

ORDINANCE 26- 02

AN ORDINANCE REPEALING AND RE-ENACTING THE
BRIGHAM CITY CODE AS TITLE II CITY GOVERNMENT

WHEREAS, the City has endeavored to conduct a review of the City Code for the purpose of ensuring usability, clarity and legality; and

WHEREAS, the City has reviewed the provisions of the City Code relating to governing the City, including the functions of the City Council, Mayor and administration; and

WHEREAS, following a thorough review and study of these sections, a repeal, renumbering and reenactment is determined to be in the best interest of the City;

NOW, THEREFORE, be it ordained by the City Council of Brigham City, Utah that the following titles and sections of the Brigham City Code shall be repealed and reenacted:

1. Chapters 30, 31, 32 of the Brigham City Code be shall be repealed; and
2. Title II as set forth in Exhibit A to this Ordinance shall be enacted.
3. This Ordinance shall become effective upon publication and posting as required by law.

PASSED AND ADOPTED by the City Council of Brigham City, Utah by a vote of 5 ayes and 5 nays this 5 day of March, 2026.


Dennis J Bott, Mayor


Kristina Rasmussen, City Recorder



TITLE 2 CITY GOVERNMENT

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- 2-1-101 NUMBER OF CITY COUNCIL MEMBERS, ELECTION
- 2-1-102 MEETINGS
- 2-1-103 QUORUM
- 2-1-104 VACANCY IN OFFICE
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CHAPTER 1 CITY COUNCIL

2-1-101 NUMBER OF CITY COUNCIL MEMBERS, ELECTION

The council shall be composed of the mayor and five council members to be elected at large.

(Prior Code, §2.03.010; §30.035)

2-1-102 MEETINGS

1. The council shall meet every first and third Thursday in the council chambers at City Hall at 6:00 p.m. unless otherwise noticed pursuant to Utah Code.
2. The council does not formally adopt *Robert's Rules of Order*. Council meetings shall proceed as set forth below and at the discretion of the mayor.
 - a. City council meeting agenda shall be conducted by introducing the item and having a discussion by the council members. After sufficient discussion as determined by the mayor, a motion and a second shall be required for the council to vote. If no second to a motion is received, then the motion becomes invalid and another motion may be considered.
 - b. Unless otherwise required by Utah Code, the number of yes votes to take action is three; except for topics regarding the rights and responsibilities of the mayor.
 - c. A roll call vote shall be recorded for all ordinances. A voice vote of the body is sufficient for all other actions.
 - d. Public comment may be listed on the city council agenda and if listed shall comply with the following requirements:
 - i. Public comment may be limited to residents of the city.
 - ii. Members of the public shall be free to express any idea, question or viewpoint without limitation, except for time, place and manner limitations.
 - iii. Individual comments shall be limited to three minutes.
 - iv. Public comment shall be civil and orderly.
 - v. Council members should not interrupt, argue with or otherwise interfere with any comment.
 - vi. The Mayor and City Council may ask clarifying questions of the member of the public making a presentation and other members of the public may ask clarifying questions of the presenter at the discretion of the mayor.
 - vii. Other than at a public hearing and the public comment portion of the meeting, members of the public shall not be allowed to participate in the meeting unless they are on the agenda or requested to present to the Council by any member. Any member of the public interrupting city council proceedings, approaching the council without permission,

otherwise creating a disturbance, or failing to abide by the rules of procedure in addressing city council, shall be deemed to have disrupted a public meeting and, at the direction of the mayor, may be removed from the meetings by police department personnel or other agent designated by mayor or city administrator.

viii. Any member of the council wishing to speak on any item on the agenda shall be recognized by the mayor. Mayor and council members shall conduct themselves at all times with civility and respect.

3. Special Meeting. The mayor and two council members may call a special meeting. When a special meeting is called there shall be at least three hours notice provided to each council member in the most appropriate method. The presence of a council member at any special meeting shall constitute a waiver of notice required.
4. Emergency Meeting. A majority of the council may call an emergency meeting. An emergency meeting is one where unforeseen matters of an urgent or emergent nature are being discussed and the council gives notice to all members of the council and gives the best notice practicable of the time and place of the emergency meeting and the topics being considered to the public.
5. Electronic Meeting. The council may hold electronic meetings. Any council member attending electronically shall be considered a voting and present member for purposes of a quorum and vote. Electronic meetings shall be conducted in compliance with Utah Code.

(Prior Code §2.030.020, §30.036 Prior Code, § 2.03.040) (Ord. 11-32, passed 12-1-2011) (Prior Code, § 2.03.040) (Ord. 11-32, passed 12-1-2011)

2-1-103 QUORUM

A quorum of the council is three or more not including the mayor. The council shall have the power to compel attendance of its own members and may provide by resolution directing that power the penalties it deems necessary for failure to comply.

(Prior Code §2.03.030; §30.037)

2-1-104 VACANCY IN OFFICE

1. When a vacancy council vacancy occurs, the council shall by majority vote appoint a city resident and registered voter who meets the qualifications for the office as established by Utah Code to fill the unexpired term of the office vacated. That appointee shall remain until the next municipal election when a successor can be qualified and duly elected.
2. Prior to filling the vacancy, the council shall follow all steps and provide public notice of the vacancy pursuant to Utah Code.

(Prior Code §2.03.050; 30.028)

2-1-105 BUDGET

1. Annual Tax Levy. The City shall give notice of budget meetings and where being considered of a property tax rate increase as required by Utah Code. Following proper notice the council shall at a regular or special meeting called for that purpose by ordinance or resolution set the real and personal property tax levy for the city.
2. Claims Against the City. It shall be the duty of the council to review all financial obligations of the city and once verified approve and ordered paid in accordance with Utah Code.

(Prior Code § 2.03.060; § 30.039; § 2.03.070; § 30.040; § 2.03.080; § 30.041)

2-1-106 DISPOSAL OF CITY OWNED REAL PROPERTY

1. Definitions.
 - a. "Non Significant Parcel of Real Property" means any parcel of real property that is not included in the definition of Significant Parcel of Real Property.
 - b. "Significant Parcel of Real Property" means real property larger than 5000 square feet or that has a fair market value of greater than \$20,000.

Specifically excluded from this definition:

 - i. Real Property that is part of a boundary line agreement or adjustment;
 - ii. Real Property parcel created by a vacation;
 - iii. Real property that is undevelopable unless combined with an adjacent parcel; and
 - iv. Real property acquired by eminent domain if the city is statutorily or contractually required to dispose of the property in a particular way.
2. The council may declare any city owned Significant Parcel of Real Property to be surplus.
3. The city administrator may declare any Non-Significant Parcel of Real Property to be surplus.
4. After a declaration of surplus is made, public notice of at least 14 days is given and a public hearing is held pursuant to Utah Code, the city may dispose of the surplus real property.

(Prior Code § 2.03.090; §30.042)

2-1-107 ELECTIONS

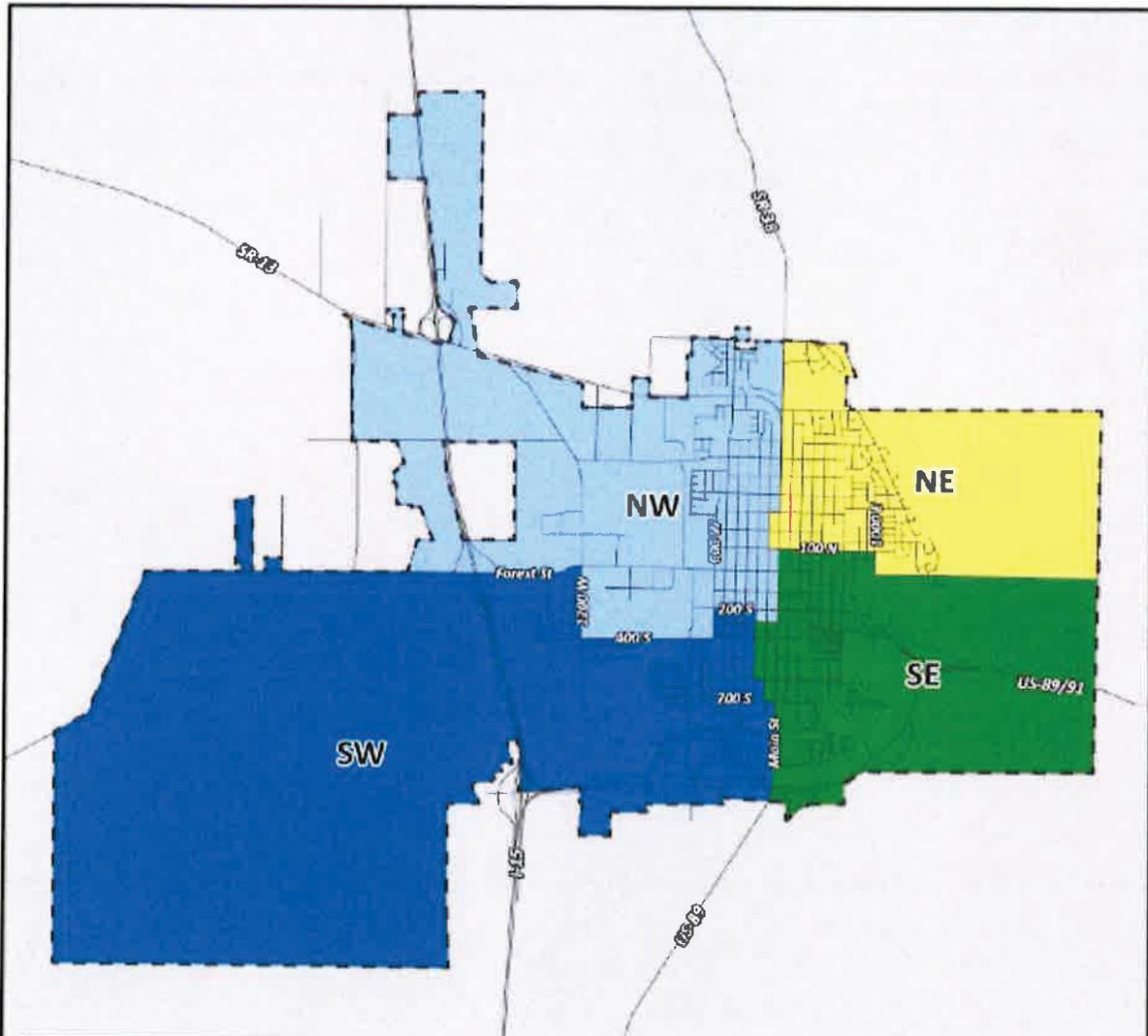
1. All city elections shall comply with Utah Code.
2. The City Recorder is designated as the Election Officer for the city.
3. All elected officials shall be chosen by the registered voters of the city.
4. A person may become a candidate for any elected municipal office if:
 - a. The person is a registered voter in the city;
 - b. The person has been a resident for at least 12 consecutive months immediately before the date of the election; and
 - c. The person has met all requirements of the Utah Code.
5. If any elected official shall at any time during his or her term of office live outside the boundaries of the city for a continuous period of more than 60 days or establish residence outside the city during their term of office, the office shall thereby become automatically vacant.
6. If the number of candidates filed is more than twice the number of open offices, a primary election shall be held on the second Tuesday following the first Monday in August before the general election.
7. On the first Tuesday after the first Monday in November of each odd-numbered year, there shall be held an election to fill all elective offices to be vacated in the city at 12:00 p.m. on the first Monday of January following.
8. Such elected officers shall continue in office for the term for which elected and until their respective successors are elected and qualified, unless sooner removed for cause or the office is vacated by resignation or death.
9. The term for the office of mayor and city council member shall be for four years.
10. The council may submit to the electors, at any election, any proposition or question required to be submitted by the constitution, general law or ordinance of the city.
11. In all municipal elections, the council shall appoint poll workers and shall designate the places of voting.
12. The returns of all elections shall be made to the city recorder who shall call for the assistance of the mayor and council members of the municipality to act as the Board of Municipal Canvassers.
13. The Board of Municipal Canvassers shall meet to canvass the returns at the usual place of meeting of the municipal legislative body. This shall be done no sooner than seven days after the election and no later than 14 days after the election; or, for canvassing of returns from a primary election, no sooner than three days after the election and no later than seven days after the election.
14. Certificates of election must be issued to each person elected by a plurality of votes.

15. If two or more candidates receive an equal and highest number of votes for the same office, and if there are not enough offices remaining for all such candidates, and if the result after a recount remains the same, the Election Officer shall determine by lot which candidate is selected in a public meeting in the presence of each person subject to the tie within five days of the canvass or within five days of the recount if one is requested or held.

(Prior Code, § 9.01.020) (Prior Code, § 9.01.010) (Prior Code, § 9.01.030) (Prior Code, § 9.01.040) (Prior Code, § 9.01.070)

2-1-108 VOTER PARTICIPATION AREAS

In compliance with Utah Code the city's voter participation areas include four contiguous areas having a similar number of residents in each area as specifically designated by the map below. Any individual or group desiring to file a referendum or initiative petition shall follow the process outlined in Utah Code using the voter participation areas defined here.



Number of Dwelling Units by Voter Participation Area

Area	Number of Units	% of Total
NW	1965	24.9%
SW	1969	25.0%
NE	1974	25.1%
SE	1969	25.0%
Total	7877	100.0%

LEGEND

- Brigham City Limits
- Voter Area**
- NW
- SW
- NE
- SE



Voter Participation Areas
16 April 2025



This map was prepared by Brigham City Geographic Information Systems. The map is designed for use in planning, mapping, and planning. This map is not a substitute for professional advice obtained by the City of Brigham City Planning and Public Works or the Utah County Assessor and Recorder's office. The information is subject to the accuracy and reliability of source data. Brigham City makes no warranty as to the accuracy of the data used in this map for any other purpose.

(Prior Code, § 9.01.080, 30.008, 30.010) (Ord. 21-05, passed 5-20-2021) (Prior Code, § 9.01.100) (Ord. 21-05, passed 5-20-2021)

2-1-109 OATHS OF OFFICE

1. Candidates elected at the general election shall begin their term of office at 12:00 p.m. on the first Monday in January following their election or as soon thereafter as feasible.
2. The oaths of office shall be given to the elected officials by any judge, notary public or by the City Recorder at 12:00 p.m. on the first Monday in January following their election or as soon thereafter as is practical.
3. All oaths of office shall be filed with the City Recorder.

(Prior Code, § 9.02.060-070,010,020,030,045,050) (Prior Code, §32.001-010; 32.025-032) (Ord. 03-33, passed 8-28-2003) (Ord. 03-33, passed 8-26-2003)

CHAPTER 2 MAYOR AND ADMINISTRATION

2-2-101 CHIEF EXECUTIVE OFFICER

The mayor is the chief executive officer of the city.

2-2-102 GENERAL DUTIES. As the chief executive officer, the mayor enjoys all of the rights and responsibilities provided by Utah Code and is responsible for general duties are as follows:

1. The mayor is a voting member of the council when there is a tie vote, when the council is voting to appoint or dismiss the city administrator or when they are voting on an ordinance that enlarges or restricts the mayor's powers, duties or functions.
2. The mayor is the chair of the council and presides at all council meetings.
3. The mayor exercises ceremonial functions for the city.
4. The mayor keeps the peace and enforces the laws of the city.
5. The mayor may waive fines and fees. The mayor may release a person imprisoned for a violation of a municipal ordinance or may remit all or any part of a fine or penalty imposed. The mayor shall report at the next regular meeting of the Council the number of fines and the amounts remitted, the waiver of any fees and fines, and the number of pardons granted.
6. The mayor reports to the council the condition and needs of the city.
7. The mayor, as chief executive officer of the city, shall exercise general supervision over all the departments of the city government.
8. The mayor shall, as needed, appoint, with the advice and consent of the council, the following positions along with deputies to these positions all of which shall serve as at will employees at the pleasure of the mayor:

- a. City Administrator
 - b. City Attorney
 - c. City Recorder
 - d. City Treasurer
 - e. Community Development Director
 - f. Fire Chief
 - g. Finance Director
 - h. Human Resource Director
 - i. Police Chief
 - j. Police Commander(s)
 - k. Public Power Director
 - l. Public Works Director
 - m. Assistant Public Works Director
 - n. Assistant City Administrator/~~Public Works Director~~
 - o. Information Technology Director; and
 - p. Executive Assistant(s).
9. The mayor, when necessary, may offer a reward for the apprehension of offenders against the ordinances of the city, in any sum not exceeding \$5,000.
 10. In the event of scarcity of water, the mayor may, by proclamation, limit the use of water for any purpose other than domestic purposes.
 11. The mayor may not veto an ordinance, tax levy, or appropriation passed by the council.

2-2-103 MAYOR PRO TEM

In case of the temporary absence or inability to perform duties of the mayor, the council may elect a member of the council as mayor pro tem to perform the duties and functions of mayor. Mayor pro tem shall have the power to exercise all the functions and duties of the mayor. When the mayor pro tem is presiding, their right to vote on all questions is not thereby impaired, but rather they shall have the same right to vote as a council member were they not presiding.

2-2-104 VACANCY IN OFFICE

1. Whenever a vacancy occurs in the office of mayor, the city council shall, by a majority vote, appoint a registered voter in the city who meets the qualifications for

office established by Utah Code to fill the unexpired term of the office vacated until the next municipal election when a successor can be elected and qualified.

2. Before acting to fill the vacancy, the council shall give public notice of the vacancy as outlined in Utah Code.

(Prior Code, § 2.02.010, §30.015, §2.02.020, §20.016, § 2.02.030, §30.017, § 2.02.040, §30.018, § 2.02.060, §30.020, § 2.02.050, §30.019, § 2.02.070, §30.021, § 2.02.090, §30.023, § 2.02.100, §30.024)

CHAPTER 3 APPOINTED OFFICERS, EMPLOYEES AND AUTHORITIES

2-3-101 APPOINTED OFFICERS

2-3-102 CHIEF ADMINISTRATIVE OFFICER

2-3-103 CITY RECORDER AND GOVERNMENT RECORDS ACCESS MANAGEMENT

2-3-104 APPEAL AUTHORITY

2-3-101 APPOINTED OFFICERS

1. All officers, whether elected or appointed, shall, before beginning the duties of their office, take, subscribe and file the constitutional oath of office.
2. All officers, whether elected or appointed, shall, execute the duties of their office pursuant to Utah Code and City Code.
3. The mayor, council, and all officers of the city, shall receive such compensation as may be fixed by ordinance and all assistants and employees shall receive such compensation as may from time to time be fixed by ordinance.
4. The Utah Code Municipal Officers' and Employees' Ethics Act as amended is hereby adopted as a city ordinance and is incorporated into the city Employee Policy Manual.

(Prior Code, § 2.01.030, §2.01.040, § 2.10.010 §31.002, §31.003 §31.005)

2-3-102 CHIEF ADMINISTRATIVE OFFICER

1. The City Administrator is the chief administrative officer of the city.
2. The City Administrator shall serve as the mayor's deputy and shall be responsible for the day-to-day operations of the departments as directed by the mayor
3. The City Administrator shall perform various administrative duties as designated by the mayor.
4. The City Administrator shall be subject to appointment on committees or commissions as directed by the mayor.

(Prior Code, § 2.07.020, § 31.023)

2-3-103 CITY RECORDER AND GOVERNMENT RECORDS ACCESS MANAGEMENT

1. The City Recorder shall countersign all contracts made on behalf of the city and shall maintain a properly indexed record of all such contracts.
2. The City Recorder shall record all ordinances passed by the governing body.

3. The City Recorder shall be the city's Elections Officer and perform the duties of that office as outlined in the Utah Code.
4. The City Recorder shall act as the City's Record's Officer and shall administer the Government Records Access and Management Act which act is hereby approved and adopted as part of the city code as amended.
 - a. Appeal of Record Officer Determination to City Administrator. Any person aggrieved by a record access determination may appeal the determination within 30 days of receiving final notice of a determination to the City Administrator by filing a notice of appeal pursuant to Utah Code.
 - b. The city shall process any properly filed appeal pursuant to Utah Code.
 - c. Appeal of the City Administrator Determination. Any person aggrieved by the determination of the City Administrator may file an appeal of that determination to the City's local appeal board as set forth under Appeal Authority section of the city code within 30 days of receiving final notice of a determination by the City Administrator by filing a notice of appeal pursuant to Utah Code.
 - d. Any further appeal of the local appeal board (Appeal Authority) shall proceed as set forth in Utah Code.

(Prior Code § 2.04.020, § 2.04.040 § 2.04.050, § 2.04.060; Ord. 04-06, passed 2-19-2004; Ord. 11-17, passed 6-1-2011; Ord. 23-11, passed 5-4-2023, §31.020)

2-3-104 APPEAL AUTHORITY

1. The mayor shall appoint an administrative law judge to act as the city's appeal authority and an alternative administrative law judge to act as the city's appeal authority in all cases where the administrative law judge is unable to act.
2. The administrative law judge shall be a member of the Utah State Bar and shall have knowledge and qualifications that fit the needs of the city.
3. The administrative law judge shall act in accordance with all provisions of Utah Code when reviewing appeal applications.

(Prior Code, § 2.11.130, §31.040-051)



**CITY ATTORNEY
LEGAL DOCUMENT REVIEW**

Document Name: An ordinance repealing Chapters 30,31,32 of the Brigham City Code and reenacting them as Title 2 of the Brigham City Code.

Name of Person Requesting Legal Review: Nicole Cottle _____

Date Sent: 2/23/26 Review Date Deadline: 2/23/26 _____

Reviewed by Attorney: _____ Date: 2/23/26

- Reviewed and acceptable as submitted
 See suggested changes:

Returned to: Nicole Cottle _____ Date: 2/23/26 _____

Accepted as Received

Submitted to Mayor's Office By: _____ Date: _____

Reviewed by Mayor's Office: _____

Derek Oyler, City Administrator