a property that is affected by the noise:

| Zone Affected                                                         | Su – Th: 10:00 p.m. – 7:00 a.m.<br>Fr – Sa: 11:00 p.m. – 7:00 a.m. | Su – Th: 7:00 a.m. – 10:00 p.m.<br>Fr – Sa: 7:00 a.m. – 11:00 p.m. |
|-----------------------------------------------------------------------|--------------------------------------------------------------------|--------------------------------------------------------------------|
| Residential and Agricultural<br>A-1, R-1, R-2, R-3, R-4, PRD, RPC, NS | 50 dB(A)                                                           | 60 dB(A)                                                           |
| Commercial/Professional<br>GC, PO, BP, RP                             | 55 dB(A)                                                           | 60 dB(A)                                                           |
| Industrial<br>ID                                                      | 75 dB(A)                                                           | 80 dB(A)                                                           |

(B-C) If a noise source is identified and its noise measured in more than one land use category, the limits of the most restrictive use shall apply at the boundaries between different land use categories.

(C-D) If a stationary sound emits a cyclically varying sound, or ~~repetitive impulse sound~~ repetitive impulsive noise, the limits set forth in subsection (A) of this section shall be reduced by five dB(A).

(D-E) Specific noise or sound pressure levels provided for in other sections of this ~~code~~ chapter shall override the general levels provided in this section.

| Sound sources (noise)<br>Examples with distance | Sound pressure<br>Level $L_p$ dB SPL |
|-------------------------------------------------|--------------------------------------|
| Jet aircraft, 50 m away                         | 140                                  |
| Threshold of pain                               | 130                                  |
| Threshold of discomfort                         | 120                                  |
| Chainsaw, 1 m distance                          | 110                                  |
| Disco, 1 m from speaker                         | 100                                  |
| Diesel truck, 10 m away                         | 90                                   |
| Kerbside of busy road, 5 m                      | 80                                   |
| Vacuum cleaner, distance 1 m                    | 70                                   |
| Conversational speech, 1 m                      | 60                                   |
| Average home                                    | 50                                   |
| Quiet library                                   | 40                                   |
| Quiet bedroom at night                          | 30                                   |
| Background in TV studio                         | 20                                   |
| Rustling leaves in the distance                 | 10                                   |
| Hearing threshold                               | 0                                    |

**Figure 1 – This table is provided as a reference only – actual decibel readings vary depending upon amplitude and distance.**

#### **6.40.050 Sound level measurement.**

- (A) Sound level measurements shall be made with a sound level meter on devices approved by the City.
- (B) Measurements shall be taken on a “per occurrence” basis unless otherwise specified herein.
- (C) The measurement period shall be at least 10-five minutes.

#### **6.40.060 Exemptions.**

The following are exempt from noise level regulations:

- (A) Noise and safety signals, warning devices and emergency pressure relief valves;
- (B) Noise resulting from any authorized emergency vehicle when responding to an emergency call or in time of emergency;
- (C) Noise resulting from snowplows engaged in snow removal activities; except as provided in subsection (E), snow removal activities do not include salt, sand, or other material loading or snowplow equipment preparation;
- (D) Noise resulting from emergency work;

- (E) Noise resulting from operations at a City public works facility related to necessary preparation of construction materials, snow removal equipment, or other critical functions;
- (F) Noise resulting from lawful fireworks and noisemakers used for an official holiday or any other celebration which is permitted by Utah State law;
- (G) Unamplified human voices between the hours of 7:00 a.m. and 9:00 p.m.;
- (H) Routine ~~and or~~ customary ringing of bells ~~and or~~ chimes by places of worship or government facilities;
- (I) Any noise resulting from activities of temporary duration permitted by law for which a license or permit has been approved by the City;
- (J) Trains or aircraft operating pursuant to applicable regulations;
- (K) Sporting events at City or school district facilities;
- (L) Agricultural operations in A-1 or R-1 zones; and
- (M) Ordinary engine noises associated with the warming of vehicles in winter months or the idling of vehicles necessary to maintain refrigeration or air conditioning inside of the vehicle or a trailer.

#### **6.40.070 Noises governed by other laws.**

The following are regulated by other laws, and are not specifically governed by this chapter:

- (A) The discharge of fireworks, which is governed by ~~Chapter 53-7, Utah Code Annotated 1953, as amended~~ the Utah Fireworks Act.
- (B) Animal nuisances, which are governed by Davis County Code, ~~Chapter 6.16, as amended~~.
- (C) ~~Engine brakes, which are governed by Chapter 11.15 SCC~~ Dynamic braking devices, which are governed by SMC Title 11 Chapter 15.

#### **6.40.080 Permits.**

- (A) The City may permit a waiver of the requirements of this ~~code chapter~~ for a temporary event, or on a long-term basis due to undue hardship.
- ~~(1-B)~~ Permits-Waivers for temporary events shall be obtained from the Director of Community and Economic Development, who may prescribe any reasonable conditions or requirements

~~upon a waiver~~ deemed necessary to minimize adverse effects upon a community or the surrounding neighborhood, including a requirement of notice of the event.

(~~2-C~~) Waivers for undue hardship shall be considered by the City Council, after conducting a public hearing on the issue. Neighbors within 300 feet of the proposed location of the waiver shall be notified of the hearing. The City Council may impose reasonable requirements or conditions ~~upon the applicant~~ to minimize the adverse effects upon the community or the surrounding neighborhood.

#### **6.40.090 ~~Punishment~~ Criminal Violation - Penalty.**

(A) A criminal violation of this chapter is an infraction, ~~and may be pursued by administrative or criminal processes, subject to a fine of not less than \$100.00.~~

(B) A subsequent criminal violation of this chapter committed within one year of a prior conviction ~~through the criminal process~~ is a Class class C misdemeanor, ~~subject to a fine of not less than \$300.00.~~

#### **6.40.100 Civil Violation – Penalty.**

In lieu of criminal proceedings, the City may address any violation of this chapter by issuing a civil citation without first issuing a notice of violation. Fines shall be established by the City Council. Individuals and business entities to whom civil citations are issued shall, within 20 days of the date of the citation, either pay the fine or file an appeal pursuant to SMC 6.05.110.



# COUNCIL AGENDA

October 22, 2024

## Agenda Item “e”

Proposed Resolution to Purchase Utah Department Of Transportation (UDOT) properties.

### *Factual Summation*

- Any questions regarding this item can be directed at Admin. Services Director Stephen Marshall.

### *Discussion Goals*

The following items outline the goals of this discussion:

- Previously, the Council gave directions to move forward with the purchase of several parcels of land from UDOT. These include land for our new secondary water reservoir, park maintenance facility, and our BMX course. These parcels would include all or a portion of the parcels as shown below. We would only purchase the land west of the new freeway for those parcels that overlap the freeway.



2. Per UDOT policy R907-80-10 (see attached), UDOT may sell the land directly to the city without a competitive bid process if:
  - (a) the buyer is a Utah public entity, and the property is being transferred for a public use, said public use to be established
  - (ii) **by resolution** declaring the proposed use of the land qualifies as a valid public use, said resolution to be approved by a public vote by the public entity's governing body at an open meeting after notice to at least adjoining landowners who shall have the opportunity to comment on the proposed public use prior to the public vote.
3. It is recommended that we move forward with a vote on the November 12<sup>th</sup> meeting for a public vote and action by resolution on these properties. We will notify adjacent landowners of this proposed action.

#### **Discussion Goals**

Consider whether to place item on the November 12<sup>th</sup> meeting for vote by resolution to purchase the proposed properties as outlined above.

## **R907. Transportation, Administration.**

### **R907-80. Disposition of Surplus Land.**

#### **R907-80-1. Authority and Purpose.**

The Department of Transportation makes this rule pursuant to Sections 72-5-111, 72-5-117, 72-5-404, 78B-6-520.3, and 78B-6-521, which authorize the executive director to prescribe the terms and conditions for the sale or exchange of surplus right of way, and to make rules to ensure that the value of the real property is consistent with the proposed price and other terms of the purchase, sale, or exchange. Property or property interests that involve federal requirements must be sold or exchanged in accordance with the requirements of 23 C.F.R. Section 710.409.

#### **R907-80-2. Definitions.**

- (1) "Appraisal" means the same as it is defined in Subsection 61-2G-102(1)(a).
- (2) "Bidder" means a person who offers to pay a certain amount of money in exchange for title to an interest in real or personal property the department offers for sale.
- (3) "Confirmable Delivery Method" means any method of delivering documents that provides a way to confirm they were delivered to the intended party or location.
- (4) The "Department" means the Utah Department of Transportation.
- (5) The "Director" means the Executive Director of the Utah Department of Transportation or the Executive Director's designee.
- (6) "First right of refusal" means the same as "right of first refusal" and "right of first consideration."
- (7) "Minimum acceptable selling price" means a price established by the department based upon the market value of the property as established by an appraisal or other means; plus, costs associated with preparing the property for and executing the sale, such as the costs of advertising, appraising, performing environmental assessments, and processing the transaction.
- (8) As used in this rule, "surplus land," "surplus property," or "land" mean an estate in real property to which the department is the owner and the director has declared to be surplus.
- (9) The "Transportation Commission" or "Commission" means the Utah Transportation Commission.
- (10) A "Utah Public Entity" means a political subdivision of the state, an agency of the state, a county, a municipality, or a special services district of the state, a county, or municipality.

#### **R907-80-3. Sales or Exchange Initiation Process.**

In determining the appropriateness of a parcel of surplus land for sale or exchange, the department may consider nominations by interested parties. Such a nomination shall in no way obligate the department to the interested party making the nomination.

#### **R907-80-4. Methods of Sale.**

- (1) The department may sell land or other assets using one of the methods described below:
  - (a) a public sale mail and live auction pursuant to Section R907-80-7;
  - (b) a negotiated sale pursuant to Section R907-80-10;
  - (c) a negotiated exchange pursuant to Section R907-80-11; or
  - (d) a public sale online, or web-based auction pursuant to Section R907-80-8.
- (2) The department will execute sales and exchanges pursuant to rule Section R933-1-4.

#### **R907-80-5. Notice to Local Jurisdiction Prior to Public Sale.**

Prior to publicly listing or advertising any land for sale by a public sale mail and live auction pursuant to Section R907-80-7 or a public sale online or web-based auction pursuant to Section R907-80-8, the department shall provide at least 30 days written notice of its intent to proceed with such a sale to the municipal or county entity with planning and zoning jurisdiction over the land to be sold. Such written notice may be by electronic mail or other written means, need only reference this rule and a general description of the land to be sold, and shall be sent to the chief executive of the jurisdiction. This notice requirement shall not apply to exchanges of real property.

#### **R907-80-6. Public Sale Notice and Advertising - Mail and Live Auctions.**

- (1) The department may notify the public about the sale of surplus property by commercially feasible methods, including publication of a notice in one or more newspapers of general circulation in the county in which the sale is proposed at least 15 days before the deadline to submit bids pursuant to the requirements of Section R907-80-7.
- (2) The notice and any associated advertising will include a general description of the parcel including township, range, and section, and any other information that may create interest in the sale. The department must also identify the desired form of payment.
- (3) The department may advertise public sales using any other methods the director has determined may increase the potential for additional competition at the sale.

#### **R907-80-7. Public Sale - Mail and Live Auctions.**

Public sale, mail and live auctions will be conducted as follows:

- (1) The Comptroller's Office of the department will accept sealed bids by any means of delivery until 5:00 P.M. the day prior to the auction.
- (2) The officer conducting the auction will accept sealed bids by personal delivery on the day of the auction up until the beginning of the auction.
- (3) A sealed bid must contain deposit funds in an amount determined and advertised by the department, as required by Section R907-80-4 to purchase the subject property. The department may require this deposit to consist of certified funds. Bids and bid deposits must be a specified dollar amount. The department has the right to reject any bid however submitted.
- (4) The department may require buyers who have defaulted on certificates of sale in the past to make larger deposits or submit sealed bids in the form of certified funds even if such a requirement is not contained in the notice of sale.
- (5) The officer conducting the auction will open sealed bids after declaring that the auction has started. After determining which sealed bid is highest, the officer will allow bidders willing to bid more than the highest sealed bid received to participate in live bidding. Live bids must be for more than the amount of the highest sealed bid, subject to those terms and conditions set forth in Subsection R907-80-7(6). Persons who submit sealed bids eligible to participate in the live bidding will also be allowed to participate by telephone, subject to the terms and conditions of Subsection R907-80-7(6).
- (6) Bids less than the minimum acceptable selling price will be disqualified, and the bidder will not be eligible for live bidding even if such bids would otherwise meet those requirements in Subsections (4) or (6).



(7) Bids, whether sealed or live, constitute a valid offer to purchase. An attempt to withdraw a sealed bid after the first sealed bid has been opened, or an attempt to withdraw or amend an live bid may result in the forfeiture of the bid deposit and any other remedy afforded the department at law or equity.

(8) At the conclusion of the auction and subject to the terms of Section R907-80-8, the successful bidder must sign a written offer agreement prepared by the department that states the terms included in the public sale notice.

(9) If the successful bidder defaults on the offer agreement, or otherwise fails to meet the requirements of Section R907-80-12, and upon approval by the director, the property may be offered for sale to the person whose bid was second highest at the auction provided that the terms of the sale meet or exceed the minimum acceptable selling price established for the subject property. The second highest bidder will have 30 days from the date of the department's offer to submit the purchase price balance plus costs required by Subsection R907-80-10(5).

(10) Third parties owning authorized improvements on the parcel at the time of the sale will be allowed 90 days from the date of the sale to remove the improvements. This provision will not apply when such improvements are permitted under a valid existing right of record when such right survives the sale of the parcel, or the improvements are subject to a separate lease agreement.

#### **R907-80-8. Online or Web-based Public Sale Auctions.**

The department may establish an online or web-based application to use in conducting public sale auctions. The department may subscribe to or use a commercially available online or web-based service to use in conducting public sale auctions, or it may subscribe to or use an online or web-based service provided by a public entity for conducting public sale auctions. The director must provide written approval to use the online or web-based application or service the department uses for public sale auctions. For good cause, the director may disqualify a party from participating in the online auction to maintain the integrity of the bidding process. An example of good cause is when a party has previously participated in an auction and failed to perform its obligations as the winning bidder.

#### **R907-80-9. First Right of Refusal.**

(1) If the department does not use any portion of a parcel of property it acquires from a private party for transportation purposes, the department must allow the original grantor an opportunity to repurchase the property at the original purchase price to the grantor before the department may sell the parcel of property to another buyer as required by Section 72-5-111.

(a) The department must send a written offer by certified mail to the original grantor at the original grantor's last known address, to sell the acquired property to the original grantor at the department's acquisition price.

(b) The original grantor of the parcel of property may assign this first right of refusal to another person before the department may sell the parcel of property to another buyer. The original grantor or the assignee must notify the department of an assignment of the first right of refusal by certified mail to the current office address of the executive director.

(c) The original grantor or the assignee must accept the department's offer by certified mail within 90 days of the date the original grantor receives the department's offer. If the department does not receive an acceptance of its offer within the 90 days, it is free to sell or exchange the parcel to someone other than the original buyer or assignee.

(d) The original grantor or the assignee may waive, in writing, the first right of refusal at any time.

(2) The department must offer to sell property or an interest in property that it acquired by condemnation or threat of condemnation to the original grantor before it may sell to another buyer as required by Sections 72-5-111 and 78B-6-521.

(a) The department will offer the holder of this first right of refusal the opportunity to purchase the property or property interest for a price equal to the highest offer received at auction plus costs associated with preparing and bringing to auction the property or property interest.

(b) The department may, but is not required to contact the holder of this first right of refusal of its decision to sell at auction the property or property interest to provide the holder an opportunity to purchase the property or property interest for an amount equal to the appraised value plus costs associated with preparing the property or property right for sale or waive the right by providing the department a written waiver.

(c) Should the holder refuse to accept the department's offer to sell or waive the right, the department will contact the holder as soon as reasonably possible after the auction ends and offer the property or property interest to the holder for a price equal to the highest offer received at auction plus associated costs.

(d) The holder of the right will have 90 days to accept or assign the offer to another buyer. Assigning the right will not extend the 90 days allowed to accept the offer.

(e) If the holder of the right does not accept or assign the department's offer within the 90 days, the department is free to sell the property or property interest to the highest bidder.

(f) If the holder accepts the department's offer, the holder must close the purchase in accordance with Section R907-80-14, and any other pending offer or contract on which the department's offer is based becomes void.

#### **R907-80-10. Negotiated Sales, Justifications, Procedures, and Public Notice.**

(1) The department may dispose of surplus land by negotiated sale when the director determines such a sale is in the public interest of the state and the department, as set forth in Subsection R907-80-10(1)(e). The department may sell surplus land or other property by negotiated sale if:

(a) the buyer is a Utah public entity, and the property is being transferred for a public use, said public use to be established through one of the following methods:

(i) by a written finding presented to the department by the public entity's chief executive that the property will be used for a road, other transportation or transit facility, including bicycle paths and sidewalks, a transportation reinvestment zone created pursuant to Section 11-13-227, a public building or grounds, or a public park; or

(ii) by resolution declaring the proposed use of the land qualifies as a valid public use, said resolution to be approved by a public vote by the public entity's governing body at an open meeting after notice to at least adjoining landowners who shall have the opportunity to comment on the proposed public use prior to the public vote;

(b) the buyer of the surplus land also owns adjoining land, but only if the department determines that competition for the purchase of the surplus land is not likely;

(c) the surplus land comprises an easement, and said easement is being released to the owner of the fee simple estate that is subject to the easement;

(d) the surplus land is being transferred to a public utility, as defined in Section 72-6-116, to provide utility services to the public; or

(e) the director, where any designee of the executive director of the department may only be a deputy director of the department determines a negotiated sale is in the public interest of the state and the department after considering at least the following factors: (1) the needs of the department for proceeds from surplus sales; (2) the likelihood of competition to purchase the parcel if sold through public means; (3) any additional costs to the department associated

with a sale by other means; (4) the price to be paid by the buyer; (5) whether there are any public benefits expected from a negotiated sale that could not be achieved by a public sale; and (6) any other factor the director determines is relevant to a public interest determination.

(f) Any negotiated sale carried out pursuant to this Rule must be for an established minimum acceptable selling price, unless the land is to be sold to a public entity for a road or park, in which case it may be sold for a lesser amount or at no cost if a clause is placed into the deed that specifies title will revert to the department if the property ceases to be used for the purpose stated in the deed.

(2) The department may list, or contract with an agent or broker to list for sale a property or property interest on a commercial listing service if the director determines doing so is in the best interest of the state. The department will utilize a standard procurement process to select an agent or broker.

(3) In the event a party submits a competing offer or offers to purchase the property from the department, the department must evaluate the offer or offers and accept the offer that best serves the interests of the state and the department after consideration of the factors identified in Subsection (1)(e). If the department receives multiple offers, the director may determine that the best interests of the state and the department require the department to request best and final offers from offerors. A written justification statement that articulates the reasoning used to determine the offer that best serves the interests of the state and the department must be a part of negotiated sales files.

(4) The department may require a buyer of surplus land purchased through a negotiated sale to reimburse the department for costs incurred in preparing the parcel for sale. These costs may include costs for advertising, appraisal, environmental assessments, and a sale processing charge.

#### **R907-80-11. Negotiated Exchanges.**

(1) The department may exchange real property for other real property with a Utah Public Entity, an individual, business, private enterprise, or not-for-profit organization.

(2) Exchanges may be made to acquire land the department needs for highway use in compliance the approval requirements of Subsection 72-5-111(1)(c).

(3) Real property exchange transactions are not subject to competitive solicitation procedures.

(4) Exchanges of surplus real property must comply with state law. Exchanges of real property involving the department and a Utah public entity must follow the requirements of the Interlocal Cooperation Act, Sections 11-13-101 through 608.

(5) The financial consideration received for any real property exchange to an individual, business, private enterprise, or not-for-profit organization must be equal to or higher than the current market value of the department's real property, as determined by any reasonable means.

(6) Real property received in an exchange must be free from liens, encumbrances, and clouds on title unless the director determines after review that accepting the property is in the best interests of the state. The director's justification for accepting property with a lien, encumbrance, or cloud on title must be in writing.

#### **R907-80-12. Contracts of Sale or Exchange.**

(1) The department will prepare and deliver a contract of sale to the buyer following a public auction sale or upon concurrence of the parties in a negotiated sale or an exchange. This contract must contain the legal description of subject property or properties, and include:

- (a) information regarding the amount paid or the values of the properties exchanged;
- (b) the identities of buyer of the land or the entity or entities participating in the exchange with the department;
- (c) remedies the department may elect in the event of a default; and
- (d) any other terms, covenants, deed restrictions, or conditions the department considers appropriate.

(2) Buyers or persons participating in a property exchange must execute contracts of sale or exchange and return them to the department within 20 days from the date the department delivers the contract. If the department does not receive the contract within the 20-day period, the department will send notice by a confirmable delivery method to the buyer or exchanging party giving notice that after 10 days the transaction may be canceled with monies received by the department, including any deposit made, will be forfeited to the department. Notification of this forfeiture provision must accompany the transmittal of the contract.

(3) The department reserves the right to cancel a sale or exchange of surplus land for any reason prior to execution of the contract by the director.

(4) The department will issue a quit claim deed to the appropriate person upon payment in full or amounts owed to the department and surrender of the original contract of sale or exchange for any tract of land sold or exchanged.

#### **R907-80-13. Competition Protection.**

(1) Collusion between bidders or between a bidder and an employee or agent of the department to affect a public sale auction is prohibited. Anyone having reason to believe that a public sale auction conducted under this rule may have been affected by collusion between bidders or between one or more bidders and an employee or agent of the department must report that information to the attorney general as soon as reasonably possible.

(2) Should an adjudicative body determine that collusion intended to affect a public sale auction conducted under this rule has occurred, the resulting sale will be voidable by the department.

#### **R907-80-14. Closings.**

(1) Auction sales, negotiated sales, or negotiated exchanges must go through this closing process.

(2) Transactions must be closed within 60 days after the date of the contract unless good cause exists to delay the closing. Information intended to show that good cause that warrants delaying a closing exists must be provided in writing to the director within 30 days after the date of the contract. The director must determine if good cause to delay exists.

(3) A minimum of 3% security deposit on a negotiated sale will be required to be held in escrow.

(4) If closing does not complete within 60 days after the date of the contract, the deposit money becomes non-refundable if the director decides good cause to delay does not exist.

(5) If closing is not complete within the 60 days after the date of the contract and the director determines that good cause to delay does not exist, the buyer still wishes to buy the property, and the department agrees to allow the buyer more time to complete the purchase, the buyer must provide an additional 7% security deposit to the department to be held in escrow and the parties will have an additional 30 days after the date of the contract to close.

(6) If the buyer does not provide the additional 7% security deposit required by Subsection R907-80-13(5) within 5 business days after the date the department agrees to allow the buyer more time to complete the purchase, the purchase contract is voidable by the department, and the department may contact the next highest bidder who will then have an opportunity to purchase the property.

(7) If closing is not complete within the additional 30 days allowed by Subsection R907-80-13(5), deposit money becomes non-refundable, the contract becomes voidable by the department and the department may provide the next highest bidder an opportunity to purchase the property.

(8) The director has authority to extend time frames allowed to close a transaction if he or she determines that doing so serves the public interest of the state.

(9) The closing of a real property transaction may be conducted at a title company provided the buyer pays for related costs. If a title company is used for closing, the department will instruct the company to record the deed, and after recording, send it to the Department of Transportation, Director of Right of Way.

(10) Only the director is authorized to sign closing papers, real property contracts, or deeds.

**KEY: surplus land, negotiated exchanges, public sales auctions, negotiated sales**

**Date of Enactment or Last Substantive Amendment: December 1, 2020**

**Authorizing, and Implemented or Interpreted Law: 72-5-117; 72-5-111; 72-5-404**



# COUNCIL AGENDA

October 22, 2024

Agenda Item “f”

## Dog Park Rules and Regulations Discussion

### *Factual Summation*

- Any questions regarding this agenda item may be directed at Mayor Maughan, Brody Bovero, City Manager or Kresta Robinson, Parks and Recreation Director.
- Staff is actively working to complete the Syracuse City Dog Park. We are currently finalizing punch list items and allowing time for the sod to establish, with an expected opening in the Spring of 2025.
- As staff prepares for the opening, we would like to present the proposed rules and regulations to the council for review and discussion.
- Proposed Dog Park Rules & Guidelines are listed below:

### **WELCOME TO POOCH PARK!**

🐾 Where Tails Wag and Friendships Grow 🐾

### **RULES & GUIDELINES:**

1. **Leash Up:** Dogs must be on a leash until inside the fenced area.
2. **Pick Up:** Please clean up after your pet. Waste bags are provided.
3. **Supervise:** Keep an eye on your pup at all times. Owners are legally responsible for the behavior of their dog(s) at all times.
4. **Play Nice:** Only friendly dogs are allowed. If your dog shows aggression, please remove them immediately.
5. **No Food:** For the safety of all dogs, please do not bring food into the park.
6. **Age Limit:** Dogs must be at least 4 months old to play. Humans must be at least 16 years old or accompanied by an individual 18 years or older.

7. **Walking Loop:** Strollers, bikes, scooters, skateboards and similar items are not allowed.

**HOURS:**

Sunrise to Sunset (Syracuse City may close the park without notice).

**ENJOY YOUR VISIT!**

Let's keep Pooch Park a fun and safe place for all!

**IN CASE OF AN EMERGENCY CALL 911**

***Goals of Discussion***

- The following items outline the goals of this discussion:
  - Whether the council agrees with the rules and regulations proposed.

## **Dog Park – Who Makes the Rules?**

**Question:** Who has the authority to establish rules and regulations for city parks (including the dog park)?

**Answer:** The City Council. SMC 4.35.020 states, “The City Council may establish such reasonable rules and regulations as may be necessary for the use, control, management and protection of the public parks and trails and for multi-use open space.”

Colin.Winchester  
City.Attorney  
September.8680



# COUNCIL AGENDA

October 22, 2024

## Agenda Item “g”

## Annual Fraud Risk Assessment and Review

### ***Factual Summation***

- Any questions regarding this item can be directed at Admin. Services Director Stephen Marshall.
- Please review Fraud Risk Summary.
- Please review the Internal Control Checklist.

### ***Discussion Goals***

The following items outline the goals of this discussion:

1. Review the framework for annual fraud risk assessment and evaluate our current fraud risk assessment score.
  - Current score of **355. Low risk.**
  - This form will be signed and submitted to the State Auditor’s Office each year.
  - It must be presented to the City Council and reviewed by the City Council prior to submission.

# Fraud Risk Assessment

Continued


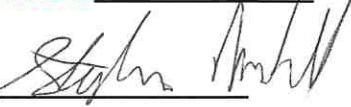
\*Total Points Earned: **355** /395 \*Risk Level: **Very Low** **Low** **Moderate** **High** **Very High**  
 > 355 316-355 276-315 200-275 < 200

|                                                                                                                                                                                                                                                                                                                                                                                   | Yes        | Pts |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----|
| 1. Does the entity have adequate basic separation of duties or mitigating controls as outlined in the attached Basic Separation of Duties Questionnaire?                                                                                                                                                                                                                          | <b>200</b> | 200 |
| 2. Does the entity have governing body adopted written policies in the following areas:                                                                                                                                                                                                                                                                                           |            |     |
| a. Conflict of interest?                                                                                                                                                                                                                                                                                                                                                          | <b>5</b>   | 5   |
| b. Procurement?                                                                                                                                                                                                                                                                                                                                                                   | <b>5</b>   | 5   |
| c. Ethical behavior?                                                                                                                                                                                                                                                                                                                                                              | <b>5</b>   | 5   |
| d. Reporting fraud and abuse?                                                                                                                                                                                                                                                                                                                                                     | <b>5</b>   | 5   |
| e. Travel?                                                                                                                                                                                                                                                                                                                                                                        | <b>5</b>   | 5   |
| f. Credit/Purchasing cards (where applicable)?                                                                                                                                                                                                                                                                                                                                    | <b>5</b>   | 5   |
| g. Personal use of entity assets?                                                                                                                                                                                                                                                                                                                                                 | <b>5</b>   | 5   |
| h. IT and computer security?                                                                                                                                                                                                                                                                                                                                                      | <b>5</b>   | 5   |
| i. Cash receipting and deposits?                                                                                                                                                                                                                                                                                                                                                  | <b>5</b>   | 5   |
| 3. Does the entity have a licensed or certified (CPA, CGFM, CMA, CIA, CFE, CGAP, CPFO) expert as part of its management team?                                                                                                                                                                                                                                                     | <b>20</b>  | 20  |
| a. Do any members of the management team have at least a bachelor's degree in accounting?                                                                                                                                                                                                                                                                                         | <b>10</b>  | 10  |
| 4. Are employees and elected officials required to annually commit in writing to abide by a statement of ethical behavior?                                                                                                                                                                                                                                                        | <b>20</b>  | 20  |
| 5. Have all governing body members completed entity specific (District Board Member Training for local/special service districts & interlocal entities, Introductory Training for Municipal Officials for cities & towns, etc.) online training ( <a href="http://training.auditor.utah.gov">training.auditor.utah.gov</a> ) within four years of term appointment/election date? | <b>20</b>  | 20  |
| 6. Regardless of license or formal education, does at least one member of the management team receive at least 40 hours of formal training related to accounting, budgeting, or other financial areas each year?                                                                                                                                                                  | <b>20</b>  | 20  |
| 7. Does the entity have or promote a fraud hotline?                                                                                                                                                                                                                                                                                                                               | <b>20</b>  | 20  |
| 8. Does the entity have a formal internal audit function?                                                                                                                                                                                                                                                                                                                         | <b>0</b>   | 20  |
| 9. Does the entity have a formal audit committee?                                                                                                                                                                                                                                                                                                                                 | <b>0</b>   | 20  |

\*Entity Name: **Syracuse City**\_\_\_\_\_

\*Completed for Fiscal Year Ending: **2024**\_\_\_\_\_ \*Completion Date: **10/15/2024**\_\_\_\_\_

\*CAO Name: **Brody Bovero**\_\_\_\_\_ \*CFO Name: **Stephen Marshall**\_\_\_\_\_

\*CAO Signature:  \*CFO Signature: 

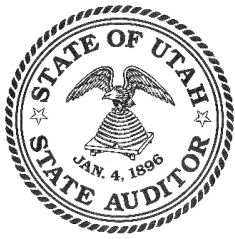
\*Required



# Basic Separation of Duties

See page 2 of this questionnaire for instructions and definitions.

|                                                                                                                                                                                                                                                                                                                                               | Yes | No | MC* | N/A |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|-----|-----|
| 1. Does the entity have a board chair, clerk, and treasurer who are three separate people?                                                                                                                                                                                                                                                    | ✗   |    |     |     |
| 2. Are all the people who are able to receive cash or check payments different from all of the people who are able to make general ledger entries?                                                                                                                                                                                            | ✗   |    |     |     |
| 3. Are all the people who are able to collect cash or check payments different from all the people who are able to adjust customer accounts? If no customer accounts, check "N/A".<br><small>Utility clerks collect payments and can make adjustments. However, all customer account adjustments are reviewed by Admin. Services Dir.</small> |     | ✗  | ✗   |     |
| 4. Are all the people who have access to blank checks different from those who are authorized signers?                                                                                                                                                                                                                                        | ✗   |    |     |     |
| 5. Does someone other than the clerk and treasurer reconcile all bank accounts OR are original bank statements reviewed by a person other than the clerk to detect unauthorized disbursements?                                                                                                                                                | ✗   |    |     |     |
| 6. Does someone other than the clerk review periodic reports of all general ledger accounts to identify unauthorized payments recorded in those accounts?                                                                                                                                                                                     | ✗   |    |     |     |
| 7. Are original credit/purchase card statements received directly from the card company by someone other than the card holder? If no credit/purchase cards, check "N/A".                                                                                                                                                                      | ✗   |    |     |     |
| 8. Does someone other than the credit/purchase card holder ensure that all card purchases are supported with receipts or other supporting documentation? If no credit/purchase cards, check "N/A".                                                                                                                                            | ✗   |    |     |     |
| 9. Does someone who is not a subordinate of the credit/purchase card holder review all card purchases for appropriateness (including the chief administrative officer and board members if they have a card)? If no credit/purchase cards, check "N/A".                                                                                       | ✗   |    |     |     |
| 10. Does the person who authorizes payment for goods or services, who is not the clerk, verify the receipt of goods or services?                                                                                                                                                                                                              | ✗   |    |     |     |
| 11. Does someone authorize payroll payments who is separate from the person who prepares payroll payments? If no W-2 employees, check "N/A".                                                                                                                                                                                                  | ✗   |    |     |     |
| 12. Does someone review all payroll payments who is separate from the person who prepares payroll payments? If no W-2 employees, check "N/A".                                                                                                                                                                                                 | ✗   |    |     |     |



## Basic Separation of Duties

### Continued

**Instructions:** Answer questions 1-12 on the Basic Separation of Duties Questionnaire using the definitions provided below.

☑ If all of the questions were answered “Yes” or “No” with mitigating controls (“MC”) in place, or “N/A,” the entity has achieved adequate basic separation of duties.

☹ If any of the questions were answered “No,” and mitigating controls are not in place, the entity has not achieved adequate basic separation of duties.

### Definitions:

**Board Chair** is the elected or appointed chairperson of an entity’s governing body, e.g. Mayor, Commissioner, Councilmember or Trustee. The official title will vary depending on the entity type and form of governments.

**Clerk** is the bookkeeper for the entity, e.g. Controller, Accountant, Auditor or Finance Director. Though the title for this position may vary, they validate payment requests, ensure compliance with policy and budgetary restrictions, prepare checks, and record all financial transactions.

**Chief Administrative Officer (CAO)** is the person who directs the day-to-day operations of the entity. The CAO of most cities and towns is the mayor, except where the city has a city manager. The CAO of most local and special districts is the board chair, except where the district has an appointed director. In school districts, the CAO is the superintendent. In counties, the CAO is the commission or council chair, except where there is an elected or appointed manager or executive.

**General Ledger** is a general term for accounting books. A general ledger contains all financial transactions of an organization and may include sub-ledgers that are more detailed. A general ledger may be electronic or paper based. Financial records such as invoices, purchase orders, or depreciation schedules are not part of the general ledger, but rather support the transaction in the general ledger.

**Mitigating Controls** are systems or procedures that effectively mitigate a risk in lieu of separation of duties.

**Original Bank Statement** means a document that has been received directly from the bank. Direct receipt of the document could mean having the statement 1) mailed to an address or PO Box separate from the entity’s place of business, 2) remain in an unopened envelope at the entity offices, or 3) electronically downloaded from the bank website by the intended recipient. The key risk is that a treasurer or clerk who is intending to conceal an unauthorized transaction may be able to physically or electronically alter the statement before the independent reviewer sees it.

**Treasurer** is the custodian of all cash accounts and is responsible for overseeing the receipt of all payments made to the entity. A treasurer is always an authorized signer of all entity checks and is responsible for ensuring cash balances are adequate to cover all payments issued by the entity.



# COUNCIL AGENDA

## October 22, 2024

### Agenda Item “h”

#### Surplus property actions:

- Authorize surplus of Police Department vehicles

### Factual Summation

- Any questions regarding this agenda item may be directed to Chief Atkin.

### Surplus Vehicles

The Police Department is seeking Council approval to dispose of the following vehicles:

|      |                 |          |                   |
|------|-----------------|----------|-------------------|
| 1999 | Pontiac Sunfire | X59 8VK  | 1G2JB124XX7533239 |
| 2012 | Ford Fusion     | C130TH   | 3FADP0L36CR193400 |
| 2012 | Ford Fusion     | 506434ex | 3FADP0L35CR187572 |
| 2015 | Ford Explorer   | 211809ex | 1FM5K8AR0FGB13518 |

According to the Surplus Property Policy under General Policy numeral 5, any personal property with an estimated market value over \$5,000 may be surplusd only with authorization by the City Council and shall be disposed of using the prioritized methods outlined in the Surplus Method Section.

According to the Surplus Property Policy under Exceptions to General Policy numeral 6, to maximize staff productivity, and to maximize value on behalf of the City and its citizens, motor vehicles will either be offered to a commercial auctioneer service or traded in to a dealer/manufacturer. We are requesting these vehicles be sent to TNT Auction for disposal.

### Action Items for Agenda

- Consider approving the request of the Police Department to surplus vehicles to TNT Auction.



# COUNCIL AGENDA

## October 22, 2024

Agenda Item “i”      Discussion on Proposed Changes to the  
Syracuse Municipal Code Related to Creation of  
the Assistant Manager Position.

Below is a summary of the proposed changes to the Syracuse Municipal Code (SMC), primarily relating to the creation of the new position of Assistant City Manager. The creation of this position necessitates adjustments to various sections of the SMC to reflect the new structure within the city's administration.

The key changes include the following:

1. **Creation of the Assistant City Manager Position:** Under the direction of the City Manager, and with policy guidance from the Mayor and City Council, the Assistant City Manager shall assist with oversight and administration of all functions of the City government to achieve the City's mission.
2. **Temporary Absence of the City Manager:** The Assistant City Manager will act in the position of the City Manager in the event of their temporary absence due to illness, vacation, or similar reasons.
3. **Reporting Structure:** Department heads will now report to the City Manager or their designee, allowing for delegation of responsibilities to the Assistant City Manager.
4. **Mayor's Voting Powers:** The Mayor will have the authority to vote on the appointment or dismissal of both the City Manager and the Assistant City Manager.
5. **Appointment and Removal:** The Mayor, with the advice and consent of the City Council, will be able to appoint and remove both the City Manager and Assistant City Manager. Additionally, both will serve at the pleasure of the City Council and may be terminated with or without cause.
6. **Delegation of Responsibilities:** The City Manager may now delegate duties to the Assistant City Manager, including supervision of department heads,

implementation of personnel policies, and review of contracts, among other responsibilities.

7. **New Powers and Duties for Assistant City Manager:** The proposed changes grant the Assistant City Manager the ability to perform tasks traditionally reserved for the City Manager, ensuring seamless operations in their absence or when duties are delegated.
8. **Miscellaneous Updates:** Several other sections of the SMC have been updated to reflect the new role, ensuring consistency across administrative functions. This includes updates to provisions regarding personnel supervision, appeals processes, public safety measures, and administrative decision-making. The terminology was also updated to use the term “manager” instead of “administrator”.

For a comprehensive review of the proposed changes, please refer to the attached document, which includes detailed amendments to the relevant sections of the SMC. We believe that these updates will enhance the efficiency of city operations by providing clearer lines of authority and ensuring continuity in leadership.

### **Discussion Goals**

Review the proposed code changes to reflect the needs of the City as it pertains to the new Assistant City Manager position, and provide guidance and direction to the Administration.

| SMC Code                                          | Text of Current Provision                                                                                                                                                                                                                                                                                                                                          | Text of Proposed Revision                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.20 City <b>Manager</b>                          | N/A                                                                                                                                                                                                                                                                                                                                                                | <p>(New section: Assistant City Manager) (A) Position Created. There is hereby created the position of Assistant City Manager who shall perform the duties described herein, as well as other duties designated by the City Manager, and also other duties outlined in Title 2 of the SMC.</p> <p>(B) Duties. Under the direction of the City Manager, and with policy guidance from the Mayor and City Council, the Assistant City Manager shall assist with oversight and administration of all functions of the City government to achieve the City's mission.</p> <p>(C) Supervisory Responsibilities. The Assistant City Manager shall have supervisory responsibilities for personnel, programs, projects, services, and departments as assigned by the City Manager.</p> |
| 2.05.020 Temporary absence of City Administrator. | In the event of the temporary absence of the City Administrator due to illness, vacation or similar reasons, the Mayor may assign a designee or act in the position of the City Administrator.                                                                                                                                                                     | In the event of the temporary absence of the City <b>Manager</b> due to illness, vacation or similar reasons, <b>the Assistant City Manager shall act in the position of the City Manager.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 2.05.030 Administrative organization generally.   | Department heads, as provided by this title, shall report to the City Administrator, who shall report directly to the Mayor. Subject to the limitations and requirements of applicable budget and appropriations, the City's administrative organization shall consist of the operating departments, offices, and divisions or bureaus as set forth in this title. | <b>Department heads, as provided by this title, shall report to the City Manager or designee. The City Manager shall report directly to the Mayor.</b> Subject to the limitations and requirements of applicable budget and appropriations, the City's administrative organization shall consist of the operating departments, offices, and divisions or bureaus as set forth in this title.                                                                                                                                                                                                                                                                                                                                                                                    |

|                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.10.060 Agenda.               | A written agenda for each regular meeting shall be prepared by the City Administrator or his designee. The Mayor or two members of the City Council may place items on the agenda.                                                                                                                                                                                                                                                                | A written agenda for each regular meeting shall be prepared by the City <b>Manager</b> or <del>his</del> designee. The Mayor or two members of the City Council may place items on the agenda.                                                                                                                                                                                                                                                                           |
| 2.10.100 Voting.               | (C) Mayor Voting. The Mayor shall not vote at meetings of the City Council, except in case of a tie vote of the City Council, the appointment or dismissal of the City Administrator, or as otherwise provided by law. Furthermore, the Mayor shall have no power to veto any act of the City Council unless otherwise specifically authorized by statute.                                                                                        | (C) Mayor Voting. The Mayor shall not vote at meetings of the City Council, except in case of a tie vote of the City Council, the appointment or dismissal of the City <b>Manager or Assistant City Manager</b> , or as otherwise provided by law. Furthermore, the Mayor shall have no power to veto any act of the City Council unless otherwise specifically authorized by statute.                                                                                   |
| 2.15.010 Functions and duties. | The Mayor may:<br>(1) Appoint and remove the City Administrator; department heads; commission, board and committee members with the advice and consent of the City Council, except as may otherwise be specifically limited by law;                                                                                                                                                                                                               | The Mayor may:<br><b>(1) With the advice and consent of the City Council and except as otherwise specifically limited by law, appoint and remove the City Manager, Assistant City Manager, department heads, and commission, board and committee members;</b>                                                                                                                                                                                                            |
| 2.15.020 Presiding officer.    | The Mayor shall be the Chief Executive Officer and preside at the meetings of the City Council. However, the Mayor shall not vote at meetings of the City Council, except in case of a tie vote of the City Council, the appointment or dismissal of the City Administrator, or as otherwise provided by law. Furthermore, the Mayor shall have no power to veto any act of the City Council unless otherwise specifically authorized by statute. | The Mayor shall be the Chief Executive Officer and preside at the meetings of the City Council. However, the Mayor shall not vote at meetings of the City Council, except in case of a tie vote of the City Council, the appointment or dismissal of the City <b>Manager or Assistant City Manager</b> as otherwise provided by law. Furthermore, the Mayor shall have no power to veto any act of the City Council unless otherwise specifically authorized by statute. |
| 2.20.010 Term of office.       | The City Administrator shall serve at the pleasure of the City Council                                                                                                                                                                                                                                                                                                                                                                            | The City <b>Manager and Assistant City Manager</b> shall serve at the pleasure of the City Council and                                                                                                                                                                                                                                                                                                                                                                   |

|                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                         | and may be terminated at any time with or without cause.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | may be terminated at any time with or without cause.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 2.20.020 Resignation.                   | Before voluntarily resigning from the position of City Administrator, the City Administrator shall give the City Council at least 30 days' notice in writing of his intent to resign.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Before voluntarily resigning from the position of City <b>Manager or Assistant City Manager</b> , the <b>person in that office</b> shall give the City Council at least 30 days' notice in writing of his intent to resign.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 2.20.030 Other employment.              | The City Administrator shall not accept any outside employment in addition to employment by the City without prior annual written approval of the City Council.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | The City <b>Manager and Assistant City Manager</b> shall not accept any outside employment in addition to employment by the City without prior annual written approval of the City Council.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 2.20.040 Powers of Mayor not delegated. | The legislative and judicial powers of the Mayor, his position as chairman of the City Council, and any ex officio position he may hold, shall not be delegated to the City Administrator.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | The legislative and judicial powers of the Mayor, his position as chairman of the City Council, and any ex officio position he may hold, shall not be delegated to the City <b>Manager or Assistant City Manager</b> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 2.20.050 Duties.                        | <p>(A) The powers, duties, and functions of the office of City Administrator shall be subject to the control of the Governing Body, but such Administrator shall report to the Mayor pursuant to Utah Code.</p> <p>(B) Appoint and Remove Employees. Except as set forth in Chapter 2.15 SCC regarding the Mayor's duties, the City Administrator shall have the authority to appoint, employ and remove employees as provided herein. The City Administrator shall also be responsible for reviewing the status and performance of any personnel being considered for discharge, transfer, or demotion from appointment or employment with the City. In addition, the</p> | <p>(A) The powers, duties, and functions of the <del>office of</del> City <b>Manager</b> shall be subject to the control of the Governing Body, but <b>the City Manager</b> shall report to the Mayor pursuant to Utah Code.</p> <p>(B) Appoint and Remove Employees. Except as set forth in <b>SMC Chapter 2.15</b> regarding the Mayor's duties, the City <b>Manager</b> shall have the authority to appoint, employ and remove employees as provided herein. The City <b>Manager</b> shall also be responsible for reviewing the status and performance of any personnel being considered for discharge, transfer, or demotion from appointment or employment with the City. In addition, the City <b>Manager</b> shall exercise control of</p> |



|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>Administrator shall exercise control of all departments, divisions and bureaus within the City government.</p> <p>(C) Supervise Department Heads. The City Administrator shall provide direct supervision of and have direct responsibility over each department head.</p> <p>(D) Personnel Policies. The City Administrator shall be responsible for implementing and enforcing the personnel policies and procedures of the City.</p> <p>(E) Inventory Property. The City Administrator shall keep or cause to be kept a current inventory showing all real and personal property of the City and its location. The City Administrator shall be responsible for the care and custody of all such property, including equipment, buildings, parks and all other City property which is not by law assigned to some other officer or body for care and control.</p> <p>(F) Purchasing and Claims. The City Administrator shall implement and enforce all provisions of the ordinances of the City relating to purchasing.</p> <p>(G) Council Meetings. The City Administrator shall attend meetings of the City Council and may take part in the discussion and recommend to the City Council adoption of such measures as the City Administrator may deem necessary or expedient.</p> <p>(H) Review Contracts. In accordance with adopted City policies and procedures of the City, the Administrator shall review, where appropriate, make recommendations and, where within his authority, execute, proposed contracts of the City.</p> | <p>all departments, divisions and bureaus within the City government.</p> <p>(C) Supervise Department Heads. The City <b>Manager</b> shall provide direct supervision of and have direct responsibility over each department head.</p> <p>(D) Personnel Policies. The City <b>Manager</b> shall be responsible for implementing and enforcing the personnel policies and procedures of the City.</p> <p>(E) Inventory Property. The City <b>Manager</b> shall keep or cause to be kept a current inventory showing all real and personal property of the City and its location. The City <b>Manager</b> shall be responsible for the care and custody of all such property, including equipment, buildings, parks and all other City property which is not by law assigned to some other officer or body for care and control.</p> <p>(F) Purchasing and Claims. The City <b>Manager</b> shall implement and enforce all provisions of the ordinances of the City relating to purchasing.</p> <p>(G) Council Meetings. The City <b>Manager</b> shall attend meetings of the City Council and may take part in the discussion and recommend to the City Council adoption of such measures as the City <b>Manager</b> may deem necessary or expedient.</p> <p>(H) Review Contracts. In accordance with adopted City policies and procedures of the City, the City <b>Manager</b> shall review, where appropriate, make recommendations and, where within his authority, execute, proposed contracts of the City.</p> <p>(I) Propose Plans and Programs. The City <b>Manager</b> shall propose plans and programs concerning</p> |
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|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                             | <p>(I) Propose Plans and Programs. The City Administrator shall propose plans and programs concerning the development, operation and needs of the City and submit such plans to the City Council to be approved and developed as policy.</p> <p>(J) Implement Policy. The City Administrator shall implement all policy changes and directives of the Mayor and the City Council.</p> <p>(K) Management Controls. The City Administrator shall set performance standards and exercise managerial control to ensure that the City government is functioning in the most efficient and effective manner.</p> <p>(L) Organization. The City Administrator shall recommend the creation and organization of all necessary departments, divisions, and bureaus necessary for the government of the City to the City Council for its approval prior to implementation.</p> <p>(M) Records. The City Administrator shall, as needed, examine the books, records, and official papers of the City's departments and offices.</p> <p>(N) Legislative Mandates. The City Administrator shall be responsible to keep abreast of and advise the Governing Body regarding legislative changes and issues that affect the City.</p> <p>(O) Additional Duties. The City Administrator shall have such other powers and shall perform such other duties and obligations as may be required of him by state law or by ordinance, resolution, or policy of the City Council.</p> | <p>the development, operation and needs of the City and submit such plans to the City Council to be approved and developed as policy.</p> <p>(J) Implement Policy. The City <b>Manager</b> shall implement all policy changes and directives of the Mayor and the City Council.</p> <p>(K) Management Controls. The City <b>Manager</b> shall set performance standards and exercise managerial control to ensure that the City government is functioning in the most efficient and effective manner.</p> <p>(L) Organization. The City <b>Manager</b> shall recommend the creation and organization of all necessary departments, divisions, and bureaus necessary for the government of the City to the City Council for its approval prior to implementation.</p> <p>(M) Records. The City <b>Manager</b> shall, as needed, examine the books, records, and official papers of the City's departments and offices.</p> <p>(N) Legislative Mandates. The City <b>Manager</b> shall be responsible to keep abreast of and advise the Governing Body regarding legislative changes and issues that affect the City.</p> <p>(O) Additional Duties. The City <b>Manager</b> shall have such other powers and shall perform such other duties and obligations as may be required of him by state law or by ordinance, resolution, or policy of the City Council.</p> <p><b>(P) Delegation. The City Manager may delegate any of the above duties to the Assistant City Manager.</b></p> |
| 2.25.010 Appointed offices. | The City Council may create any appointed office deemed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | The City Council may create any appointed office deemed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

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|--------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                  | <p>necessary for the government of the City and shall prescribe the powers and duties to be performed by appointed officials, including, but not limited to, the City Administrator, the City Recorder, the City Treasurer, the City Attorney, the City Engineer, the City Police Chief, the City Justice Court Judge, and department heads.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>necessary for the government of the City and shall prescribe the powers and duties to be performed by appointed officials, including, but not limited to, the City <b>Manager, the Assistant City Manager</b>, the City Recorder, the City Treasurer, the City Attorney, the City Engineer, the City Police Chief, the City Justice Court Judge, and department heads.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>2.45.050 Appointment or removal of City Manager.</p> <p><b>2.45.050 Appointment or Removal of City Manager and Assistant City Manager</b></p> | <p>(A) The City Manager serves at the pleasure of the Council, and is appointed or removed in accordance with this section and state law.</p> <p>(B) Selection Process. The Mayor shall consult with the Council in determining the best method to select the nominee, such as panel interviews, written responses to questions, or individual interviews.</p> <p>(C) Appointment. The Mayor may appoint an individual to fill the office of City Manager, with the advice and consent of the Council.</p> <p>(D) Removal. Removal of the City Manager shall proceed in accordance with SCC 2.25.020.</p> <p>(E) Vote. The Mayor participates as a voting member of the Council in any vote to appoint or remove a City Manager. The vote is brought to the body by motion and requires a majority of votes to carry. If, in cases of appointment, a nominee is not appointed by the Council, then the Mayor shall diligently begin the process of selecting an alternate nominee for the Council's consideration.</p> <p>(F) Interim Vacancy Period. The Council may not appoint a Manager during interim vacancy periods, as provided in Utah law, but an interim Manager may be</p> | <p>(A) The <b>City Manager and Assistant City Manager</b> serve at the pleasure of the Council; and <b>are</b> appointed or removed in accordance with this section and state law.</p> <p>(B) Selection Process. The Mayor shall consult with the Council in determining the best method to select the nominee, such as panel interviews, written responses to questions, or individual interviews.</p> <p>(C) Appointment. The Mayor may appoint an individual to fill the office of <b>City Manager and Assistant City Manager</b>, with the advice and consent of the Council.</p> <p>(D) Removal. Removal of the <b>City Manager and Assistant City Manager</b> shall proceed in accordance with <b>SMC</b> 2.25.020.</p> <p>(E) Vote. The Mayor participates as a voting member of the Council in any vote to appoint or remove <b>the City Manager or Assistant City Manager</b>. The vote is brought to the body by motion and requires a majority of votes to carry. If, in cases of appointment, a nominee is not appointed by the Council, then the Mayor shall diligently begin the process of selecting an alternate nominee for the Council's consideration.</p> <p>(F) Interim Vacancy Period. The Council may not appoint a <b>City</b></p> |

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|                                     | appointed by the Council until a new Manager is appointed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Manager or Assistant City Manager</b> during interim vacancy periods, as provided in Utah law, but an interim <b>City Manager or Assistant City Manager</b> may be appointed by the Council until a new <b>City Manager or Assistant City Manager</b> is appointed.                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 4.30.040 Duties of Cemetery Sexton. | (E) The Sexton shall approve all claims chargeable against the cemetery. The Sexton shall provide such information to the City Manager as may be required.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | (E) The Sexton shall approve all claims chargeable against the cemetery. The Sexton shall provide such information to the <b>City Manager or designee</b> as may be required.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 4.35.065 Trespass notices.          | <p>(A) The City Parks and Recreation Director or a City Law Enforcement Officer may issue trespass notices against those who violate state laws within the park, who engage in violent or threatening behavior, or who have violated park rules on more than one occasion.</p> <p>(B) A person who has received a trespass notice may, within 10 days of receiving the trespass notice, appeal the notice by filing a written appeal with the City Recorder. An appeal of a trespass notice is heard by the City Manager. At the hearing, the person may cross-examine any witnesses produced by the City, and a trespass notice is upheld if a preponderance of the evidence supports its issuance.</p> | <p>(A) The City Parks and Recreation Director or a City Law Enforcement Officer may issue trespass notices against those who violate state laws within the park, who engage in violent or threatening behavior, or who have violated park rules on more than one occasion.</p> <p>(B) A person who has received a trespass notice may, within 10 days of receiving the trespass notice, appeal the notice by filing a written appeal with the City Recorder. An appeal of a trespass notice is heard by the <b>City Manager or designee</b>. At the hearing, the person may cross-examine any witnesses produced by the City, and a trespass notice is upheld if a preponderance of the evidence supports its issuance.</p> |
| 4.35.130 Hours of closure.          | (C) The City Manager or his designee may temporarily close or curtail activities upon any City-owned lands or waters, or any portions thereof, when it has been deemed to be in the best interest of public safety, conduct, health or order.                                                                                                                                                                                                                                                                                                                                                                                                                                                            | (C) The City <b>Manager</b> or <del>his</del> designee may temporarily close or curtail activities <b>on</b> any City-owned lands or waters, or any portions thereof, when it has been deemed to be in the best interest of public safety, conduct, health or order.                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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| 4.55.030 Building availability.                  | The City Manager reserves the right to withhold reservations for any given day, during periods of availability, for any City-sponsored event or if the City Manager determines that the building requires maintenance, cleanup, repair, other work of an extraordinary nature, or the unavailability of required City personnel. Facility rentals shall be available Mondays through Fridays, from 5:00 p.m. to 11:00 p.m., and Saturdays, from 8:00 a.m. to 11:00 p.m., but no holidays. Interested parties shall not rent any portion of City Hall for events requiring the purchase of tickets or the payment of fees. | The <b>City Manager or designee</b> reserves the right to withhold reservations for any given day, during periods of availability, for any City-sponsored event or if the <b>City Manager or designee</b> determines that the building requires maintenance, cleanup, repair, other work of an extraordinary nature, or the unavailability of required City personnel. Facility rentals shall be available Mondays through Fridays, from 5:00 p.m. to 11:00 p.m., and Saturdays, from 8:00 a.m. to 11:00 p.m., but no holidays. Interested parties shall not rent any portion of City Hall for events requiring the purchase of tickets or the payment of fees. |
| 5.05.010 Definitions.                            | “Authorized officers” means those persons authorized by the City or other entities to inspect businesses and enforce the provisions of this title or other applicable regulations, including Peace Officers, Ordinance Enforcement Officers, and employees of the Health Department, Fire District, Community Development Department, Building Inspection Division, City Attorney’s Office or the City Administrator.                                                                                                                                                                                                     | “Authorized officers” means those persons authorized by the City or other entities to inspect businesses and enforce the provisions of this title or other applicable regulations, including Peace Officers, Ordinance Enforcement Officers, and employees of the Health Department, Fire District, Community Development Department, Building Inspection Division, City Attorney’s Office or <b>City Manager’s Office</b> .                                                                                                                                                                                                                                    |
| 5.05.080 Payment dates of business license fees. | (D) Penalty fees may be appealed to the City Council by written notice of appeal filed with the City Recorder within 15 days of the Business License Official’s decision. The City Administrator may, for good cause shown, refund all or part of the applicable penalty fee that has been paid. The decision of the Business License Official and the City                                                                                                                                                                                                                                                               | (D) Penalty fees may be appealed to the City Council by written notice of appeal filed with the City Recorder within 15 days of the Business License Official’s decision. The City <b>Manager or designee</b> may, for good cause shown, refund all or part of the applicable penalty fee that has been paid. The decision of the Business License Official and the                                                                                                                                                                                                                                                                                             |

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|                                                        | Administrator may be appealed to the City Council as set forth in Chapter 5.15 SCC. The City Council may, upon good cause, recommend that all or part of the penalty fee be refunded.                                                                                                                                                                              | City <b>Manager or designee</b> may be appealed to the City Council as set forth in <b>SMC</b> Chapter 5.15 <del>SCC</del> . The City Council may, upon good cause, recommend that all or part of the penalty fee be refunded.                                                                                                                                          |
| 5.05.100 License – Transfer of name or location – Fee. | (C) If the business in question has any other licenses which are required under this title, the City Administrator may charge an additional fee for the change of address as set forth in the City’s consolidated fee schedule.                                                                                                                                    | (C) If the business in question has any other licenses which are required under this title, the City <b>Manager or designee</b> may charge an additional fee for the change of address as set forth in the City’s consolidated fee schedule.                                                                                                                            |
| 5.15.050 Appeal procedure.                             | (A) Appeals of the Business License Official’s or City Administrator’s decision to deny, suspend or revoke a license or regarding the application of this title may be made to the City Council by filing a written notice of appeal with the City Recorder within 15 days of receipt of the notice of denial, suspension or revocation.                           | (A) Appeals of the Business License Official’s or City <b>Manager’s or designee’s</b> decision to deny, suspend or revoke a license or regarding the application of this title may be made to the City Council by filing a written notice of appeal with the City Recorder within 15 days of receipt of the notice of denial, suspension or revocation.                 |
| 5.15.070 Decision of the City Council.                 | The City Council, after hearing all the evidence, shall announce its decision within 15 days from the date of hearing. The Council may affirm, reverse or modify the decision of the City Administrator. The decision shall be in writing and shall be based upon findings of fact.                                                                                | The City Council, after hearing all the evidence, shall announce its decision within 15 days <b>after</b> the date of hearing. The Council may affirm, reverse or modify the decision of the City <b>Manager or designee</b> . The decision shall be in writing and shall be based upon findings of fact.                                                               |
| 6.15.020 Inspector.                                    | (A) Office Created. The office of Inspector is created for the purpose of administering the provisions of this chapter and the power delegated to the City by the statutes cited in SCC 6.15.010, subject to such control and review as the City Council may from time to time direct. The City Administrator may authorize any officer or employee of the City to | (A) Office Created. The office of Inspector is created for the purpose of administering the provisions of this chapter and the power delegated to the City by the statutes cited in <b>SMC</b> 6.15.010, subject to such control and review as the City Council may from time to time direct. The City <b>Manager or designee</b> may authorize any officer or employee |



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|                                                       | <p>exercise the powers and duties of an Inspector under the provisions of this chapter. Absent such authorization from the City Administrator, the following officers are hereby authorized to perform the powers and duties of an Inspector:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>of the City to exercise the powers and duties of an Inspector under the provisions of this chapter. Absent such authorization from the City <b>Manager or designee</b>, the following officers are hereby authorized to perform the powers and duties of an Inspector:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>7.35.030 Recovery authorization and procedure.</p> | <p>Syracuse is empowered to recover from any person, corporation, partnership or other individual or entity whose grossly negligent actions cause a fire emergency, expense incurred by Syracuse associated with a response to a fire emergency. Recovery of expenses shall be pursuant to the following procedures:</p> <p>(A) The City shall determine responsibility for the emergency and notify the responsible party by mail of the City's determination of responsibility and the costs to be recovered.</p> <p>(B) The notice shall specify that the party determined responsible may appeal the City's decision to the City Administrator appointed pursuant to Chapter 2.20 SCC and establish a date by which the notice of appeal should be filed. The appeal date shall be no less than 15 days from the date of the notice.</p> <p>(C) In the event the party determined responsible appeals the determination, the City Administrator shall hold a public hearing to consider any issues raised by the appeal, at which hearing the appealing party and the City shall be entitled to present evidence in support of their respective positions.</p> <p>(D) The City Administrator shall after the hearing make a recommendation to the City</p> | <p>Syracuse is empowered to recover from any person, corporation, partnership or other individual or entity whose grossly negligent actions cause a fire emergency, expenses incurred by Syracuse associated with a response to a fire emergency. Recovery of expenses shall be pursuant to the following procedures:</p> <p>(A) The City shall determine responsibility for the emergency and notify the responsible party by mail of the City's determination of responsibility and the costs to be recovered.</p> <p>(B) The notice shall specify that the party determined responsible may appeal the City's decision to the City <b>Manager or designee</b> <del>appointed pursuant to Chapter 2.20 SCC</del> and establish a date by which the notice of appeal <b>must</b> be filed. The appeal date shall be no less than 15 days from the date of the notice.</p> <p>(C) In the event the party determined responsible appeals the determination, the City <b>Manager or designee</b> shall hold a public hearing to consider any issues raised by the appeal, at which hearing the appealing party and the City shall be entitled to present evidence in support of their respective positions.</p> <p>(D) The City <b>Manager or designee</b> shall after the hearing make a recommendation to the City Council, <b>which</b> shall issue a</p> |

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|                                           | Council, who shall issue a decision assessing responsibility and costs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | decision assessing responsibility and costs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 7.35.050 Action to recover costs.         | In the event a party determined to be responsible for the repayment of fire emergency expenses fails to make payment to the City within 30 days after a determination of any appeal by the Mayor to the City Administrator, or 30 days from the deadline for appeal. In the event no appeal is filed, the City may initiate legal action to recover the costs determined to be owing, including the City's reasonable attorney's fees.                                                                                                                                                                                                                                                                                                                                                      | In the event a party determined to be responsible for the repayment of fire emergency expenses fails to make payment to the City within 30 days after the deadline to file an appeal if no appeal is filed, or within 30 days after a determination of any appeal by the City Manager or designee, the City may initiate legal action to recover the costs determined to be owed, including reasonable attorneys' fees.                                                                                                                                                                                                                                                                                                                                                                                |
| 8.05.040 Building Official – Appointment. | There is hereby created the position of Building Official who shall be appointed by the City Manager.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | There is hereby created the position of Building Official who shall be appointed by the City Manager or designee.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 8.10.020 General requirements.            | (D) As-Built Drawings. At the completion of construction, or at the end of one year, whichever comes first, the City Engineer, or designee, shall make an inspection of all improvements and inform the developer and City Administrator of the results of the inspection. At the completion of construction, the developer shall call for inspection by the City Engineer or designee and said inspection shall be made within 10 days of the request thereof. The developer shall provide the City with record drawings accurately defining for permanent record the surface improvements and underground utilities as they were actually constructed and shall provide one paper copy and one CAD file, which indicates any changes from the original approved final drawings. All sewer | (D) As-Built Drawings. At the completion of construction, or at the end of one year, whichever comes first, the City Engineer, or designee, shall inspect all improvements and inform the developer and the City Manager or designee of the results of the inspection. At the completion of construction, the developer shall call for inspection by the City Engineer or designee and said inspection shall be made within 10 days of the request thereof. The developer shall provide the City with record drawings accurately defining for permanent record the surface improvements and underground utilities as they were actually constructed and shall provide one paper copy and one CAD file, which indicates any changes from the original approved final drawings. All sewer and land drain |



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|                                                | and land drain manhole flow lines shall be verified.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | manhole flow lines shall be verified.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 8.10.140 Written agreements.                   | (4) The payback agreement shall not confer a benefit upon any third party and shall be in a form approved by the City Administrator or his designee. The responsibility for payment of the required improvements or facilities shall rest entirely with the developer.                                                                                                                                                                                                                                                                                                                                                                                                    | (4) The payback agreement shall not confer a benefit upon any third party and shall be in a form approved by the City <b>Manager</b> or <del>his</del> designee. The responsibility for payment of the required improvements or facilities shall rest entirely with the developer.                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 8.30.030 Final approval.                       | (E) Approval to Record Subdivision. Before any subdivision plat may be recorded, the subdivider shall furnish a corporate surety bond, cash escrow, irrevocable letters of credit from a credible lending institution, or a tax increment incentive as part of a signed reimbursement agreement from the Redevelopment Agency which has been approved by the City Manager, in an amount as finally determined by the City Engineer to secure the performance of the public improvements in a workmanlike manner and according to specifications established by the Syracuse City subdivision standards (see SCC 8.10.020) Some of the public improvements are as follows: | (E) Approval to Record Subdivision. Before any subdivision plat may be recorded, the subdivider shall furnish a corporate surety bond, cash escrow, irrevocable letters of credit from a credible lending institution, or a tax increment incentive as part of a signed reimbursement agreement from the Redevelopment Agency which has been approved by the <b>City Manager or designee</b> , in an amount as finally determined by the City Engineer to secure the performance of the public improvements in a workmanlike manner and according to specifications established by the Syracuse City subdivision standards (see <b>SMC</b> 8.10.020) Some of the public improvements are as follows: |
| 11.20.085 Parking by permit in specific areas. | (C) Multiple permits may be issued to and utilized by residents. No more than three permits may be simultaneously utilized by one residence. A residence that utilizes more than three permits simultaneously, or that offers them for sale or transactional use, may have its permit revoked by the City Manager.                                                                                                                                                                                                                                                                                                                                                        | (C) Multiple permits may be issued to and utilized by residents. No more than three permits may be simultaneously utilized by one residence. A residence that utilizes more than three permits simultaneously, or that offers them for sale or transactional use, may have its permit revoked by the <b>City Manager or designee</b> .                                                                                                                                                                                                                                                                                                                                                               |





# COUNCIL AGENDA

October 22, 2024

Agenda Item “j”

Discussion on Coordination of Rapid Responses to Legislative Issues During the State Legislative Session.

## ***Background***

During the state legislative session, it is common for urgent issues to arise that require the City to take a position or respond quickly, especially when bills directly affect municipal interests. However, the time between regular City Council meetings can delay official responses, potentially hindering the City's ability to effectively influence legislative outcomes. Under current regulations, the City must comply with OPMA, which requires that decisions and deliberations occur in public meetings to ensure transparency.

## ***Possible Options for Consideration***

### **Delegation of Authority to the Mayor, City Manager, or Other Pertinent Staff:**

The City Council could consider formally delegating limited decision-making authority to the Mayor, City Manager, or other staff to respond to urgent legislative matters when it is not feasible to convene a public meeting. This authority would be narrowly tailored and specific to legislative issues during the session. The delegation could include parameters such as:

- Only authorizing action on issues that align with the City’s established legislative priorities.
- Requiring consultation with a designated subcommittee of Council members prior to taking any position.

### **Advantages:**

- Rapid response to legislative developments.
- Streamlined decision-making without needing to convene the full Council.

### **Challenges:**

- Limited ability for full Council input on decisions.
- Risk of perceived lack of transparency.

### **Creation of a Legislative Subcommittee:**

The Council may form a subcommittee specifically tasked with monitoring and responding to legislative issues. This subcommittee could meet more frequently or on short notice during the legislative session, provided these meetings comply with OPMA’s

notice and transparency requirements, as required. The Council could delegate limited decision making authority to the committee.

**Advantages:**

- Enables quicker, more focused decision-making on legislative matters.
- Keeps decisions within a public and transparent process.

**Challenges:**

- May still require notice of meetings, which may reduce the speed of response.
- Requires consistent availability of subcommittee members.

**Utilizing Electronic Meetings:**

The City may take advantage of the electronic meeting provisions under OPMA to hold emergency or special meetings electronically. This allows the Council to convene quickly via teleconference or video call when necessary. Proper public notice would still be required, but this option provides more flexibility than in-person meetings.

**Advantages:**

- Faster to convene than in-person meetings.
- Complies fully with OPMA while enabling the full Council to participate.

**Challenges:**

- Notice requirements may still limit response time.
- Reliance on technology and availability of all Council members.

**Developing a Pre-Approved Legislative Priorities Framework:**

The Council could develop a set of pre-approved policy positions or priorities before the legislative session begins. These could serve as a guide for the Mayor, City Manager, or legislative subcommittee to make swift decisions on issues that align with the City's pre-approved priorities, reducing the need for additional meetings.

**Advantages:**

- Provides clarity and consistency for responding to legislative issues.
- Reduces the need for ad hoc decision-making during the session.

**Challenges:**

- Limited flexibility if new, unforeseen issues arise.
- May still require additional consultation on issues outside of pre-approved priorities.

**Discussion Goals**

Discuss the possible options for providing time-sensitive responses to legislative issues and provide direction to the Administration on the next steps.