



**THE CITY OF WEST JORDAN
COMMITTEE OF THE WHOLE
MEETING
January 13, 2026**

VIEW THE MEETING



8000 S Redwood Road, 3rd Floor
West Jordan, UT 84088

Welcome to Committee of the Whole meeting!

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WEST JORDAN PUBLIC MEETING RULES

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WORK SESSION 4:00 pm

1. CALL TO ORDER

2. DISCUSSION TOPICS

- a. Discussion of Proposed Perry West Townhome Sub-Area Development Plan and Amendment to The Highlands Master Development Plan.
- b. Presentation of the Neighborhood Improvement Officer - Year in Review and Projects from 2025
- c. Discussion of West Jordan City Code Title 7 Chapter 3 and 4 Regarding Parking of Trucks
- d. Discussion and Selection of Council Members to Serve on External Boards and Subcommittees
- e. Discussion of Business Licensing – Christmas Tree Lots & Arcades
- f. Annual Training of Open Public Meetings Act (OPMA)

3. ADMINISTRATIVE ITEMS

Topics not included on the agenda, brought up for discussion to address matters of importance or items needing prompt attention. Final action on these topics will not be taken at this meeting.

4. ADJOURN

Please note at the conclusion of this meeting, the Council will convene for its Regular Council meeting.

UPCOMING MEETINGS

- Tuesday, January 27, 2026 – Committee of the Whole (4:00p) – Regular City Council

(7:00p)

- Tuesday, February 10, 2026 – Committee of the Whole (4:00p) – Regular City Council (7:00p)
- Tuesday, February 24, 2026 – Committee of the Whole (4:00p) – Regular City Council (7:00p)

CERTIFICATE OF POSTING

I certify that the foregoing agenda was posted at the principal office of the public body, on the Utah Public Notice website <https://www.utah.gov/pmn/>, on West Jordan City's website <https://westjordan.primegov.com/public/portal>, and notification was sent to the Salt Lake Tribune, Deseret News, and West Jordan Journal.

Posted and dated January 8, 2026 Cindy M. Quick, MMC, Council Office Clerk



REQUEST FOR COUNCIL ACTION

Action: Request feedback from Council

Meeting Date Requested : 01/13/2026

Presenter: Mark Forsythe, Associate Planner

Deadline of item : 01/13/2026

Applicant: Perry Homes / Lynsi Neve

Department Sponsor: Community Development

Agenda Type: DISCUSSION TOPICS

Presentation Time: 5 Minutes

(Council may elect to provide more or less time)

1. AGENDA SUBJECT

Discussion of Proposed Perry West Townhome Sub-Area Development Plan and Amendment to The Highlands Master Development Plan.

2. EXECUTIVE SUMMARY

The City Council is being asked to review the concept of a townhome development involving a vacant 5.19-acre parcel in the northwest region of the city. The property is located on the west side of the PacifiCorp regional power transmission line and north/east of the Copper Rim planned community, at approximately 5930 West and 7380 South. The property is currently zoned MFR (Medium Density, Multi-Family Residential) and has a Future Land Use Map designation of Low Density Residential. The ERC's (equivalent residential connections) assigned to this property are 51, meaning up to 51 units can be adequately serviced with water and sewer utilities.

Staff and the applicant request feedback from the City Council concerning the following:

- Will the City Council support an exception in The Highlands Master Development Agreement allowing the proposed development to be vested under its status prior to adoption of the Balanced Housing ordinance and thereby be permitted to develop townhomes?
- Does the City Council approve of the density, provided that the development includes sufficient Optional Amenities/Improvements that meet all ordinances of the WSPA?
- Does the City Council approve of the locations of the open space and amenities?

3. TIME SENSITIVITY / URGENCY

The applicant is currently in the process of drafting the Sub-Area (Preliminary) Development Plan and would appreciate feedback from the Council as soon as possible to incorporate it into the plan.

4. FISCAL NOTE

N/A

5. ADMINISTRATIVE STAFF ANALYSIS

The property in question is zoned MFR (Medium Density, Multi-Family Residential), which is a zone unique to the West Side Planning Area. As such, the property is also within the boundaries of The Highlands planned community as designated by The Highlands Master Development Plan. This master development plan provides a general, basic framework for the overall planned community but does not contain a specific plan for this property. As such, a Sub-Area (Preliminary)

Development Plan will need to be drafted, reviewed and approved by the Planning Commission and City Council before construction drawings can be submitted for further review.

Developments within the MFR zone are entitled to a base density of 4.51 dwelling units per acre as long as various minimum requirements are met through a Sub-Area (Preliminary) Development Plan. The development may increase this base density if they provide additional amenities/improvements specifically listed in the WSPA ordinances. Some examples of these amenities/improvements include:

- Decorative gateway monuments
- Superior architectural features and siding materials on all 4 sides of the building
- Large front porches and enhanced entries
- Extra trails and trail amenities
- Extra open space amenities (i.e. swimming pools, playgrounds, sport courts, fitness stations, community gardens, playing fields, etc.)
- Alternative garage configurations (i.e. recessed garages, rear-loaded garages)

Each of these additional amenities/improvements is assigned a percentage point whereby the density may be increased. Each of these amenities/improvements must meet the specific requirements listed in the ordinance to qualify. The proposed development will have a density of 7.3 dwelling units per acre, which will require a minimum of 61.9 percentage points worth of amenities/improvements outlined in the WSPA ordinances.

The Master Development Agreement for The Highlands contains a clause that stating that all villages within The Highlands that did not have a submitted application or approved Sub-Area Development Plan at the time of the adoption of the “Cap & Grade” ordinance are subject to said ordinance. The “Cap & Grade” ordinance referred to in this clause is the Balanced Housing ordinance of §13-8-23 of the West Jordan City Code, which effectively prohibits any new multi-family residential development city-wide with very few exceptions. Despite not having an adopted Sub-Area Development Plan or an application under review when the “Cap & Grade” ordinance was first adopted on October 22, 2014, the subject property was included in the boundaries of The Highlands Master Development Plan and was always intended for multi-family residential development as indicated on the village map in said development plan. To deal with this issue, some multi-family developments that were in an identical situation before being developed (Gladstone at the Highlands, Park Valley Townhomes) amended The Highlands Master Development Agreement to include a clause granting an exception for the specific village. The applicant intends to do the same for their development.

6. MAYOR RECOMMENDATION

7. COUNCIL STAFF ANALYSIS

Timeline & Background Information

This is the first time Council has been presented with this proposal.

What You Need to Know – A Plain Language Summary

The applicant, Perry Homes, is requesting feedback on a proposed townhome development within The Highlands Master Development Plan area. The project involves a 5.19-acre parcel currently zoned MFR (Medium Density Multi-Family Residential) but designated as Low Density Residential on the Future Land Use Map. The applicant seeks an amendment to the Master Development

Agreement to allow the development to proceed under conditions prior to the Balanced Housing ordinance ([West Jordan City Code Section 13-8-23](#)), which generally prohibits new multi-family projects.

Council's role at this stage is advisory: feedback will guide the applicant's Sub-Area Development Plan before formal review by the Planning Commission and City Council. Similar exceptions have been granted for other Highlands villages (e.g., Gladstone, Park Valley Townhomes), creating precedent for this approach. Council may wish to consider whether granting another exception aligns with the intent of the Balanced Housing ordinance and the General Plan's principles on housing diversity and neighborhood character.

The proposed density of 7.3 units per acre exceeds the base allowance and will require amenities per WSPA standards. Council could review whether the amenity package offsets the density increase and whether open space locations support connectivity and livability. Neighboring cities such as South Jordan and Riverton have permitted similar townhome clusters, often emphasizing trail integration and architectural quality as trade-offs for higher density. Key stakeholders include the applicant, nearby residents, and utility providers.

Infrastructure & Utility Considerations

The property has 51 ERCs (Equivalent Residential Connections) assigned, meaning water and sewer capacity exists to serve up to 51 units under current planning. West Jordan's contracted water supply through JVWCD is 20,000 acre-feet annually, with an option to purchase up to 20% more (24,000 acre-feet total). While this meets baseline service requirements, Council may wish to confirm whether proposed amenities (e.g., pools, landscaped open space) align with West Jordan's Water Conservancy and Drought Plan goals. Higher density developments typically increase irrigation and indoor water demand, so strategies such as xeriscaping, efficient fixtures, and drought-tolerant landscaping could be discussed to mitigate long-term impacts.

Other master plans—such as the Sanitary Sewer Master Plan and Storm Drainage Master Plan—should be referenced during technical review to ensure adequate capacity and compliance.

Possible Scenarios & Key Tradeoffs

Approving the amendment may advance housing variety and utilize existing infrastructure but could raise concerns about cumulative impacts on traffic, water use, and neighborhood compatibility. Denying the exception would uphold the Balanced Housing ordinance but may limit development flexibility and economic opportunities in the west side planning area. Council may wish to weigh these trade-offs in light of long-term growth and infrastructure planning.

Potential Questions & Discussion Points

1. How does granting this exception align with the Balanced Housing ordinance's original intent?
2. Are the proposed amenities sufficient to justify the requested density increase?
3. What measures will ensure compatibility with adjacent neighborhoods and existing infrastructure?
4. How have similar developments in West Jordan or neighboring cities addressed these trade-offs?
5. What water conservation strategies will be implemented to meet city and state sustainability goals?

Guiding Principles from the General Plan

- **LAND USE**
 - Land use decisions should be guided by the General Plan to protect existing land uses and minimize impacts to existing neighborhoods.
 - Land use designs must promote quality of life, safety, and good urban design.
- **HOUSING**
 - Encourage a balanced variety of housing types that meet the needs of all life stages with a mix of opportunities for today and into the future.
 - Place high density projects near infrastructure which exists to sustain the increased density.
- **WATER USE AND PRESERVATION**
 - Implement and encourage principles of sustainable water use and water-conserving landscaping.
 - Encourage water conservation by following the West Jordan Water Conservancy and Drought Plan.

8. POSSIBLE COUNCIL ACTION

The Council may choose to:

1. Move the item forward to a future Council Meeting for consideration and possible final action;
2. Continue the item to a future Committee of the Whole meeting;
3. As applicable, refer the item to the Planning Commission, a Council Subcommittee, or an Ad Hoc Committee;
4. Table the item indefinitely;
5. Make requests of Council Staff, Administrative Staff, or the Mayor for information by way of four agreeing Council Members.

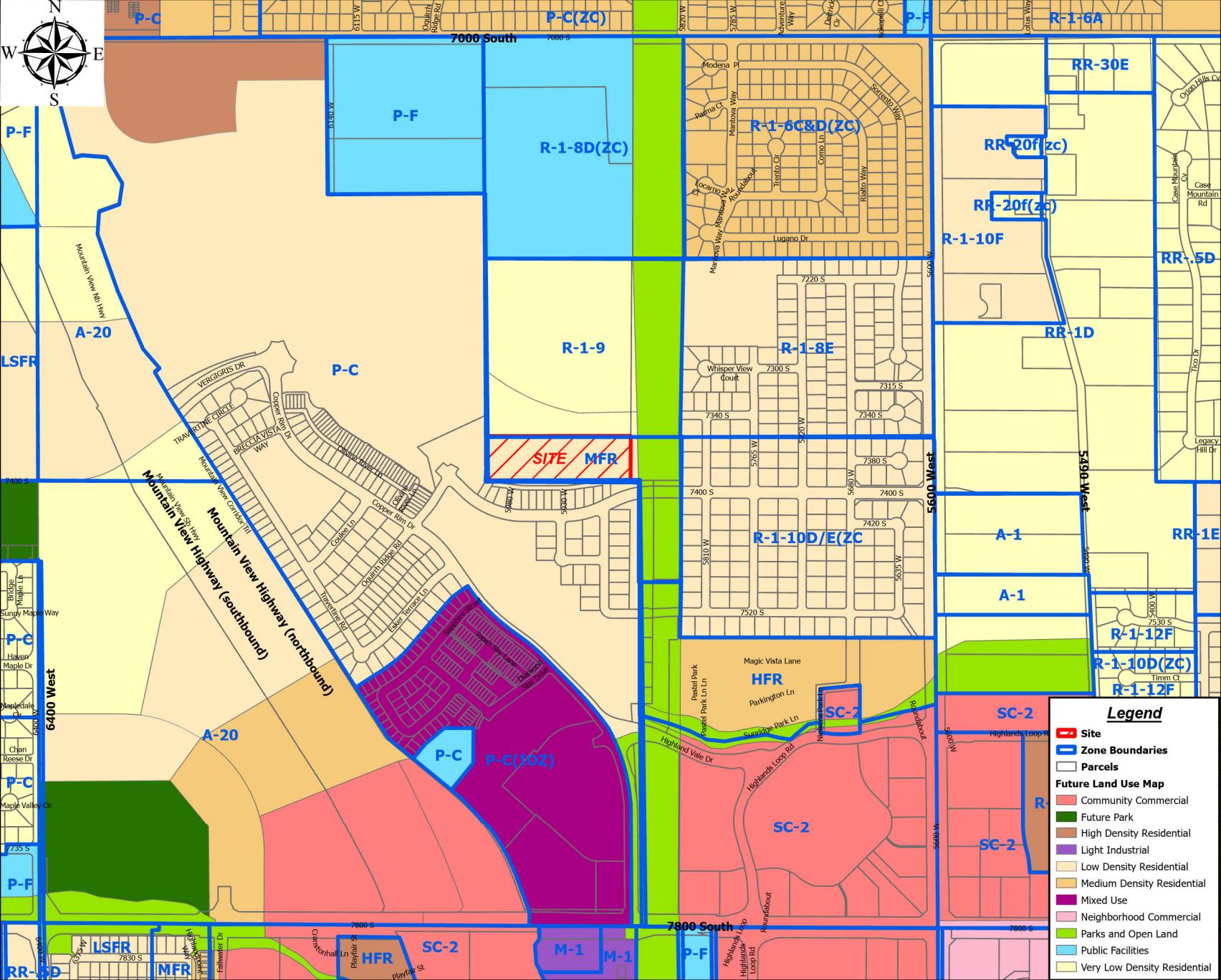
9. ATTACHMENTS

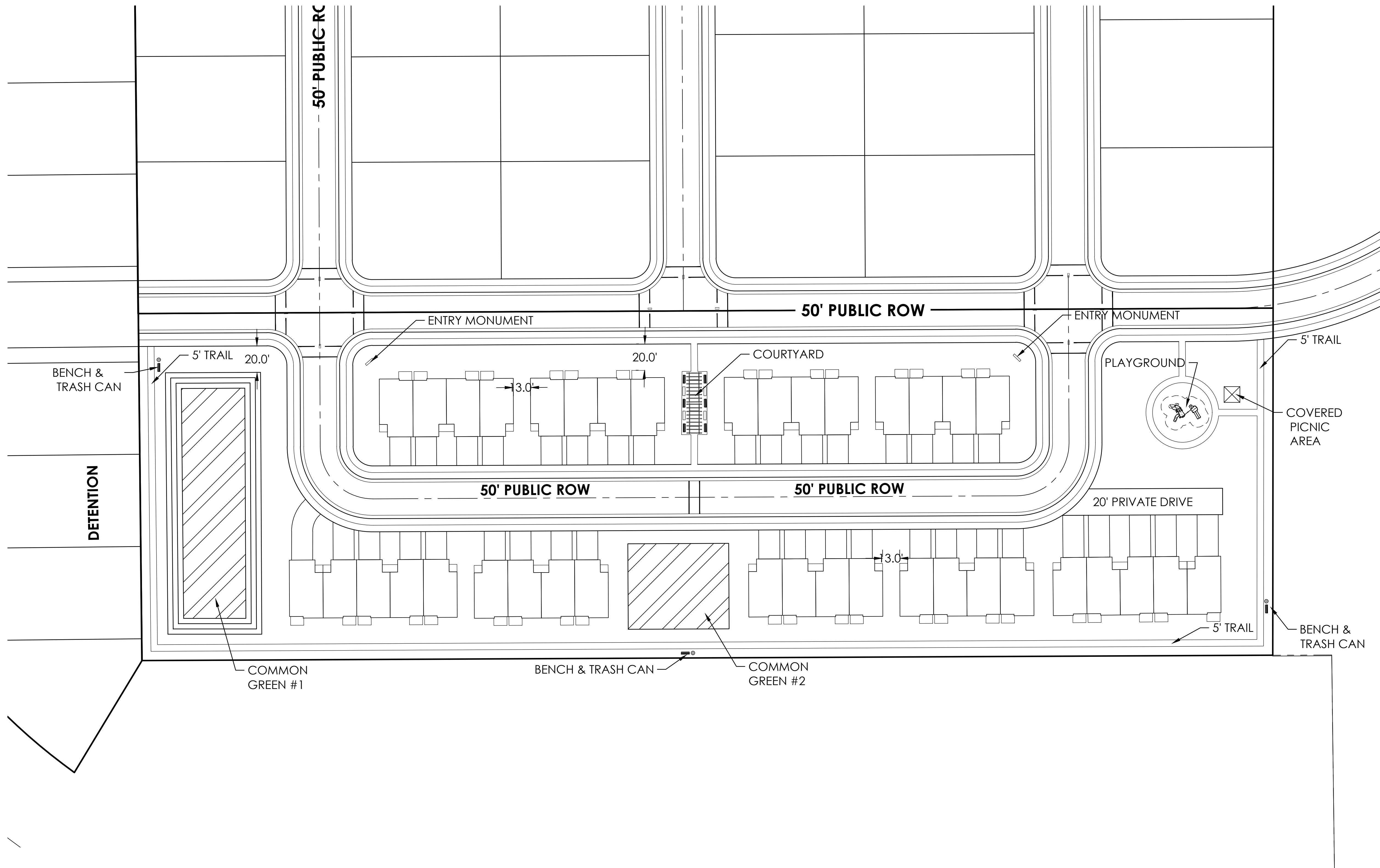
Attachment A: Vicinity Map

Attachment B: Zoning & Future Land Use Map

Attachment C: Concept Plan







BINGHAM HEIGHTS PHASE 5 concept plan L (44' townhome option)

WEST JORDAN CITY, SALT LAKE COUNTY
1/5/2026
24-0151

CONCEPT TABULATIONS

TOTAL ACREAGE	±5.2 ACRES
CURRENT ZONE	MFR
UNIT COUNT	38
TOTAL DENSITY	7.3 UNITS/ACRE

ZONE & LOT REQUIREMENTS

PROPOSED ZONE	MFR
*MIN. LOT SIZE	5,000 SQFT
CORNER LOT SIZE	1,000 SQFT MORE THAN AVERAGE INTERIOR LOT SIZE
BASE DENSITY	4.51 UNITS/ACRE
*MAX DENSITY	9.0 UNITS/ACRE
OPEN SPACE REQ.	20% OF NET DEVELOPABLE ACREAGE
FRONT YARD SETBACK	20' BUILDING, 26' GARAGE
REAR YARD SETBACK	20', 35' WHEN ABUTTING AN ARTERIAL ROAD

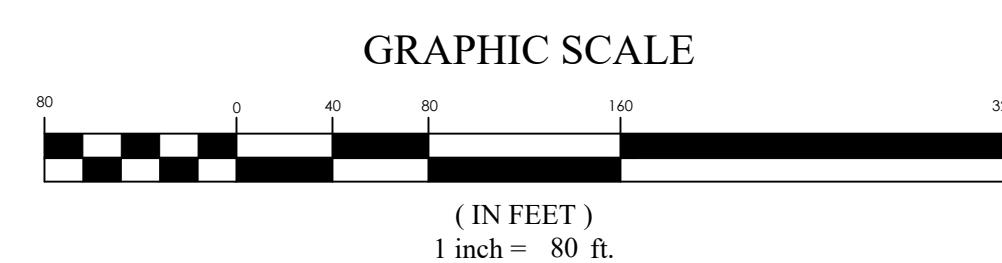
*NOTE 1: DEVELOPMENTS WITH LOTS LESS THAN 5,000 SQFT SHALL BE A PRD.
 *NOTE 2: TO ACHIEVE MAX DENSITY FOR MFR ZONING, DEVELOPER MAY ELECT TO INSTALL SPECIFIC IMPROVED AMENITIES AS OUTLINED IN WEST JORDAN CITY CODE 13-5J-5, SUBSECTION C. CLUSTERED SUBDIVISIONS ALLOW FOR A 10% INCREASE IN DENSITY.

*NOTE 3: NET DEVELOPABLE AREA IS CALCULATED BY EXCLUDING ALL AREAS WITH SLOPES GREATER THAN 30%, DRAINAGE CORRIDORS, AND ANY ROADS GREATER THAN 66' IN WIDTH AS OUTLINED IN WEST JORDAN CITY CODE 13-5J-5, SUBSECTION G.

DENSITY CALCULATIONS

COVERED PORCHES	14%
ENHANCED DETAILING	12%
HIGH-QUALITY MATERIALS	12%
COURTYARD	2%
PLAYGROUND	1%
ENTRY MONUMENTS (2 X 1%)	2%
CLUSTERED LOTS W/OPEN SPACE	10%
TRAIL VEGETATION & IRRIGATION	4%
BENCH EVERY 1000'	1%
TRASH CAN EVERY 1000'	1%
COVERED PICNIC AREA	2%
COMMON GREEN (x2)	1%

RESULTING DENSITY ALLOTMENT: $4.51 + 2.80 = 7.3$





REQUEST FOR COUNCIL ACTION

Action: Provide information to Council

Meeting Date Requested : 01/13/2026

Presenter: David Mago, Code Enforcement Officer

Deadline of item :

Applicant: Brock Hudson, Code Enforcement Manager

Department Sponsor: Comm. Development - Code

Agenda Type: DISCUSSION TOPICS

Presentation Time: 20 Minutes

(Council may elect to provide more or less time)

1. AGENDA SUBJECT

Presentation of the Neighborhood Improvement Officer - Year in Review and Projects from 2025

2. EXECUTIVE SUMMARY

Providing Council with a recap of the last year and asking for input on future projects to improve the aesthetics on arterial and collector roads throughout the city.

3. TIME SENSITIVITY / URGENCY

No significant urgency

4. FISCAL NOTE

Depending on the scope of the project(s) Council would like to see, budget would range vastly.

5. PLANNING COMMISSION RECOMMENDATION

N/A

6. ADMINISTRATIVE STAFF ANALYSIS

The Neighborhood Improvement Officer position was funded by Council in FY24-25. Officer David Mago was selected for this position and began working on locating projects that would fit into the beautification along arterial and collector roads. With the assistance of City Council and City Administration, possible projects were located. Based on this direction, Officer Mago has also been working with residents to repair several arterial walls located along major roadways as well as being the project lead in re-staining the 9000 South street facing, wall from approximately 4800 West to 4300 West. Currently Officer Mago is in the bid process to replace the vinyl fence from 3800 W 7800 S to the east that snowplows knock down yearly. This will be replaced with split face CMU (block) fencing (to complement the existing masonry wall near Bangerter Highway).

In addition to focusing efforts to improve the look of properties located along high visibility transportation corridors, Officer Mago has been successful in working with several industrial and manufacturing businesses to improve the landscaping as well as bringing the businesses into compliance with their Conditional Use Permits.

Challenges and Lessons learned:

- Not having a dedicated budget has been difficult gauging which projects to pursue
- Time taken to get through the processes needed
- Differences between professional services and DIY fixes

Achievements

- 79 Wall Cap cases
- 43 Conditional Use Permit/Sight Plan cases
- Large wall projects
 - 1 completed
 - 1 in process

7. MAYOR RECOMMENDATION

8. COUNCIL STAFF ANALYSIS

What You Need to Know – A Plain Language Summary

This item is a presentation and discussion, not a formal decision or vote. The purpose is to review the Neighborhood Improvement Officer's work in 2025 and gather Council input on future beautification projects along major roads in West Jordan. These projects aim to improve the city's visual appeal, particularly on arterial and collector roads.

Council involvement at this stage is primarily advisory—councilmembers may wish to:

- Provide feedback on priorities for future projects (e.g., fencing, landscaping, arterial wall repairs).
- Consider whether to allocate a dedicated budget for these efforts in upcoming fiscal years.
- Discuss how these projects align with West Jordan's General Plan guiding principles, such as urban design and land use.

There is no immediate urgency, but decisions on funding and scope could influence the timeline for improvements. Neighboring cities like South Jordan and Riverton have implemented similar corridor beautification programs, often with dedicated budgets and partnerships with HOAs or businesses.

Infrastructure & Utility Considerations

This proposal does not directly impact water, sewer, or storm drainage infrastructure, nor does it require changes to the West Jordan Water Master Plan or other utility-related master plans. The focus is on aesthetic improvements (walls, fences, landscaping) along transportation corridors.

Possible Scenarios & Key Tradeoffs

If Council supports expanding these efforts:

- Potential projects could include replacing aging vinyl fences with masonry walls, re-staining arterial walls, and improving landscaping along major roads.
- Tradeoffs:
 - Cost vs. Impact: Masonry walls and professional landscaping are more durable and visually appealing but significantly more expensive than vinyl or DIY fixes.
 - Budget allocation: Without a dedicated budget, projects may remain limited or delayed.
 - Maintenance responsibility: Clarifying whether upkeep falls to the City, HOAs, or property owners could be important.

Potential Questions & Discussion Points

1. Should the City establish a dedicated budget for corridor beautification projects?
2. How can we prioritize projects—by visibility, condition, or community feedback?
3. Are there opportunities to partner with HOAs or businesses to share costs and responsibilities?
4. What lessons from 2025 should guide future project planning?
5. How do these efforts align with General Plan principles and long-term city goals?

Applicable Guiding Principles from the General Plan

- Urban Design
 - Support neighborhoods and developments of character.
- Land Use
 - Land use designs must promote quality of life, safety, and good urban design.
- Transportation
 - Improve the aesthetic quality of the City's streets.
- Economic Development
 - Encourage the creation of planned commercial centers that provide services and amenities residents need.
- Parks, Recreation, and Open Space
 - Provide relief from the asphalt, concrete, steel, and vehicular environments of a suburban city.

9. POSSIBLE COUNCIL ACTION

Information and presentation only – no specific action requested from Council at this time.

Neighborhood Improvement

Actions

- * Wall and Pillar Caps – 77 Cases as of this report
 - * 45 have **resolved**
 - * 29 are still **active**
 - * 5 have gone to **default**
- * Large Scale Wall Projects:
 - * 9000 S wall painting project (Completed)
 - * 7821 S 3800 W (In process)
- * CUP/Sight Plan Related & General Neighborhood Improvement:
 - * 43 Cases
- * CUP inspections
 - * 43 business inspections

Successes:

Developer Walls:

- * Wall Caps
- * Pillar Caps
- * Damaged Walls
- * 77 Individual Cases

4700 BLK. W DORILEE DR

Before



After



9300 BLK. S MOUNTAIN LAUREL DR

Before



After



4800 W 9000 S

Before



After



Marquee Sign

8200 BLK. S REDWOOD RD.

Before



After



CUP Compliance

9600 BLK. S HAWLEY PARK RD

Before



After



Current Project

7800 BLK. S 3800 W

In process, awaiting bid

Split Face CMU Wall and Concrete



Potential Project

3800 BLK. W 7800 S

Split Face CMU Wall and Concrete



Potential Project

3600 -3900 W 9000 S

Split Face CMU Wall



Potential Project

8200 BLK. S Redwood Rd

UDOT Retention Basin

Decorative Rock and Slatted Fencing



Challenges

Funding

Dedicated Budget

Vs

Finding Money

DIY

Property Owners

Time

Approvals

Bids

Work

Our Code

Gray Areas

Set Standards

Fence Maintenance

DIY Challenges

Before



After





REQUEST FOR COUNCIL ACTION

Action: Request feedback from Council

Meeting Date Requested : 01/13/2026

Presenter: Council Member Whitelock & Shelton

Deadline of item :

Applicant:

Department Sponsor: Council Office

Agenda Type: DISCUSSION TOPICS

Presentation Time: 10 Minutes

(Council may elect to provide more or less time)

1. AGENDA SUBJECT

Discussion of West Jordan City Code Title 7 Chapter 3 and 4 Regarding Parking of Trucks

2. EXECUTIVE SUMMARY

The Council is being asked to review and discuss West Jordan City Code Title 7, Chapters 3 and 4, which govern the parking of trucks. Recent amendments to Chapter 3 did not address overlapping provisions in Chapter 4, resulting in redundancies that need clarification. This review also provides an opportunity to update outdated language related to designated truck routes.

This discussion item was originally submitted and sponsored by former Council Member Green, who is no longer serving on the Council.

3. TIME SENSITIVITY / URGENCY

n/a

4. FISCAL NOTE

n/a

5. ADMINISTRATIVE STAFF ANALYSIS

The proposed code has been reviewed by Senior Assistant City Attorney Patrick Boice and the Attorney's Office.

6. MAYOR RECOMMENDATION

7. COUNCIL STAFF ANALYSIS

Timeline & Background Information

The Council considered and approved amendments to Title 7 Chapter 3 in the [November 6, 2024 City Council Meeting](#):

- Ordinance No. 24-51 amended Title 7 of the West Jordan City Code to update and clarify regulations related to motor vehicles and traffic, including truck parking provisions in Section 7-3-12.
- The changes were part of a year-long effort to modernize enforcement language and remove outdated or redundant provisions, improving clarity for both residents and law enforcement.

- While the ordinance broadly addressed traffic rules, it also supported related initiatives such as discouraging on-street parking during snowstorms, as noted by the Mayor.

What You Need to Know – A Plain Language Summary

Councilmembers are being asked to review and discuss recent and proposed updates to two sections of City Code that govern trucks:

- **Section 7-3-12 (Parking of Trucks)** — currently prohibits parking a truck, truck-tractor, semitrailer, or trailer on a public street unless actively loading or unloading; “parked” includes standing for more than three minutes, even with the engine running.
- **Chapter 4 (Trucks)** — proposed redline consolidates and clarifies definitions, truck routes, covered loads, engine brake prohibition areas, and penalties; the intent is to remove redundancies with Chapter 3 and to add an enforceable structure for engine brake restrictions and designated truck routes

Compliance touchpoints

- Consistency within City Code. The discussion aims to align Chapter 3 and Chapter 4 (removing overlaps on parking rules and centralizing truck-specific standards in Chapter 4). This may improve enforcement clarity for WJPD.
- Standards & signage. The truck route and engine brake provisions reference designation by the City Traffic Engineer and signage per the Manual on Uniform Traffic Control Devices (MUTCD), which is the national standard for traffic signs and marking. Council may wish to ensure MUTCD references are accurate and appropriately cross referenced in Title 7.
- Federal definitions. The draft includes comments indicating reliance on 49 CFR 571.3 for certain vehicle definitions (e.g., “trailer,” “truck tractor”). Council could consider confirming any CFR-sourced definitions match current state law and the City’s enforcement needs.

Similar practices in peer cities

Many Utah cities regulate truck routes and limit use of engine (“Jake”) brakes in residential or sensitive areas when properly signed. Council may wish to ask staff for a brief matrix comparing West Jordan’s proposed framework to neighboring jurisdictions (e.g., standards for designation, signage placement, exceptions for local delivery, and penalty structures), to help confirm West Jordan’s approach is in line with regional practice.

Possible Scenarios & Key Tradeoffs

If Council advances a cleanup ordinance (aligning Chapter 3 and 4):

- Clearer enforcement. Consolidating truck-specific rules under Chapter 4 while keeping general parking limits in Chapter 3 may reduce confusion for officers and the public.
- Noise management. Establishing Engine Brake Prohibition Areas (with MUTCD-compliant signs) could reduce nighttime noise near homes and schools, while still allowing safety-related braking where needed. Council may wish to discuss emergency-use exceptions.
- Business access vs. neighborhood protection. The draft includes exceptions for local delivery, construction sites, garages, and fuel stops using direct routes. Council could consider whether these exceptions strike the right balance for commercial activity and neighborhood impacts.

- Administrative workload. Designating, signing, and maintaining truck routes and engine-brake areas may require staff time and budget (sign installation, periodic review). Council may wish to request a brief implementation plan from Public Works/Traffic.

If Council defers or makes no changes:

- Status quo remains. Section 7-3-12 continues to prohibit truck parking on public streets unless actively loading/unloading (with a three-minute threshold), and Chapter 4 remains less aligned and may contain outdated language. Enforcement clarity issues may persist.

8. POSSIBLE COUNCIL ACTION

The Council may choose to:

1. Continue the item to a future Committee of the Whole meeting;
2. As applicable, refer the item to the Planning Commission, a Council Subcommittee, or an Ad Hoc Committee;
3. Table the item indefinitely;
4. Make requests of Council Staff, Administrative Staff, or the Mayor for information by way of four agreeing Council Members.

9. ATTACHMENTS

City Code Section 7-3-12 Redline

City Code Title 7 Chapter 4 Redline

7-3-12: PARKING OF TRUCKS:

- A. A person may not park a truck, truck-tractor, semitrailer or trailer on a public street:
 - 1. Unless actually loading or unloading merchandise; ~~or~~
 - 2. ~~Is more than 30 feet from the entrance, exit, or intersection of any private driveway, private street, alley, or public street.~~
- B. For the purposes of this section, a truck is considered parked, even though the motor is running, if the vehicle is left standing for any period of excess of three minutes. (2001 Code § 86-7-102; amd. Ord. 24-51, 11-6-2024)

CHAPTER 4 TRUCKS

SECTION:

7-4-1: Definitions

7-4-2: Parking Of Trucks

7-4-3: Truck Routes

7-4-4: Loads To Be Covered

7-4-5: [Penalty](#)[Engine Brakes](#)

[7-4-6: Penalty](#)

7-4-1: DEFINITIONS:

A. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

For the purposes of this section:

RESIDENTIAL AREA : The territory contiguous to and including a highway not comprising a Business District when the property on such highway for a distance of three hundred feet (300') or more is in the main improved with residences.

ENGINE BRAKES Or ENGINE COMPRESSION BRAKES includes a device primarily on large trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes. Engine Brake also means, Dynamic Brake, Jake Brake, or any other similar term.

SEMITRAILER includes : Every vehicle with or without motive power, other than a police trailer, designed for carrying persons or property and for being drawn by a motor vehicle for commercial purposes and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

a non-motorized vehicle designed to be towed by a motor vehicle, where some part of its weight rests upon the towing vehicle. Semi-trailer does not include any police or fire trailers.

TRAILER : includes a motor vehicle with or without motive power, designed for carrying persons or property and for being drawn by another motor vehicle. Trailer does not include any police or fire trailers. Every vehicle with or without motive power, other than a police trailer, designed for carrying persons or property for commercial purposes and for

Commented [KG1]: Verbatim from 49 CFR 571.3

being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

TRUCK : Every motor vehicle designed includes a vehicle, used or maintained primarily for to transport the transportation of property for commercial purposes having a registered gross vehicle weight exceeding eighteen thousand (18,000) pounds.

TRUCK-TRACTOR : Every motor vehicle designed and used includes a truck designed primarily for commercial purposes for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Commented [KG2]: Straight from CFR

B. The definitions of semitrailer, trailer, truck and truck- tractor shall not be construed does not to include privately owned trailers, boat trailers, camping trailers, and recreation vehicles used for private noncommercial purposes. (2001 Code § 86-7-101)

7-4-2: PARKING OF TRUCKS:

- A. No truck, truck- tractor, semitrailer or trailer shall be parked:
 - 1. On a public street, except while actually loading or unloading merchandise.
 - 2. On a public street closer than thirty feet (30') to the entrance, exit or intersection with any private driveway, private street, alley or public street.
- B. For the purposes of this section, a truck shall be deemed parked, even though the motor is running, if the vehicle is left standing for any period of excess of three (3) minutes, except when unloading or loading. (2001 Code § 86-7-102)

7-4-32: TRUCK ROUTES:

- A. Designated:
 - 1. Truck Routes guide trucks and other large vehicles along designated routes, ensuring safe and efficient navigation. Truck Routes minimize potential hazards and disruptions to traffic flow caused by larger vehicles on unsuitable roads.
 - 2. Truck Routes are designated by the City Traffic Engineer. Designated Truck routes are identified using Truck Route Signs following the Manual on Uniform Traffic Control Devices.
 - 3. Local Deliver
 - 1. The following streets are designated as truck routes:
 - Airport Road from northern City boundary to New Bingham Highway.
 - Bangerter Highway (approximately 3600 West) from northern City boundary to southern City boundary.

- Campus View Drive from Jordan Landing Boulevard to 7800 South.
- Dannon Way from 5600 West to 6400 West.
- Farm Road from 4000 West to 4300 West.
- Haun Drive from 2700 West to 3200 West.
- Hawley Park Road from 5600 West to Old Bingham Highway.
- Jordan Landing Boulevard from Bangerter Highway to 7800 South.
- Mountain View Freeway from northern City boundary to southern City boundary.
- New Bingham Highway from intersection with 7800 South to western City boundary.
- Nike Drive from 4000 West to 4300 West.
- Old Bingham Highway from intersection with 7800 South to western City boundary.
- Prosperity Road from New Bingham Highway to Old Bingham Highway.
- Redwood Road from northern City boundary to southern City boundary.
- State Road U-111 from northern City boundary to southern City boundary.
- Welby Park Drive from New Bingham Highway to 8200 South.
- Wells Park Road from Hawley Park Road to 6800 West.
- 1300 West from 7800 South to 9000 South.
- 2700 West from 8600 South to 9000 South.
- 3200 West from 8600 South to 9000 South.
- 4000 West from 7800 South to 9000 South.
- 4300 West from 8200 South to Farm Road.
- 5600 West from northern City boundary to southern City boundary.
- 6200 South from Bangerter Highway to 5600 West.
- 7000 South from eastern City boundary to Redwood Road.
- 7800 South from eastern City boundary to state Road U-111.
- 8370 South from 4000 West to 4300 West.
- 8600 South from 3200 West to Old Bingham Highway.
- 9000 South from eastern City boundary to the intersection with the Mountain View Freeway at 5800 West.

— 2.B. Truck Routes must be followed:

1. All trucks, truck-tractors, semitrailers, and trailers, and all vehicles carrying flammable liquids in excess of three thousand (3,000) gallons, explosives, and/or corrosives, shall, except as provided in this section, follow such designated truck routes and not depart from such routes.

The mayor may, in writing, designate temporary alternative truck routes and authorize trucks to depart from the truck routes for a temporary period not exceeding thirty (30) days, when road repairs or other obstructions block the truck routes and when a report of such authorization is made to the City Council at the next regularly scheduled Council meeting.

B.C. Exceptions: The truck route prohibitions specified in subsection A of this section shall not apply do not apply to trucks:

1. Trucks delivering to or returning from construction sites where it is not possible to use a designated truck route, or to trucks
2. Trucks delivering merchandise to or from local businesses or local residences or established truck terminals,
3. or Trucks traveling to or from a licensed garage where the vehicle will be lawfully repaired or serviced, if travel or delivery is made by the most direct and shortest route.
4. A truck tractor, not attached to a trailer or semitrailer, may depart from the truck routes, notwithstanding any provisions of this chapter to the contrary, and may be parked on private property in compliance with the City Zoning Ordinance.
4. Unladen trucks traveling for the sole purpose of going to or returning from a retail fuel outlet. The route of travel must be as reasonably direct as possible.

C. Going To Or From Retail Fuel Outlet: An unladen truck or truck-tractor subject to this section may, for the sole purpose of going to or returning from a retail fuel outlet, depart from the truck routes designated in this section; however, the route of travel must be as reasonably direct as possible.

D. Signs Required: The mayor shall install on major streets near their intersections with streets designated as truck routes in this section signs which indicate, in words or in picture, that trucks are prohibited. Where such signs are installed, the mayor may install additional signage to the effect that local deliveries are permitted in accordance with subsection B of this section.

E. Signs Prohibiting Use Of Dynamic Engine Braking Devices: The mayor shall cause to be installed adjacent to truck routes appropriate signage which indicates that the use of dynamic engine braking devices by which compression within the vehicle engine slows or stops the vehicle's forward motion is prohibited. (2001 Code § 86-7-103; amd. Ord. 16-40, 10-12-2016; Ord. 19-04, 1-23-2019; Ord. 21-04, 2-10-2021)

7-4-4: LOADS TO BE COVERED:

It is unlawful for any person to haul, convey, or transport through or upon any of the public streets any garbage, ~~ashes, market wastes, manure, night soil, loose paper, scrap paper, excelsior, tree limbs, bush clippings, lawn clippings, house refuse, yard refuse, liquid wastes or any other refuse materials, in open trucks, open trailers or other open conveyances, unless covered completely by a heavy duty canvas or other similar material which shall to prevent the spillage of any materials from such vehicles at all times when the vehicles are being used for the collection of, or carrying, transporting or hauling of any of such materials.~~ (2001 Code § 86-7-104)

7-4-5: ENGINE BRAKES:

- A. It is unlawful for the driver of any vehicle to an engine brake in any designated Engine Brake Prohibition Artea.**
- B. Engine Brake Prohibition Areas are designated by the City Traffic Engineer. Signs prohibiting the use of engine brakes are placed by the City using the Manual on Uniform Traffic Control Devices.**

7-4-56: PENALTIES:

~~It is unlawful for any driver or other person having control of any vehicle to violate or allow such vehicle to be operated in violation of the provisions of this chapter.~~

- A. A first violation of this chapter section is shall be an infraction.**
- B. Any A subsequent violations of this chapter section by the same driver or other person having control of any vehicle that is allowed to violate this chapter may shall be enhanced to a Class C misdemeanor. (2001 Code § 86-7-105; amd. 2009 Code)**



REQUEST FOR COUNCIL ACTION

Action: Request feedback from Council

Meeting Date Requested : 01/13/2026

Presenter: Alan Anderson, Council Office Director

Deadline of item :

Applicant:

Department Sponsor: Council Office

Agenda Type: DISCUSSION TOPICS

Presentation Time: 15 Minutes

(Council may elect to provide more or less time)

1. AGENDA SUBJECT

Discussion and Selection of Council Members to Serve on External Boards and Subcommittees

2. EXECUTIVE SUMMARY

The City Council serves on various boards and organizations throughout the calendar year. Traditionally, these assignments occur in January. Outside entities have their own meeting schedule and can involve other elected officials from other entities. Many have meetings in the morning, during the day, or in the evenings as outlined below.

These assignments are guided by [WJCC 1-6-14](#). As solicited by Council leadership, Council members will express their own interest in the various committees and council subcommittees.

As solicited by Council leadership, Council members will express their own interest in the various committees and council subcommittees.

3. TIME SENSITIVITY / URGENCY

Should be decided at this meeting. No formal adoption of resolution is required, Council Staff will notify these agencies and entities based on assignments from Council.

4. FISCAL NOTE

There is no budget impact or funding requests for these assignments.

5. MAYOR RECOMMENDATION

6. COUNCIL STAFF ANALYSIS

As reflected in the 2025 Council Committee attachment, several subcommittees were left vacant for 2025, because of little to no involvement in previous years. It is anticipated that these subcommittee positions will remain vacant. City administration has requested that the Council consider additional representation on various boards and subcommittees. Specifically, up to three participants on a board that would oversee the selection of public art, a subcommittee that would be established in the coming year.

The Budget and Audit Committee is required by law and needs three Council Members. This committee works with Administrative Services during budget prep (Spring) and annual audit (Fall).

7. POSSIBLE COUNCIL ACTION

The Council may choose to:

1. Move the item forward to a future Council Meeting for consideration and possible final action;
2. Continue the item to a future Committee of the Whole meeting;
3. As applicable, refer the item to the Planning Commission, a Council Subcommittee, or an Ad Hoc Committee;
4. Table the item indefinitely;
5. Make requests of Council Staff, Administrative Staff, or the Mayor for information by way of four agreeing Council Members.

8. ATTACHMENTS

Committee Assignments 2025

Committee Assignment Worksheet 2026



Council Members

CHAIR

Chad Lamb
District 1

VICE-CHAIR

Kayleen Whitelock
At-large

PAST-CHAIR

Zach Jacob
District 3

Bob Bedore
District 2

Kent Shelton
District 4

Pamela Bloom
At-large

Kelvin Green
At-large

Office of the City Council
Main: 801.569.5017
Comment Line: 801.569.5052
councilcomments@westjordan.utah.gov

INTERNAL COMMITTEES			
Committee	Member	Member	Member
West Jordan Youth Council (1-6D-1)	Bloom	Green	Bedore
Selection of Public Art	Bloom	Jacob	Shelton

EXTERNAL COMMITTEES			
COMMITTEE	PRIMARY	ALTERNATE	MEETINGS TIMES
ULCT Legislative Policy Committee (LPC)	Jacob	Shelton	2 nd Mon @ Noon; Weekly during session https://www.ulct.org/advocacy/legislative-policy-committee (Mayor, Senior Staff, and two Council Member while Mayor is serving on Board)
Salt Lake COG	Lamb	N/A	Jan, May, Aug, Nov (typ. 3 rd Thurs @ lunchtime) https://slco.org/regional-development/council-of-governments-cog/ (For Mayor and one Council Member in 1 st Class Cities)
ChamberWest Board of Governors/Board of Directors**	Whitelock	Shelton	3 rd Thursday 7:30-9a (odd mo) & 12-1:30p (even mo) (https://www.chamberwest.com/meet-the-board/) (for Mayor and one Council Member)
Assoc. of Municipal Councils (AMC)	Green	Bloom	Typically 2 nd Tues Noon (chair chosen in Jan.) Meets at Chair's city location.

COUNCIL SUBCOMMITTEES (See Council Policies and Procedures Rule 6.6)			
COMMITTEE	CHAIR	VICE-CHAIR	Member
Utility Rates & Enterprise Funds			
Land Use			
General Plan	Green	Lamb	Bloom
Mayoral Appointments			
Council Rules			
Budget & Audit*	Lamb	Green	Whitelock

*=Required by law

**=Board of Governors is: Council Member & Mayor :: Board of Directors is: Council Member Only

Effective 1/14/2025

West Jordan City Hall
8000 S. Redwood Road | West Jordan Utah, 84088



Council Members

CHAIR

Bob Bedore
District 2

VICE-CHAIR
Jessica Wignall
At-large

PAST-CHAIR
Kayleen Whitelock
At-Large

Chad Lamb
District 1

Zach Jacob
District 3

Kent Shelton
District 4

Annette Harris
At-large

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INTERNAL COMMITTEES			
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Selection of Public Art			

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COUNCIL SUBCOMMITTEES (See Council Policies and Procedures Rule 6.6)			
COMMITTEE	CHAIR	VICE-CHAIR	Member
Budget & Audit*			
General Plan			

*=Required by law

**=Board of Governors is: Council Member & Mayor :: Board of Directors is: Council Member Only

Effective 1/13/2026

West Jordan City Hall
8000 S. Redwood Road | West Jordan Utah, 84088



REQUEST FOR COUNCIL ACTION

Action: Request feedback from Council

Meeting Date Requested : 01/13/2026

Presenter: Patrick Boice, Senior Assistant City Attorney

Deadline of item :

Applicant: Scott Langford/Brock Hudson

Department Sponsor: Community Development

Agenda Type: DISCUSSION TOPICS

Presentation Time: 20 Minutes

(Council may elect to provide more or less time)

1. AGENDA SUBJECT

Discussion of Business Licensing – Christmas Tree Lots & Arcades

2. EXECUTIVE SUMMARY

This is a continuation of discussions commenced in 2025 to review and revise chapter 2 of the business licensing code regarding special licenses. One or two sections at a time are being brought before the Council for consideration.

The two sections under consideration here are concerning Christmas tree sales and arcades.

Current copies of City code for the relevant sections are attached.

Input is sought from the Council on potential changes to these two sections.

3. TIME SENSITIVITY / URGENCY

No time sensitivity.

4. FISCAL NOTE

No anticipated fiscal impact. There may be a need to revise the fee schedule.

5. PLANNING COMMISSION RECOMMENDATION

N/A

6. MAYOR RECOMMENDATION

7. COUNCIL STAFF ANALYSIS

Timeline & Background Information

This discussion is part of an ongoing review of Chapter 2 of the business licensing code (Title 4), where sections are being updated incrementally.

- Most recently regarding Title 4, Council approved Ordinance No. 25-52 with Amendments to Home Occupations in the [October 28, 2025 City Council Meeting](#).

The Council is being asked to provide feedback on potential revisions to the City's business licensing code, specifically sections related to Christmas tree lots and arcades. There is no immediate urgency and no anticipated fiscal impact, though adjustments to the fee schedule may be needed later.

The goal is to ensure that licensing requirements for these seasonal and entertainment businesses are clear, enforceable, and aligned with community expectations.

Council input will help staff determine whether current regulations remain appropriate or need changes to address issues such as:

- Seasonal business operations and location standards for Christmas tree lots.
- Safety, age restrictions, and operational requirements for arcades.

Possible Scenarios & Key Tradeoffs

If changes are adopted:

- Licensing requirements could become more streamlined or more restrictive, depending on Council direction.
- Seasonal businesses (Christmas tree lots) may face clearer standards for location, signage, and duration of operation.
- Arcades may have updated rules regarding safety, supervision, and age restrictions.

If no changes are made:

- Existing code remains in effect, which may be adequate but could lack clarity or fail to address emerging issues (e.g., new arcade formats or seasonal business trends).

Tradeoffs:

- Stricter regulations may improve safety and neighborhood compatibility but could discourage certain businesses.
- Looser regulations may encourage economic activity but raise enforcement or community impact concerns.

Potential Questions & Discussion Points

1. Are current licensing requirements for Christmas tree lots sufficient to address traffic, safety, and neighborhood concerns?
2. Should arcades have additional requirements for supervision, age restrictions, or hours of operation?
3. How do other cities in Utah regulate these types of businesses—are we consistent or more restrictive?
4. Should fees for these licenses reflect seasonal or entertainment-specific considerations?
5. Are there enforcement challenges with the current code that need to be addressed?

Applicable Guiding Principles from the General Plan

- Economic Development: Attract and retain quality businesses that enhance quality of life; diversify the tax base.
- Land Use: Protect existing neighborhoods while supporting compatible commercial activities.
- Urban Design: Support developments of character and maintain a positive city image.
- Parks, Recreation, and Open Space: While not directly related, arcades and seasonal businesses contribute to recreational opportunities.

8. POSSIBLE COUNCIL ACTION

The Council may choose to:

1. Move the item forward to a future Council Meeting for consideration and possible final action;
2. Continue the item to a future Committee of the Whole meeting;
3. Table the item indefinitely;
4. Make requests of Council Staff, Administrative Staff, or the Mayor for information by way of four agreeing Council Members.

9. ATTACHMENTS

4-2C - Christmas Trees Code

4-2G - Arcades Code

ARTICLE C. CHRISTMAS TREE SALES

SECTION:

4-2C-1: License Required

4-2C-2: Possessing Or Selling Untagged Trees; Written Consent

4-2C-3: Application For City Christmas Tree License

4-2C-4: Issuance Of License; Fee And License Period

4-2C-5: Cleanup Deposit; Electrical And Fire Inspections

4-2C-1: LICENSE REQUIRED:

It is unlawful for any person to engage in, carry on or conduct the business of selling Christmas trees in the city without first obtaining a city business license and a city Christmas tree license. (Ord. 12-13, 6-13-2012)

4-2C-2: POSSESSING OR SELLING UNTAGGED TREES; WRITTEN CONSENT:

It shall be unlawful for any person to have in his possession for sale , or to sell or offer for sale in this city trees from within the public domain of the United States, or of the state , or from any private lands, within or without the state, without written authority having been first obtained from the United States, the state , or from the owner of such private lands, as the case may be, to cut and remove such trees. The trees shall have been officially tagged with a tag furnished or approved either by the United States forest service or the state department of forestry. (Ord. 12-13, 6-13-2012)

4-2C-3: APPLICATION FOR CITY CHRISTMAS TREE LICENSE:

Any person desiring a license to sell and dispose of Christmas trees within the city shall make application to the business license authority . Such application shall specifically state and set forth the source of title to the trees to be sold and whether the trees or any of them were cut or procured within any public domain of the United States, or of the state , or from any private lands, either within or without the state. Applicants shall be required in connection with such application to furnish the business license authority with evidence of ownership of such trees and/or authority to cut and procure the trees from the public domain or from private lands. (Ord. 12-13, 6-13-2012)

4-2C-4: ISSUANCE OF LICENSE; FEE AND LICENSE PERIOD:

Upon satisfactory showing made by the applicant that: a) the applicant has a bona fide title to Christmas trees and that the trees were not obtained illegally or in violation of any laws of the United States or of the state , or any law , rule or regulation of the state or county from which such trees have been obtained; b) the applicant has authority to cut and procure the trees from either the public domain or from private land ; c) the prepared location is appropriately zoned; and d) the applicable license fee is paid; and applicant has been granted a valid city general business license, the business license authority shall grant to such applicant a city Christmas tree license. Such license shall be valid for a period of sixty (60) days from November 1 of each year. (Ord. 12-13, 6-13-2012)

4-2C-5: CLEANUP DEPOSIT; ELECTRICAL AND FIRE INSPECTIONS:

A. A cleanup deposit established by city council resolution shall be required of a person or business holding a city Christmas tree license to assure the removal of unsold trees and related debris remaining on the premises at the conclusion of the license period. This deposit shall be refunded, provided the premises is left clean and free of unsold trees and related debris as determined by inspection.

B. Nonrefundable electrical and fire inspection fees are required for the inspection of the premises and all electrical wiring, in amounts periodically set by the city council in its uniform fee schedule . (Ord. 12-13, 6-13-2012)

ARTICLE G. ARCADES

SECTION:

4-2G-1: License Required

4-2G-2: Exemptions

4-2G-3: Liquor, Beer And Tobacco

4-2G-4: Interior Visibility

4-2G-5: Gambling Prohibited

4-2G-6: License Application

4-2G-7: Arcade Proprietor's License; Fee

4-2G-8: Number Of Devices

4-2G-9: Name Of Owner Shown On Devices

4-2G-10: Personal Supervision Required

4-2G-1: LICENSE REQUIRED:

It is unlawful for any person to engage in, carry on or conduct the business of an arcade in the city without first obtaining a city business license and a city arcade license. (Ord. 12-13, 6-13-2012)

4-2G-2: EXEMPTIONS:

This article does not include any building, activity or performance given, played or used solely for the benefit of and under the supervision of a religious, educational or charitable organization . (Ord. 12-13, 6-13-2012)

4-2G-3: LIQUOR, BEER AND TOBACCO:

Liquor , beer or tobacco shall not be sold to or placed in the possession of a minor, or used or allowed to be consumed on the premises or in the parking lot of any arcade catering to minors. However, a restaurant with a class B beer license may have an arcade, if it is located in a room or area entirely separate from the dining area and if it is separately licensed as provided in this article. (Ord. 12-13, 6-13-2012)

4-2G-4: INTERIOR VISIBILITY:

A clear, unobstructed view from the entrance of the entire interior of the arcade, excluding the restroom, shall be maintained by the proprietor at all times. The proprietor shall not erect or maintain any enclosed booth, blinds or stalls relating to amusement within the interior of the licensed premises . All automatic amusement devices shall be kept in plain view. (Ord. 12-13, 6-13-2012)

4-2G-5: GAMBLING PROHIBITED:

Nothing in this article shall in any way be construed to authorize, license or permit the use of any gambling devices whatsoever, or any mechanism that has been judicially determined to be a gambling device or gambling on mechanical amusement devices, or any other such action contrary to law . If any mechanical amusement device is being used as a gambling device, such machine may be seized, impounded and disposed of pursuant to the procedures established in the applicable sections of Utah Code Annotated. (Ord. 12-13, 6-13-2012)

4-2G-6: LICENSE APPLICATION:

An application for a license under this article shall be filed in writing with the business license authority on a form to be provided by the city , which shall include, in addition to the information on the general business license application:

- A. Name And Address Of Applicant: The name and address of the applicant and, if a firm, corporation, partnership, association or club, the principal officers thereof and their addresses;
- B. Address Of Premises : The address of the premises where the licensed device or devices are to be operated, together with the character of the business as carried on at such place; and
- C. Description Of Devices: The general description of the device or devices to be licensed and the number of devices to be licensed. (Ord. 12-13, 6-13-2012)

4-2G-7: ARCADE PROPRIETOR'S LICENSE; FEE:

A. Classifications: The license fee for an arcade proprietor shall be that sum periodically adopted by city council resolution in the city uniform fee schedule and may include annual fees for the following classification of amusement devices which are used, played or exhibited for use or play:

1. Class A: Class A devices are all mechanical amusement devices that permit the player to win free games by a high score or by any system of reward.
2. Class B: Class B devices are all mechanical amusement devices that do not have provisions for additional games and all electronic and video skill games regardless of provisions for additional games.

3. Class C: Class C devices are all mechanical amusement devices known as claw, scoop or grab machines wherein, upon payment of a consideration, a player manipulates the device or its parts in expectation of receiving a prize.
4. Class D: Class D devices are jukeboxes.
5. Class E: Class E devices are table devices such as pool, billiards, foosball, air hockey, shuffleboard, etc.
6. Class F: Class F devices are children ride on machines and all others not classified in this section.

B. Applicable To Each Location: In the event any proprietor shall engage in arcade business at more than one location, an arcade license and any maximum fee established periodically by the city council in its uniform fee schedule shall apply separately and be required for each location. (Ord. 12-13, 6-13-2012)

4-2G-8: NUMBER OF DEVICES:

A. Number Of Devices Shown: Each proprietor's arcade license shall show on its face the number of devices to be used, played or exhibited thereunder, and if the number of devices actually used, played or exhibited exceeds the number shown on the face of the license, the license may be revoked in addition to any other action that may be taken.

B. Increasing Number Of Devices: If a proprietor desires, after the expiration of any portion of any license year, to increase the number of devices to be used for play, or exhibited for use or play in his or her establishment, the proprietor shall surrender his or her license to the business license authority , who shall, upon payment of the proper additional license fee therefor, issue a new license showing the number of devices licensed thereunder. (Ord. 12-13, 6-13-2012)

4-2G-9: NAME OF OWNER SHOWN ON DEVICES:

It is unlawful for any person to place any amusement devices in a location available to the public without attaching thereto in a conspicuous place the name and address of the proprietor . (Ord. 12-13, 6-13-2012)

4-2G-10: PERSONAL SUPERVISION REQUIRED:

No proprietor shall allow any person to play or operate any automatic amusement device unless the establishment, place or premises where such device is located shall be under the personal supervision of the proprietor, or an employee or agent of the proprietor. (Ord. 12-13, 6-13-2012)



REQUEST FOR COUNCIL ACTION

Action: Provide information to Council

Meeting Date Requested : 01/13/2026

Presenter: Josh Chandler, City Attorney

Deadline of item :

Applicant:

Department Sponsor: Council Office

Agenda Type: DISCUSSION TOPICS

Presentation Time: 20 Minutes

(Council may elect to provide more or less time)

1. AGENDA SUBJECT

Annual Training of Open Public Meetings Act (OPMA)

2. EXECUTIVE SUMMARY

The Utah Open and Public Meetings Act, commonly referred to as OPMA, requires annual training of the public body (52-4-104(1)). OPMA is listed in Title 52 Chapter 4 of Utah State Law.

Some provisions include:

- Take actions and conduct deliberations openly
- Defines what a meeting of the public body is
- Defines anchor location
- Defines purposes of closed meetings
- Electronic message transmissions

3. TIME SENSITIVITY / URGENCY

The only timely requirement is that this training be completed annually and it has typically happened in January.

4. FISCAL NOTE

There is no fiscal note to the training.

5. POSSIBLE COUNCIL ACTION

Information and training item only – no action or direction needed from Council.

Part 2 Meetings

52-4-201 Meetings open to the public -- Exceptions.

- (1) A meeting is open to the public unless:
 - (a) closed under Sections 52-4-204, 52-4-205, and 52-4-206; or
 - (b) the meeting is solely for the School Activity Eligibility Commission, described in Section 53G-6-1003, if the commission is in effect in accordance with Section 53G-6-1002, to consider, discuss, or determine, in accordance with Section 53G-6-1004, an individual student's eligibility to participate in an interscholastic activity, as that term is defined in Section 53G-6-1001, including the commission's determinative vote on the student's eligibility.
- (2)
 - (a) A meeting that is open to the public includes a workshop or an executive session of a public body in which a quorum is present, unless closed in accordance with this chapter.
 - (b) A workshop or an executive session of a public body in which a quorum is present that is held on the same day as a regularly scheduled public meeting of the public body may only be held at the location where the public body is holding the regularly scheduled public meeting unless:
 - (i) the workshop or executive session is held at the location where the public body holds its regularly scheduled public meetings but, for that day, the regularly scheduled public meeting is being held at different location;
 - (ii) any of the meetings held on the same day is a site visit or a traveling tour and, in accordance with this chapter, public notice is given;
 - (iii) the workshop or executive session is an electronic meeting conducted according to the requirements of Section 52-4-207; or
 - (iv) it is not practicable to conduct the workshop or executive session at the regular location of the public body's open meetings due to an emergency or extraordinary circumstances.

Amended by Chapter 524, 2024 General Session

52-4-201.3 Local school boards -- Public comment.

- (1) As used in this section, "local school board" means a board elected under Title 20A, Chapter 14, Part 2, Election of Members of Local Boards of Education.
- (2)
 - (a) A local school board holding a meeting that is open to the public under Section 52-4-201 shall allow a reasonable opportunity for the public to provide verbal comments that are germane to the authority of the local school board.
 - (b) Subsection (2)(a) does not apply to a meeting that is:
 - (i) a work session; or
 - (ii) an emergency meeting as described in Subsection 52-4-202(5).
- (3) No later than July 1, 2023, a local school board shall adopt a written policy that provides a reasonable opportunity for the public to provide both verbal and written comments in a meeting of the local school board that:
 - (a) is open to the public; and
 - (b) is not a meeting described in Subsection (2)(b).
- (4) The written policy described in Subsection (3) may limit public verbal and written comments to topics that are germane to the authority of the local school board.

(5) Public comment that complies with valid time, place, manner, and germaneness restrictions in accordance with Subsections (3) and (4) does not satisfy the element of criminal trespass described in Sections 63G-8-603 and 76-6-206 regarding an intent to cause annoyance.

Amended by Chapter 485, 2025 General Session

52-4-202 Public notice of meetings -- Emergency meetings.

(1)

(a)

(i) A public body shall give not less than 24 hours' public notice of each meeting.

(ii) A specified body shall give not less than 24 hours' public notice of each meeting that the specified body holds on the capitol hill complex.

(b) The public notice required under Subsection (1)(a) shall include the meeting:

(i) agenda;

(ii) date;

(iii) time; and

(iv) place.

(2)

(a) In addition to the requirements under Subsection (1), a public body which holds regular meetings that are scheduled in advance over the course of a year shall give public notice at least once each year of its annual meeting schedule as provided in this section.

(b) The public notice under Subsection (2)(a) shall specify the date, time, and place of the scheduled meetings.

(3)

(a) Subject to Subsection (3)(c), a public body or specified body satisfies a requirement for public notice by publishing the notice for the public body's jurisdiction, as a class A notice under Section 63G-30-102, for at least 24 hours.

(b) A public body whose limited resources make compliance with the requirement to post notice on the Utah Public Notice Website difficult may request the Division of Archives and Records Service, created in Section 63A-12-101, to provide technical assistance to help the public body in its effort to comply.

(c) A public body or specified body that is required, under this chapter and Section 63G-30-102, to post notice in a public location within the affected area may comply with the requirement by posting the notice in, on, or near:

(i) the anchor location for the meeting; or

(ii) the structure or other area where the meeting will be held.

(4) A public body and a specified body are encouraged to develop and use additional electronic means to provide notice of their meetings under Subsection (3).

(5)

(a) The notice requirement of Subsection (1) may be disregarded if:

(i) because of unforeseen circumstances it is necessary for a public body or specified body to hold an emergency meeting to consider matters of an emergency or urgent nature; and

(ii) the public body or specified body gives the best notice practicable of:

(A) the time and place of the emergency meeting; and

(B) the topics to be considered at the emergency meeting.

(b) An emergency meeting of a public body may not be held unless:

(i) an attempt has been made to notify all the members of the public body; and

(ii) a majority of the members of the public body approve the meeting.

(6)

- (a) A public notice that is required to include an agenda under Subsection (1) shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic shall be listed under an agenda item on the meeting agenda.
- (b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding member of the public body, a topic raised by the public may be discussed during an open meeting, even if the topic raised by the public was not included in the agenda or advance public notice for the meeting.
- (c) Except as provided in Subsection (5), relating to emergency meetings, a public body may not take final action on a topic in an open meeting unless the topic is:
 - (i) listed under an agenda item as required by Subsection (6)(a); and
 - (ii) included with the advance public notice required by this section.

(7) Except as provided in this section, this chapter does not apply to a specified body.

Amended by Chapter 100, 2023 General Session

Amended by Chapter 435, 2023 General Session

52-4-203 Written minutes of open meetings -- Public records -- Recording of meetings.

- (1) Except as provided under Subsection (7), written minutes and a recording shall be kept of all open meetings.
- (2)
 - (a) Written minutes of an open meeting shall include:
 - (i) the date, time, and place of the meeting;
 - (ii) the names of members present and absent;
 - (iii) the substance of all matters proposed, discussed, or decided by the public body which may include a summary of comments made by members of the public body;
 - (iv) a record, by individual member, of each vote taken by the public body;
 - (v) the name of each person who:
 - (A) is not a member of the public body; and
 - (B) after being recognized by the presiding member of the public body, provided testimony or comments to the public body;
 - (vi) the substance, in brief, of the testimony or comments provided by the public under Subsection (2)(a)(v); and
 - (vii) any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes or recording.
 - (b) A public body may satisfy the requirement under Subsection (2)(a)(iii) or (vi) that minutes include the substance of matters proposed, discussed, or decided or the substance of testimony or comments by maintaining a publicly available online version of the minutes that provides a link to the meeting recording at the place in the recording where the matter is proposed, discussed, or decided or the testimony or comments provided.
 - (c) A public body that has members who were elected to the public body shall satisfy the requirement described in Subsection (2)(a)(iv) by recording each vote:
 - (i) in list format;
 - (ii) by category for each action taken by a member, including yes votes, no votes, and absent members; and
 - (iii) by each member's name.
- (3) A recording of an open meeting shall:

- (a) be a complete and unedited record of all open portions of the meeting from the commencement of the meeting through adjournment of the meeting; and
- (b) be properly labeled or identified with the date, time, and place of the meeting.

(4)

- (a) As used in this Subsection (4):
 - (i) "Approved minutes" means written minutes:
 - (A) of an open meeting; and
 - (B) that have been approved by the public body that held the open meeting.
 - (ii) "Electronic information" means information presented or provided in an electronic format.
 - (iii) "Pending minutes" means written minutes:
 - (A) of an open meeting; and
 - (B) that have been prepared in draft form and are subject to change before being approved by the public body that held the open meeting.
 - (iv) "Specified local public body" means a legislative body of a county, city, or town.
 - (v) "State public body" means a public body that is an administrative, advisory, executive, or legislative body of the state.
 - (vi) "State website" means the Utah Public Notice Website created under Section 63A-16-601.
- (b) Pending minutes, approved minutes, and a recording of a public meeting are public records under Title 63G, Chapter 2, Government Records Access and Management Act.
- (c) Pending minutes shall contain a clear indication that the public body has not yet approved the minutes or that the minutes are subject to change until the public body approves them.
- (d) A public body shall require an individual who, at an open meeting of the public body, publicly presents or provides electronic information, relating to an item on the public body's meeting agenda, to provide the public body, at the time of the meeting, an electronic or hard copy of the electronic information for inclusion in the public record.
- (e) A state public body shall:
 - (i) make pending minutes available to the public within 30 days after holding the open meeting that is the subject of the pending minutes;
 - (ii) within three business days after approving written minutes of an open meeting:
 - (A) post to the state website a copy of the approved minutes and any public materials distributed at the meeting;
 - (B) make the approved minutes and public materials available to the public at the public body's primary office; and
 - (C) if the public body provides online minutes under Subsection (2)(b), post approved minutes that comply with Subsection (2)(b) and the public materials on the public body's website; and
 - (iii) within three business days after holding an open meeting, post on the state website an audio recording of the open meeting, or a link to the recording.
- (f) A specified local public body shall:
 - (i) make pending minutes available to the public within 30 days after holding the open meeting that is the subject of the pending minutes;
 - (ii) within three business days after approving written minutes of an open meeting, post and make available a copy of the approved minutes and any public materials distributed at the meeting, as provided in Subsection (4)(e)(ii); and
 - (iii) within three business days after holding an open meeting, make an audio recording of the open meeting available to the public for listening.
- (g) A public body that is not a state public body or a specified local public body shall:

- (i) make pending minutes available to the public within a reasonable time after holding the open meeting that is the subject of the pending minutes;
- (ii) within three business days after approving written minutes of an open meeting:
 - (A) post and make available a copy of the approved minutes and any public materials distributed at the meeting, as provided in Subsection (4)(e)(ii); or
 - (B) comply with Subsections (4)(e)(ii)(B) and (C) and post to the state website a link to a website on which the approved minutes and any public materials distributed at the meeting are posted; and
- (iii) within three business days after holding an open meeting, make an audio recording of the open meeting available to the public for listening.

(h) A public body shall establish and implement procedures for the public body's approval of the written minutes of each meeting.

- (i) Approved minutes of an open meeting are the official record of the meeting.

(5) All or any part of an open meeting may be independently recorded by any person in attendance if the recording does not interfere with the conduct of the meeting.

(6) The written minutes or recording of an open meeting that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirements.

(7) Notwithstanding Subsection (1), a recording is not required to be kept of:

- (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken by the public body; or
- (b) an open meeting of a special district under Title 17B, Limited Purpose Local Government Entities - Special Districts, or special service district under Title 17D, Chapter 1, Special Service District Act, if the district's annual budgeted expenditures for all funds, excluding capital expenditures and debt service, are \$50,000 or less.

Amended by Chapter 438, 2024 General Session

52-4-204 Closed meeting held upon vote of members -- Business -- Reasons for meeting recorded.

- (1) A closed meeting may be held if:
 - (a)
 - (i) a quorum is present;
 - (ii) the meeting is an open meeting for which notice has been given under Section 52-4-202; and
 - (iii)
 - (A) two-thirds of the members of the public body present at the open meeting vote to approve closing the meeting;
 - (B) for a meeting that is required to be closed under Section 52-4-205, if a majority of the members of the public body present at an open meeting vote to approve closing the meeting;
 - (C) for an ethics committee of the Legislature that is conducting an open meeting for the purpose of reviewing an ethics complaint, a majority of the members present vote to approve closing the meeting for the purpose of seeking or obtaining legal advice on legal, evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the complaint;
 - (D) for the Political Subdivisions Ethics Review Commission established in Section 63A-15-201 that is conducting an open meeting for the purpose of reviewing an ethics

complaint in accordance with Section 63A-15-701, a majority of the members present vote to approve closing the meeting for the purpose of seeking or obtaining legal advice on legal, evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the complaint;

- (E) for a project entity that is conducting an open meeting for the purposes of determining the value of an asset, developing a strategy related to the sale or use of that asset;
- (F) for a project entity that is conducting an open meeting for purposes of discussing a business decision, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, the project entity; or
- (G) for a project entity that is conducting an open meeting for purposes of discussing a record, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential competitor of, the project entity; or

(b)

- (i) for the Independent Legislative Ethics Commission, the closed meeting is held for the purpose of conducting business relating to the receipt or review of an ethics complaint, if public notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the purpose of "conducting business relating to the receipt or review of ethics complaints";
- (ii) for the Political Subdivisions Ethics Review Commission established in Section 63A-15-201, the closed meeting is held for the purpose of conducting business relating to the preliminary review of an ethics complaint in accordance with Section 63A-15-602, if public notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the purpose of "conducting business relating to the review of ethics complaints"; or
- (iii) for the Independent Executive Branch Ethics Commission created in Section 63A-14-202, the closed meeting is held for the purpose of conducting business relating to an ethics complaint, if public notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the purpose of "conducting business relating to an ethics complaint."

(2) A closed meeting is not allowed unless each matter discussed in the closed meeting is permitted under Section 52-4-205.

(3)

- (a) An ordinance, resolution, rule, regulation, contract, or appointment may not be approved at a closed meeting.
- (b)
 - (i) A public body may not take a vote in a closed meeting, except for a vote on a motion to end the closed portion of the meeting and return to an open meeting.
 - (ii) A motion to end the closed portion of a meeting may be approved by a majority of the public body members present at the meeting.

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

- (a) the reason or reasons for holding the closed meeting;
- (b) the location where the closed meeting will be held; and
- (c) the vote by name, of each member of the public body, either for or against the motion to hold the closed meeting.

(5) Except as provided in Subsection 52-4-205(2), nothing in this chapter shall be construed to require any meeting to be closed to the public.

Amended by Chapter 381, 2024 General Session
Amended by Chapter 392, 2024 General Session

52-4-205 Purposes of closed meetings -- Certain issues prohibited in closed meetings.

- (1) A closed meeting described under Section 52-4-204 may only be held for:
 - (a) except as provided in Subsection (3), discussion of the character, professional competence, or physical or mental health of an individual;
 - (b) strategy sessions to discuss collective bargaining;
 - (c) strategy sessions to discuss pending or reasonably imminent litigation;
 - (d) strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, or to discuss a proposed development agreement, project proposal, or financing proposal related to the development of land owned by the state or a political subdivision, if public discussion would:
 - (i) disclose the appraisal or estimated value of the property under consideration; or
 - (ii) prevent the public body from completing the transaction on the best possible terms;
 - (e) strategy sessions to discuss the sale of real property, including any form of a water right or water shares, if:
 - (i) public discussion of the transaction would:
 - (A) disclose the appraisal or estimated value of the property under consideration; or
 - (B) prevent the public body from completing the transaction on the best possible terms;
 - (ii) the public body previously gave public notice that the property would be offered for sale; and
 - (iii) the terms of the sale are publicly disclosed before the public body approves the sale;
 - (f) discussion regarding deployment of security personnel, devices, or systems;
 - (g) investigative proceedings regarding allegations of criminal misconduct;
 - (h) as relates to the Independent Legislative Ethics Commission, conducting business relating to the receipt or review of ethics complaints;
 - (i) as relates to an ethics committee of the Legislature, a purpose permitted under Section 52-4-204;
 - (j) as relates to the Independent Executive Branch Ethics Commission created in Section 63A-14-202, conducting business relating to an ethics complaint;
 - (k) as relates to a county legislative body, discussing commercial information as defined in Section 59-1-404;
 - (l) as relates to the Utah Higher Education Savings Board of Trustees and its appointed board of directors, discussing fiduciary or commercial information;
 - (m) deliberations, not including any information gathering activities, of a public body acting in the capacity of:
 - (i) an evaluation committee under Title 63G, Chapter 6a, Utah Procurement Code, during the process of evaluating responses to a solicitation, as defined in Section 63G-6a-103;
 - (ii) a protest officer, defined in Section 63G-6a-103, during the process of making a decision on a protest under Title 63G, Chapter 6a, Part 16, Protests; or
 - (iii) a procurement appeals panel under Title 63G, Chapter 6a, Utah Procurement Code, during the process of deciding an appeal under Title 63G, Chapter 6a, Part 17, Procurement Appeals Board;
 - (n) the purpose of considering information that is designated as a trade secret, as defined in Section 13-24-2, if the public body's consideration of the information is necessary to properly conduct a procurement under Title 63G, Chapter 6a, Utah Procurement Code;
 - (o) the purpose of discussing information provided to the public body during the procurement process under Title 63G, Chapter 6a, Utah Procurement Code, if, at the time of the meeting:

- (i) the information may not, under Title 63G, Chapter 6a, Utah Procurement Code, be disclosed to a member of the public or to a participant in the procurement process; and
- (ii) the public body needs to review or discuss the information to properly fulfill its role and responsibilities in the procurement process;
- (p) as relates to the governing board of a governmental nonprofit corporation, as that term is defined in Section 11-13a-102, the purpose of discussing information that is designated as a trade secret, as that term is defined in Section 13-24-2, if:
 - (i) public knowledge of the discussion would reasonably be expected to result in injury to the owner of the trade secret; and
 - (ii) discussion of the information is necessary for the governing board to properly discharge the board's duties and conduct the board's business;
- (q) as it relates to the Cannabis Production Establishment Licensing Advisory Board, to review confidential information regarding violations and security requirements in relation to the operation of cannabis production establishments;
- (r) considering a loan application, if public discussion of the loan application would disclose:
 - (i) nonpublic personal financial information; or
 - (ii) a nonpublic trade secret, as defined in Section 13-24-2, or nonpublic business financial information the disclosure of which would reasonably be expected to result in unfair competitive injury to the person submitting the information;
- (s) a discussion of the board of the Point of the Mountain State Land Authority, created in Section 11-59-201, regarding a potential tenant of point of the mountain state land, as defined in Section 11-59-102; or
- (t) a purpose for which a meeting is required to be closed under Subsection (2).

(2) The following meetings shall be closed:

- (a) a meeting of the Health and Human Services Interim Committee to review a report described in Subsection 26B-1-506(1)(a), and a response to the report described in Subsection 26B-1-506(2);
- (b) a meeting of the Child Welfare Legislative Oversight Panel to:
 - (i) review a report described in Subsection 26B-1-506(1)(a), and a response to the report described in Subsection 26B-1-506(2); or
 - (ii) review and discuss an individual case, as described in Section 36-33-103;
- (c) a meeting of a conservation district as defined in Section 17D-3-102 for the purpose of advising the Natural Resource Conservation Service of the United States Department of Agriculture on a farm improvement project if the discussed information is protected information under federal law;
- (d) a meeting of the Compassionate Use Board established in Section 26B-1-421 for the purpose of reviewing petitions for a medical cannabis card in accordance with Section 26B-1-421;
- (e) a meeting of the Colorado River Authority of Utah if:
 - (i) the purpose of the meeting is to discuss an interstate claim to the use of the water in the Colorado River system; and
 - (ii) failing to close the meeting would:
 - (A) reveal the contents of a record classified as protected under Subsection 63G-2-305(81);
 - (B) reveal a legal strategy relating to the state's claim to the use of the water in the Colorado River system;
 - (C) harm the ability of the Colorado River Authority of Utah or river commissioner to negotiate the best terms and conditions regarding the use of water in the Colorado River system; or
 - (D) give an advantage to another state or to the federal government in negotiations regarding the use of water in the Colorado River system;

- (f) a meeting of the General Regulatory Sandbox Program Advisory Committee if:
 - (i) the purpose of the meeting is to discuss an application for participation in the regulatory sandbox as defined in Section 63N-16-102; and
 - (ii) failing to close the meeting would reveal the contents of a record classified as protected under Subsection 63G-2-305(82);
- (g) a meeting of a project entity if:
 - (i) the purpose of the meeting is to conduct a strategy session to discuss market conditions relevant to a business decision regarding the value of a project entity asset if the terms of the business decision are publicly disclosed before the decision is finalized and a public discussion would:
 - (A) disclose the appraisal or estimated value of the project entity asset under consideration; or
 - (B) prevent the project entity from completing on the best possible terms a contemplated transaction concerning the project entity asset;
 - (ii) the purpose of the meeting is to discuss a record, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, the project entity;
 - (iii) the purpose of the meeting is to discuss a business decision, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, the project entity; or
 - (iv) failing to close the meeting would prevent the project entity from getting the best price on the market; and
- (h) a meeting of the Rules Review and General Oversight Committee to review and discuss:
 - (i) an individual child welfare case as described in Subsection 36-35-102(3)(c); or
 - (ii) information that is subject to a confidentiality agreement as described in Subsection 36-35-102(3)(c).

(3) In a closed meeting, a public body may not:

- (a) interview a person applying to fill an elected position;
- (b) discuss filling a midterm vacancy or temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office; or
- (c) discuss the character, professional competence, or physical or mental health of the person whose name was submitted for consideration to fill a midterm vacancy or temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office.

Amended by Chapter 391, 2025 General Session

52-4-206 Record of closed meetings.

- (1) Except as provided under Subsection (6), if a public body closes a meeting under Subsection 52-4-205(1), the public body:
 - (a) shall make a recording of the closed portion of the meeting; and
 - (b) may keep detailed written minutes that disclose the content of the closed portion of the meeting.
- (2) A recording of a closed meeting shall be complete and unedited from the commencement of the closed meeting through adjournment of the closed meeting.
- (3) The recording and any minutes of a closed meeting shall include:
 - (a) the date, time, and place of the meeting;
 - (b) the names of members present and absent; and

- (c) the names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.
- (4) Minutes or recordings of a closed meeting that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirements.
- (5) A recording, transcript, report, and written minutes of a closed meeting are protected records under Title 63G, Chapter 2, Government Records Access and Management Act, except that the records:
 - (a) may be disclosed under a court order only as provided under Section 52-4-304; and
 - (b) shall be disclosed, upon request, to the Office of the Legislative Auditor General under Section 36-12-15.
- (6) If a public body closes a meeting exclusively for the purposes described under Subsection 52-4-205(1)(a), (1)(f), or (2):
 - (a) the person presiding shall sign a sworn statement affirming that the sole purpose for closing the meeting was to discuss the purposes described under Subsection 52-4-205(1)(a), (1)(f), or (2); and
 - (b) the provisions of Subsection (1) of this section do not apply.

Amended by Chapter 21, 2023 General Session

52-4-207 Electronic meetings -- Authorization -- Requirements.

- (1) Except as otherwise provided for a charter school in Section 52-4-209, a public body may conduct a meeting that some or all members of the public body attend through an electronic video, audio, or both video and audio connection, in accordance with this section.
- (2)
 - (a) A public body may not hold an electronic meeting unless the public body has adopted a resolution, rule, or ordinance governing the use of electronic meetings.
 - (b) A resolution, rule, or ordinance described in Subsection (2)(a) that governs an electronic meeting shall establish the conditions under which a remote member is included in calculating a quorum.
 - (c) A resolution, rule, or ordinance described in Subsection (2)(a) may:
 - (i) prohibit or limit electronic meetings based on budget, public policy, or logistical considerations;
 - (ii) require a quorum of the public body to:
 - (A) be present at a single anchor location for the meeting; and
 - (B) vote to approve establishment of an electronic meeting in order to include other members of the public body through an electronic video, audio, or both video and audio connection;
 - (iii) require a request for an electronic meeting to be made by a member of a public body up to three days prior to the meeting to allow for arrangements to be made for the electronic meeting;
 - (iv) restrict the number of separate connections for members of the public body that are allowed for an electronic meeting based on available equipment capability;
 - (v) if the public body is statutorily authorized to allow a member of the public body to act by proxy, establish the conditions under which a member may vote or take other action by proxy;
 - (vi) provide a procedure for recording votes of members, including defining circumstances under which a roll call vote is required; or
 - (vii) establish other procedures, limitations, or conditions governing electronic meetings not in conflict with this section.

(3) A public body that conducts an electronic meeting shall:

- (a) give public notice of the electronic meeting in accordance with Section 52-4-202; and
- (b) except as otherwise provided in a rule of the Legislature applicable to the public body, at least 24 hours before the electronic meeting is scheduled to begin, provide each member of the public body a description of how to connect to the meeting.

(4)

- (a) Except as provided in Subsection (5), a public body that conducts an electronic meeting shall provide space and facilities at an anchor location for members of the public to attend the open portions of the meeting.
- (b) A public body that conducts an electronic meeting may provide means by which members of the public may participate remotely by electronic means.

(5) Subsection (4)(a) does not apply to an electronic meeting if:

- (a)
 - (i) the chair of the public body determines that:
 - (A) conducting the meeting as provided in Subsection (4)(a) presents a substantial risk to the health or safety of those present or who would otherwise be present at the anchor location; or
 - (B) the location where the public body would normally meet has been ordered closed to the public for health or safety reasons; and
 - (ii) the public notice for the meeting includes:
 - (A) a statement describing the chair's determination under Subsection (5)(a)(i);
 - (B) a summary of the facts upon which the chair's determination is based; and
 - (C) information on how a member of the public may participate in the meeting remotely by electronic means;
- (b)
 - (i) during the course of the electronic meeting, the chair:
 - (A) determines that continuing to conduct the electronic meeting as provided in Subsection (4)(a) presents a substantial risk to the health or safety of those present at the anchor location; and
 - (B) announces during the electronic meeting the chair's determination under Subsection (5)(b)(i)(A) and states a summary of the facts upon which the determination is made; and
 - (ii) in conducting the electronic meeting, the public body has provided means by which members of the public who are not physically present at the anchor location may participate in the electronic meeting remotely by electronic means;
- (c)
 - (i) the public body is a special district board of trustees established under Title 17B, Chapter 1, Part 3, Board of Trustees;
 - (ii) the board of trustees' membership consists of:
 - (A) at least two members who are elected or appointed to the board as owners of land, or as an agent or officer of the owners of land, under the criteria described in Subsection 17B-1-302(2)(b); or
 - (B) at least one member who is elected or appointed to the board as an owner of land, or as an agent or officer of the owner of land, under the criteria described in Subsection 17B-1-302(3)(b)(ii);
 - (iii) the public notice required under Subsection 52-4-202(3)(a) for the electronic meeting includes information on how a member of the public may participate in the meeting remotely by electronic means; and

- (iv) the board of trustees allows members of the public to participate in the meeting remotely by electronic means;
- (d)
 - (i) the public body is a special service district administrative control board established under Title 17D, Chapter 1, Part 3, Administrative Control Board;
 - (ii) the administrative control board's membership consists of:
 - (A) at least one member who is elected or appointed to the board as an owner of land, or as an agent or officer of the owner of land, under the criteria described in Subsection 17D-1-304(1)(a)(iii)(A) or (B), as applicable; or
 - (B) members that qualify for election or appointment to the board because the owners of real property in the special service district meet or exceed the threshold percentage described in Subsection 17D-1-304(1)(b)(i);
 - (iii) the public notice required under Subsection 52-4-202(3)(a) for the electronic meeting includes information on how a member of the public may participate in the meeting remotely by electronic means; and
 - (iv) the administrative control board allows members of the public to participate in the meeting remotely by electronic means; or
- (e) all public body members attend the meeting remotely through an electronic video, audio, or both video and audio connection, unless the public body receives a written request, at least 12 hours before the scheduled meeting time, to provide for an anchor location for members of the public to attend in person the open portions of the meeting.

(6) A determination under Subsection (5)(a)(i) expires 30 days after the day on which the chair of the public body makes the determination.

(7) Compliance with the provisions of this section by a public body constitutes full and complete compliance by the public body with the corresponding provisions of Sections 52-4-201 and 52-4-202.

(8) Unless a public body adopts a resolution, rule, or ordinance described in Subsection (2)(c)(v), a public body that is conducting an electronic meeting may not allow a member to vote or otherwise act by proxy.

Amended by Chapter 381, 2024 General Session
Amended by Chapter 388, 2024 General Session
Amended by Chapter 392, 2024 General Session

52-4-208 Predetermining public body action prohibited -- Exception.

- (1) Individuals constituting a quorum of a public body may not act together outside a meeting in a concerted and deliberate way to predetermine an action to be taken by the public body at a meeting on a relevant matter.
- (2) Subsection (1) does not apply to an individual acting as a member of a body that is not a public body under Subsection 52-4-103(7)(c).

Repealed and Re-enacted by Chapter 392, 2024 General Session

52-4-209 Electronic meetings for charter school board.

- (1) Notwithstanding the definitions provided in Section 52-4-103 for this chapter, as used in this section:
 - (a) "Anchor location" means a physical location where:

- (i) the charter school board would normally meet if the charter school board were not holding an electronic meeting; and
- (ii) space, a facility, and technology are provided to the public to monitor and, if public comment is allowed, to participate in an electronic meeting during regular business hours.
- (b) "Charter school board" means the governing board of a school created under Title 53G, Chapter 5, Charter Schools.
- (c) "Meeting" means the convening of a charter school board:
 - (i) with a quorum who:
 - (A) monitors a website at least once during the electronic meeting; and
 - (B) casts a vote on a website, if a vote is taken; and
 - (ii) for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the charter school board has jurisdiction or advisory power.
- (d) "Monitor" means to:
 - (i) read all the content added to a website by the public or a charter school board member; and
 - (ii) view a vote cast by a charter school board member on a website.
- (e) "Participate" means to add content to a website.

(2)

- (a) A charter school board may conduct an electronic meeting in accordance with Section 52-4-207.
- (b) A charter school board may conduct an electronic meeting in accordance with this section that is in writing on a website if:
 - (i) the chair verifies that a quorum monitors the website;
 - (ii) the content of the website is available to the public;
 - (iii) the chair controls the times in which a charter school board member or the public participates; and
 - (iv) the chair requires a person to identify himself or herself if the person:
 - (A) participates; or
 - (B) casts a vote as a charter school board member.

(3) A charter school that conducts an electronic meeting under this section shall:

- (a) give public notice of the electronic meeting:
 - (i) in accordance with Section 52-4-202; and
 - (ii) by posting written notice at the anchor location as required under Section 52-4-207;
- (b) in addition to giving public notice required by Subsection (3)(a), provide:
 - (i) notice of the electronic meeting to the members of the charter school board at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present;
 - (ii) a description of how the members and the public may be connected to the electronic meeting;
 - (iii) a start and end time for the meeting, which shall be no longer than 5 days; and
 - (iv) a start and end time for when a vote will be taken in an electronic meeting, which shall be no longer than four hours; and
- (c) provide an anchor location.

(4) The chair shall:

- (a) not allow anyone to participate from the time the notice described in Subsection (3)(b)(iv) is given until the end time for when a vote will be taken; and
- (b) allow a charter school board member to change a vote until the end time for when a vote will be taken.

- (5) During the time in which a vote may be taken, a charter school board member may not communicate in any way with any person regarding an issue over which the charter school board has jurisdiction.
- (6) A charter school conducting an electronic meeting under this section may not close a meeting as otherwise allowed under this part.
- (7)
 - (a) Written minutes shall be kept of an electronic meeting conducted as required in Section 52-4-203.
 - (b)
 - (i) Notwithstanding Section 52-4-203, a recording is not required of an electronic meeting described in Subsection (2)(b).
 - (ii) All of the content of the website shall be kept for an electronic meeting conducted under this section.
 - (c) Written minutes are the official record of action taken at an electronic meeting as required in Section 52-4-203.
- (8)
 - (a) A charter school board shall ensure that the website used to conduct an electronic meeting:
 - (i) is secure; and
 - (ii) provides with reasonably certainty the identity of a charter school board member who logs on, adds content, or casts a vote on the website.
 - (b) A person is guilty of a class B misdemeanor if the person falsely identifies himself or herself as required by Subsection (2)(b)(iv).
- (9) Compliance with the provisions of this section by a charter school constitutes full and complete compliance by the public body with the corresponding provisions of Sections 52-4-201 and 52-4-202.

Amended by Chapter 392, 2024 General Session

52-4-210 Electronic message transmissions.

Nothing in this chapter may be construed to restrict a member of a public body from transmitting an electronic message to other members of the public body at a time when the public body is not convened in a meeting.

Amended by Chapter 392, 2024 General Session